

0644

**BOX:**

336

**FOLDER:**

3181

**DESCRIPTION:**

Finch, Luzon J.

**DATE:**

01/22/89



3181

Paul Jewett

Witnesses,

Frank Ford

J. H. Moon

• Bond renewed Jan. 25/89

Bailed by

Albert Plaster

• 2nd day 1/26/89

• 3rd day 1/26/89

113 West 126th St.

On the 11th day of Jan. 1889  
of the 1st day of Jan. 1889  
written request of the  
Berkley 1st day of Jan. 1889

On the 11th day of Jan. 1889  
written request of the  
Berkley 1st day of Jan. 1889

Jan 7/89

1889.

Court

Counsel, 3-13-1889

Filed 22 day of Jan 1889

Pleas, Chitquity

THE PEOPLE

vs. B

Eugene Finch

JOHN R. FELLOWS,

District Attorney.

Jan 7/89

A True Bill

Jan 7/89

Foreman.

Jan 7/89

Heads of jury.

With 1st day of Jan. 1889

District Attorney's Office.

PEOPLE

vs. Mendenham

Eugene Finch

A recommendation of a suspension of judgment in this case. The complainant joins in this request. The injury complained of is a violation of the laws of the State. The same has been wholly discontinued. and the plates materialized. It is recommended to the complainant.

Jan 7/89

Jan 7/89

The complainant herein, and President of Carter Medicine Co. I am in the above request. Best Good

Complainant

And President

Carter Medicine

0701

People of the State of New York

v.

Luzon J. Finch.

Memorandum of Testimony for Grand Jury, as to  
Fraudulent Imitation of a Trade-mark, Label, Wrapper, etc.

Brent Good of 57 Murray Street, will testify :

Is Manager of the Carter Medicine Co., a corporation formed under the general law of this State.

Said corporation owns a trade-mark , the principal features of which are " Little Liver Pills " , affixed to a manufacture of said corporation. - The said trade-mark was originally adopted by Dr Carter, a well known physician, in or about the year 1874 . He sold the trade-mark and the good-will, and full right to manufacture the goods to certain persons who afterwards sold all their interest to said corporation ; which was duly incorporated in 1880.

( Witness produces certificate of incorporation  
and the assignments of trade-mark, etc. )

Said trade-mark has had its reputation established at a cost of about \$500,000.

It is reasonably worth at least \$100,000 .

It has been used without interruption, and always as it is now used.

0702

About two months ago, he was informed that Finch, the accused, was largely manufacturing pills and putting them up in a style similar to that of the genuine pills of said corporation. He had printed the label or wrapper in the same color, form, and general appearance of the genuine.

( Witness produces for comparison genuine package of pills and also the false packages. )

Witness ascertained that the fraud has become general, from the fact that the false manufacturer had been in the habit of inserting in the label or wrapper the name of any retailer who might desire it to be done.

The object of the fraud is manifest from this fact : The genuine " Little Liver Pills " are sold at 25 cents a bottle, while the spurious are sold at 10 cents a bottle.

Joseph E. Moore of 135 Newark Avenue, Jersey City, N.J. will testify :

✓ That he is a druggist, in said city, and has for many years been in the business. He is personally acquainted with Finch, the accused. In November, 1888, he called at the place of business of said Finch, No. 39 Gold Street in this city, where Finch sold him two gross of certain pills which he then told witness could readily be sold instead of the advertised " Little Liver Pills".

( Witness produces bill, and also samples. )



Will testify generally as to Finch's intent to commit a fraud, as shown by conversation.

J. W. Linton, of 17th. Street and 4th. Avenue, will testify : -

That in October, 1888, he bought from Finch one gross of a close imitation of the " Little Liver Pills", of the Carter Medicine Co. .

( Witness produces bill of sale of the goods, and also the goods themselves.)

Frederick D. Brown, of 244 Sixth Avenue, will testify : -

Is a druggist at that place . Bought from Finch, 50,000 pills . He was also furnished printed wrappers for the same, and told that he could save money by putting them up himself.

( Witness produces wrapper, substantially like that of the Carter Medicine Co. )

0704

186  
People  
March.

Brief of Testimony  
for  
Grand Jury.

People of the State of New York versus Finch.

Points.

The Carter Medicine Company is a lawfully organized corporation,

( See certificate of incorporation in 1880. )

It owns a valid Trade-mark, acquired from the originator Dr Carter, who began its use in 1876, as a common-law Trade-mark.

( See certificate of registration in 1878 in U.S. Patent Office. )

That Trade-mark has continuously been used by said corporation and its predecessor, to designate the precise kind of goods to which it is now applied, viz. " Little Liver Pills "— The goods have always been put up in the same kind of wrapper as to color, arrangement of words, etc... At the time of its adoption, 1874, no other person, persons, firm, or corporation, had such a wrapper in use for similar goods.

(Can be proved by Mr Brent Good & Mr Charles H. Fletcher.)

The Trade-mark and the wrapper or label bearing it have fraudulently been imitated and affixed to goods of the same general description <sup>the genuine,</sup> as by words

" wholly or in part the same to the eye, and in

0706

sound to the ear " as the words constituting the genuine Trade-mark, which designates the genuine manufacturer of the Carter Medicine Company. The color of the wrapper, the printing thereon, and the general appearance of the false are the same as the genuine, as will appear by comparison.

( See exhibits filed herewith.)

The imitator of said genuine Trade-mark and wrapper and label is Luzon J. Finch the accused.

( Can be proved by Mr Joseph E. Moore and others who dealt directly with him .)

Whether or not Finch has imitated the technical Trade-mark is a matter of indifference, for he has made himself amenable to the criminal law and is guilty of a misdemeanor.

( See Penal Code, § 364.

Amended 1882

Chapter 306, 1862 .



0707

186

People's Church.  
for Sunday.

Bridge for Diet. City.

0708

186

DISTRICT ATTORNEY'S OFFICE,  
City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Carter Medicine Co.*

vs.

*Samuel J. Kinder*

Offence Committed  
a Trade Mark

Dated 188

Witnesses, *Samuel J. Kinder*

No. *59 Murray* Street,

*Charles J. Kinder*

No. *99 Murray* Street,

*Wm. J. Kinder*

No. *157 Eighth Ave.*

*J. R. Moore*

*154 Newark Ave*

*Jersey City*

*J. R. Moore*

*294 5th Ave*

*Ed. Carter 62 Liberty St*

*J. W. Simpson*

*216 14th Ave*

*Ed. Carter 62 Liberty St*

0709

City and County of New York, ss:

In the name of the People of the State of New York:

To any Sheriff, Constable, Marshal, or Policeman in the City and County of New York:

Proof, by affidavit, having been this day made before me, by

*David J. Murray Street*

that there is probable cause for believing that *there is now in the possession of Eugene Smith* as the building number 36 Gold Street in the Second Ward of the City of New York a large quantity of personal property and that he the said Eugene Smith has the same in his possession with the intent to use the same as the means of committing a public offense, to wit: for the purpose of *violating the Statutes of this State relative to counterfeit and imitation trade marks.*

You are therefore commanded, in the day time, to make immediate search in the building situated *on number 36 Gold Street as aforesaid*

for the following property: *ten thousand wrappers, various imitations of the trade marks of the Carter Medicine Company; - ten thousand bottles containing pills with such imitation trade marks affixed thereto*

And if you find the same or any part thereof, to bring it forthwith before me at *the Sessions Building in the City Hall* *early in the said City.*

Dated at the City of New York, the *21st* day of *January* 18*99*.

*Fred. M. V. Book*

0710

I have executed the within search  
warrant as I am therein commanded,  
by making diligent search in the  
place designated in the said  
warrant for the property therein  
described, and have found the  
goods described in the inventory  
returned herein, and none others  
Dated at the City of New York the  
22nd day of January 1889  
Jas. M. Gerichten  
Detective Sergeant of Police

THE PEOPLE

ON COMPLAINT OF

Frank Good

against

George L. Linder

SEARCH WARRANT.



0711

Inventary of property taken  
by the undersigned, under and  
pursuant to the annexed warrant  
made publicly and in the presence  
of Surgeon F. Lind, from whose  
possession the same was taken,  
and of Brent Wood, the auditor  
for said warrant

Dated Germany 22nd, 1899.

Jacobson Grichner

Detachable sergeant  
of Police

about two and one half (2 1/2) gross  
of bottles containing pills with  
labels in imitation of trade marks of  
Carter Medicine Company, abridged,  
in two boxes marked "A" & "B"  
with initials "J.V.G." respectively  
one box containing about ten  
thousand imitation labels —  
marked "C" with initials "J.V.G."  
one book called a sample label book  
containing about one hundred and <sup>eighty</sup> (180)  
imitation labels, marked "D" with initials "J.V.G."  
City and County of New York, ss.

I, Jacobson Grichner, the peace  
officer by whom the annexed search

0712

warrant was executed, do swear  
that the above inventory contains  
a true and detailed account of  
all the property taken by me on  
the said warrant,

Given, subscribed and sworn  
to before me this 22nd Jacob Von Gerichten  
Judge of Supreme Court

J. H. H. 26  
Recd

~~State of New York~~  
County of New York ss

Brent Good of said County  
being duly sworn says that he is of the age  
of 51 years; that he is the Manager of the  
Carter Medicine Company a corporation  
duly organized under the laws of the State  
of New York with its principal place of  
business at number 57, Murray Street in  
said County; that the said Carter Med-  
icine Company is the owner of a trade  
mark, of which trademark the capital  
letter "L" as the first letter of the respect-  
ive words "Little", "Liver" and "Pills" is  
a prominent and distinguishing charact-  
eristic and that said trade mark also  
consists in the use of a certain color of wrap-  
per, words and style of putting up same.

That this deponent has reason to believe  
and does verily believe, from statements  
made to this deponent by J. E. Moore of  
Jersey City State of New Jersey, and  
J. W. Linton and Frederick D. Brown  
of said County of New York, that one Luzon  
J. Finch of number 36 Gold Street of the  
City of New York, has in his possession  
at said number 36 Gold Street in

said City of New York with intent  
 to use the same as the means of com-  
 mitting a public offense, certain bot-  
 tles and merchandise, to which are  
 affixed a counterfeit imitation of the  
 trade mark and a spurious imitation  
 of the color of the wrapper, and general  
 style of the putting up of merchandise  
 of said Carter Medicine Company. That  
 this deponent has been informed by said  
 Moom, Linton and Brown and verily believes  
 that the said Finch has severally sold and  
 delivered to each of them severally, bottles  
 to which were affixed said counterfeit  
 trade marks and wrappers. Deponent  
 therefore has cause to, and does believe  
 that the said bottles and property is  
 now concealed in the premises occu-  
 pied by the said Luzon J. Finch at num-  
 ber 36 Gold Street in said City, where-  
 fore deponent applies for process to search  
 the same

Sworn before me

Ben Good

20th day of Jan 1889  
 F. H. [Signature]



0715

42/90

DISTRICT ATTORNEY'S OFFICE,  
City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Charles Wood*  
*vs.*  
*August Finch*

Offence Contempts Trade

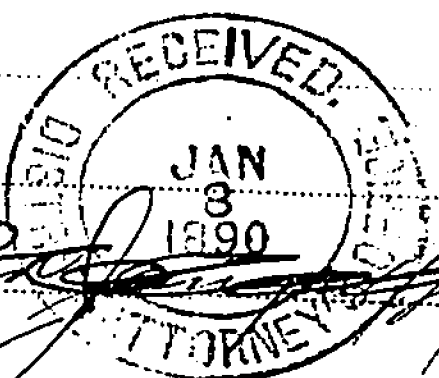
Dated *Jan* 188*9*

Witnesses, .....

No. .... Street,

No. .... Street,

No. .... Street,



*[Signature]*

*(Filed Jan 22/90)*

0716

COURT OF GENERAL SESSIONS OF THE PEACE  
of the City and County of New York.

-----X  
The People of the State of New York :  
against :  
Luzon J. Finch. :  
-----X

The Grand Jury of the City and County of New York by this indictment accuse Luzon J. Finch of the crime of knowingly selling an article of merchandise to which was affixed an imitation of the trade mark of another without the latter's consent, committed as follows:

Heretofore, to wit, on the 15th day of November in the year of our Lord one thousand eight hundred and eighty-eight, and at all the times herein mentioned, a certain corporation known as the Carter Medicine Company, manufacturer, seller and preparer of a certain medical compound called Carter's Little Liver Pills, was the owner of a certain trade mark, being a mark used by the said corporation to indicate itself as the maker and seller of an article of merchandise, to wit, of the said Carter's Little Liver Pills, and consisting of a certain wrapper theretofore lawfully adopted by the said corporation and by the said corporation usually affixed to the said article of merchandise and placed in and upon bottles in and by which the said Carter's Little Liver Pills were packed, enclosed and

prepared for sale and disposition to denote that the same were manufactured, produced, sold, compounded, bottled, packed and prepared by the said corporation, the said wrapper and trade mark being red in color and bearing the words and matters following, printed in black letters, to wit:

"Very small and as easy to take as sugar.

CARTER'S

Trade Mark

L	ITTLE	:	For Headache
		:	For Dizziness.
	IVER	:	For Biliousness.
		:	For Torpid Liver
	PILLS.	:	For Constipation.
		:	For Sallow Skin.
		:	For the Complexion.

Price :  
25 Cents. :

Purely Vegetable."

And the said Luzon J. Finch, late of the City of New York in the County of New York, well knowing the premises, afterwards, to wit, on the said 15th day of November in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County of New York, unlawfully did knowingly sell to one Joseph E. Moore, without the consent of the said corporation, an article of merchandise, to wit, two hundred and eighty-eight bottles each containing a certain compound and mixture to the Grand Jury aforesaid unknown in the form of pills, to which was then and there affixed, and to each of which said bottles so containing the same was then and there affixed an imitation of the said trade mark of the said corporation, to wit, a certain wrapper of a color similar to that of the said trade

mark of the said corporation and bearing the words and matters following, printed in black ink, to wit:

-----:	
DR.HARTERS:	For headache,
:	dizziness, biliousness,
ITTL	constipation, etc.,
:	--DOSE--
IVER	for an active cathartic 2 to 4
:	at bedtime.
PILLS.	For inactivity of the liver take
:	one pill at night for a week.
:	Acts like a charm."
-----:	

And <sup>which</sup> said imitation of the said trade mark of the said corporation, by the use of ~~the~~ words and letters similar in appearance and in sound, and by divers signs, devices and other means as well in the color of the said wrapper as also in the nature and style of the printing and the entire appearance of the said imitation, and the manner in which the same was affixed and placed in and upon the bottles so containing the said article of merchandise sold by him as aforesaid to the said Joseph E. Moore, so far resembled the said genuine trade mark as to be likely to induce the belief that it was genuine: against the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

SECOND COUNT. And the Grand Jury aforesaid further accuse the said Luzon J. Finch of the same crime of selling an article of merchandise to which was affixed an imitation of the trade mark of another, without the latter's consent, committed as follows:



0719

4

The said Luzon J. Finch, late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid unlawfully did knowingly sell to one Joseph E. Moore an article of merchandise, to wit, two hundred and eighty-eight bottles each containing a quantity of pills made of certain substances and compounds to the Grand Jury aforesaid unknown to which and to each of which said bottles so containing the same there was then and there affixed an imitation of the trade mark of a certain corporation called the Carter Medicine Company, without the consent of the said corporation: 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. MELLOWS,

District Attorney.

0720

**BOX:**

336

**FOLDER:**

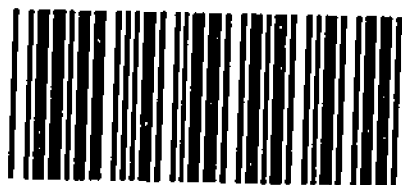
3181

**DESCRIPTION:**

Fischer, Adolph

**DATE:**

01/15/89



3181

Witnesses:

Officer Peter Groden 345

*K.C. Boring*

Counsel,

Filed

day of

1889

Pleads,

*Adversely*

THE PEOPLE

vs.

B

*Adolph Fischer*

*H.D.*

KEEPING A HOUSE OF IL. FAME, ETC.  
[Sections 322 and 385, Penal Code]

JOHN R. FELLOWS,

District Attorney.

*John O. Funderbach*

*a prisoner - Road forfeited.*

A True Bill.

*Jan 28/89*

*Wm J. Wooley*

Foreman.

*Part III January 29/89*

*Off-day Gang 47*

*Thied and Acquitted*

0722

Sec. 198-200.

J

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Adolph Fischer* 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. *Adolph Fischer*

Question. How old are you?

Answer. *31 years & 2 days*

Question. Where were you born?

Answer. *Germany*

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

Answer. *115 Allen St. 3 months*

Question. What is your business or profession?

Answer. *Saloon Keeper*

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 of the charges  
I demand a trial by jury.*

*Adolf Fischer.*

Taken before me this

9<sup>th</sup>

day of

1888

*John J. McQuinn*

Police Justice.

0723

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK,

An information having been laid before a Police Justice  
of the City of New York, charging Adolph Fisher Defendant with  
the offence of Keeping a Disorderly House

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We, Adolph Fisher Defendant of No. 105

Jacob Ripp Street; by occupation Galaon Keeper  
and Adolph Fisher of No. 308 Brown

Street, by occupation Galaon Keeper Surety, hereby jointly and severally undertake that  
the above named Adolph Fisher Defendant

shall personally appear before the said Justice, at the 4th District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Five  
Hundred Dollars.

Taken and acknowledged before me, this 17th day of May 1888 F. Fisher

Wm. Platten day of May 1888 J. Ripp

POLICE JUSTICE.



0724

CITY AND COUNTY } ss.  
NEW YORK, }

Sworn before me, this  
1881  
Police Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth One Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of

One House and  
Lot of Land 24 1/2 Acres  
North Ten Thousand Dollar  
free and clear, one day interest  
in same

Sw. Bipp.

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the ..... day of ..... 188

Justice.

0725

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.....

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

Dated *June 9* 188 *J M Patterson* Police Justice.

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

Dated *June 9* 188 *J M Patterson* Police Justice.

There being no sufficient cause to believe the within named.....

.....guilty of the offence within mentioned, I order h to be discharged.

Dated..... 188 ..... Police Justice.

0726

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Sda Planderbach  
in House of Detention  
in default of \$100.  
to testify  
Bailed by Jacob  
Rippa 318 Bremer St.  
June 9/88

W 305 3rd 868  
Police Court District.

THE PEOPLE &c.,  
ON THE COMPLAINT OF

Peter Groden  
vs. Adolph Fischer

Bailed  
H. L.

Offence Keeping a  
Winning House

Dated June 6<sup>th</sup> 1888

Nuttson Magistrate.

McKervey Officer.

11 Precinct.

Witnesses Sda Planderbach  
Bailed by Back  
in House of Detention

62 2nd St.

No. 1111 11th Street.

No. 1111 11th Street.

No. 1111 11th Street.

\$ 9 1/2 to answer

\$500. to Mrs. G. S.

Bailed

0727

Sec. 522, Penal Code.

CITY AND COUNTY  
OF NEW YORK. } ss.

3<sup>rd</sup> District Police Court.

of No. 3<sup>rd</sup> Precinct Police Peter Groden Street, in said City, being duly sworn says that at the premises known as Number 105 Allen Street, in the City and County of New York, on the 14<sup>th</sup> day of June 1888, and on divers other days and times, between that day and the day of making this complaint

Mr. Adolph Fischer did unlawfully keep and maintain and yet continue to keep and maintain a Saloon and House of prostitution and did then, and on the said other days and times, there unlawfully procure and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil name and fame there to be and remain drinking, ~~dancing, fighting~~, disturbing the peace, whoring and misbehaving themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and there passing is habitually disturbed, in violation of the statute in such case made and provided.

Deponent therefore prays, that the said Mr. Adolph Fischer and all vile, disorderly and improper persons found upon the premises, occupied by said

Mr. Adolph Fischer may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 6<sup>th</sup>

day of June 1888

Peter Groden  
M. J. Utter Police Justice.

0728

CITY AND COUNTY } ss.  
OF NEW YORK,POLICE COURT, 3<sup>rd</sup> DISTRICT.

Ida Plauderbach

of No. 1115 Allen Street, aged 18 years,

occupation Brush maker being duly sworn deposes and says,

that on the 14<sup>th</sup> day of June 1888

at the City of New York, in the County of New York, Deponent arrived from Liverpool by way of Boston and went to said premises.

That deponent remained therein until the morning of the 6<sup>th</sup> inst. and earned during that time eleven dollars by holding illicit sexual intercourse with clerical men on said premises for money. That a man named Fischer, the proprietor of a saloon at said premises, took from deponent

Subscribed before me at the City of New York, this 14<sup>th</sup> day of June 1888.

Police Justice



0729

*James D. Lyons and  
City of Lyons 1888  
J. H. Patterson  
J. H. Patterson*

The sum of fifty cents each time  
deponent so prostituted her body  
and four dollars for board. That  
deponent paid him the said money  
out of the money she received from  
the men having such sexual  
intercourse with her.  
J. H. Patterson

Police Court

District

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

Dated

188

Magistrate.

Officer.

Witness,

Disposition,

0730

CITY AND COUNTY  
OF NEW YORK, } ss.POLICE COURT, 3 DISTRICT.

*John McKinney*  
 of the 1st Precinct Police Street, aged 37 years,  
 occupation Police officer being duly sworn deposes and says,  
 that on the 7 day of June 1888  
 at the City of New York, in the County of New York,

*Ida Planterbach (now known)*  
 is a Material Witness for the people of the  
 State of New York against Adolph  
Risher charged with keeping a House  
 of Prostitution, Dependant fears that said  
 Ida will not appear to testify when  
 required, Wherefore dependant prays  
 that said Ida be committed to  
 the House of Detention.

*John McKinney*

Sworn to before me, this

of June 1888 day*John McKinney*  
Police Justice,

0731

Sec. 151.

Police Court 3rd District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Peter Groden of No. 3rd Precinct Police, that on the 4th day of June 1888, at the City of New York, in the County of New York, Mr Fischer did keep and maintain at the premises known as Number 105 Allen Street, in said City, a Saloon and house of prostitution and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, ~~dancing, fighting~~, disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to Command you, the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the body of the said

Mr Fischer and all vile, disorderly and improper persons found upon the premises occupied by said Mr Fischer and forthwith bring them before me, at the Third DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 6th day of June 1888

W. W. Patton POLICE JUSTICE.

0732

Police Court— District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.  
WARRANT—Keeping Disorderly House, &c.

Dated 188

Magistrate.

*M. K. K. K.* Officer.

11 Precinct.

The Defendant

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

Officer.

Dated 188

This Warrant may be executed on Sunday or  
at night.

Police Justice.

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice.

The within named

0733

Court of General Sessions of the Peace  
City and County of New York.

The People of the State of New York

-against-

Adolph Fischer

Take notice that upon the annexed affidavit of  
Adolph Fischer, verified January 4, 1889 and upon the com-  
plaint, warrant, commitment and all the papers and proceed-  
ings herein a motion will be made at Part III of this  
Court before Hon. Justice Gildersleeve on  
the 15 day of January, 1889, at 11 o'clock in the  
forenoon for an order dismissing this prosecution and that  
the bail of the defendant be exonerated; and for such other  
relief as may be just.

Dated January 5, 1889

G. J. G. Hall,

Att'y for Deft.

151 Broadway, N. Y. City

To

John W. Fellows,

District Attorney.



Court of General Sessions of the Peace,  
City and County of New York.

The People of the State of  
New York

agst  
Adolph Fischer

City & County of New York: ss

Adolph Fischer being  
duly sworn says: I am the defendant-  
herein. On or about June 4, 1888, I was  
arrested upon a charge made against me  
for keeping a disorderly house or house of  
ill fame. I was held to answer in this  
court to any indictment which might be  
found against me, for the offense charged,  
at the next term of this court.

Upon that I gave bail, and am still  
under bail.

The records of this court show that the  
papers were returned on June 11, 1888.

I am informed and the records show  
that several Grand Juries have been in  
session, and several terms of court have  
been held since that date and no indict-  
ment has been found against me on  
the charge for which I was held.

I no longer occupy the premises

0735

in which I lived at the time this charge  
was made, and am not guilty of the  
offense charged

I ask for an order dismissing this  
prosecution and that my bail be exonerated

I have made no previous application  
for the relief I now ask.

Sworn to before  
me Jan 4, 1888

Adolph Fischer

Path Summ

Notary Public (44)  
N. Y. C.

Court of General Sessions of  
the Peace,

City and County of New York.

The People of the State of New  
York.

-agst-

Adolph Fischer.

Notice of Motion to dismiss  
prosecution.

G.J.G.Hall,

Atty for Deft.

261 Broadway, N.Y.Cit.

0736

0737

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Adolph Fischer*

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

*Adolph Fischer*

(Sec. 322,  
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said

*Adolph Fischer*

late of the *10th* Ward 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-eight, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

*Adolph Fischer*

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

**SECOND COUNT—**

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

*Adolph Fischer*

(Section 385,  
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

*Adolph Fischer*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *fourth* day of *June* in the year of our Lord one thousand eight hundred



and eighty-*eight*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *his* said house, for *his* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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.

THIRD COUNT—

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

*Adolph Fischer*

(Section 322  
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

*Adolph Fischer*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *fourth* day of *June* in the year of our Lord one thousand eight hundred and eighty-*eight* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *his* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *his* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.



0739

**BOX:**

336

**FOLDER:**

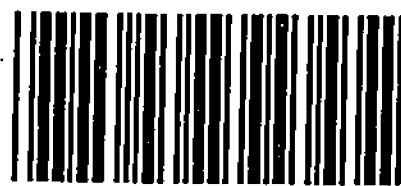
3181

**DESCRIPTION:**

Fitzsimmons, Edward

**DATE:**

01/31/89



3181

Witnesses:

Counsel, House & Trifid

Filed 31 day of Jan 1889

Pleads, Chydeley July

THE PEOPLE

vs.

Edward Fitzsimmons

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

JOHN R. FELLOWS,

District Attorney.

July 26, 1889, Prob. 7, 72, Inc. 14/89.

A True Bill.

Foreman.

I have examined the within  
case and have the statement  
made before of the complainant  
I considered that the  
necessaries was so slight  
as not to constitute an  
offense on the fact &  
in all the circumstances  
of the case I think that  
the ends of justice is  
served by a decision  
of the indictment which  
showing of the opinion also  
that a conviction cannot  
be obtained, hereby  
accordingly recommended  
July 14, 1889  
William J. Foster  
District Attorney

Mark 14-19 07.11

Geo. J. Woodman

0741

Police Court—2 District.City and County } ss.:  
of New York,

of the 16<sup>th</sup> Precinct police David Bartley Street, aged 43 years,  
occupation Police Officer being duly sworn

deposes and says, that on the 26<sup>th</sup> day of December 1888 at the City of New

York, in the County of New York, at Corner 23<sup>rd</sup> Street & 13<sup>th</sup> Avenue  
he was violently and feloniously ASSAULTED and BEATEN by Edward

Fitzsimmons (now here, who wilfully  
maliciously and deliberately struck  
deponent one violent blow on the  
face with his defendant's fist. That  
said defendant then caught hold of  
the left leg of deponent to pants and  
pulled and dragged at the same  
with intent to upset deponent.

That deponent was  
assaulted as aforesaid by said  
defendant while deponent was in  
uniform, and in the discharge of  
his duties as an officer of the Municipal  
Police, and

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

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

Sworn to before me, this 27 day

of December 1888

David Bartley  
Police Justice.

0742

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Edward Fitzsimmons* 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. *Edward Fitzsimmons*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York City.*

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

Answer. *442 Washington street, and about 1 year.*

Question. What is your business or profession?

Answer. *Car driver*

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 did not strike the officer on the face, but I admit turning his pantaloons.*

*Edward Fitzsimmons*

Taken before me this

27

Day of December 1888.

*John J. [Signature]*  
Police Justice

0743

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

Dated Dec. 27 188 J. J. Deffey Police Justice.

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

Dated Dec 27 188 J. J. Deffey Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0744

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

#337

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

David Bartley

Edward Fitzgibbon

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0745

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Edward Fitzsimmons*

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

*Edward Fitzsimmons*

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

The said *Edward Fitzsimmons*

late of the City of New York, in the County of New York aforesaid, on the *twenty-sixth* day of *December* in the year of our Lord one thousand eight hundred and eighty-eight at the City and County aforesaid, with force and arms, feloniously made an assault in and upon one

*David Bartley*

then and there being a *patrolman* of the Municipal Police of the City of New York, and as such *patrolman* being then and there engaged in the lawful apprehension of him, the said *Edward Fitzsimmons*,

and the said *Edward Fitzsimmons*

him, the said *David Bartley*

then and there feloniously did beat, strike, wound and otherwise ill-treat, with intent then and there and thereby to prevent and resist the lawful apprehension of him, the said *Edward Fitzsimmons*, as aforesaid, 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.

0746

**BOX:**

336

**FOLDER:**

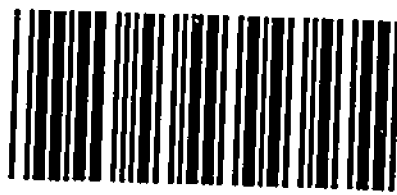
3181

**DESCRIPTION:**

Flynn, John

**DATE:**

01/21/89



3181

0747

120. Wenzelmann  
Lehman's & Brewster  
35 Broadway

Counsel,  
Filed 21 day of January 1889  
Pleads, Not guilty and

THE PEOPLE  
vs.  
John Flynn  
P  
MURDER IN THE FIRST DEGREE  
[Section 188, Penal Code.]

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Wm. J. J. J. J.  
Feb 21/89. Foreman.  
Florida Mass. 1 day  
S. P. 15 yrs. 7 days  
not entered

Witnesses:  
Wm. O. Mangler  
Offr. Geo. Collins  
L. P.

Under all the circumstances  
of this case I am of opinion  
that the evidence of guilt  
will be attended by an  
acceptance of a plea of guilty  
of Murder in the first  
degree and I therefore recommend  
that such plea be  
accepted from the defendant.

Lehman's & Brewster  
Archibald & Co.

0748

Coroner's Office

67 Park Row,

New York.

Knife. Homicide case of  
Myles S. Flynn  
Reported Sept 10. 1888.

Coroner Nugent



0749

\* STATE OF NEW YORK, \*

CITY AND COUNTY OF NEW YORK, ss:

AN INQUISITION.

Taken at the Coroners Office

No. 67 Park Row Street, in the 4<sup>th</sup> Ward of the City of New York, in the County of New York, this 5<sup>th</sup> day of October in the year of our Lord one thousand eight hundred and eighty eight before

JOHN R. NUGENT, Coroner,

of the City and County aforesaid, on view of the Body of Myles Flynn

now lying dead at

Nine 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 Myles Flynn came to his death, do upon their Oaths and affirmations, say:

That the said Myles Flynn come to his death by

Hemorrhage from stab-

wound of Right arm, inflicted with a knife in the hands of his son John Flynn at their residence 311 Water Street on September 9/88 about 4.30 P.M.

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.

Samuel Levy 1078 - 3 Ave	Recher Peterman
Adam Neumann 1065 3 Ave	Samuel X Levy 1099 3 Ave
Jacob J. Kaufmann 1093 - 3 Ave	Mark
Abraham Klein 1095 - 3 Ave	
Samuel Kipshut 1138 3 Ave	
L. R. Pasterni	
Isidore Green 1073 3 Ave	

x John R. Nugent

CORONER, E. S.

0750

Coroner's Office.

TESTIMONY.

Officer George Cullum H.H. Prec. being sworn says: On September 9/88 about 4:30 P.M. I was on post at Corner of South & Roosevelt St. when I saw a crowd of people running round Water Street. I ran there too and found a man Myles Flynn lying in a pool of blood. I saw that he had been stabbed in the arm and I raised up his head and asked him who cut him and he said "my son". I then asked the people around if they had seen his son and they said he had run up Roosevelt St. In the meantime an Ambulance had been sent for which came and took the deceased to Chambers Street Hospital. I took the pedigree of the deceased and the Keys of his room and locked the door and walked back to the Station House. On my way back to post. I saw some people beckoning me to come to the house of the deceased at 311 Water Street. They told me the son was in the yard. I ran in the yard and saw the son - the defendant on the fire-escape. I called to him to come down which he did and I arrested him. The deceased died at Chambers St Hosp. at 5:40 this morning and I now charge his son John Flynn with having caused his death.

Taken before me

this 10 day of September 1888

George Cullum  
J.W. R. Mager CORONER.

John Flynn being sworn says: I reside at 311 Water St. I worked at Longshore, I had not worked for two weeks previous to the death of my father. The deceased Myles Flynn was my father. On Sunday I went out of my house for my dinner and as I was going out the deceased called me back and told me to be back at 5 o'clock so he could give me money for my supper. When I was returning home a little before 5 P.M. I picked up a little piece of stick and commenced chopping it on my way home. When I went in the house I asked my father if he was going around to Leah's supper & he said No. I then asked him for the price of my supper. He jumped off the chair and said something I could not understand and ran at me and made two blows at me. Then I ward off one blow with the left hand & I went to ward off the other with my right & I had the knife in my right hand and deceased's arm came down on it. When I saw the blood I got frightened.

Taken before me

this

day of

188

CORONER.

0752

Coroner's Office.

TESTIMONY.

3

And ran out of the house & came  
back again. I went through the  
yard and was climbing the fire escape  
when the officers called me & I came  
down and they arrested me. My father  
left the house before I did after he  
was cut. I put the knife in my pocket.  
I had no intention of injuring my father.  
I was excited and the cutting occurred  
while I was warding off the blow.

John <sup>this</sup> Flynn  
made.

Taken before me

this 5 day of October 1888

Jno R. Nugent

CORONER.

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TESTIMONY.

William O'Malley

M. D., being duly sworn, says:

I have made an autopsy  
of the body of  
now lying dead at  
Chambers St. Hospital

and from such examination  
and history of the case, as per testimony, I am of opinion the cause of  
death is

Haemorrhage from brain  
acute congestion - Haemorrhage  
from stab wound of arm  
from left eyebrow Contusion  
but the primary cause  
William O'Malley M. D.

Wm. O'Malley  
Sworn  
" |  
F. H. H. |  
Coroner

Sworn to before me,

this 10<sup>th</sup> day of September 1888

J. W. R. Hugen

CORONER.



0754

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
62 Years	Months	Days	Ireland	Chambers St Hospital	Sept 10/88

J. R. N.

1903 1611/88

SP. 876

Ind. Court.

1888

AN INQUISITION

On the VIEW of the BODY of

Michael Flynn

whereby it is found that he came to his death by

Memoranda

from wounds due to Congestion, Memoranda from the record of

Arrest etc.



Request taken on the 14 day

of October 1888 before

JOHN R. NUGENT, Coroner.

876

0755

J. R. N.

1907 1611

No. 876

Ind. Quar.

1888

AN INQUISITION

On the VIEW of the BODY of

Myles Flynn

whereby it is found that he came to his death by

Hemorrhage from Bowels due to Congestion, Hemorrhage from the wound of Arm etc.



Inquest taken on the 5<sup>th</sup> day

of October 1888 before

JOHN R. NUGENT, Coroner.

876

MEMORANDA.

AGE	PLAGE OF NATIVITY	WHERE FOUND	Date When Reported
62 Years Months Days	Illinois	Champaign Co. Va.	10/19/88

Court of General Sessions

The People

John Flynn

William O'Meagher, 227 East 14  
Street, Physician. I am a Deputy  
Coroner, and as such I made a  
post-mortem examination on the  
body of Miles Flynn on the 10th  
of September, 1888. I found a light  
punctured stab wound on the  
right arm, a contusion on the  
left eyebrow and evidences of  
hemorrhage in the large intestines  
resulting from dysentery from which  
the deceased had suffered for at  
least three or four days. The  
wound in the arm was merely  
a contributory cause of the death of  
the deceased. In my opinion, the  
death of the deceased occurred  
primarily in consequence of  
said dysentery.

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COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.  
vs,

John Taylor

BRIEF OF FACTS.

For the District Attorney.

Dated December 31 1888.

Edward Groves

Deputy Assistant.



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192

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

John Thompson

BRIEF OF FACTS.

For the District Attorney.

Dated December 31 1888.

Edward Gross

Deputy Assistant.



0759

R. HEINZELMAN,  
COUNSELOR AT LAW,  
(STEWART BUILDING,)  
280 BROADWAY,  
Room 337,  
NEW YORK.

John W. Goff Esq  
Asst Dist Atty  
2d floor Court House  
(Delwin)

0760

John R. Keinzelman,

Counselor at Law,

Stewart Building,

280 Broadway,

Room No. 237.

New York, February 16th 1889

The People & C

vs

John Flynn

My Dear Sir

I am unable to furnish you with any definite suggest-  
-ion in above case today as promised, and would request to let the  
matter rest for a few days longer, when I will communicate with <sup>you</sup> con-  
-cerning same.

Respectfully

John R. Keinzelman

Hon. John W. Goff.  
Asst Dist Atty  
N.Y. Co.

(Dictated)

0761

Court of General Sessions of the Peace.

-----  
The People of the State of New York

against

John Flynn  
-----

City and County of New York SS.

John Flynn being duly sworn says

I am the defendant in the above entitled action ,and have been in custody since the ninth day of September 1888 charged with having feloniously caused the death of my father.

I am 20 years of age and prior to the time of my said arrest have never committed any offence against the law of this State or have I ever been accused or convicted thereof and have never been arrested ,excepting one occasion when I was taken before a Police Magistrate charged with <sup>the commission of</sup> an alleged assault, but was immediately discharged from custody.

My mother died while I was yet an infant and I lived with my father and sister who kept house for use, and to whom I delivered all my earnings for several years past. the proceeds from my occupation at selling ferry tickets at the foot of Roosevelt Street in this City.

About the month of August last my said sister who had been suffering from consumption, was removed to one of the City Hospitals, and as I am informed and believe, is now dead and buried in the City Cemetery.

From the time of my sisters removal our home became neglected and my father who up to that time had always been kind and

0762

considerate to me began to drink intoxicating liquor, he neglected his work, and spent most of the money I earned for drink.

On the 9th. day of September last, it being Sunday I had no work, my father who had been sick for some time past requested me to leave the house as he desired to be alone, I did as directed and returned late in the afternoon very hungry, I found my father in an intoxicated condition, and in a sullen mood I asked him to accompany me to a neighboring restaurant and have supper, as we were in the habit of doing he refused to do so. I then asked him for money to pay for my meal, whereupon without a word of warning and without any justification whatsoever he sprang at me and with his clenched fist struck me a number of blows about the face head neck and body.

Prior to this time and while engaged in the conversation aforesaid I had been engaged in chipping some kindling wood lying upon the hearth with an old pocket knife I was in the habit of carrying and which I had in my hand at the time my father sprang at me as aforesaid, that smarting under the pain inflicted upon me and at what I believed to be a most brutal and unjustifiable assault upon me I became greatly aggitated and enraged, and while my father was still raining blows upon me I struck at his fist which was raised, with the knife in my hand, which resulted in the knife penetrating his arm as indicated in the physician's certificate herein, upon seeing the blood gushing from my father's arm I became greatly frightened and seizing him around the waist urged him to accompany me to the Gouveener Street Hospital in the neigh-

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-borhood, he accompanied me into the Street, where a large crowd of people had gathered, and that fearing arrest and imprisonment I run away and hid myself until I believed the excitement had subsided when I returned to my home and tried to get into our rooms by going up the fire escape in the rear when I was arrested. I was subsequently brought before my father at the Hospital, he recognized me and expressed his forgiveness to me and stated he did not believe I intended to injure him,

That never before this occasion had I ever any altercation with my parent, or was I ever attacked by him in the manner hereinbefore indicated .

That deponent is without any friends or relatives that at the time Counsel was assigned him, he furnished him with the names and addresses of several reputable Citizens who resided in the neighborhood of deponent's residence and who had from time to time met him and who knew of his general character, and that he has been informed by said Counsel, that after diligent efforts to find said persons, he learned that they had moved away, and that their present whereabouts was unknown to the people residing in the vicinity of his said home.

Deponent most humbly prays, that this Court will extend unto him a merciful consideration, in finally disposing of this case, assuring this Court, that he feels most keenly the stigma which must rest upon him the balance of his life, in having been the cause of shortening the days of his own parent.

Sworn to before me this

23d day of February 1889

3 John Flynn  
Notary Public N.Y.C.



0764

W. General Decree

The People of

the

John F. Hysan

Applicant of  
Respondent

JOHN R. HEINZELMAN,

Attorney for *deft.*

STEWART BUILDING,  
280 BROADWAY,  
NEW YORK CITY.

Service of a Copy of the within is hereby  
admitted.

Dated \_\_\_\_\_ 188

To \_\_\_\_\_

0765

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 Flynn.

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

John Flynn

of the CRIME OF Murder in the First Degree, committed as follows:

The said

John Flynn

late of the City of New York, in the County of New York aforesaid, on the ninth day of September in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms, in and upon one

Myles Flynn

in the peace of the said People then and there being, wilfully, feloniously, and of his malice aforethought, did make an assault, and he the said

John Flynn

the said Myles Flynn with a certain knife which he the said John Flynn in his right hand then and there had and held, in and upon the arm of him the said Myles Flynn

then and there wilfully, feloniously, and of his malice aforethought did strike, stab, cut and wound, giving unto him the said Myles Flynn then and there with the knife aforesaid, in and upon the arm of him the said Myles Flynn one mortal wound of the breadth of one inch, and of the depth of six inches, of which said

0766

mortal wound he the said Myles Flynn  
at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the  
tenth day of September in the same year  
aforesaid, did languish, and languishing did live, and on which said tenth  
day of September in the year aforesaid, he the said  
Myles Flynn at the City and County aforesaid,  
of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said John Flynn

the said Myles Flynn in the manner and form, and by  
the means aforesaid, wilfully, feloniously, and of his malice aforethought, did kill,  
and murder, against the form of the Statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

John Flynn  
of the same CRIME OF MURDER IN THE FIRST DEGREE, committed as follows:

The said

John Flynn  
late of the City and County aforesaid, afterwards, to wit: on the said ninth  
day of September, in the year of our Lord one thousand eight hundred  
and eighty-eight, at the City and County aforesaid, with force and arms, in and  
upon the said

Myles Flynn  
in the peace of the said People then and there being, wilfully, feloniously, and with  
a deliberate and premeditated design to effect the death of him the said  
Myles Flynn, did make another assault, and  
the said John Flynn the said

Myles Flynn, with a certain knife  
which he the said John Flynn in

his right hand then and there had and held, in and upon the arm of him the said Myles Flynn, then and there wilfully, feloniously, and with a deliberate and premeditated design to effect the death of him the said Myles Flynn did strike, stab, cut and wound, giving unto him the said Myles Flynn then and there, with the knife aforesaid, in and upon the arm of him the said Myles Flynn one mortal wound of the breadth of one inch and of the depth of six inches, of which said mortal wound he the said Myles Flynn, at the City and County aforesaid, from the said ninth day of September in the year aforesaid, until the tenth day of September, in the same year aforesaid, did languish, and languishing did live, and on which said tenth day of September in the year aforesaid, he the said Myles Flynn, at the City and County aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said John Flynn the said Myles Flynn in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of him the said Myles Flynn, did kill and murder, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0768

**BOX:**

336

**FOLDER:**

3181

**DESCRIPTION:**

Flynn, John

**DATE:**

01/09/89



3181



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**BOX:**

336

**FOLDER:**

3181

**DESCRIPTION:**

Green, Daniel

**DATE:**

01/09/89



3181

Witnesses;

Officer Murphy & Co.

In my opinion the evidence in this case will not warrant a conviction. I therefore recommend the dismissal of this indictment.

Jan 10. 1879. Vernon M. Davis.  
Advt.

Filed  
Counsel,  
188  
day of May  
Plead,  
Hock with.

THE PEOPLE  
vs.  
John Flynn  
Daniel Green  
Burglary in the Third degree.  
[Section 498, 506, 528, 532, 550.]

JOHN R. FELLOWS,  
District Attorney.

A True Bill.  
New York

Foreman.  
See Report of N. Y. S. P. C. O.  
for information about defendant  
filed with these papers, if lost,  
notify the Society at once.  
on recm. of Dist Atty  
indict. als. B.M.  
Jan 11/79.

0771

General Sessions

The People

vs

John Flynn

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23D STREET,

New York, Dec 18 1888

CASE NO. 39147 OFFICER Gardner

DATE OF ARREST Dec 9

CHARGE Burglary

AGE OF CHILD Eleven years

RELIGION Catholic

FATHER Patrick dead

MOTHER Catherine

RESIDENCE 39 Park Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT John Flynn lives with his mother Catherine in fairly comfortable rooms at above address. He formerly attended Transfiguration Parochial School but owing to an accident by being run over recently, he has not attended. Nothing known against boy or his home surroundings.

All which is respectfully submitted,

Wm J. Gerny  
PresideTo  
The Dist Atty.

0772

Court of  
General Sessions

The People

vs

Eugene Green

Penal Code, §  
Burglary

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,  
President, &c.,  
100 East 23d Street,  
New York City.

R

Part of  
General Sessions

The People vs John Wagon	Briggs PENAL CODE, S
--------------------------------	-------------------------

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,  
President, &c.,  
100 East 23d Street,  
New York City.

P



0774

General Sessions

The People  
vs

Eugene Green

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23D STREET,

New York, Dec 18 1888

CASE NO. 39147 OFFICER Gardner  
DATE OF ARREST Dec 9  
CHARGE

Burglary

AGE OF CHILD fifteen years

RELIGION Catholic

FATHER Wm. Walsh

MOTHER Hannah

RESIDENCE 122 Matt Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT Eugene Green lives with his mother at above address in two miserable rooms. After the death of his father she married a man named Walsh. The whole family do not bear a good name. Boy was employed at Pomeroy & Samble's Mattress Works. No of Matt St for two weeks but was of rapacious habits and refused to work and was discharged.

All which is respectfully submitted,

Wm. J. T. Green  
Pres.To  
The Dist Atty

0775

Police Court— / District.

City and County } ss.:  
of New York,

Pedro Beraza  
of No. 29 Duane Street, aged 43 years,  
occupation Restaurant keeper being duly sworn

deposes and says, that the premises No 29 Duane Street,  
in the City and County aforesaid, the said being a one story frame

building a room therein  
and which was occupied by deponent as a Restaurant storeroom  
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly lifting the latch  
on the outside of the door leading into  
said storeroom opening the door and  
entering said door

on the 9<sup>th</sup> day of December 1888 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Three gallons of olive oil of the  
value of Ten dollars and fifty  
cents

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

John Flynn and Daniel Green  
(both now here)

for the reasons following, to wit: that on said day the doors  
and window in said room were securely  
fastened and said property was therein  
that on said day deponent saw the door  
leading into said room was fastened  
with a latch which was on the outside  
of said ~~for~~ <sup>door</sup> room. That at about the hour  
of nine o'clock on said day when deponent  
was closing his business, found that the

0776

said latch had been lifted and the door open and deponent missed said property. Deponent is informed by Officer Jeremiah J. Murphy of the Sixth Precinct, that he Murphy found the defendants in company with each other on Pearl Street carrying a can containing olive oil. Deponent has since seen said can and identified the same as his property. Wherefore deponent charges the defendants with acting in concert with each other did break and enter said apartment as aforesaid and in company with each other carry the said property away.

Sworn to before me  
this 10<sup>th</sup> December 1888  
J. M. Peterson }  
Police Justice

Pearl Meraza

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Burglary Degree.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0777

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 33 years, occupation Police Office of No.

Sixth Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Pedro Arraza

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

Sworn to before me, this

day of

188

Jeremiah J. Murphy

Police Justice.

0778

Sec. 108-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer. *John Flynn*

Question. How old are you?

Answer. *10 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *39 Paik St. 3 years*

Question. What is your business or profession?

Answer. *School boy*

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*

*John Flynn*  
*witness*

Taken before me this

day of December 1888

*M. J. Sullivan*

Police Justice.



0779

Sec. 193-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*Daniel Green* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is *h* 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* waiver cannot be used  
against *h* on the trial.

Question. What is your name?

Answer. *Daniel Green*

Question. How old are you?

Answer. *15 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *124 Mott Street. 1 year*

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*

*Daniel Green*

Taken before me this

*10*

day of *December* 188*8*

*James J. Sullivan*  
Police Justice.

0780

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.....

defendants  
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 Dec 10 1888 J. M. Patterson Police Justice.

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

Dated.....188..... Police Justice.

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

Dated.....188..... Police Justice.

0781

Police Court---

1926 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Pedro Beraza

29 years old

John Flynn

See Report of N. Y. S. P. C. O.

information about defendant

filed with these papers, If lost,

notify the Court once.

Offence *Purgatory*

Dated Dec. 10 188

Patterson Magistrate.

Murphy & Montgomery Officer.

6 Precinct.

Witnesses Call the officer

No. Street.

Chas W Gardner

No. 100 E 23 Street.

No. Street.

1100 W 23 to answer

Comd

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0782

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 Brown and  
Daniel Green

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

John Brown and Daniel Green

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

The said John Brown and Daniel  
Green, both

late of the Sixth Ward of the City of New York, in the County of  
New York, aforesaid, on the ninth day of December, in the year of  
our Lord one thousand eight hundred and eighty-eight, with force and arms, at the Ward,  
City and County aforesaid, a certain building there situate, to wit: the room of one

Pedro Baraza

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

Pedro Baraza

in the said room 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.

0783

SECOND COUNT—

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

*John E. Ryan and Daniel Green*  
of the CRIME OF *Petty* LARCENY. \_\_\_\_\_ committed as follows:

The said *John E. Ryan and Daniel Green, both* \_\_\_\_\_

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,

*three gallons of olive oil of the  
value of three dollars and fifty  
cents each gallon.*

of the goods, chattels and personal property of one *Pedro Paraza,*

in the *house* of the said *Pedro Paraza.* \_\_\_\_\_

there situate, then and there being found, *in* the *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.



0784

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said *John X. Hynum and Daniel Green* of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *John X. Hynum and Daniel Green, both*

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

*three gallons of fine oil of the value of three dollars and fifty cents each gallon.*

of the goods, chattels and personal property of one *Pedro Baraza,*

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

unlawfully and unjustly, did feloniously receive and have; the said *John Hynum and Daniel Green*

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.

0785

**BOX:**

336

**FOLDER:**

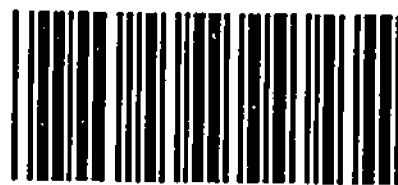
3181

**DESCRIPTION:**

Flynn, William E.

**DATE:**

01/09/89



3181

Witnesses:

E. J. Farn  
Charles Earl  
William Earl

See vs. Lenzies 1 Park  
" " Kingston 5 Park 289  
" " " 26 May 203

W 410 A H P  
Counsel,  
Filed 9 day of Aug 1889.  
Pleads, W. H. L. W. H. L.

THE PEOPLE

vs.

William E. Flynn

ABDUCTION.  
[Section 292, Sub. 1, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

Jan 18. 1889 W. H. L.  
Pr Aug 22/89  
Tried & acquitted.

A True Bill.

W. H. L.

Foreman.

See Report of N. Y. S. P. C. O.  
for information about defendant  
filed with these papers, If lost,  
Notify the Society at once.

0786

0787

AUGUSTUS A. MOLONY, M. D.,

262 WEST 42D STREET,

NEW YORK.

Dec. 6 1888.

This is to certify  
that I have ex-  
amined Miss Lark  
& to the best of  
my knowledge, she  
is pregnant.  
A. A. Molony

---

0788

GRINITY PARSONS  
St. Chrysostom's Chapel, Clergy Rooms,  
7TH AVENUE, COR. 39TH STREET.

NEW YORK, Dec. 7<sup>th</sup> 1878

Mr Frank G. Bankley -

My dear Sir: I hereby  
Certify that Sarah Annette  
Earl was baptized by me  
on the 14<sup>th</sup> of May 1873. the  
Record in the Parochial  
Register showing that she  
was born Feb. 21<sup>st</sup> 1873.

Yours very truly,  
Thos. Henry Lee.



0789

Sec. 192.

H District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An Information having been laid before Jacob M. Patterson a Police Justice  
of the City of New York, charging William E. Flynn Defendant with  
the offence of Abduction

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We William E. Flynn Defendant of No. 352  
West Street Street; by occupation a Liquor dealer  
and John J. Scanlon of No. 356 East 21<sup>st</sup>  
Street, by occupation a Liquor dealer Surety, hereby jointly and severally undertake that  
the above named William E. Flynn Defendant  
shall personally appear before the said Justice, at the \_\_\_\_\_ District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of fifty  
Hundred Dollars,

Taken and acknowledged before me, this \_\_\_\_\_

day of December 188 8.

J. M. Patterson POLICE JUSTICE.

William E. Flynn  
John J. Scanlon

0790

CITY AND COUNTY } ss.  
OF NEW YORK,

day of  
March  
1881

Sworn to before me this

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth ten thousand ~~Hundred~~ Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of a house and lot of land

located and known as No 326 East  
21<sup>st</sup> Street worth not less than Seven  
thousand dollars free and clear of all  
encumbrances

John J. Scanlon

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the ..... day of ..... 1881

Justice.

0791

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 14 DISTRICT.

*Sarah Paul*  
of No. 367 West 52<sup>d</sup> Street, aged 15 years,  
occupation Cash girl being duly sworn deposes and says  
that on the 29<sup>th</sup> day of June 1888  
at the City of New York, in the County of New York,

*William Flynn*, did unlawfully  
take deponent to 8<sup>th</sup> Avenue between  
109<sup>th</sup> and 110<sup>th</sup> Streets and then and  
there had sexual intercourse with  
deponent, he not being deponent's  
husband, all of which is in  
violation of Section 282 of the  
Penal Code of the State of New York  
as amended. That deponent is  
informed by her father *William  
T Paul* now here that deponent

Police Justice.

0792

will not be sixteen years of  
age until the 21<sup>st</sup> day of  
February next.  
Sworn to before me  
the 11<sup>th</sup> day of Decr 1887 } Sarah Earl  
J. M. Peterson  
Police Justice

Police Court, District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 188

Magistrate.

Officer.

Witness,

Disposition,

0793

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 36 years, occupation William T. Paul  
Steam fitter of No.

317 West 49 Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Sarah Paul

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

Sworn to before me, this

day of

188

Dec } William T. Paul  
mark

J. M. Plautman

Police Justice.



0794

W. Reid Go. M. Law Blank Publisher and Stationer, 168 Nassau St., N. Y.

The People of the State of New York, TO  
Sheriff Lecker Smythe  
of 57 St. Police Court.

GREETING :

CERTIORARI  
TO CERTIFY CAUSE OF  
DETENTION.

We Command you, That you certify fully and at large to him  
George P. Andrews one of the Justices of the  
Supreme Court at the Chambers of the  
County Court House in the City  
at the City on Tuesday the 1st day of December 1888  
on at 10:30 AM.  
the day and cause of the imprisonment of William E. Flynn.

by you detained ; as is said, by whatsoever name the said William E.  
Flynn

shall be called or charged ; and have you then this writ.

Witness, him Charles H. Frankfort left  
the 10th day of Dec 18 88

Amos H. Purdy  
Attorney.

# 280 Broadway

James A. Hall  
Clerk.

0795

*The New York Society for the  
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, Dec. 13<sup>th</sup> 1888

*Court of General Sessions of the Peace in and for the  
City and County of New York.*

*The People  
against*

*Notice of Prosecution.*

*William E. Flynn*

*To the District Attorney of the  
City and County of New York,*

*Sir: This Society is interested in the prosecution of  
the above defendant, and is familiar with the facts of the  
case. It respectfully requests that before sending the papers  
to the Grand Jury, fixing the day of trial, consenting to  
any postponement thereof, or to any reduction of bail, or  
final disposition of the charge, you will duly notify me as  
its President and Counsel, so that I may confer with you  
in regard thereto. This request is made pursuant to the  
statute (Laws of 1875, Chapter 30, Section 3), and in  
furtherance of the ends of Justice.*

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,  
President, &c.*

0796

**N. Y. GENERAL SESSIONS**

THE PEOPLE



CRUELTY TO CHILDREN.  
*Abduction*

NOTICE OF PROSECUTION  
BY THE SOCIETY.

ELBRIDGE T. GERRY,  
*President, &c.*

*I*

0797

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*

*William E. Flynn*

Taken before me this

day of

188

*W. E. Flynn*  
Police Justice.



0798

Sec. 151.

Police Court 4 District.

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

Whereas, Complaint in writing and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by Joseph J. [illegible]

of No. 360 West 52 Street, that on the 29 day of June  
1888 at the City of New York, in the County of New York.

*William Flynn did unlawfully  
take Complainant to 8th Avenue  
between 109th and 110th Streets  
and did then and there have sexual  
intercourse with Complainant  
he not being Complainant husband  
and Complainant being under 16 years of age*

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him  
forthwith before me, at the 4 DISTRICT POLICE COURT, in the said City, or in case of my absence  
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to  
be dealt with according to law.

Dated at the City of New York, this 4 day of Dec 1888

J. M. Patterson POLICE JUSTICE.



0799

Police Court ..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated ..... 188

Magistrate

Officer.

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

Officer.

Dated December 5 1888

This Warrant may be executed on Sunday or at  
night.

J. M. Pletcher Police Justice.

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.

Dated ..... 188

Police Justice

The within named

age 2-4 all Dec 36-2 - 1. All

0800

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 *Fifty* Hundred Dollars, ..... and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *Dec 7* 188 *8* *John J. ...* Police Justice.

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

Dated.....188.....Police Justice.

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

Dated.....188.....Police Justice.

0801

Adjourned to 10<sup>1</sup>/<sub>2</sub>  
Am 12<sup>th</sup> next &  
prisoner remanded.  
Dec 11<sup>th</sup> 1888

George P. Anderson,  
J.C.

BAILED,

No. 1, by John J. Scaulon  
Residence 326 East 21<sup>st</sup> Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Let the Deft be  
bailed in the  
sum of (\$500)  
Twenty five hundred  
Dollars  
George P. Anderson,  
Deputy Sheriff.

114  
1917  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Sarah Paul  
367 West 5<sup>th</sup> St  
William Flynn

See Report of N. Y. S. P. U.  
for information about defendant  
filed with these papers, If lost,  
notify the Society at once.

Offence  
F. Flynn

Dated Dec 5 1888  
Patterson Magistrate.

Starkman Officer.  
Precinct.

Witnesses  
M. T. Paul  
No. 347 West 19<sup>th</sup> Street.

Jacob. Can Chief  
No. 201 West 14<sup>th</sup> Street.  
DEC 9 1888

F. G. Barkley, No. 900 E. 123<sup>d</sup> Street.

\$ 5000 to answer  
DEC 11 1888  
Comd

0802

2

returned back to them. What followed appears in the evidence.

EVIDENCE FOR THE PEOPLE.

SARAH EARL. - Is 15 years of age and resides at 337 West 52 Street. Father's name is William T. Earl, who has been married a second time. Witness's mother is dead. Witness knows the prisoner. Was introduced to him by Mrs. Clara Van Cleef at the latter's house, previous to the occurrence in question. She sometimes saw him subsequent to that introduction but never accompanied him anywhere. On or about June 25th, 1888, the employees of Bent's Piano Works held a pic-nic at Lion Park, 109th and 110th Streets near 8th Avenue, and witness went there with the Van Cleefs. There saw the prisoner, who after dancing with her during the evening induced her to go to the vacant lot outside of Lion Park to the north-eastward and there had sexual intercourse with her. Witness never before had sexual intercourse with any man, and never since. Witness said nothing to her friends about the occurrence from shame. Recently she has complained occasionally of sickness, and finds that she is now pregnant as the result of the connection, and her condition was not noticeable until quite recently, when she admitted the occurrence to Mrs. Dunn. Witness was taken to Dr. Maloney, 300 West 42nd Street, and examined by him. Then the present complaint was preferred.

WILLIAM T. EARL. - Is father of Sarah. She was born February 21, 1873, as appears by the Baptismal Register of St. Chrysostom's Chapel, Trinity Parish (See copy Certificate of Baptism annexed). Sarah's mother is now dead and witness has married a second time.

0803

5  
3

REV. THOMAS HENRY SILL. - Is Rector of St. Chrysostom's Chapel 7th Avenue corner 32th Street. Will produce the Parochial Register, shewing the birth of Sarah Earl, February 21, 1873.

CLARA VAN CLEEF. - Is wife of Jacob Van Cleef. Has known Sarah for a number of years and also the prisoner. Introduced the prisoner to Sarah previous to the occurrence in question. Sarah was present at the pic-nic together with Mr. Van Cleef her husband and also Mrs. Dunn. Witness remembers distinctly seeing prisoner dance with Sarah, and then for some time they were missing, and after hunting for them through the park without being able to find them, later saw Sarah and the prisoner return to the pic-nic in company.

MRS. JANE DUNN. - Resides at 307 West 52 Street. Knew Sarah's mother and was a warm personal friend of hers. Remembers Sarah's going to the pic-nic and also her disappearing, and that witness in company with Mr. and Mrs. Van Cleef made a search for her and was unable to find her. After considerable time had elapsed Sarah made her appearance again in company with the prisoner.

DR. MALONEY. - Is a practicing physician in New York City, residing at 360 West 42 Street. Made a physical examination of the person of Sarah Earl on December 1, 1883, and found that she was pregnant.



0804

**N. Y. GENERAL SESSIONS**

**THE PEOPLE**

**AGAINST**

*William E. Flynn*

PENAL CODE, <sup>25</sup>

**BRIEF FOR THE PEOPLE.**

0805

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*William R. Fugate*

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

*William R. Fugate*

of the CRIME OF ABDUCTION, committed as follows:

The said *William R. Fugate*.

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

*29th* day of *June* in the year of our Lord one

thousand eight hundred and eighty-*eight*, at the City and County aforesaid, did

feloniously take, receive, harbor, employ and use one *Sarah Kaid*,

who was then and there a female under the age of sixteen years. to wit: of the age of

*fifteen* years, for the purpose of sexual intercourse, he, the

said *William R. Fugate*, not being then and there

the husband of the said *Sarah Kaid*.

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.

0806

**BOX:**

336

**FOLDER:**

3181

**DESCRIPTION:**

Folan, Thomas

**DATE:**

01/24/89



3181

0807

WITNESSES:

James A. Brown

259

Counsel,

Filed

day of

1889

Pleads

THE PEOPLE,

vs.

Thomas J. Solan

July 25/89

Sent to the Court of Appeals  
Reopened the case and  
of Counsel for the defendant

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and  
page 1089, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Her Woodley  
Foreman

0808

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas F. Dolan*

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

*Thomas F. Dolan*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

*Thomas F. Dolan*

late of the City of New York, in the County of New York aforesaid, on the *twenty-third* day of *December* in the year of our Lord one thousand eight hundred and eighty-*eight*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

*James A. Sloan*

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

*Thomas F. Dolan*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Thomas F. Dolan*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.



0809

**BOX:**

336

**FOLDER:**

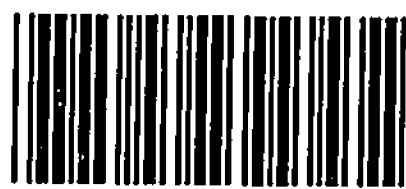
3181

**DESCRIPTION:**

Foley, Jeremiah

**DATE:**

01/28/89



3181

08 10

Witnesses;

*John J. Moran*

3157 *Interpreted a*

Counsel,

Filed

day of

1889

Pleads,

*Not guilty.*

THE PEOPLE

*Indand vs. my P  
Bry in  
Jeremiah Foley.  
putting*

*Burglary in the 1st degree,  
Baltimore, Md. & County*

[Section 497, 528, 530 & 532 & 533]

JOHN R. FELLOWS,

*Pr day 30 District Attorney.*

*Pleads. Bury 30  
Elmira 10/12*

A True Bill.

*P.B.M.*

*Wm B. Worley*

Foreman.

0811

Police Court—

District.

City and County  
of New York,

ss.:

of No.

41. West 6<sup>th</sup> Street, aged 32 years,

occupation

Janitor being duly sworn

deposes and says, that the premises No. 41. West 6<sup>th</sup> Street, 22 Ward

in the City and County aforesaid the said being a Brick House

and which was occupied by deponent as a Dwelling

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

were BURGLARIOUSLY entered by means of forcibly

Opening a  
door leading from the W.C. to the  
premises and then forcibly opening  
the door leading from the hallway  
to deponent's premises  
on the 9<sup>th</sup> day of January 1889 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

A Quantity of Clothing of  
Clothing of the Value of 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

for the reasons following, to wit:

That at or about the  
hour of 11 O'clock P.M. on ~~the~~  
the 8<sup>th</sup> day of January 1889 deponent  
secretly left his dwelling premises  
and retired to bed. That at or  
about the hour of 230 A.M. on the  
9<sup>th</sup> day of January 1889 deponent  
was awakened and found the  
said Mary in deponent's premises

0812

and discovered that the said  
property had been feloniously  
taken stolen from Carroll Perry,  
Superintendent of the Prison, that  
the said John May, he held to  
answer the same

Given before me John J. Horan  
this 9<sup>th</sup> day of January 1889

Wm. H. H. H.  
Police Justice

Dated 1888 Police Justice.

guilty of the offence mentioned, I order he to be discharged.

There being no sufficient cause to believe the within named

Dated 1888 Police Justice.

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated 1888 Police Justice.

of the City of New York, until he give such bail.

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

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

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, District.

THE PEOPLE, &c.,  
on the complaint of

vs.

1  
2  
3  
4

Offence—BURGLARY.

Dated 1888

Magistrate.

Officer.

Clerk.

Witness.

No. Street.

No. Street.

No. Street.

\$ to answer General Sessions.

08 13

Sec. 108-200.

✓ District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer. *Jeremiah Foley*

Question. How old are you?

Answer. *19 Years -*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *At Home*

Question. What is your business or profession?

Answer. *Waiter*

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

Answer. *I am guilty of the*  
*Charge*

*Jay Foley*

Taken before me this

day of *August* 188*9*

*Police Justice*



08 14

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

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

Dated January 9 1889.....M. A. Burke Police Justice.

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

Dated.....188.....Police Justice.

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

Dated.....188.....Police Justice.

5180

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Street

Street

Street

Street

Police Court--- District.

815

55

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Office

2

3

4

Dated

188

Magistrate.

Officer.

Precinct.

Witness.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

JAN 10 1888

RECEIVED

08 16

815 55  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John J. Horan -*  
*41 West 9th*  
*Jeremiah Foley*

*Offence*  
*Drugging*

BAILED,

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

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

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

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

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

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

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

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

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated *January 9* 188*9*

*W. E. McDaniel* Magistrate.

*McDaniel* Officer.

*22* Precinct.

Witness *Thomas Horan -*

No. *H. West 61st* Street.

*Peter M. McDaniel*

No. *22 Precinct* Street.

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

\$ *2000*

JAN 10 1889

*Qu*

08 17

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Jeremiah Foley.*

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

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

The said

*Jeremiah Foley*

late of the *twenty-second* Ward of the City of New York, in the County of New York  
aforesaid, on the *ninth* day of *January*, in the year  
of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, about the  
hour of *two* o'clock in the *night* time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one

*John J. Horan*

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

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

*John J. Horan*

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,

08 18

SECOND COUNT—

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

of the CRIME OF *Jeremiah Foley* *Grand LARCENY in the first degree* committed as follows:

The said *Jeremiah Foley*

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,

*divers articles of personal clothing and apparel, of a  
number, kind and description to the Grand Jury afore-  
said unknown, of the value of fifty dollars.*

of the goods, chattels and personal property of one *John J. Horan*

in the dwelling house of the said *John J. Horan*

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.



08 19

THIRD COUNT—

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

*Jeremiah Foley*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*Jeremiah Foley*

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, *divers articles of personal dothing and apparel, of a number, kind and description to the Grand Jury aforesaid unknown, of the value of fifty dollars*

of the goods, chattels and personal property of one *John J. Horan*

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

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

*Foley*

*Jeremiah*

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.

0820

**BOX:**

336

**FOLDER:**

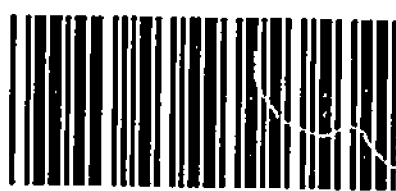
3181

**DESCRIPTION:**

Foran, William

**DATE:**

01/09/89



3181

Witnesses:

Allen Barnes  
Officer 7 Broadway

1046

Counsel, J. B. Bay  
Filed day of Aug 1889.  
Pleads, ~~xxxxxx~~

THE PEOPLE

B. J. Bay  
vs.  
P.

William Soran  
See Report of N. Y. S. P. C. Q.  
for information about defendant  
filed with these papers, If lost,  
notify the Society at once.

Grand Larceny, Second Degree.  
(From the Person.)  
[Sections 528, 53 / Penal Code]

JOHN R. FELLOWS,

District Attorney.

732 Aug 10/89

Pleads 7/2

A True Bill. Cath. J. White

R.B.M.

Thos. J. Worthington

Foreman.

0021

0822

Court of General Sessions.

People v. 18

William Fraw

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23D STREET,

New York, Dec 24 1887

CASE NO. 39015 OFFICER Det. M. Mulvey  
DATE OF ARREST Dec 19/87  
CHARGE Larceny from Person

AGE OF CHILD Thirteen  
RELIGION Catholic  
FATHER William Fraw  
MOTHER Kate Fraw  
RESIDENCE 22 Nubank

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

Boy  
was arrested on complaint of  
Mother April 9/87 for Larceny Dec  
discharged April 10/87

was arrested Dec 9/87 when employed  
as @ messenger for Larceny  
dismissed by Grand Jury  
Dec 14/87

was arrested June 4/88 for Larceny  
discharged in Special Session  
June 19/88

All which is respectfully submitted,

Wm. J. Terry  
President

To  
The Dist Atty.

0023

Bank of America

People R  
H.

William H. H.

Place any form  
PENAL CODE §

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,  
President, &c.,

100 East 23d Street,

NEW YORK CITY.

I



0824

Police Court— District.

Affidavit—Larceny.

City and County } ss.:  
of New York,of No. 362 E. 121<sup>st</sup> Street, aged 19 years,occupation Saleslady being duly sworndeposes and says, that on the 19<sup>th</sup> day of December 1888 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 leather pocket book of the  
value of one + 7/100 dollars containing  
gold and lawful money of the  
United States to the amount of two  
+ 7/100 dollars. Together of the value of  
four + 46/100 dollars.

(\$4.46)

the property of Deponent.

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by William Foran (now here)

from the fact that at about the hour  
of 1.30 O'clock P.M. said date deponent  
was walking on West 14<sup>th</sup> St. going to her  
lunch and at that time deponent had  
said pocket book containing said sum  
of money in the right hand pocket  
of her coat. When deponent felt some  
person remove said pocket book from  
her pocket and on looking around  
deponent saw the said defendant in  
the act of running away.

Deponent is informed by Thomas  
Mullery a Detective attached to the  
Central Office Police that he caught

Sworn to before me this  
1888

Police Justice



0826

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas Mulvey*  
aged \_\_\_\_\_ years, occupation *Detective* of No. \_\_\_\_\_

*Pos Mulvey* — Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *Lillie Berinas*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this *19*  
day of *Dec* 188*8* *Thomas Mulvey*

*J. Henry Bond*  
Police Justice.

0827

Sec. 100-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

*William Foran*

Question. How old are you?

Answer.

*13 years old*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*22 Hubert St. 5 Mr*

Question. What is your business or profession?

Answer.

*School boy*

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*  
*Willie Foran*

Taken before me this

day of

188

*W. M. Murphy*

Police Justice



0828

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.....

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

Dated Dec 19 188 L. J. Kennedy Police Justice.

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

Dated.....188.....Police Justice.

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

Dated.....188.....Police Justice.



0829

Police Court--- 2 1960 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Lilli Pennas  
362 - East 121 St  
William Foran

See Report of N. Y. S. P. C. C.  
for information about defendant  
filed with these papers; If lost,  
notify the Society at once.

Offence  
Larceny  
Larceny

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Dec 19 188

Magistrate.

Officer.

Precinct.

Witnesses

No. Charles R. Elmer

No. Street.

No. Street.

\$ to answer

RECEIVED  
DEC 20 188  
Person

0830

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Foran*

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

The said

*William Foran*

late of the City of New York, in the County of New York aforesaid, on the *nineteenth*  
day of *December* in the year of our Lord one thousand eight hundred and  
eighty-*eight*, in the *day* time of the said day, at the City and County  
aforesaid, with force and arms,

*one* promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as  
United States Treasury notes), of the denomination and value of *two* dollars; *one*  
promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes),  
of the denomination and value of *two* dollars; *one* United States Silver  
Certificate of the denomination and value of *two* dollars; *one* United States  
Gold Certificate of the denomination and value of *two* dollars;

*two* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as  
United States Treasury notes), of the denomination and value of *one* dollar each; *two*  
promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes),  
of the denomination and value of *one* dollar each; *two* United States Silver  
Certificate of the denomination and value of *one* dollar each; *two* United States  
Gold Certificate of the denomination and value of *one* dollar each; *divers coins*

*of a number, kind and denomination to the*  
*Grand Jury aforesaid unknown of the*  
*value of two dollars and seventy-one cents*  
*and one Pocket-book of the value of one*  
*dollar and seventy-five cents*

of the goods, chattels and personal property of one *Lillie Bermas*  
on the person of the said *Lillie Bermas*  
then and there being found, from the person of the said *Lillie Bermas*  
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.*

0031

**BOX:**

336

**FOLDER:**

3181

**DESCRIPTION:**

Ford, Joseph

**DATE:**

01/11/89



3181

Miss Charles Weston  
John King  
Miss Weston  
Annex Allen

Filed 11 day of Aug 1889.

vs.

**MURDER IN THE FIRST DEGREE,**

(Section 183, Penal Code.)

D. H.  
Prof Ford

JOHN R. FELLOWS.

*District Attorney.*

# A True Bill.

*Herrn Dr. Boelen*  
*Lanz 16/79.* Foreman.  
*Kasseler Handelsgericht des*  
*20. Apr. 1879.*  
*Ganz 23/79.*

0032



0833

## STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

## AN INQUISITION,

Taken at the house of Coroner's Office

No. 67 Park Row Street in the 4th Ward of the City of New York, in the County of New York, this 26 day of December in the year of our Lord one thousand eight hundred and 88 before

Derdinand Picman Coroner,  
of the City and County aforesaid, on view of the Body of Nellie O'Connor  
lying dead at

Twelve 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 Nellie O'Connor came to her death, do

upon their Oaths and Affirmations, say: That the said Nellie O'Connor came to her death by

Shock from Pistol shot wounds of Left Lung and Left Arm and Internal Hemorrhage, said wounds having been inflicted with a pistol in the hands of Joseph Ford at 111-4th Ave. on December 13/88 between 6 &amp; 7 P.M.

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.

Samuel Brown 275 3<sup>rd</sup> St.  
 E.R. Thomas 1239 West 11<sup>th</sup> St.  
 J. J. Schenck 312 6<sup>th</sup> St.  
 Carl Schenck 349 E. 14<sup>th</sup>  
 Daniel Cotten, 417 Pearl St.  
 Chas. J. Bickmann 285-1<sup>st</sup> Ave.

Leopold Barth 84<sup>th</sup> St.  
 A. P. Clarke 322 E. 15<sup>th</sup>  
 Mr. J. Roth 1498 3<sup>rd</sup> Ave.  
 J. J. Hammer 227 3<sup>rd</sup> Ave.  
 Max Salmon 123 First Ave.  
 J. J. Gorenthal 163 1<sup>st</sup> Ave.

Derdinand Picman

CORONER, N. Y.



0834

## TESTIMONY.

Gustav Scholer M. D., being duly sworn, says:  
 I have made an Autopsy of the body of  
Nelly Barry now lying dead at  
Morgue and from such Autopsy  
 and history of the case, as per testimony, I am of opinion the cause of  
 death is Shock from Pistol shot Wounds  
Internal haemorrhage

AutopsyGustav Scholer M. D.

Rigor mortis marked  
 Body well nourished

Morgue, Dec. 14<sup>th</sup>  
 1888 3<sup>30</sup> p. m.

Inspection: Echy mosis of both eyes. Echy mosis on right thigh.  
 1. Bullet Wound at anterior surface of left arm about  
 3 inches below elbow joint, course inward. Bullet

Autopsy: found on inner side underneath the integument

2. Bullet Wound through middle of left Deltoid  
 about 2 1/2 inches below the acromion process, course  
 inward, downward, bullet lodged in the left lung

3. Bullet Wound about 2 inches below the left axilla  
 passing into the pectoralis structure, glanced off  
 on the 4<sup>th</sup> rib and lodged in the left mammary.

4. Bullet Wound betw. 6. & 7. rib on left side about 3  
 inches from spinal column, course inward  
 and upward penetrating stomach, Diaphragm  
 and lodged in the lower lobe of left lung at the  
 Pleura, anterior surface. Profuse haemorrhage.

Heart: normal.

Liver: normal.

Kidneys: normal.

Sworn to before me,

Gustav Scholer M.D.

this

day of

188

Andersson Oidman

CORONER.

0835

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
26 Years — Months — Days	Canada	Monroe	Dec. 14. 1898

Testimony  
14. Dec.

26 or 10 min

F. E.

MC

SP. 828

Atty. Gen.

1898

AN INQUISTION

On the VIEW of the BODY of

John Barry

or Edward

whereby it is found that he came to  
his death by

Shots from

his bot- shot wounds

through left lung (3)

through " arm (1)

Abuse

Traces taken on the

day

of

1898 before

FERDINAND EIDMAN, CORONER.

828

01

0836

TESTIMONY.

*Remarks*

Bullet No. 1 must have been fired from nearly  
as the arm showed Powder-marks very distinctly  
fracturing the Radius near joint at elbow  
Bullet No. 2 must have been fired from a  
distance as it glanced off from the ribs  
near the sternum penetrating the soft  
structures and lodging in the left breast

Sworn to before me,

this day of 188  
*Andriana Cideman* CORONER.

0837

**Coroner's Office,**

CITY AND COUNTY }  
OF NEW YORK, } ss.

Joseph Ford 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—Joseph Ford

Question—How old are you?

Answer—34 years

Question—Where were you born?

Answer—New York

Question—Where do you live?

Answer—23 Lexington Ave 339 E 111 St

Question—What is your occupation?

Answer—Clerk.

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

By advice of Counsel I have nothing to say at present.

Joseph Ford

Taken before me, this 26 day of December 1888

Frederick A. Green

CORONER.

0838

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
26 Years. - Months - Days.	Canada	Marquette fr. Mill Creek.	Dec. 14/88.

416. Aug 828 1888.

**HOMICIDE.**

**AN INQUISITION** 1914

On the VIEW of the BODY of

Melle Connor

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

Joseph Jord

Request taken on the 26 day  
of December 1888  
before

Justine Connor Coroner.

Committed

Quitted

Discharged

Date of death

RECEIVED  
1888  
DISTRICT



0039

4th. Regt. 828 1888.

HOMICIDE.

AN INQUISITION 1974

On the VIEW of the BODY of

Nellie O'Connor

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

Joseph Ford,

Inquest taken on the 26 day  
of December 1888  
before

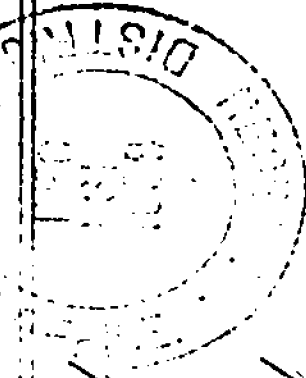
Ferdinand Edwards, Coroner.

Committed

Boiled

Discharged

Date of death



MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE When Reported.
------	--------------------	--------------	------------------------

26 Years. - Months - Days.

Canada

Weyburn

Dec. 14/88

Trillium Creek.

0040

(1)

Coroner's Inquest in the Matter of Nelly Barry alias  
Nelly O'Connor. Before Coroner Eidman. *and a Jury*

Dec. 26th 1888.

OFFICER JOHN J. HALL having been duly sworn, testified:-

By CORONER EIDMAN:-

Q You are a police officer?

A Yes, sir.

Q What precinct are you attached to?

A The 14th precinct.

Q On the day in question December 13th, did you make an  
arrest?

A No, sir.

Q Or were you apprized of any occurrence that took place?

A Yes, sir.

Q State what it was, how, when and where it happened?

A Standing on the corner of 11th Street and Fourth Avenue  
with my side partner Officer Charles Neitner some private  
citizens called our attention to some one shot at 111 4th  
Avenue. We immediately, without taking notice of the  
persons who notified us, entered that house, and right  
at the head of the stairs one flight up where the bath-  
room was, lying in the bath room, was the dying woman,  
Nelly O'Connor.

Q What time was that?

0841

(2)

A Between half past six and seven, the exact time I didn't notice, after six o'clock in the evening P. M. So we asked who did it, and some one said that the husband of Mrs. King did it.

Q Who said that?

A There were four women there at the time, I think it was the landlady said that.

Q What is the landlady's name?

A Mrs. Allen. So she was on the stairs in house dress, crying and apparently somewhat under the influence of liquor, Mrs. King, and we asked her where he was. She says he has went out. We made search from the top of the house to the bottom and saw nobody, then we took her and held her as a witness, and my side partner took possession of the dying woman. She denied seeing it, saying that she was in the room, her and some one else, didn't mention no name, and wouldn't tell it at the time, and she was ~~pulling the~~ closing the shutters, closing down the window, when she heard the shots.

Q Mrs. Allen?

A No, Mrs. King. That was all she knew about it. So after putting her in the place with Officer Mcitner along side with the dying woman I ran after the ambulance, which was there in less than ten minutes.

Q She was conveyed to the Bellevue Hospital?

A Yes, sir. So we cut the waist down off the woman and

(3)

found to our knowledge only three wounds, but one was found in the Hospital afterwards. One was in the left side, the other was in the left arm, and the other was I think in the shoulder. I am not sure where the third was. We didn't find any pistol. So the ambulance conveyed her to the Hospital. We brought this witness to the station house, the only witness who was in the room during the shooting so far as we could find out.

Q Mrs. King?

A Mrs. King.

By Mr. DUFFY:

Q Officer, you didn't see this occurrence yourself?

A Didn't see it at all.

Q The person who declared that Ford shot the deceased woman was the landlady Mrs. Allen?

A Yes, she says it was your wretched husband, pointing to Mrs. King.

Q When you accused the woman King of having seen it, she declared that she did not?

A She declared that she did not, but she acknowledged being in the room. Her back was turned, pulling in the shutters and letting down the window.

0043

(4)

OFFICER CHARLES NEITNER having been duly sworn, testified:

By CORONER EIDMAN:-

Q You are a police officer?

A Yes, sir.

Q Attached to the 14th Precinct?

A Yes, sir.

Q On the day in question on December 13th between the hours of six and seven P. M. was your attention called to an occurrence on Fourth Avenue?

A Yes, sir.

Q How was it?

A We were standing on the corner and somebody came running up and said we were wanted, thought there was somebody shot over the cigar store/

Q What is the number of the house?

A 111 I think.

Q What corner did you stand?

A Southeast corner of 11th Street and 4th Avenue.

Q Whocalled your attention first?

A Some citizens who came along.

Q Did you go over there?

A We went right upstairs.

Q What did you find?

A We saw the woman lying in the bath room. Somebody says she was shot. Asked who done it. Mrs. Allen said Joe.



0044

(5)

Ford done it. That was Nelly King's husband. We went up through the house, looking to see if he was there, and Mrs. King said he was gone out. So we came down again and I ~~took--the--~~ took and cut the waist off her.

Q Mrs. Allen told you that Ford shot her?

A She explained that, she didn't tell me.

Q To whom did she say it?

A Officer Hall and myself.

Q She said to both of you that Ford shot the woman?

A Yes, sir.

Q Proceed.

A Then Officer Hall went and got an ambulance. There were four or five women standing around there. We took Mrs. King and Mr. Barry to the station house.

BY Mr. DUFFY:

Q When you spoke to Mrs. King about the whereabouts of Ford, she told you and your brother officer that she was in the room but she didn't see it?

A Yes, she said she was looking out of the window.

Mrs. Julia King having been duly sworn, testified:-

BY CORONER EIDMAN:-

Q Where do you reside?

A I am at the House of Detention at present.

Q Where did you reside at the time of this occurrence?

A 111 Fourth Avenue.

Q Were you in your premises on the 13th day of December last between the hours of six and seven P. M.?

A Yes, sir.

Q State to the jurors what occurred?

A I was in my room, and Mr. Ford had been out during the afternoon, and he came home between five and <sup>six</sup> ~~two~~ o'clock, not up to the very moment of the time, and he was under the influence of liquor. This woman, Nelly O'Connor, known as Nelly Barry, she was up and down from her room to my room all the day long, in fact the whole week, and she was under the influence of liquor also.

Q Both were?

A She not so much as Joe was. After Joe got in the room he asked me to go and get some beer. My pitcher being a glass pitcher I didn't want to use it, you could see what it contained, I asked her, she loaned me her stone pitcher, and finally I came back and asked her to have some beer, and she said she didn't care for it, she would rather have whiskey. That is what she generally

0846

(7)

drank. So Joe said, we will drink this and get some whiskey for Mrs. Barry. We didn't drink it all, poured some out, I got some more, and she went up to her room and as I came back with the drinks I knocked at her door and told her I had the whiskey. Then she came and we drank, beer and whiskey, made two drinks out of it. I asked her if she would get Mr. Barry's supper. No, she said, he gave her a pair of black eyes and she didn't intend to do anything but drink the whole week. So I said, I was going out the evening and if anybody comes we wouldn't be there. Finally, she went down stairs and I went downstairs with her, I met the landlady and told her if anybody called, to say we had gone to Philadelphia or else say we had moved. Then I told this woman we were going out, so that she wouldn't come up any more, because Joe said I don't want her company and the less you have to say to her the better for yourself. Finally I told her we were going out and she didn't say any more. Towards evening a friend of mine called, Mrs. Miller, and I <sup>thought</sup> ~~think~~ I saw her downstairs, and Joe said lock the door, we are out to everybody. So Mrs. Miller passed some remark, <sup>Mr.</sup> Mrs. Barry told me afterwards, she saw the light at the window. Mrs. Miller knocked at the door. I didn't answer at first. And then she said, it is me, Mrs. Miller, and she came in and Mrs. Barry came up.

(8)

Then I saw Joe look angry. And she must have had more drink downstairs, because she was worse than she had been before. She went on talking and Joe said, are you up here again. She said I thought you were going out. She said I came up to see your wife, Mrs. Miller, said every-time I come over there is always a quarrel of some kind. And she went out. Joe sat on the bed and I sat along side of him. Mrs. Barry turned around and she had the pitcher and she commenced spitting at him and calling him some vile names, some names that a person would not stand. She let one big spit in his face, I saw him wipe the spit off with his handkerchief, right into his face, called him a son of a b - and a cowardly cur and so and so master and all those words, and moved the pitcher at him. Joe said, I want you to keep still and get out of here. And she told him he wasn't big enough to put her out. So I turned around to the woman, using a slang phrase, I said you make me tired.

Q In what room was this?

A That occurred in room 5, the room we occupied, my room.

After I passed that remark to the woman I turned toward the window, had those white wooden shutters on the inside and to close them I would have to use a sort of a little lock, I had just locked the bottom shutter and just was reaching for the upper one when I heard those shots,

0848

(9)

I  
and I turned my head quick and said, oh, my God, what is the matter. The door was open and there was nobody in the room but myself. I just merely heard the reports and I thought they were on the stairs. It was quick.

Q Just explain what you were doing when the shots were fired?

A I made an attempt to close the shutters, I was looking out, but I had the lower one shut, I was just reaching up to go at the upper shutter when I heard the report of the pistol. I turned around and there was not a soul in the room.

Q You know you are under oath?

A I am under oath and am telling the truth.

Q You understand the importance of an oath?

A And I understand the importance of an oath, too.

Q You saw nobody?

A Nobody in the room. I ran down the stairs as quick as I could and I heard this woman moaning all the way down. She got to the foot of the stairs and I heard the crash of this stone pitcher and she just fell across the bathroom door, and the pitcher was in pieces. And I said, oh my God, Nelly, what is the matter, have you cut yourself? And her mouth was bleeding, I said let me see where you are hurt. I felt weak then with what I had seen and I ran to room No. 1 and asked the lady to give me a lamp,



(10)

because the lamp in the hall had a red globe on it and we couldn't see very well upstairs. Some one came with a lamp, I don't know who it was, then all the women in the house, I guess mostly all, rushed down the stairs. Then the first thing I knew the landlady had gone for an officer or an ambulance or something.

By a JUROR:-

Q How many were in the room at the time you were closing the shutters?

A This Nelly O'Conner, Mr Ford and I.

Q Three?

A Yes, sir.

Q Were they in the room when you went to shut the blinds?

A Yes, sir.

Q How long were you up there at the window?

A I can't exactly mention the time, but as long as to close the lower shutter and then to reach for the upper one.

Q Were you there one minute?

A It may have been one minute, I don't know.

Q You didn't hear them go out?

A No, sir, the door was partly open so I couldn't hear them go out very well.

By Mr. DUFFY:-

Q You testified that the first time that ~~the~~ Miss O'Conner came in your room that she wanted whiskey.

0850

(11)

A Yes, sir.

Q And did Mr. Ford at that time pay for that whiskey for her?

A ~~She~~ <sup>He</sup> paid for all the whiskey.

Q Well, the whiskey she drank at that time?

A Yes, sir.

Q And they were then apparently on friendly terms?

A Not exactly on friendly terms, you ~~might~~ <sup>can't</sup> consider it so, he didn't want to insult the woman by telling her to go out, and he thought I would afterwards.

Q And he bought the bottle of whiskey for her?

A Yes, sir.

Q And there was no quarreling at that time?

A There was no quarrel at the time.

Q Now, this second time that she came into the room, just repeat the words she called Mr. Ford without any equivocation.

A Joe was sitting on the edge of the bed and I was sitting alongside of him.

Q Now, what did she do, everything she did.

A She had asked me for the stone pitcher and I poured out the beer from the stone pitcher into the glass pitcher, I gave it to her and said many thanks. We had intended moving and our trunks were ready packed to go. After I gave her the pitcher she gave sarcastic looks toward Joe and she said look at that cowardly cur what he is, and

then she said, you dirty son of a - and ~~again~~ began calling him other names and began spitting toward him. Just as far as the desk is from here she was from Joe.

Q Did she advance toward him when she was spitting at him?

A She would push over her head at him.

Q You said she made a motion with the stone pitcher?

A I thought every minute she was going to throw it.

Q Throw it at him?

A Yes, sir, I did really think so.

Q Mr Ford made no motion towards her as long as you were looking him?

A Not a thing, didn't make a move, only I saw him twice turn aside on the bed as much as to say I am tired looking at her.

Q And she advanced toward him when she was spitting at him?

A Yes, and I was afraid there would be some quarrel.

Q And from this motion of the pitcher you judged she was going to throw it at him?

A Yes, that is what I thought.

By the CORONER:-

Q Was there any hard feeling between you and the deceased woman?

A We were pleasant enough.

Q What do you mean by pleasant enough?

A I had only known the lady to speak to about two weeks be-

(13)

fore the thing happened, the lady had a furnished room in the house the same as I had.

Q How much whiskey was there drunk in your room?

A There was nobody drank any whiskey outside of her. She was whiskey drinking I believe all day, and downstairs with the woman she was drinking with.

Q How many pitchers of beer were there drunk?

A It was not all drunk.

Q How much did you get?

A There were three different quarts.

Q And a bottle of whiskey?

A Yes.

Q How many of you?

A There were three of us; nobody drank the whiskey but she.

Q Any kissing going on there at that particular hour?

A No, sir.

Q Now refresh your memory?

A No, sir, <sup>two</sup> kissing going on.

Q No kissing going on between the whole of you?

A No, sir, never made a note of that before.

Q You don't remember it?

A No, sir, it did not occur, never before any outsiders.

By Mr. DUFFY:-

Q In order to close the window ~~was~~ shutters you speak of,

(14)

it was necessary to turn your back to Mr. Ford and the deceased, was it?

A Yes, sir.

Q You heard the shots, did you?

A Yes, sir.

Q Were they fired very rapidly?

A Why just as quick as that, quicker than I can tell it.

By a JUROR:-

Q What was the first person you saw after you heard the shots fired?

A The woman that was shot.

Q No one else?

A Nobody else at first and for quite a while.

Q And where did you see her?

A I went downstairs when I heard her moaning and I heard the crash of the ~~pistol~~ <sup>pitcher</sup>, I said, my God, Nelly, what is the matter with you. I saw her mouth was bleeding and I wiped her mouth with a handkerchief.

Q You didn't see Mr. Ford or anybody else?

A No, sir, there wasn't a soul around until I knocked at this woman's door and asked for a lamp. Then it seemed as if everybody in the house ran out.

By the CORONER:-

Q What did the deceased say to you when you found her at the foot of the stairs?



0854

(15)

A She didn't say anything. When I asked her if she was hurt she just put her hand to her side.

Q Did you ask who hurt her?

A No, sir.

Q Did the deceased woman accuse you of being too fond of Mr. Ford at any time?

A Oh, she has often passed remarks, merely asked me if I thought - the same as women will speak, if I thought ~~is~~ *he* was true to me, and things like that.

Q Did you have an altercation with her before this occurrence?

A There was no quarrel between her and I, only I was down in her room one Sunday and she was under the influence of liquor as usual; and her husband said I hear you are a pretty good euchre player, and we played a game. There was another lady and I present. And she didn't seem to think anything of that.

Q Did Mr. Barry kiss you at that time?

A I went upstairs and Mr. Barry pulled me one side and kissed me on the side of the cheek. Then when she began telling me things about Joe, I said I don't think your husband is so perfect. She said, why not. I said he caught hold of me on the stairs and kissed me. She went back and accused him of it, and that is the reason he gave her the black eyes. She had to put the razors out

0855

(16)

of the window for fear he would cut her throat she said.  
Then she went upstairs and told Joe Mr. Barry had kissed  
me. Of course he didn't like that, he became angry.

0856

1

Mrs. JESSIE MILLER having been duly sworn, testified:

By CORONER EIDMAN:-

Q Where did you live at the time of this occurrence?

A 24 Avenue B.

Q Were you in the house known as 111 Fourth Avenue on the day in question December 13 between the hours of six and seven P. M.?

A Yes, sir.

Q Did you see this occurrence?

A No, sir, I did not.

Q Where were you at the time, in what part of the house?

A I was going down the stairs when I heard the shots.

Q On what floor were you?

A I think I was half way between the third and second floor.

Q You came toward the third floor?

A Yes, sir.

Q And you heard shots fired?

A Yes, sir.

Q How many shots did you hear fired?

A I really couldn't tell how many there were, they came so fast; I should judge three or four.

Q What did you do when you heard the shots fired?

A I got out of the house as quick as I could.

Q You ran out of the house?

0057

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A Yes, sir.

Q Didn't you stay to see what was the trouble?

A No, sir, I did not, for I am very much afraid of quarrels.

Q What brought you <sup>to</sup> ~~into~~ that house?

A I went to see Mrs. King to borrow some change of her.

Q Had you known Mrs. King any time?

A I got acquainted with Mrs. King I think last June, or her July, I am not sure; ~~my~~ sister lived in the house where I lived.

Q 24 Avenue B?

A No, sir, 36 First Street at that time I believe.

Q Then you merely went to that house for the purpose of borrowing some money?

A That is all.

Q And you were not in any room when this occurred?

A I was coming down from the third to the second floor.

Q In what room were you?

A No. 5.

Q To see Mrs. King?

A Yes, sir.

Q Do you know nothing of this occurrence at all?

A I know nothing any more than I heard the shots, and didn't know then that she was dead until the detective came.

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Q You say you ran out of the house forthwith when you heard the shots fired, didn't stay to see what the trouble was?

A No, sir. I heard them quarrel before that and I was going away.

Q Whom did you hear quarrel?

A I could hear Mrs. Barry's voice.

Q What occurred whilst you were in that room; any quarrel while you were in the room?

A While I was in the room the woman known as Mrs. Barry came into the room and asked for her pitcher. Mrs. King gave it to her, and then she began to tantalize the gentleman known as Mr. Ford, I really can't tell words that she said, I wasn't paying any attention to her, but I think I heard Mr. Ford tell her to shut up, I won't say for sure, but I think I heard him tell her to shut up, and I passed the remark, every time I come here there is always a quarrel, I will come some other time to see Julia. And I walked out of the place to start for home.

Q You know nothing of this occurrence?

A I know nothing at all, only just what was told after I was arrested.

BY Mr. DUFFY:

Q Where was Ford sitting?

A On the edge of the bed. I saw Mrs. King was sitting near



0859

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the foot of the bed, and he was sitting near the head of the bed.

Q And who commenced this quarrel?

A The woman Mrs. Barry.

Q The deceased?

A Yes, sir.

Q You say she was tantalizing him. Do you remember any word she said, did she call him a son of a *bitch*?

A She called him all names, I can't tell exactly.

Q Was that one of the words?

A Yes, sir, I think it was. I am a little hard of hearing and I can't tell sure.

Q Was her attitude threatening?

A Yes, sir, she had a large stone pitcher that stood about that high in her hand, and she was swinging it back and forth that way with a defying look in her face.

Q From the motion of her pitcher, did you judge she intended to fire it at Ford?

A That is the reason I got out of the house, I thought she was going to.

Q How large a pitcher was that?

A I should think it was that big around at the centre, small at the bottom.

Q And of what material was it made?

A Common stone ware.

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Q About that size, about a foot long?

A Yes, all that.

Q How much liquid would it hold; ~~two~~ <sup>two</sup> quarts?

A I should think two quarts or more.

C BY THE CORONER:-

Q And she threatened to hit him?

A She didn't threaten, but I thought from the motion and from her look that she was going to.

By Mr. DUFFY:-

Q And that is the reason you got out?

A That is the reason I got out.

C By the CORONER:-

Q When you were coming down the stairs from room 5 to the second floor, to the best of your knowledge Mr. Ford was still in the room at the time?

A Yes, sir, he was sitting on the bed when I went out of the room, and the bureau was like there, the bed over there.

Q How many all told were there in the room?

A There was Mr. Ford, Mrs. King, Mrs. Barry and myself.

Q Did you participate in the whiskey and beer?

A No, sir, I don't drink anything, beer or whiskey.

By a juror:-

Q Was this room on the third floor?

A Yes, sir, on the third floor.

Q And you say you were about half way down the stairs to the second floor when you heard the shots fired?

A As near as I can remember, yes, sir.

Q Did you see anybody come behind you?

A No, sir, I saw nobody before me or behind me. Everybody was in the rooms or outside. I saw no one in the hall.

By the CORONER:-

Q You heard the statement made on the part of Julia King when she heard the shots fired she turned about and the rooms were empty?

A Yes, sir, I heard that statement.

Q You heard no one coming after you when you heard the shots fired?

A Not that I can remember, no, sir. When I heard the shots I got excited.

By a JUROR:-

Q Was Mrs. King sitting on the bed when you went out of the door?

A I think she part raised herself and shook her finger at Mrs. Barry, I am not sure.

Q She was not trying to close the blinds?

A Not when I went out of the room. I had taken my shawl to throw it over my shoulders, and I heard them quarreling as I went down the stairs.

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Mrs. JENNIE L. ALLEN having been duly sworn, testified:

BY CORONER EIDMAN:-

Q Where do you live?

A 111 Fourth Avenue.

Q On the day in question, meaning December 13th between the hours of six and seven P. M., were you at your house?

A Yes, sir.

Q What room were you in at that time?

A At that time I was upstairs in room 7.

Q What floor is that located on?

A On the same floor with 5, two flights up from the street, I should call it second floor.

Q Now make a true statement to the jurors:

A I went into No. 7 to make a call on two ladies.

Q About what time?

A It was immediately after my own tea.

Q What time do you take tea?

A It was a little after six. I immediately left my own tea table and went upstairs to light a light on the top floor and to make a call in these ladies room No. 7. It is not directly opposite, but I have two houses, and Mrs. King's is this side, and you go through a doorway, and the door instead of opening this way opens that. The wall is outside their door. I went in there and sat down. Two ladies were taking their dinner. We were

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talking about cooking.

Q Who were the two ladies?

A Mrs. Mc.Gready and Miss French, ladies connected with the German Opera. We were talking about cooking when clap/ clap, clap, there was a pause between the first and the others, the other three went as quick as possible. I jumped up. Oh, I said what is that. They took me and they said you must not go out, it is somebody firing. Well, we were all frightened, we remained there trembling for probably two or three minutes. I ran to the window, opened it, looked up and down watching for an officer to ask him to ring the bell. My door opens with a door opener on the lower floor. Nobody came. We didn't hear a voice, not a sound. Neither did I hear a voice when I went up stairs. I went out. I said I must go and see what it is. No. 5 was wide open. There was nobody there. The light was low. I went down the stairs. You go down in that manner, then there is a turn. And I looked over, and Mrs. Barry was lying on her head on the sill of the bath room door, the floor rather. Mrs. Barry's head was here, and Mrs. King was there. I said, Oh dear, dear, Mrs. Barry, what is the matter. Mrs. King said, she has fell and cut herself with her pitcher. The jug was broken and thrown in that manner over by <sup>the</sup> sink, quite a little distance from Mrs.



0064

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Barry. I remember now, I didn't when I was making my statement, I said to her, no, it is your husband that has done it. She said why do you say that. I said he is the only man there is in the house. And he had had trouble the night previous with Mr Barry. I ran down stairs and the gentleman in the cigar store beckoned to me. I said pardon me, I have a woman shot, will you kindly tell me how to get an ambulance. He said certainly, I will call an ambulance. And I said to a man going by if you see an officer tell him there is a woman shot here. I remained at the door until I saw two officers and I beckoned to them and said hurry, hurry, there is a woman shot here. They went up. And the officers asked about Mr King and I said he has <sup>not</sup> gone out of the house since I have been here. They went up and I went after them. We went in every room and couldn't find him. A few minutes after that the ambulance came. The officers tried to get Mrs. Barry to tell who shot her. The woman seemed to be in an unconscious condition. Finally, after a great deal of exertion on the officers part and other peoples part she said Joe Ford, and lapsed immediately into unconsciousness and didn't speak again.

Q What did she say?

A Joe Ford. I stood three stairs up, my door was open.

Q Did you ask her any questions?

0065

(23)

A No, sir, the woman was in an unconscious condition.

Q Did you tell the officer that Mr. Ford shot the deceased?

A Well, I hear the officer said I did, and probably I did.

The Coroner: Mr. Officer, step forth here, Neitner. Do you remember your statement, officer, stating that Mrs. Allen said Ford shot the deceased? Do you remember that, still say it?

Officer Neitner: yes, she stood on the steps there and said, Mr. Ford, Mrs. King's husband.

A I may have said so; he was the only man in the house except a gentleman who has only one leg.

By Prisoner Ford:-

Q Wasn't Mr. Bevan in the house?

A I couldn't tell you.

By a JUROR:-

Q ~~You say you heard these shots-~~ Didn't I hear you say that Mrs. King's husband was in the room?

A He went by the name of Mr. King; Mr. Ford.

Q Then it is not Mr. King, it is Mr. Ford?

A Yes, sir:

Q And her name is Mrs. King?

A Yes, sir.

0055

(21)

BY Mr. DUFFY:-

Q You say you heard these shots fired. Were they fired very quickly?

A After the first one there was a pause, you can just say there was a pause and that is all.

Q Now, you didn't see the shooting, did you?

A Oh, my gracious, no.

Q And you were not in the room preceding the shooting?

A No, sir, I had not seen Mr. Ford since the afternoon.

Q And when you told the officers Mr. Ford shot him, it was simply because that was your impression from the circumstances?

A Yes, sir.

Q Who was present when you say that Nelly O'Connor said that Joe Ford shot her?

A There was everybody that was in the house.

Q Name the people.

A Well, Mrs. Mc.Cready and Miss French, Mrs. Mc.Gowan, and I think but I won't be positive Mrs. Law. I think the doctors were there, too.

Q Who asked the question?

A The officers.

By the CORONER:-

Q The officers asked the questions of the deceased?

A Yes, sir, this one.

0867

(23)

Q The tallest?

A Yes, sir.

The Coroner: Did you ask the deceased that question?

Officer Neitner: yes, sir, I asked who shot her.

The Coroner: What did she say?

Officer Neitner: She said Joe Ford.

The Coroner: Why didn't you make that statement when you were on the stand. I told you to make a truthful statement as to this whole occurrence.

By a JUROR:-

Q Mrs. Allen, you said there was a pause between the first and the other ~~shots~~ *shots*?

A Yes, sir.

Q In that pause if anybody was at the window going to close the shutters, would they have time to turn around and see who was in the room?

A I wouldn't like to say.

By another JUROR:-

Q Did you hear any swift running of steps when you were standing trombling in No. 7?

0068

A Not a movement.

(29)

Q I mean running downstairs.

A Not a movement. I was afraid when I opened the door I would find some one right out in the hall. The shots appeared to be fired in the hall.

By another JUROR:-

Q Could you hear anybody go downstairs when you were in room 7 if there was anybody?

A Yes, sir, had I been listening.

Q Could you ordinarily if you were in the room, if nothing happened?

A Not unless they made a noise, because the halls and rooms are carpeted, not oil cloth.

Q There is no crash on the carpet?

A No, sir, it is carpeted and padded.



0069

(30)

OFFICER CHARLES NEITNER re-called:

BY THE CORONER:

Q Now, officer, repeat to the jury the identical question you put to the deceased woman lying at the foot of the stairs at that time?

A I asked her who shot her

Q What reply did she make?

A She says Joe Ford.

Q Now, officer, state to the jury here why you did not make that statement before when you were on the stand here; the most essential part of your whole statement, you omitted to make; why did you do that?

A I didn't think it was necessary; I didn't know; I thought I would be asked about that.

0870

(31)

DEPOSITION of GUSTAV SCHOLER read as follows:

GUSTAV SCHOLER, M. D. being duly sworn, says: I made an autopsy of the body of Nelly Barry now lying dead at the Morgue, and from such autopsy and history of the case as per testimony I am of opinion the cause of death is shock from pistol shot wounds. Internal hemorrhage.

Gustav Scholer, M. D.

Autopsy.

Rigor mortis marked	"	Morgue December 14th,
	"	
Body well nourished	"	1888, 3.30 P. M.
	"	

Inspection - Echymosis      both eyes. Echymosis on  
&      right thigh.

Autopsy

1. Bullet wound at anterior surface of left arm about three inches below elbow joint, course inward. Bullet found on inner side underneath the integument.
2. Bullet wound through middle of left deltoid about ~~2 and~~ 2 1/2 inches below the ~~acromion~~ <sup>acromion</sup> process, course inward, downward, ~~inward~~ Bullet lodged in the left lung.
3. Bullet wound about 2 inches below the left axilla passing into the pectoralis structure, glanced off on the 4th rib and

0071

D

(32)

lodged in the left mamary.

4. Bullet wound between 6th and 7th rib on left side about 3 inches from spinal column, course inward and upward penetrating stomach, diaphragm, and lodged in the lower lobe of left lung at the pleura anterior surface. ~~Pro-~~Pro-fuse hemorrhage.

Heart. Normal.

Liver. Normal.

Kidneys. Normal.

Gustav Scholer, M. D.

(Remarks) (Bullet No. 1 must have been fired, from near by as the arm showed powder marks very distinctly, fracturing the radius near joint at elbow. Bullet No. 3 must have been fired from a distance as it glanced off from the ribs near the sternum penetrating the soft structures and lodging in the left breast)

0872

(33)

CHARGE.

Gentlemen of the Jury, it is for you to ascertain from the testimony adduced here if anybody is to be held responsible for this occurrence. You have heard the testimony on the part of the officers, you have heard the statements made on the part of Julia King, Mrs. Miller and Mrs. Allen. Mrs. King told you they were in the room drinking beer and whiskey when words arose between the deceased and Ford at the Bar here. She was attempting to close the shutters when she heard some shots fired. She turned about and saw nobody in the room. A minute or two after that she saw the deceased lying downstairs moaning and groaning. That is about the substance of her testimony. You have heard the testimony on the part of Mrs. Miller who stated she came to the premises 111 Fourth Avenue to borrow some money of Mrs. King who was a friend of hers. As to the real occurrence she does not know anything. She was in the room and she saw the deceased threaten to strike Joe Ford. That is about her statement that she made. Then you have the statement on the part of Mrs. Allen who is the landlady of the house. She hires the premises and sub-lets them from what we have learned. And she told you she was at room 7 shortly after her tea between the hours of six and seven and she heard some shots fired. She ran outside

0873

(34)  
after that and found the deceased lying at the foot of the stairs. And you have heard the statement of Officer Leitner recalled and he said to you when he came to the house he found the deceased lying at the foot of the stairs or in the bath-room, I forget which, he asked the question who did the shooting, and the answer came from the unfortunate that Joe Ford did it.

Now that is the testimony. It strikes me from the statements made here on the part of the witnesses, from all adduced here you cannot but find one verdict, you cannot do differently but find one verdict, that the deceased came to her death by pistol shot wounds in the house known as 111 Fourth Avenue on December 13 1888 between the hours of six and seven P. M. at the hands of Joe Ford. If that be your verdict I will have the Clerk so record it. If you think differently you may retire and frame one.

THE JURY, without retiring, rendered a verdict accordingly, that the deceased Nelly Barry alias O'Conner came to her death by pistol shot wounds in the house known as No. 111 Fourth Avenue on December 13 1888 between the hours six and seven P. M. at the hands of Joe Ford.



0874

Sec. 103-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer.

*Joseph Ford*

Question. How old are you?

Answer.

*34 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*339 E 11th St 5 years*

Question. What is your business or profession?

Answer.

*Clerk*

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 have nothing to say by  
advice of Counsel and waive  
Examination*

*Joseph Ford*

Taken before me this

day of

*Dec*

188

*1888*  
S. J. McLaughlin Police Justice.

0875

City of New York  
County of New York

John J. Hall of the 14th Precinct Police  
aged 25 years occupation Police officer  
being duly sworn says that on the about  
the hour of 6.30. P. M. on the night of  
the 13 day of December 1888 he was on  
duty on 4th Avenue and 11th Street

Deponent says that he was standing  
on the forward street corner in company  
with an officer named Charles Neitner  
when three men whose names are unknown  
came of up to them and stated that  
a woman was shot over the cigar store

Deponent says that he and said Neitner  
immediately ran to No 111 Fourth Avenue  
and went up stairs over the cigar store  
and found Nellie O'Connor the deceased  
lying in the Bath Room and there was  
assembled around her Jennie L Allen,  
Julia Oling and two other women whose  
names are unknown. Deponent says ~~that~~  
~~that~~ that said Neitner asked who  
shot her and one of the women said  
Mr Ford. That said Neitner asked  
where is he and said Julia Oling  
replied he ran away. Deponent says  
that he and Neitner made diligent  
search in said premises for said Joseph

0876

Ford and was unable to find him

Deponent says that he<sup>and</sup> Netter went back to where Nellie Connor was lying and said Netter cut the waist of said Nellie Connor's dress with a knife and discovered that she said Nellie Connor was shot in three places to wit: breast <sup>and</sup> arm

Deponent says that he ran to the Elwata Railroad Station corner of Third Avenue & 14th Street and gave the alarm there for an ambulance to come forthwith to No 111 Fourth Avenue

Deponent says that he ran back to 111 Fourth Avenue and the ambulance came in about ten minutes thereafter and ~~at~~ he assisted Netter, <sup>and another</sup> officer <sup>from</sup> the 15th Precinct and an attendant of the ambulance to carry said Nellie Connor to the ambulance

Sworn to before me

This 22 day of DEC 1888

Samuel H. Hall Police Justice

John J. Hall

0877

City & County of  
New York ss  
Edward A. Kelly M.D. of Bellevue  
Hospital being duly sworn deposes  
and says that on the 13 day of December  
1888 Mellic O'Connor the deceased was  
brought to said Hospital suffering  
from four pistol shot wounds one  
in the left forearm, one in the left  
shoulder one in the left arm pit  
& one in the left side of back and  
said Mellic O'Connor  
was delirious

Deponent says that said Mellic O.  
Connor died from said injuries in  
said Hospital at the hour of 11.50  
P.M. on the night of the 13 day of  
December 1888

Edward A. Kelly M.D.

Sworn to before me  
this 23 day of Dec 1888  
Sam'l C. Kelly Police Justice

0878

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

Joseph Ford

guilty thereof, I order that he be held to answer the same ~~and be committed 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 ~~is released~~ be legally discharged

Dated Dec 23 1888 Sanicillo Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.

There being no sufficient cause to believe the within named

guilty of the offence within mentioned, I order h to be discharged.

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.



0879

BAILED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Police Court---

1974 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Ford

Offence: Suicide

Dated DEC 22 1888

Daniel O'Reilly Magistrate.

Conrad E. Buckley Officer.

Precinct.

Witnesses John J. Hall Charles Vetter

Wm. H. Prunick Street.

R.P. Buckley Michael Cronley

W.P. Byrne & Mullany Street.

Joseph Mullins 24 Avenue B.

Julia O'Connell L. Allen

Committee of Petition

in default of which appear

Edward A. O'Reilly

Bellevue Hospital

0000

City & County of  
New York ss.

Thomas Wickley aged 39 years occupation  
Detective Sergt. being duly sworn says that  
he arrested Joseph Ford (murder) in the  
~~City of~~ Binghamton State of New  
York on December 19. 1888 and took  
him to the City and County of New  
York on the charge of causing the death  
of Nellie Connor of No 111 Fourth Avenue  
in said City. Deponent says that when  
said Joseph Ford was brought before  
Thomas Byrnes Chief Inspector of Police  
and said Inspector informed him of  
the charge and asked him what he  
had to say in regard to the same  
he said Joseph Ford acknowledged <sup>my</sup>  
confessed to said Inspector in the  
presence and hearing of deponent and  
Michael Grady another Detective Sergt  
that he shot said Nellie Connor  
the deceased and thought he was justified  
in so doing

Thomas Wickley

Sworn to before me

This 22 day of Dec 1888

James C. Hill Police Justice

0001

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

Jessie Mullie, of No. 24 Avenue  
B, age 39 years, Housekeeper,  
being duly sworn deposes and  
says: That on the 13<sup>th</sup> day  
of December, 1888 at the City  
of New York in the County of  
New York, she was in premises  
No. 111 Fourth Avenue where  
Nellie O'Connor, the deceased  
was shot. Deponent says that  
on the aforesaid night she  
rang the door bell of said  
premises 111 Fourth Avenue  
and Nellie O'Connor, the deceased  
opened the door and deponent  
accompanied said Nellie O'Connor  
the deceased to her room on the  
second floor. Deponent says that  
she went to said house to see  
Mrs. Julia King. Deponent says  
that said Nellie O'Connor the deceased  
said that it was unnecessary  
for deponent her to go up stairs  
as the King family has moved  
away. Deponent says to said Nellie  
O'Connor the deceased, Didnt they  
go a kind a sudden. The

0002

said Nellie replied that they had to go; the landlady had ordered them to move. Because ~~Nellie O'Connor, the deceased's~~ ~~reputed husband Joseph Ford~~ ~~had discharged a pistol four~~ ~~times at~~ ~~them~~

Joseph Ford, Julia King's reputed husband had discharged a pistol four times at Thomas Barry, the reputed husband of Nellie O'Connor, the deceased. Deponent did not believe the said statement and went up stairs to see for herself if the Kings had moved away. Deponent says she knocked at the door and Julia King unlocked the door and invited her in.

Deponent says that she asked said Julia King and Joseph Ford her reputed husband "if they were going crazy." Deponent says that before either of them replied said Nellie O'Connor, the deceased came into said room and asked Mrs Julia King for her beer pitcher and Julia gave

0003

the pitcher to her. That said Nellie O'Connor, the deceased then asked the said Julia if she Julia had <sup>informer</sup> deponed what occurred ~~on the~~ last evening I did not hear the answer as it was said in a low tone of voice. Deponent says that she heard the said Nellie O'Connor the deceased say to Joseph Ford that he Ford, should not shoot at a friend as he did not know how. Ford replied to said Nellie to "shut up". That said Nellie then laughed at said Ford Deponent thereupon left the room and while she was in the hallway she heard loud talking but could not understand what was said. Deponent says that that she had proceeded down these ③ or four ④ steps of the stairs she heard a pistol discharged these or four times and <sup>she, deponent</sup> hurried out of the house and went home

Mrs Gerrie Miller

Deponent depone me  
the 22<sup>nd</sup> December 1888  
Jas J. Kelly  
Deputy Sheriff



0004

CITY AND COUNTY }  
OF NEW YORK, } ss.

Michael Crowley  
aged 40 years, occupation Detective Surg 1- of No.

300 Mulberry Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Thomas Buckley

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

knowledge. in regard to the admission of said Joseph Ford

Sworn to before me, this 22 day of Dec 1888 Michael Crowley

Samuel B. Smith  
Police Justice.

0885

CITY AND COUNTY }  
OF NEW YORK, } ss.

Charles Neitner  
aged 24 years, occupation Police officer of No  
14 Prunch Place Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of John J Hall  
and that the facts stated therein ~~on information of deponent~~ are true of deponents' own  
knowledge.

Sworn to before me, this 23  
day of Dec 1888 } Charles Neitner

Sam J. C. Hall  
Police Justice.

0006

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, / DISTRICT.

Thomas Hickey

of No. 300 Mulberry Street, aged 40 years,  
occupation Detective Sergeant being duly sworn deposes and says,

that on the day of 188

at the City of New York, in the County of New York, Jesse Miller, Julia

Oliver & Jennie L Allen, are necessary and

material witnesses against Joseph Ford

charged with causing the death of Nellie

O'Connor. Deponent says that he has

reason to believe that they will have

trouble in finding them to appear and

testify against Joseph Ford and asks

that they give surety for their appearance

to testify

Thomas Hickey

Subscribed to before me, this

22

day

188

Police Justice,

0007

Witness,  
 Officer,  
 Magistrate,  
 Dated 188  
 AFFIDAVIT,  
 COMPLAINT OF  
 P. L. E., & c.  
 District.

Julia King being duly sworn  
 deposes and says,

I am a variety actress  
 and am now confined in the House  
 of detention, on the 13th day of December  
 1888; I resided at 111 Fourth Avenue  
 with Joseph Ford, as his mistress under  
 the name of Mrs. Mrs. King, and  
 occupied room number 5. Second  
 floor in said premises. That on said  
 day between the hours of 5 and 6 o'clock  
 P.M. the said Joseph Ford came to  
 the said room under the influence  
 of liquor, and that defendant then went  
 out and got a quart of beer in a  
 pitcher, and returned with the same  
 and both drank it, while defendant  
 and said Ford were drinking said  
 beer Nellie Barry known as Nellie  
 Connor came up stairs to said  
 room under the influence of liquor  
 when defendant offered said Nellie  
 some beer, when said Nellie replied  
 she didn't care for any beer, she

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would sooner hire some whiskey, when  
said Ford remarked to me, after we  
had drunk the beer you (meaning  
deponent) can go and get some whiskey  
for Mrs Perry (known as Nellie Brown)  
that said Nellie remained in said room  
talking awhile, and when she went  
down stairs to her room I went with  
her, to get her stone pitcher, and after  
getting it went for the beer and also got  
about half pint of whiskey, and on my  
return I knocked at her room door  
which was room no 3. and said to her  
come up stairs I have the whiskey, I  
went up stairs then and she came up  
a few minutes afterwards then Ford  
and I drank the beer and Nellie drank  
the whiskey, and she remained in  
my room for about 10 minutes, and  
then I asked her if she was not going  
to get Perry's supper. (meaning by  
Perry her husband, or gentleman friend)  
when she said no as long as he her  
husband or friend gave her the



0009

3  
black eyes she had she was not going  
to do anything but drink all that week.  
I told her Nellie go down stairs & fix up  
nice, and about the same time he will  
be sorry for what he done, & I will  
keep you fix up your rooms. because  
Joe (meaning Ford) is going out;  
& she went down stairs to her room  
and about Joe (meaning Ford) went out  
I came to her room, & helped her fix  
her room up. Joe (meaning Ford)  
returned between half past 5 & six o'clock  
that afternoon. & I went to my room  
and told the landlady if anybody  
calls for us to night (meaning me or  
Mr Ford) to let them we had moved.  
I then went to my room & remained  
there with Joe (meaning Ford) & Joe  
(meaning Ford) said go after some  
beer, I then went to Nellie's room  
(meaning Nellie O'Connor) to get her  
pitcher to get the beer in, & she was  
not in her room, but she was in  
room number (1) and I went to that

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4

room and she gave me the pitcher, and I got the beer and brought it up to my room, after I was in my room a short time I heard some talking in the hallway, and I recognized the voice of Mrs Miller, and I said how can somebody if I was in the house (meaning God) said to me lock the door, we are not at home to anybody; shortly after that somebody knocked at my door and I asked who it was and the reply came "Mrs Miller". I then said all right and opened the door, and Mrs Miller came in and I shut the door, and she remained there a few minutes when Mrs Barry (known as Nellie O'Connor) came up stairs to my room and came in, and said I thought you were going out, and I replied we are going out later, and I said to her we are having some more beer, will you have a glass and she said yes and took a glass of beer and she remained there talking while

then she asked me for her pitcher and I  
 gave it to her (Mr Joe (meaning Ford) sat on  
 the side of the bed, and I sat side of him  
 and she kept pinning the pitcher to me  
 for me to hear. (Mr she then said while  
 pinning said pitcher "doesn't he look like  
 "a cowardly cur" what he is", and he  
 looked at her, (Mr Mrs Miller who was  
 still in the room, went to the door  
 and said, every time I come in here  
 there is a quonell of some kind and  
 she opened the door and went out  
 leaving Nellie Barry (known as Nellie  
 O'Connor, myself Mr Joe (meaning  
 Ford) alone in the room. Mr I shook my  
 head at Nellie (meaning for her to  
 keep still) for I knew that Ford was  
 angry. (Mr he then said to her what do  
 you want up here anyhow, you are  
 here all the time, and she said I  
 don't come to see you, I come to see  
 your wife (meaning me). she then  
 called him a son of a bitch, a sucker  
 and other vile names, and spit

0892

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at him also spitting in his face, I then  
said to her "you are all over it". I then  
turned around and went towards the  
window and began to close the shutters  
and just as I was at the upper shutter  
I heard four (4) pistol shots in rapid  
succession, and as I was at the window  
there was nobody else in the room  
excepting her, Iona and myself, and  
immediately after the shots were fired  
I saw nobody in the room. They had  
gone. I found the door wide open, and  
said "Oh my god what is the matter".  
and rushed out of my room down  
the stairs, and I heard Nellie (meaning  
Nellie O'Connor) say "Oh Oh" all the  
way down the stairs, and then I heard  
the pitcher smash, and I picked  
up the pieces and threw them in  
the bath room, she was then lying  
across the bath room door, and I  
said to her "Oh my god Nellie how  
you cut yourself, - and where are  
you hurt, let me see". Her mouth

0893

was bleeding at the time, I wiped  
the blood away and said "how you  
cut your mouth" what is the matter  
with you". The ball was dark at  
this time I rushed to room number  
one I asked for a lamp the women  
in the house all rushed out, and some-  
body had a lamp and some one said  
who is that, we heard the report of  
a pistol, I was faint and weak at this  
time, and don't recollect anything  
more, until the police and ambulance  
came, and when they opened her  
dress I saw a bullet hole on her  
side, I had had a loaded revolver  
in his possession the day before  
the shooting took place, but I didn't  
see it with him on this day

Sworn before me } Julia King.  
this 22<sup>d</sup> day of December 1898  
J. C. [Signature]  
Police Justice



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Jennie L Allen being duly sworn  
deposes and says

That she resides at  
111.4th Avenue and that she is 38 years  
of age and a widow, and that she runs  
a furnished room house at said  
place, and that on or about the 1st  
day of November 1888, she rented room  
number 5 in said premises to a  
Mr & Mrs King who represented them  
selves by that name, and that deponent  
has learned that, the man who  
represented himself as Mr. King, that  
his name is Ford and that the said Mrs  
King was living with him at said  
place as his mistress, That on the  
13th day of December 1888 about the  
hour of 6<sup>30</sup> o'clock P.M. on said day  
deponent who was in room no 7  
the room occupied <sup>another person</sup> by her, she  
heard four pistol shots fired in  
the hall, of said premises, and that  
deponent then went to the said hall  
and went to room no 5 and found

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nobody there. the room being vacant  
thereupon deponent went down  
stairs, and found in the bath room  
Nellie Barry who occupied room No  
3 in said premises. And who is known  
to deponent now as Nellie O'Connor  
lying on the floor of said bath room  
in an unconscious condition morning  
when deponent said to her "what is the  
matter Mrs Barry", she received no  
reply. Deponent further says that at  
the same time she found the said  
Mrs King already referred to sitting  
on the bath room floor close to the  
said Nellie Barry (known as Nellie  
O'Connor, And the said Mrs King told  
deponent that said Nellie Barry known  
as Nellie O'Connor fell in the bath  
room And cut herself with a pitcher  
which was lying there broke, and  
when deponent replied where is she  
last said Mrs King pulled her  
dress open And said see (pointing)  
and deponent said And red spot.

0096

3.

on her body <sup>and</sup> defendant said to Mucking  
 "Oh no! she is shot there." <sup>and</sup> she said  
 Mucking replied "oh no she fell on  
 the pitcher," thereupon defendant left  
 said room <sup>and</sup> sent for the police <sup>and</sup>  
 an ambulance, which came and  
 took her to the Bellevue hospital, that is  
 all known of this affair.

I come to before you <sup>1885</sup>  
 this 22<sup>d</sup> day of December Jennie L. Llan

Sam'l C. H. H. H.  
 Police Justice

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50-10-04 [S]-2M  
Court of General Sessions.  
CLERK'S OFFICE.

PEOPLE

vs.

*Joseph Forde*

*filed 11 Jan'y 1889*

*See 1st Feb'y 1877*

*for all Indictments*

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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

*Joseph Ford*

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

of the CRIME OF Murder in the First Degree, committed as follows:

The said

*Joseph Ford*

late of the City of New York, in the County of New York aforesaid, on the *thirteenth*  
day of *December*, in the year of our Lord one thousand eight hundred and  
eighty-*eight*, at the City and County aforesaid, with force and arms, in and upon one  
*Nellie O'Rourke*, in the peace of the said People then and there being,  
wilfully, feloniously, and of *his* malice aforethought, did make an assault, and the said  
*Joseph Ford*, a certain pistol then and there charged and  
loaded with gunpowder and one leaden bullet, which said pistol the said *Joseph*  
*Ford* — in *his* right hand then and there had and held,  
to, at, against, and upon the said *Nellie O'Rourke* —  
then and there feloniously, wilfully, and of *his* malice aforethought, did shoot off and  
discharge, and the said *Joseph Ford*, —  
with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the  
gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, *near* the said  
*Nellie O'Rourke*, in and upon the *head* of *her*  
the said *Nellie O'Rourke*, then and there feloniously, wilfully, and of  
*his* malice aforethought, did strike, penetrate and wound, giving to *her*  
the said *Nellie O'Rourke*, then and there, with the leaden bullet  
aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the



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said *Joseph Ford*, in and upon the *breast* of  
the said *Nellie O'Rannon*, one mortal wound of the breadth of  
one inch, and of the depth of six inches, of which said mortal wound *she* the  
said *Nellie O'Rannon*, at the City and County aforesaid,  
~~from the said~~ ~~day of~~ ~~in the~~  
~~year aforesaid, until the~~ ~~day of~~ ~~in the same year~~  
~~aforesaid, did languish, and languishing did live, on which said~~  
~~day of~~ ~~in the year aforesaid, the said~~  
~~at the City and County aforesaid, of the said mortal wound did die.~~  
*Then and there died.*

And so the Grand Jury aforesaid do say: That the said *Joseph*  
*Ford, her,*

the said *Nellie O'Rannon*, in the manner and form, and by  
the means aforesaid, wilfully, feloniously, and of *his* malice aforethought, did kill  
and murder, against the form of the Statute in such case made and provided, and against  
the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid. by this indictment, further accuse  
the said *Joseph Ford,*

of the same CRIME OF Murder in the First Degree, committed as follows:

The said *Joseph Ford,*

late of the City and County aforesaid, afterwards, to wit: on the said *thirtieth*  
day of *December*, in the year of our Lord one thousand eight hundred and  
eighty-*eight*, at the City and County aforesaid, with force and arms, in and upon the  
said *Nellie O'Rannon*, in the peace of the said People then and there  
being, wilfully, feloniously, and with a deliberate and premeditated design to effect  
the death of the said *Nellie O'Rannon*, did make an assault, and the said

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*Joseph Ford*, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said *Joseph Ford* — in *his* right hand then and there had and held to, at, against, and upon the said *Nellie O'Connor*, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said *Nellie O'Connor*, did shoot off and discharge. and the said *Joseph Ford*, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, *then* the said *Nellie O'Connor* in and upon the *breast* of *her* the said *Nellie O'Connor*, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said *Nellie O'Connor*, did strike, penetrate, and wound, giving to *her* the said *Nellie O'Connor*, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said *Joseph Ford*, in and upon the *breast* of the said *Nellie O'Connor*, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound *she* the said *Nellie O'Connor* ~~at the City and County aforesaid, from the said~~ ~~day of~~ ~~in the~~ ~~year aforesaid, until the~~ ~~day of~~ ~~in the same year~~ ~~aforesaid, did languish, and languishing did live, on which said~~ ~~day of~~ ~~in the year aforesaid, the said~~ ~~at the City and County aforesaid, of the said mortal wound did die.~~ *then and there died.*

And so the Grand Jury aforesaid do say: That the said *Joseph Ford*, *then* — the said *Nellie O'Connor* in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said *Nellie O'Connor*, did kill, and murder, against the form of the Statute in such made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

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END OF  
BOX