

0930

**BOX:**

32

**FOLDER:**

390

**DESCRIPTION:**

Zimmerman, Thomas

**DATE:**

02/28/81



390

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*March 8*  
Filed *8* day of *Feb* 188*1*  
Pleas *Not Guilty (Meb 1)*

*18* *345 E. 109* THE PEOPLE  
vs.

*Written not here*  
*Fact 1*

*Thomas J. ...*  
*Parcell G. ...*  
BENJ. K. PHELPS

Felonious Assault and Battery.

District Attorney.  
Part two: March 8, 1881.  
Jury & convicted - A. & B.

A True Bill.  
*W. J. ...*

Foreman  
*Pen. 1.4. & 150 fine*  
*part 1 ...*

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18

*March 1*

*No 200*

Filed *25* day of *Feb* 1881

Pleas *Guilty (Mch 1)*

*18 345 E. 109*

THE PEOPLE

vs.

*Written not here*  
*Mar 1*

*P*

Feligious Assault and Battery.

*Thomas Hammett*  
*Daniel G. Hollins*  
BENJ. K. PHELPS

District Attorney.

*Part two: March 8. 1881*  
*tried & convicted - A. + B*

A True Bill.

*(Signature)*

Foreman

*Sen. 1.4. + 150 fine*

*part 1*

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N. Y. General Sessions  
of the Peace.

The People vs.

Thomas Zimmermann

City and County of New York: Charles  
Knox of said City being duly  
sworn says. That he is a  
householder and does business  
as a hatter in the City of New  
York. That he is acquainted  
with the father of the prisoner  
Thomas Zimmermann, said father  
of said Zimmermann being em-  
ployed in the business of said  
deponent as a mechanic by  
very lawful ways. That said prisoner  
father is an "industrious, sober and an  
honest" man. That the pris-  
-oner has no means with  
which to pay the fine of  
(\$50) Fifty dollars imposed  
by the Court of General Sessions  
on the 8<sup>th</sup> day of March  
1887. That the said prisoner  
is now within a few days

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of service out the time prescribed by the said part of General Sessions to wit. one year in the Penitentiary.

Sworn to before me  
this 7<sup>th</sup> day of January 1882

John H. Van Ness  
Notary Public  
N.Y. Co.

C. Miller

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front of General Sessins  
of the peace.

The People 10: }  
Thomas Zimmerman }

Cities Journal of New York p. Melita S. Henderson  
being duly sworn says: That  
she is the wife Henry N. Henderson  
and sister of Thomas Zimmerman  
convicted in the front of General Sessins  
of the peace of a felonious assault  
with battery on the 8<sup>th</sup> day of March  
1891 and sentenced to one year  
imprisonment in the Reformatory  
and a fine of fifty dollars.  
That the prisoner Thomas Zimmerman  
is a young man (eighteen years  
of age) without any trade or  
which he can make a living and  
is afflicted with a stoppage in his  
speech which prevents him getting  
active employment.  
Deponent further says that  
said Thomas Zimmerman is  
without any pecuniary means  
with which to pay the fine

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imposed by said Court of General  
Sessions a pte. peace

Shewn to before me this  
7<sup>th</sup> day of January 1882

J. R. Roberts

Notary Public Salina & Henderson  
City, Kan.

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161. East 74<sup>th</sup> St.  
Office 154 Nassau St  
New York January 6<sup>th</sup>  
1882.

To whom it may concern:

I certify  
that I have been for over twenty  
years acquainted with John B.  
Zimmermann, the father of the  
unfortunate youth whose name  
appears in the annexed paper,  
that I have always known the  
said John B. Zimmermann to  
be an industrious, sober, and  
respectable mechanic - a hatter  
by trade - that I have inquired  
into his condition & circumstances,  
and verily believe he is without  
money, property or means, and

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unable to satisfy and pay the  
fine or penalty of fifty dollars  
imposed by the Court against the  
said Thomas Zimmerman  
W. Seidler

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STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK,

*Thomas Guinneman* being duly sworn, deposes and says that he was convicted of *Assault and Battery* at the court of *General Sessions of the Peace*, and on the *5th* day of *March*, 187*9* was sentenced by *Hon. Judge Smith* to confinement in the New York Penitentiary for the term of *One* year and *one* month and fined *Fifty* dollars, and in default of payment thereof to be held in custody for the further term of *Fifty* days or until the same be paid. *and that he was*

And he further deposes and says that he is credibly informed and verily believes that his Excellency the Governor of the said State ~~did~~ upon the report of the Warden of the said Penitentiary, that he had complied with the requirements of the act passed February 20, 1875—direct a deduction of *two* months from the term of his sentence, whereby the said term expired on the *fourth* day of *April*, 187*9*.

And he still further deposes and says that he is entirely without money, property or means of any kind, and that he is utterly unable to satisfy and pay the said fine of *Fifty* dollars, for the non-payment of which he has been since the *will be* day of *187* and is now held in custody at the Penitentiary aforesaid *unless the fine be paid before the expiration of said term of sentence.*

Sworn and subscribed before me this *5th* day of *January*, 187*9*.

*Thomas Guinneman*

*John C. Beager*  
*Notary Public*

I hereby certify that the facts set forth in the above written affidavit as to the date and term of sentence—as well as to the time of the expiration thereof—of the above affiant *Thomas Guinneman* and the deduction from the term of said sentence directed by the Governor of the State of New York are true.

*John M. R. O'F*  
Warden of the New York Penitentiary.

Blackwell's Island, New York City, *January 5th*, 187*9*.



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POLICE COURT, FIFTH DISTRICT.

City and County of New York, ss.

THE PEOPLE,

vs.

*Thomas Zimmerman*

On Complaint of

*James Fitzpatrick*

For

*Assault & Battery*

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

Dated, *February 20<sup>th</sup>* 18*71*

*Maurice Crow*

Police Justice.

*Thomas Zimmerman*  
*Maurice*

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Police Court— *5<sup>th</sup>* District.

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

of No. *2136-Second Avenue* *James Fitzpatrick* ~~Street~~

on *Sunday* the *20<sup>th</sup>* day of *February* being duly sworn, deposes and says, that  
in the year *1871*, at the City of New York, in the County of New York.

he was violently **ASSAULTED** and **BEATEN** by *Thomas Zimmerman*  
*(now here)* who struck deponent a violent blow  
upon the forehead with an ale glass  
which glass he the said *Thomas Zimmerman*  
then & there held in his hand, thereby cutting  
deponent's forehead, that deponent was so assaulted & beaten  
without any justification on the part of the said assailant

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

Sworn to before me, this *20<sup>th</sup>*  
day of *February* 18*71*

*Maune J. Jones*

*James Fitzpatrick*  
POLICE JUSTICE.

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FORM 11.

Police Court— 5<sup>th</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James Fitzpatrick*  
*2136 2<sup>nd</sup> Ave. N. W.*  
*Thomas Zimmerman*

AFFIDAVIT, A. & B.

Dated February 20<sup>th</sup> 1881

Power Justice.

Leary 23<sup>rd</sup> Officer.

Witness



\$ 500 to Ans. General Sess.

Bailed by Com

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

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CITY AND COUNTY } ss.  
OF NEW YORK.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That *Thomas Zimmerman*  
late of the City of New York, in the County of New York, aforesaid, on the  
*twentieth* day of *February* in the year of our Lord  
one thousand eight hundred and eighty *only* with force and arms, at the City and  
County aforesaid, in and upon the body of *James Fitzpatrick*  
in the peace of the said people then and there being, feloniously did make an assault  
and *him* the said *James Fitzpatrick*  
with a certain *glass*  
which the said *Thomas Zimmerman*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, willfully and feloniously did beat, strike, stab, cut, and wound  
with intent *him* the said *James Fitzpatrick*  
then and there, feloniously and willfully 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 Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on *the* day and in the year aforesaid, at the City and County  
aforesaid, the said *Thomas Zimmerman*  
with force and arms, in and upon the body of the said *James Fitzpatrick*  
then and there being, willfully and feloniously did make an  
assault and *him* the said *James Fitzpatrick*  
with a certain *glass* which the said *Thomas Zimmerman*  
in *his* right hand, then and there  
had and held, the same being then and there a sharp, dangerous weapon, willfully  
and feloniously, and without justifiable and excusable cause, did then and there beat,  
strike, stab, cut, and wound *him*, with intent to then and there willfully and feloniously  
do bodily harm unto *him* the said *James Fitzpatrick*  
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 Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County afore-  
said, the said *Thomas Zimmerman*  
with force and arms, in and upon the body of *James Fitzpatrick*  
in the peace of the said people then and there being, feloniously, did make another  
assault and *him* the said *James Fitzpatrick*  
with a certain *glass*  
which the said *Thomas Zimmerman*  
in *his* right  
hand then and there had and held, willfully and feloniously did beat, strike, stab, cut,  
and wound, the same being such means and force as was likely to produce the death  
of *him* the said *James Fitzpatrick* with intent *him* the

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said *James Fitzpatrick* then and there feloniously and willfully 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said *Thomas Zimmerman*

with force and arms, in and upon the body of the said *James Fitzpatrick* then and there being, willfully and feloniously, did make another assault and *him* the said *James Fitzpatrick* with a certain *glass* which the said *Thomas Zimmerman* in *his* fight hand then and there had and held, the same being then and there a deadly weapon, willfully and feloniously did then and there beat, strike, stab, cut and wound, with intent to then and there willfully and feloniously main *him* the said *James Fitzpatrick* 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.

*Daniel G. Rollins*

**BENJ. K. PHELPS, District Attorney.**

Filed 18 day of July 1881  
 Pleads *Not Guilty (Misd.)*  
 THE PEOPLE  
 vs  
*James Fitzpatrick*  
 District Attorney  
*Benj. K. Phelps*  
 A True Bill.  
*Wm. H. & Geo. J. ...*  
 Foreman  
*Wm. H. & Geo. J. ...*  
 District Attorney  
*Benj. K. Phelps*  
 Felonious Assault and Battery.