

0137

BOX:

455

FOLDER:

4182

DESCRIPTION:

Quinlan, James

DATE:

10/27/91



4182

POOR QUALITY ORIGINAL

0130

4

Counsel,

Filed *by* *Oct* 1891

Pleds *to* *Quality*

THE PEOPLE

vs.

R
James Lunan

Assault in the First Degree, Etc.
(*Recounts*)
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

James Lunan

James Lunan

Special Counselor of

James Lunan

James Lunan

Witnesses:

off Currie

The People
vs. James Quinlan

Court of General Sessions. Part I
Deafas Recorder Smyth Nov. 2. 1841
Indictment for assault in the first degree.
Andrew Currie, sworn and examined, testified.
I am attached to the seventh precinct police. I
arrested the defendant James Quinlan on the
18th of Oct. at No. 58 Geneva near street, first floor
rear in this city; it was five o'clock Sunday
morning I had been instructed to arrest
him. I went into the yard in front of the house
about four o'clock; his brother Joe. came
down stairs, and I followed his brother into the
room and they asked me what was want-
ed? Officer Stange was present with me at
the time. I said, I want your brother Jim
my for assaulting that officer in the after-
noon. I followed Joe through the hallway and
then I followed him into the prisoner's apart-
ment. I went into the bed room and
found this defendant in bed; he was
asleep. I woke him up and said, "Jim my,
you will have to come to the station house."
He kind of looked at me and said, "I'll
be god dammed if I will, you cant take
me out of here without a warrant." I said
the easiest way is the best, you will only
make it worse for yourself if you give
any trouble." John and Jim were in
bed; the other brother got up; the prisoner

has two brothers. I told James that he was under arrest for assaulting officer Whitworth. His brother Joe entered from the other room into the bed room and demanded that I show him the warrant. Officer Strange was present at the time. I told him I did not need a warrant, the officer was badly injured and it was a felony. Joe and John got between me and Jim, and he rushed to the bed and put his hand between two mattresses and pulled out that revolver and pointed it at me and said, "you son of a b---, you aint going to take me out of here without a warrant." I said, "Keep quiet, there is no use making trouble, it will only be worse for yourself, you will get in more trouble over it than what you are in now." With that Joe started over to the fire place and said, "I will be God damned you will not take him out." Strange was in the room I said, "Go out and get another officer, rap for help and we will arrest the three of them." Strange went out, and that left me alone in the rooms with the three brothers. Strange was only gone about a moment when Joe rushed at me with an axe towards me. Jim

POOR QUALITY
ORIGINAL

0141

Kept me covered with the revolver all the time, presenting it at me. Joe went over to the fire place and got an axe, and the two of them made a rush for me at the door, and I stepped out in the hallway and just as the door was closing I saw the flash of a revolver and heard the report of the revolver which was pointed at me. The revolver was in James' hand. I went away from the apartments and in half an hour I came back again. Officers Haggerty, Stapleton, Michels and Stange were there. I went into the room and found James Quinlan there; the other officers went ahead of me, and as I went in the room Joe and John came out of the bed room to give themselves up, and as they did there was two more shots fired out of the bed room. James and the mother were there. That made four shots altogether. Officer Haggerty jumped into the bed room and grabbed him and I went in after him and got him hiding behind the door. I asked him what he done with the revolver. He said he did not have any. We took him out of the room and officer Michels and I searched the room thoroughly and under the bed. We searched his brother and the mother, and after

moving the bed out we found the revolver under the bed in the same room where I arrested him. There was only one ^{unloaded} shell in the cylinder when I took it out, the other cartridges were exploded. I heard two shots fired. Officer Muffety took the defendant to the station house. I stopped back to search the room and found the revolver in company with officer Michels. I afterwards took the defendant up to officer Whitworth's residence 26 Goerck street on Sunday about 8 o'clock in the morning. On the way up I asked him why he assaulted the officer? He told me that officer Whitworth had him under arrest and he had him wrong, that he was not with the gang and had nothing at all to do with them. The time he was arrested, he had him and another man under arrest named Reilly. I said, I will bring you up to officer Whitworth and see if he can identify you. I was present when he was brought before Whitworth; (his/Whitworth's) head was all swollen up, and he was sitting up in the room where we went in. He said, "that is the man (the defendant) I had him under arrest when he assaulted me and the gang jumped on me and assaulted me." The prisoner

made no response to that. I took him to the Police Court from Officer Whitworth's house. I had no further conversation with him.

Mr. Macdonna: I offer this revolver in evidence.
Cross Examined. On the 18th of October I received instructions from Sergeant Fitzgerald, acting Captain, to go to the house of James Quinlan and to go out and arrest the men who committed the assault on Officer Whitworth; he handed me a list of names. I have not got the list. I think there were eight names. I did know at the time it was James Quinlan I wanted. I got that information from Officer Whitworth. I searched different parts of the precinct for them around near four o'clock in the morning. I met Officer Stange and Officer Gorman on the corner of Greenear and Monroe streets and from there I went with Officer Stange over to the prisoner's house. I knew the prisoner's address, I know him well and his family for a year and a half. I never had any acquaintance with him only through police business. When I went into the room I saw his brother Joe; it was quite dark; the lamp on the table was turned down. They have two rooms there, a room and a bed room. When I entered the room I went over

to the table and turned up the light full. That gave me sufficient light to see into the bed room but not into the bed. I went to the bed and got hold of the prisoner. I told him he was under arrest for committing the assault on officer Whitworth and for escaping from him while under arrest; he got up then and his mother got up and the brother also. I did not see him take the pistol from beneath the quilt. I saw him reach his hand between the mattresses; the pistol was pointed directly at me; the next I heard was the report of the pistol and I saw the flash. When the first shot was fired how near to your head was the flash? As I said before about four or five feet Henry Stange, sworn and examined. I am connected with the 4th precinct. I remember meeting officer Curry who just left the stand on the morning of the 18th of October last. After a conversation with him I went to No. 58 Governor street, first floor rear building, the premises occupied by the prisoner; mother three sons and one little girl. You were present when the door was opened? Yes, I was present and went into the room and he pointed a pistol deliberately at me. Officer Currie went into the bedroom and

arrested the prisoner and the other brother
too. The officer told him he arrested him
for assaulting officer Whitworth, and he pulled
out a pistol and he (James) said, "you
cannot take me out of here without a
warrant; he pulled the pistol and says,
"I defy you to arrest me." What were the
other brothers doing in the mean time,
did you have any further conversation?
They stood in front of him and says,
"I do not go with them." Did not officer Currie
as soon as these three men interfered with
him send you out to get assistance? Yes.
I went out and rapped for assistance
Did you hear the report of anything? I heard
the report when I was going through the
yard. How far distant were you from
the door when you heard the report? I do
not think the yard is over fifteen feet
between the two houses. I got assistance and
went back. I met Currie in the hallway. He
left me there and he went to get additional
assistance. Officers Michaels, Haggerty and
Stapleton came and they went into the room.
Officer Michaels said, "Open the door, I am
an officer; they would not open the door
and they broke it open, and as soon
as the door was broken open there was
two shots fired. I did not see the flash

but I heard the report. The three brothers were arrested and taken to the station house. The light in the room was dim, it was turned down. I did not go into the bed room. Officer Currie went into the bed room; he told the prisoner he was under arrest. I saw the prisoner pull out a pistol. I did not see him take anything from under the mattress. I saw the pistol in his hand, he told us we could not arrest him. Henry McKeals, sworn and examined. I am attached to the 4th precinct and was in the company of Officers Currie and Stamp on the morning of the 18th of Oct. on the premises No. 38 Gouverneur street about five o'clock. We went to the apartments of Quinlan and asked to get in; they said the door would not be open. I recognized James Quinlan's voice. I knew him before that time in that neighborhood. I demanded admission and said, "If you don't open this door we will have to burst it in." The voice said, "You burst it in and I will give you the contents of this." He knocked something at the door, it was metal, probably a revolver. Officer Magerty said, "You might as well open it since we have got you cornered." They said, "This door

will never be opened, you had better get out or I will put bullets through you." We said, "you will open this door or we will burst it in." We held a hasty consultation as to what to do. Haggerty said, "Let us go against the door, and we broke it in. Just then they fired the hatchet out and the handle of it struck me in the side and did not do any damage; it struck the wall opposite; the shot was fired as I jumped into the room. James Quinlan, who was in the rear room said, "Bring in the big axe; come in here with the big axe." One shot was fired. I jumped into the room to prevent any one from escaping, and two more shots were fired in rapid succession. Officers Haggerty and Stapleton ran in opposite directions. One fellow made an attempt to run out and Stapleton grabbed him. I hustled him out, and one officer took charge of one of the men who held Stapleton's club. We got out of the Second precinct and we went back again; we searched the room for James Quinlan and could not find him at first; we searched under the bed, and officer Haggerty got hold of the door leading into the rear room, and he was behind that door. He struck

Haggerty and I grabbed him and threw him to the bed. Of course that subdued him. Then we commenced to search for the pistol; we searched the whole room, and at last we found it under the bed. Officer Currie was the first to lift up the mattress; it was lying close to the wall.

The pistol now shown me is the one.

Cross Examined. I have been on the force three years and have been before the Police Commissioners once and fined five days pay for reading a newspaper on post. On the 18th of October 1891 I was in company with officers Haggerty, Michaels and Stange and went to 58 Gouverneur street to arrest James Duinlan. When we went there we were not allowed to enter but we broke the door. I did not see anybody when I went in, the room was dark when we entered and I heard a shot but did not see it. The shot came from the rear bedroom. I was standing in the front room, fifteen or twenty feet from where the shot was fired. I could not see who fired it because the room was dark.

James Haggerty sworn and examined. I am attached to the seventh precinct and was in company with the other officers on the

morning of the 18th of Oct. at the premises No. 58 Lyvener street. I saw James Quinn in those apartments in the bed room. I was with officer Michael when the door was broken in. I tried the knob of the door and the door was locked. I asked them to open the door I told them that I was an officer. Some one said- I heard the voice but do not know who it was that made the remark "I do not care a damn, whoever comes in here I will shoot them". We parleyed with them for a while; it was useless, and finally I say to Michael, "we had better kick this door in." I kicked the door in and went into the outer room. Directly the door was kicked in there was a shot fired, and a small hatchet came out into the hallway. I got in the larger room behind the partition and I stayed there and one of the brothers came running out me. I saw the defendant at that time. One brother ran out; he was caught by somebody in the hallway; there was then immediately two shots fired from the room; the other brother then ran out and I saw a hand come out of the bed room, and the pistol was snapped twice. It did not go off. I ran into the bed room; there was nobody

I could find in the room. After searching around I found James Quinlan's behind the door; he was the only one I found in there. I searched him to see if he had a pistol. I did not help to search the woman after that. I arrested Quinlan

Cross Examined. I have been on the force nearly fourteen years. Officer Currie came to my house and woke me up. I live at 206 Monroe street; that is about two hundred feet from No. 58 Government street, it is around the corner. I did not have a club with me. I was called out by Officer Currie, and he told me that the Quinlans were home whom we were looking for. Officer Stange was there. I met Officer Michaels on the corner; he was on duty at the time. It was about the break of day when we got to the room. I don't know what time it was. They would not let us in and we broke open the door. There was a dim light burning on the table in the enter room. There are two rooms with a passage between. I saw his mother first when I went in; she was dressed. I saw the whole five of them and saw two people pass out through the passage way. I could not tell who they were

I was standing behind a lattice and plaster partition; it was two or three feet from the bed room. The bed room was darker than the outside room. You heard the shot fired? That was when the door was broken open - yes, a single shot. You do not know who fired the shot? I do not. When Officer Curry went into the bed room did you see him go in there? No sir, I entered the bed room first. What did you do? I searched around the bed room for whoever was in there. Who did you find in there? I found James Quinlan. Where was he? He was secreted behind the door. Did you find any pistol on him? No sir. Is it not a fact that the pistol was not in that room at all? I could not say. I did not see the pistol. I told James Quinlan he was my prisoner. He said nothing. He struggled to get away and he struck me. Officer Michaels then got hold of him and we threw him on the bed and we put a pair of nippers on his wrist. Was he dressed? Yes he was dressed, he was in his shirt sleeves, and he had his pants on. You do not know who fired those shots in that room? No, I could not swear who fired the shots. You did not

see Officer Curie assaulted? No sir, that was before I got there.

By Mr. Macdonna. Officer, did I understand you to say that after you saw the second person go out of that room you saw a hand with a pistol in it in this room in which you arrested the defendant? Yes sir.

James Linnlan, sworn and examined in his own behalf testified. I am eighteen years old and was born in Ninth St. New York. I went to school for about eight years. I went to work on the corner of Hester and Elizabeth streets at tin ware I worked for about six months there. After that I worked for Seal & Co. Vesey street for about nine months. Then I worked over in Broome street for Tenay Sheriff five days in the week and I gave my wages to my mother.

Explain to the Court and jury what happened the day Officer Whitworth claims to have been assaulted by you on the 17th of October?

I was going along through Cherry st. I was just after leaving the house. I was not working for about three or four days before. I was laid up with a cold in the head. I came along Cherry street and on the corner of Cherry and Elm

streets. I seen two men; one was a little drunk, he was fighting; so the other gave him a push and sent him through a plate glass window of an empty store. I knew the fellow that was breaking it. I walked him around the block intending to take him home when officer Whitworth came up and put the two ops under arrest. He said, "you are the one who broke the window." I told him the one who broke the window. He said, "Come on up to the station house." I told him to come down to the man who owned the window; he would not do it, but let the other fellow go and began to club me on the head. I grabbed the club to try to save myself from getting hit when he pulled out his pistol and gave me one crack in the head with it. A couple of truck drivers jumped off the truck and pulled me away. I picked up my hat and ran away. I did not know anything until about five o'clock Sunday morning. I heard a noise and I got up out of bed and put on my pants. I looked in the front room and I seen my two brothers fighting. The officers had hold

of them; they were struggling. I put on my pants. I heard the officer say, "there is another one in the bed, we will look him up." I hid; they could not find anybody; it was too dark; they went into the front room and took a lamp; they came in and seen me; they looked me up. That is all I have got to say. I never seen the pistol before. I did not hear any shots fired. I never saw the pistol which is in evidence until I saw it in the Police Court. Did you ever have that pistol in your hand? No sir. Did you ever have a pistol in your life? No sir. Did you ever have that pistol? No sir. Did you ever see that pistol before? No sir. Do you know where the policeman got it from? No sir. You never had a pistol? No sir. Did you ever aim at Officer Whitworth? I never did.

The jury rendered a verdict of guilty of assault in the second degree.

The prisoner was remanded for sentence

POOR QUALITY ORIGINAL

0 155

*Testimony in the
case of
James Quinlan
filed Oct.*

1891

40 Va

**POOR QUALITY
ORIGINAL**

0 156

See Mr McD
as to when
wants Jos Quinlan
Case put on -
The other prisoners
are now awaiting
sentence

POOR QUALITY ORIGINAL

0157

Police Court - 3 District

City and County of New York, ss.:

Andrew Currie of No. 7 Precinct Police officer Street, aged 30 years, occupation being duly sworn

deposes and says, that on the 18 day of October 1897 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by James Curran (now here) who aimed and discharged at deponent a loaded revolver.

Off. Whitworth Police No. 545 P.N. J. J. Ryan

Room 58 Government Floor near J. J. Ryan

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 18 day of October 1897 Andrew Currie

J. J. Ryan Police Justice

POOR QUALITY ORIGINAL

0158

3

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *James Linton*

Question. How old are you?

Answer. *18 yrs*

Question. Where were you born?

Answer. *New York City*

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

Answer. *58 Gouverneur St 3 yrs*

Question. What is your business or profession?

Answer. *Carpenter*

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

Answer. *I am not guilty*

James Linton

Taken before me this

day of

John P. [Signature]
1891

Police Justice.

POOR QUALITY ORIGINAL

0159

BAILED,

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

Police Court No. 3 District

1895

THE PEOPLE &
ON THE COMPLAINT OF

Andrew Currie

James Swindler

Offence Assault Felony

Dated

Oct 18 1891

Regan Magistrate

Garrett Officer

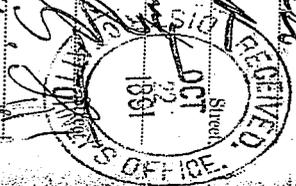
Precinct

Ed Henry Swaine

Henry Michael

Special Agent

James Swindler



\$2,000 to him
200. & 21-200

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 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 Oct 18 1891 John Regan Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY ORIGINAL

0160

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Lunlan

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

James Lunlan of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

James Lunlan

late of the City of New York, in the County of New York aforesaid, on the eighteenth day of October in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, at the City and County aforesaid, in and upon the body of one Andrew Currie in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said Andrew Currie a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said James Lunlan in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge with intent him the said Andrew Currie thereby then and there feloniously and wilfully to kill, 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

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

The said

James Lunlan

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Andrew Currie in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against him the said Andrew Currie

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said James Lunlan

in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, 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.

DE LANCEY NICOLL, District Attorney.