

0599

BOX:

237

FOLDER:

2314

DESCRIPTION:

Falkman, William

DATE:

11/26/86



2314

POOR QUALITY
ORIGINAL

0600

X 286 B

Counsel, _____
Filed 26 day of Nov 1886

Plead _____

THE PEOPLE

vs.

B

William Falkman

Violation of Excise Law.
(Sunday).
III Rev. Stat., (7th Edition), page 1983 Sec. 21, and
page 1983, Sec. 51.

RANDOLPH B. MARTINE,

Nov 24/86 District Attorney.
Respondent to C. of Special Sen
for trial
A True Bill.

[Signature]

Foreman.

Witnesses:

POOR QUALITY
ORIGINAL

0601

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 T. Ballman

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

- William T. Ballman -

of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE
ON SUNDAY, committed as follows :

The said

William T. Ballman,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
thirteenth day of *October*, in the year of our Lord one thousand
eight hundred and eighty-*six*, at the Ward, 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 whisky, 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

James Bell, 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

- William T. Ballman -

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY,
committed as follows :

The said

William T. Ballman,

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, the same being the first day of the week,

**POOR QUALITY
ORIGINAL**

0602

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 whisky, 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 give away as a beverage to

James Bell, 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.

THIRD COUNT:

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

William F. Hoffman -

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

William F. Hoffman,

late of the Ward, 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 certain premises at number

112 Avenue D, -

in the City and County aforesaid, which said place 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.

RANDOLPH B. MARTINE,
District Attorney.

0603

BOX:

237

FOLDER:

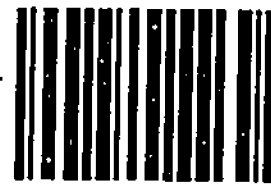
2314

DESCRIPTION:

Farrell, Thomas

DATE:

11/10/86



2314

POOR QUALITY
ORIGINAL

0604

#113.B B

Counsel,

Filed 10 day of Nov. 1886

Pleaded *Not Guilty*

THE PEOPLE

vs.

B

Thomas Farrell

Grand Larceny, 2nd degree
[Sections 528, 531 Penal Code].

RANDOLPH B. MARTINE,

Atty 16/17 District Attorney.

A True Bill.

Foreman.

off for Jay Swan
G.S.D.

Witnesses:

POOR QUALITY
ORIGINAL

0605

Police Court—First District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No.

Washington

Street, aged

33 years,

occupation

Boarding House

being duly sworn

deposes and says, that on the

26

day of

July

188

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:

A large quantity of Pearl and
Amber Prayer Beads together
of the value of Twenty Dollars

the property of

Antonio Pascher in the
Care and Custody 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

Thomas Farrell

Now here, from the fact that on
said date deponent missed
the aforesaid property from a
trunk in the rear room on the
first floor of the above described
premises the aforesaid trunk
being broken open and said property
taken, stolen and carried away
and the said defendant came
to deponent house and handed
deponent a portion of said stolen
property and deponent identified
the same — John Ruge

Sworn to before me, this

day

Police Justice.

POOR QUALITY
ORIGINAL

0606

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK.

District Police Court.

Thomas Farrell 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

Thomas Farrell

Question. How old are you?

Answer

17 years

Question. Where were you born?

Answer.

New York City

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

Answer.

17 Albany Street 3 Months

Question. What is your business or profession?

Answer

Provision

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 a boy by
the name of Thomas Boley gave
me the Beads and told me where
he got the beads and I took them
to the owner*

Thomas Farrell

Taken before me this

day of

July 1891

Police Justice.

POOR QUALITY
ORIGINAL

0607

BAILED,
No. 1, by Murray Evans
Residence 19 Albany Street.
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court

District

1113 B

1st 1181

THE PEOPLE &c.,
ON THE COMPLAINT OF

John Bruce
Thomas Farrell

2 _____
3 _____
4 _____

Offence

Grand Larceny

Dated

188

August 3

Magistrate.

James O'Brien Officer.

James O'Brien Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

No.

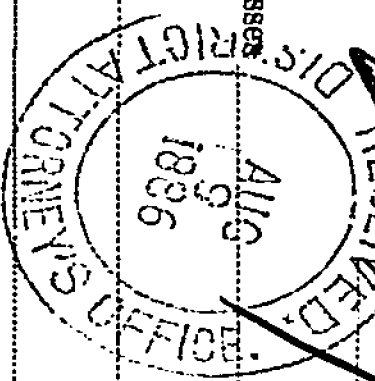
Street.

\$

to answer

1000 9.5

Att. Gen.



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 Thomas Farrell

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 Aug 5 188 P. J. Duffy Police Justice.

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

Dated August 6 188 P. J. Duffy 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 _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0608

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 Farrell

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

— Thomas Farrell —

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

The said

Thomas Farrell,

late of the First Ward of the City of New York, in the County of New York aforesaid
on the ~~twenty sixth~~ day of ~~July~~ in the year of our Lord
one thousand eight hundred and eighty-~~six~~ — , at the Ward, City and County
aforesaid, with force and arms,

a quantity of beads / a more
particular description thereof
is to be found upon a present
return of the value of
twenty dollars.

of the goods, chattels and personal property of one

Antoine Bascher.

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

POOR QUALITY
ORIGINAL

0609

SECOND COUNT—

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

Thomas Farrell —

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

The said

Thomas Farrell.

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,

*a quantity of goods (a more
particular description thereof
is to be found upon
aforesaid indictment) of the
value of ninety dollars.*

of the goods, chattels and personal property of one

Antonio Barchi,

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

Antonio Barchi —

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

Thomas Farrell —

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.

RANDOLPH B. MARTINE,

District Attorney.

06 10

BOX:

237

FOLDER:

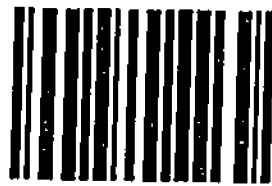
2314

DESCRIPTION:

Ferro, Gustav

DATE:

11/10/86



2314

POOR QUALITY
ORIGINAL

0611

105-13

Witnesses:

Counsel,

Filed *10 Nov. 1886*

Pleads,

Admitted to enter answer by counsel

THE PEOPLE

vs.

B

Gustav Ferro

MISDEMEANOR.

(AMUSEMENT LAW.)
[Section 1988, Consolidation Act of 1882.]

RANDOLPH B. MARTINE,

District Attorney.

June 15-26 '87

June 9/87

A True Bill.

[Signature]

Foreman.

Off June Term by

Indictment May 1885

Complaints sent to Special Agents

POOR QUALITY
ORIGINAL

06 12

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Augustus Evans

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

Augustus Evans

of a MISDEMEANOR, committed as follows:

The said

Augustus Evans,

late of the *22nd* Ward of the City of New York, in the County of New York afore-
said, on the *second* day of *August*, in the year of our Lord
one thousand eight hundred and eighty-*six* at the Ward, City and County aforesaid,
did unlawfully exhibit to the public, in a certain *concert-room*, building
and place there situate, a certain entertainment of the stage,

no license for the said place of such exhibition for such purpose, having been first had and
obtained as required by law, contrary to the form of the statute in such case made and
provided, and against the peace and dignity of the People of the State of New York.

RANDOLPH B. MARTINE,

District Attorney.

06 13

BOX:

237

FOLDER:

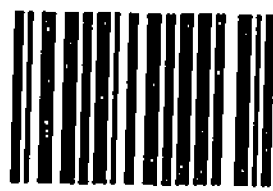
2314

DESCRIPTION:

Finck, Frederick

DATE:

11/19/86



2314

POOR QUALITY
ORIGINAL

06 14

X 2813

Counsel, _____
Filed 19 day of Nov 1886
Pleads *Not Guilty*

THE PEOPLE
vs. *Frederick Finck*
vs. *Not Guilty*
VIOLATION OF EXCISE LAW.
[III, R. S., (1886), page 1981, § 18, and Laws of 1888, Chap. 840, § 6].

RANDOLPH B. MARTINE,
Dr. John W. H. District Attorney.
Pleaded: guilty
A TRUE BILL.
City Prison 5 days.
Oscar Andy Foreman.

Witnesses:

POOR QUALITY
ORIGINAL

06 15

Excise Violation—Selling Without License

POLICE COURT—1st DISTRICT.

City and County } ss.
of New York,

James J. Hart
of No. 13 New Street,
of the City of New York, being duly sworn, deposes and says, that on the 3 day
of November 1888, in the City of New York, in the County of New York, at
No. 13 New Street,

Frederick Finck (now here)
did then and THERESELL, CAUSE, suffer and permit to be sold, under his direction and authority,
strong and spirituous liquors, wines, ale and beer, being intoxication liquors, in quantities less than
five gallons at a time, to be drunk in the house or premises aforesaid WITHOUT HAVING A
PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made
and provided. that he sold to deponent
a glass of beer and received in
payment therefor five cents

WHEREFORE, deponent prays that said Frederick Finck
may be arrested and dealt with according to law.

Sworn to before me, this 3 day
of November 1888

James J. Hart
Police Justice.

POOR QUALITY
ORIGINAL

06 16

Sec. 195-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Fredrick Finck 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.

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 of the charge
and I demand a trial at the
Court of General Sessions*

Fredrick Finck

Taken before me this

1938

1938

Justice.

0617

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.....

Dated Nov 3 1888 C. Thompson Police Justice.

Dated Nov 5 1886 Wm J. Mumford Police Justice.

Dated 188 *Police Justice.*

POOR QUALITY
ORIGINAL

05 18

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Fredricka Linda

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

- Fredricka Linda -

(III. Revised
Statutes, [7th
edition] p. 1881
Section 13).

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES
WITHOUT A LICENSE, committed as follows:

The said

Fredricka Linda,

late of the City of New York, in the County of New York aforesaid, on the *21st*
day of *November*, in the year of our Lord one thousand eight hundred and
eighty *two* —, at the City and County aforesaid, certain strong and spirituous
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 strong and spirituous liquor to the
Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at a time, to

James Hart, and to -

certain *other* persons whose names are to the Grand Jury aforesaid unknown, without
having a license therefor, as required by law, contrary to the form of the statute in such case made
and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883,
chapter 340, sec-
tion 5.)

SECOND COUNT:

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

- Fredricka Linda -

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE
AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

Fredricka Linda,

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at
the City and County aforesaid, and at the premises there situate known as number

Seventy-three New Street,

certain strong and spirituous liquors, and certain ales, wines and beer, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to

James Hart, and to -

certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be drank
upon the premises aforesaid, without having a license therefor, as required by law, against the form
of the statute in such case made and provided, and against the peace of the People of the State of
New York, and their dignity.

**POOR QUALITY
ORIGINAL**

06 19

(Laws of 1883,
chapter 840, sec-
tion 5.)

THIRD COUNT:

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

Frederick Fink

of the CRIME OF GIVING AWAY STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER, WITHOUT A LICENSE, to be drank upon the premises, committed as follows :

The said

Frederick Fink

late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, at the City and County aforesaid, and at the premises there situate, known as number

Seventy-Three New Street,

certain strong and spirituous liquors, and certain ales, wine and beer, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away to

James Stark, and to

certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, to be drank upon the premises aforesaid, without having a license therefor, as required by law, 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.

RANDOLPH B. MARTINE,

District Attorney.

0620

BOX:

237

FOLDER:

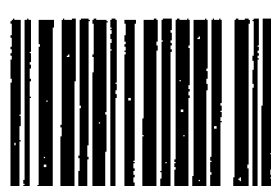
2314

DESCRIPTION:

Fisher, Amelia

DATE:

11/03/86



2314

\$18.00

Counsel, *H. S. M. Fletcher*
Filed, *2* day of *Nov.* 1886.
Pleads, *Not guilty*

THE PEOPLE

vs.
140 W 31, R

Amelia Fisher

INJURY TO PROPERTY.
[Sec. 651, Penal Code.]

RANDOLPH B. MARTINE,

District Attorney.

A TRUE BILL.

Witnesses:

Charles D. Felt
John Felt

McCloskey
Ed. Sept. 5
Criminals - Auburn
make the application

The defendant is an
Arrested emigrant domestic
the State of Charles
deine to return her to
Ireland - where she was
formerly an inmate of a
Sanctuary Asylum -
The Court consent that,
that course be taken
instead of returning her for
trial - June 26, 1887
W. H. Felt
J. F. Felt

POOR QUALITY
ORIGINAL

0622

Sworn to before me, this of <u>Oct 7</u> 188 <u>6</u> day <u>Wm. M. M. M.</u> Police Justice.	CITY AND COUNTY OF NEW YORK, } ss. ---	POLICE COURT, <u>2</u> DISTRICT.
	of No. <u>435-8th</u>	Street, aged <u>76</u> years,
	occupation <u>Clerk</u>	being duly sworn deposes and says
	that on the <u>7th</u>	day of <u>October</u> 188 <u>6</u>
	at the City of New York, in the County of New York, <u>Annalia Fisher</u> <u>now her)</u> did deliberately, wilfully and maliciously break and destroy a plate glass window in Deponents <u>Chas. Store</u> at the above number <u>without accident cause</u> <u>and did damage to the window of S. J. S. Co.</u> or justification. Wherefore Deponent prays that said Fisher be dealt with as the Law directs	
George Brown		

POOR QUALITY
ORIGINAL

0623

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY { ss
OF NEW YORK.

Melvia Fisher 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 *h* see fit to answer the charge and explain the facts alleged against *h*
that *h* 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.

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.

*Declines to make any
statement*

Taken before me this
day of

188

Police Justice.

0624

Residence _____

Street.


188

Street.

Street.

Street.

...to answer



Dated 188 *Police Justice.*

The People
vs.
Amelia Fisher.

Court of General Sessions, Part I.
Before Judge Hildersleeve.

December 9, 1886.

A Jury was empannelled to try the issue of whether
the defendant at the bar be of sound mind.

Matthew D. Field sworn and examined.

By Counsel. Q. Mr Field, what is your business.

A. Physician and surgeon.

Q. How long have you been such.

A. I have been in practice since 1879.

Q. Have you had occasion to examine different parties as to
their mental condition.

A. I have been examiner in lunacy for the Department of Char-
ity for about four years.

Q. Have you examined this defendant.

A. Yes sir, on several occasions.

Q. You may state to the Court and Jury the result of your
examinations.

A. Yes sir, in February 1885 she was committed to the Pavil-
ion at Bellevue from the Tombs I think, where it was re-
ported she had outbursts of frenzy, for examination. We
kept her there some time and she was perfectly manageable
and tractable and we sent her back as not insane. She was
recommitted to us again with the same result. She was the
sentenced and sent to the penitentiary where my associate
was called again, and on the history and from his conversa-
tion there he sent her to the Asylum for insane criminals
at Auburn from whence she was returned again to the Peni-
tentiary which would mean that she had either recovered in
their opinion or was not insane. I saw her last on the 30th
of November and after that on the 2nd of December and

learning the history from herself, from that I learned she has had these outbursts of frenzy for some time. She has been once committed to the workhouse and this is the second time she has been charged in this court with having committed trivial offenses, all three times for breaking glass. There seemed to have been in the manner of these acts little or no purpose, and I find that while in the workhouse and while in these different institutions she has had occasional wild bursts of perfectly uncontrollable frenzy. After conversing with her for some time this last time she did not want to talk. She said that there was a conspiracy, that the police were in a conspiracy against her to ruin her and that I had been bribed and that Dr. Fitch had been bribed in this conspiracy. Then I found from her, she talked more freely with me, thinking that perhaps I was not bribed and I found that she was in an asylum in Ireland and that they were in a conspiracy there to send her to this country. Ever since she has been here she believes she has been persecuted by all the police. While I was talking with her the other day a policeman came in and laid a paper on the table at the Tombs, she burst from me while quietly talking and commenced to use violent language about that man, it was some minutes before she could quiet down to talk satisfactorily.

By Mr Bedford. Q. The paper that the policeman laid down upon the table had nothing to do with her.

A. No, nothing at all.

By the Court. Q. Doctor, from what you have learned of the history of this defendant, Amelia Fisher, and your

personal examinations of her mental and physical condition, what is your opinion as to her capacity to understand the nature of the trial and of the offence with which she stands charged in making her defence.

A. I do not think she is capable.

Q. You do not think she is capable of understanding the nature of the proceedings necessary to her trial to make a defence.

A. I do not think she is.

Allen Witch sworn and examined.

By Counsel. Q. Mr. Witch, what is your business.

A. Physician.

Prisoner: He calls himself one.

By Counsel. Q. In the city Prison.

A. Yes sir.

Q. Have you had occasion to examine parties as to their mental condition.

A. Yes sir.

Q. Have you examined this defendant? A. I have.

Q. More than once? A. Yes sir.

Q. How often? A. I have examined her twice.

Q. During what period, when, how recently.

A. Well, about ten days ago.

Q. Is she capable of understanding the proceedings and making a defence in your judgment.

A. I do not think so.

The case was submitted to the Jury and they rendered a verdict finding that the defendant was insane.

POOR QUALITY
ORIGINAL

0628

Testimony in the case
Amelia Fisher

filed Nov 11 1886

Q. Now, did you see the defendant at the time
he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Where was he arrested?
A. He was arrested at the residence of the
defendant, at the house of the defendant.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.

Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.

Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.
Q. Did you see him at the time he was arrested?
A. Yes, I saw him at the time he was arrested.

POOR QUALITY
ORIGINAL

0629

DISTRICT ATTORNEY'S OFFICE,

New York,

Nov 27 1886

Copy
letter: D Nov 27
mailed

To

The Physicians of the City
Prison:

Judge Cuning directs me
to have you examine the men-
tal condition of Amelia
Fisher now held in the
Tomb for "Injury to Property"
and report to him or our
office the mental condition
of the said Amelia Fisher
on or before Dec 6th

Yours truly
J. Cunningham

**POOR QUALITY
ORIGINAL**

0630

Draft letter

POOR QUALITY
ORIGINAL

0631

Department of
PUBLIC CHARITIES AND CORRECTION,

HENRY H. PORTER, Pres't.

THOMAS S. BRENNAN,

CHARLES E. SIMMONS, Commissioners.

Office of City Prison, Corner of Franklin and Center Streets,

JAMES FINN, WARDEN.

New York, Dec 2nd 1886

Hon. Randolph B. Marline
District Attorney

Sir.

Amelia D. Fisher committed October
28th for malicious mischief was examined
by Matthew D. Field M.D. and Allen
Witch M.D. Examining in Lunacy
they pronounce her Insane

Respectfully
James Finn
Warden

POOR QUALITY
ORIGINAL

0632

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Amelia Fisher

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

Amelia Fisher —

of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* —
PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said *Amelia Fisher*, —

late of the *Fourth* Ward of the City of New York, in the County of New York
aforesaid, on the *fourth* day of *October*, — in the year
of our Lord one thousand eight hundred and eighty-*five*, at the Ward, City and
County aforesaid, with force and arms, *a certain plate*

glass window, —

of the value of *sixty dollars*, —

of the goods, chattels and personal property of one *George Brown*, —
then and there being, then and there feloniously did unlawfully and wilfully

break and destroy, —

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

Amelia Fisher —

of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* —
REAL PROPERTY OF ANOTHER, committed as follows:

The said *Amelia Fisher*, —

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

**POOR QUALITY
ORIGINAL**

0633

aforesaid, at the Ward, City and County aforesaid, with force and arms, *a certain*

plate glass window. —

of the value of *sixty dollars. —*

in, and forming part and parcel of the realty of a certain building of one

Figaro Brown. —

there situate, of the real property of the said

Figaro Brown. —

then and there feloniously did unlawfully and wilfully *break and*

destroy; —

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.

RANDOLPH B. MARTINE,

District Attorney.

0634

BOX:

237

FOLDER:

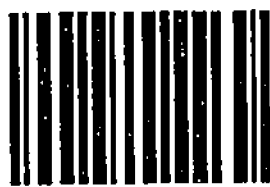
2314

DESCRIPTION:

Fitzgerald, Edward

DATE:

11/19/86



2314

POOR QUALITY
ORIGINAL

0635

#229B

Counsel, *[Signature]*
Filed 19 day of *Nov* 1886
Pleads *Guilty*

Witnesses:

THE PEOPLE

vs.

3

ASSAULT IN THE FIRST DEGREE, ETC.
(Sections 217 and 218, Penal Code).

Edward Fitzgerald

RANDOLPH B. MARTINE,

Dec 17/86
District Attorney.

Spec. Requested.

A True Bill.

Wm. J. Lundy Foreman.

Dec. 17/86

Police Court—5th District.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 1692-3rd Avenue Street.

being duly sworn, deposes and says, that
on Saturday the 18th day of September
in the year 1886 at the City of New York, in the County of New York,
he was violently and feloniously ASSAULTED and BEATEN by Edmund

Fitzgerald, from the fact that said
Fitzgerald was formerly a driver
of a Second Avenue Car, of which
deponent was the Conductor. That
on or about the 10th of September
1886 deponent wrote a letter to
the President of said Second Avenue
Rail Road, in which letter deponent
complained that said Fitzgerald was
abusive to deponent and did not properly
discharge his duties as driver of
said car, and upon which letter of
complaint said Fitzgerald was discharged.
That on said ^{deponent says} date feloniously assaulted
in the Depot of the 2nd Avenue Rail Road
Company on the Eastern side of 2nd Avenue
and 96th Street, by being struck in the back of
the head with some blunt instrument and charges the
said Fitzgerald with such assault, from the
facts set forth in the annexed affidavits.

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 16th day
of November 1886 Owen O'Neill

Mar. V. V. V. POLICE JUSTICE.

Police Court, 5th District.

City and County } ss.
of New York,

William Barry
of No. 153 3rd Second Avenue Street, aged 24 years,
occupation Conductor — being duly sworn, deposes and says,
that on the 18th day of September, 1886, at the City of New
York, in the County of New York, Owen O'Neill — as deponent was

informed and truly believe was feloniously
assaulted & beaten & found lying insensible
on the rear end of a second avenue Rail
Road Car standing in the Rail Road depot
of said Company between 96th & 97th Streets
& 1st & 2nd Avenue — that a few moments
before said Owen O'Neill was found, deponent
saw Edward Fitzgerald (now here) standing
in the centre of said rail-road car, that
the said Edward Fitzgerald & deponent spoke
together and he said say to deponent "go ahead
and mind your business", that deponent
also believe that the said Owen O'Neill
is severely injured & unable to appear from
the result of the injury —

Sworn to before me this William Barry
22nd day of September

M. W. H. Police Justice

City County
of New York } ss.

Henry J. Clements of No 225 East
89th Street aged 29 years, occupation Conductor
being duly sworn deposes and says that
he has heard read the annexed affidavit
of William Barry, and that he knows the
statement of said William Barry to be true
as he was present at said time —

Sworn to before me this
22nd day of September, 1886 } Henry J. Clements

M. W. H. Police Justice

Police Court, 5th District.

City and County } ss.
of New York,

of No. 236 Can, 128th Street, aged 29 years,

occupation Starter being duly sworn, deposes and says,

that on the 18th day of September 1886, at the City of New

York, in the County of New York, deponent was in conversation

at the hour of seven minutes past 6 O'clock with Owen O'Neill the person injured, and saw him go into the Can House of the same Avenue Rail Company, than about the hour of twelve minutes after 6 O'clock deponent went into the Can House & discovered and found the body of said Owen O'Neill lying at the rear end of a Can standing in said Can House, that said Owen O'Neill was unable to speak to deponent, than an Ambulance was sent for and the body of Owen O'Neill was taken to the Presbyterian Hospital 70th Street & Madison Avenue and ^{deponent} is unable to appear in Court from the results of the injuries inflicted - that on the afternoon of the 19th September 1886 - deponent found lying under the can where said Owen O'Neill was found a Blacksmith's wedge -

Subscribed before me this 22 day of September 1886

Stephen B. Provost
Magistrate Police Justice

POOR QUALITY
ORIGINAL

0639

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, { ss

Edward Fitzgerald 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* at 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.

His
Edward Fitzgerald
Mark

Taken before me this

day of *November* 188*8*

Police Justice.

POOR QUALITY
ORIGINAL

0540

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

Police Court

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

Edward Fitzgerald

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 Nov. 16 1886 W. 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

Statement in regard to Owen O'Neil.

His mental condition is not markedly changed. He appears to be conscious but is unable to pronounce words. The dangers of meningitis are not averted. He seems to be suffering pain. As regards his final recovery, it is not possible to make any positive statement.

Frank W. Shaw.

House Surgeon.

Sept. 22. 1886.

Fitzgerald Driver

Mr. J.B. Underhill

September 11th 1886

Sir,

I have suffered much annoyance for the past few couple of weeks through disobedience on the part of my driver and abuse opposite passengers.

I have never shown in any way at any time the slightest desire to assume any control on my car only just what I thought was proper and necessary. I allowed the driver (Fitzgerald) as to whether use his own judgment as to whether he should stop for passengers or not at all times or not but he has made such a practice of running by passengers lately that I think it proper to make this report. I will only give this case as an instance where the driver would not obey the whistle. On my 11.05 trip to Astor Place two ladies were running for my car at 66th St from W. 4th. Whether the driver saw them or not

I listened silently to him not wishing to provoke his scurrilous and lying tongue to further falsehoods.

now, Sir, I ask you that I be protected from further abuse until Mr. Thorn gets home. I would be very anxious to trade cars with somebody but I cannot get anyone willing even if Mr. Thorn should give consent.

your obediently,

Buchneill (215)

J. B. Buchneill Esq.

I don't know, at least he was not about to stop so I blew the whistle and the car stopped. It took about quarter of minute of them to get to the car and just as they were about boarding it the driver let go the brake and started off. I blew the whistle to have him stop but he didn't only stood up in the car and abused me before ten or eleven persons going ahead at the same time leaving the two ladies behind. We were sharp on time then. When we got to Astor Place he again began a torrent of abuse and vile names towards me.

Among other things which he said before twenty persons who were on the car on the stand was that I had used a key at my clock thereby leading persons to believe who were listening to him, that many of them being regular riders with me that I was robbing the company.

5 District Police Court.

New York 185

List of Witnesses

Henry Clements 225 E. 89th St.

William S. Thorne.

Residence 2nd Avenue R.R.C.

John Shay - 2nd Ave. + 96th St.

1533, 2nd Avenue -

David Finer

1846, 2nd Avenue

Frank Campbell

1842 - 2nd Avenue

Thomas Rourke

413, 1st Avenue -

John Denning

Blacksmith 2nd Ave. R.R.C.

2nd Avenue + 96th St.

Residence 238 E 108th St

POOR QUALITY
ORIGINAL

0645

Owen O'Neil continues
to improve.

He will soon be
ready to appear at
court.

Orshaw,

House Surgeon.

Nov. 2. 86

POOR QUALITY
ORIGINAL

0646

Owen O'Neil continues
to improve. Scab
wound not yet well.

Id not able to
appear in court,

Frank W. Shaw, M.D.

House Surgeon,

Nov. 9 - 1886 -

POOR QUALITY
ORIGINAL

0647

Oliver O'Neil continues
to improve.

The wound in his
head has not yet
closed.

Franklinshaw.

Henry Langdon.

Oct. 29-86.

POOR QUALITY
ORIGINAL

0648

Presbyterian Hospital,

70th ST. AND MADISON AVE.

New York, Oct 25 1886

Wm. Quire continues to
improve. He will not
be discharged for some
time but is he yet
entirely out of danger.

F. W. Sherr M.D.

House-Surg.

Per W. Q. Worn M.D.

Asst.

Presbyterian Hosp.

POOR QUALITY
ORIGINAL

0649

Presbyterian Hospital,

70th ST. AND MADISON AVE.

New York, *Oct. 20* 188*6*

Oliver O'Neil continues to improve.

*Dr. Shaw,
House Surgeon.*

POOR QUALITY
ORIGINAL

0650

Oct. 18-86-

Dwan O'Neil continues
to improve but is not
fully out of danger.

The injuries to the scalp
and skull still
requires treatment.

Ontham,
House Surgeon.

Protestant Hospital.

Oct. 18-86.

POOR QUALITY
ORIGINAL

0651

Presbyterian Hospital,

70th ST. AND MADISON AVE.

New York, Oct. 9 1886

Dever O'Neil continues to
improve but is not yet
out of danger.

Trantershaw.

House Surgeon,
Oct. 9 - 1886.

POOR QUALITY
ORIGINAL

0652

Owen O'Neil continues
to improve but is
not yet out of danger,

Trunkshaw,

House Surgeon,

Oct. 6. 86.

POOR QUALITY
ORIGINAL

0653

308-115
Owen O'Neill is not
yet out of danger.

His general condition
remains about the
same.

Frank W. Shaw,

Hans Ingren,

Oct. 4-86.

POOR QUALITY
ORIGINAL

0654

Presbyterian Hospital,

70th ST. AND MADISON AVE.

New York, Oct. 1- 1886

The condition of Owen O'Neil remains about the same. His mental condition is no better. There is still danger of suppuration in the brain.

Frank W. Shaw
Head Surgeon.

POOR QUALITY
ORIGINAL

0655

Presbyterian Hospital,

70th ST. AND MADISON AVE.

New York, *Sept. 29* 1886.

This certifies that Owen O'Neal is
not in a condition to attend
court. The result of his injuries
is still in doubt, he was yet
being out of danger.

Frank W. Shaw.

Howe Ingram.

Sept. 29-86.

POOR QUALITY
ORIGINAL

0656

Presbyterian Hospital,

70th ST. AND MADISON AVE.

New York, Sept 21st 1886

This certifies that Owen O'Neill
is not yet in condition to ap-
pear in court - Having only
partially recovered consciousness
Thos. J. Wall
Sept

POOR QUALITY
ORIGINAL

0657

Presbyterian Hospital,

70th ST. AND MADISON AVE.

New York, Sept 20th 1886

This certifies that Owen O'Neill
is still insensible - not having
recovered consciousness since
he was brought to the Hospital
and is therefore unfit to be
removed

Wm. G. Wall
Surgeon

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 J. Fitzgerald

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

Edward J. Fitzgerald —

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

The said *Edward J. Fitzgerald*,

late of the City of New York, in the County of New York aforesaid, on the
eighteenth day of *September*, in the year of our Lord
one thousand eight hundred and eighty-*five*, with force of arms, at the City and
County aforesaid, in and upon the body of one *Ormen O'Neill*,
in the peace of the said People then and there being, feloniously did make an assault
and *in* the said *Ormen O'Neill*,
with a certain *knife* —

which the said *Edward J. Fitzgerald*, —
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did beat, strike, ~~stab~~ cut and wound

with intent *in* the said *Ormen O'Neill*,
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

Edward J. Fitzgerald —

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

The said *Edward J. Fitzgerald*,

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 one *Ormen O'Neill*,
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and *in* the said *Ormen O'Neill*,
with a certain *knife* —

which *he* the said *Edward J. Fitzgerald*,
in *his* — right hand then and there had and held, the same being a
— *weapon* likely to produce grievous bodily harm, then and
there feloniously did wilfully and wrongfully beat, strike, ~~stab~~ cut and wound,
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
— *Edward F. Fitzgerald* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Edward F. Fitzgerald*,
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 one *Queen O'Neill*, —

in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and *in* the said *Queen O'Neill*,

in and upon the *head* of *in* the
said *Queen O'Neill*, — did then and there
feloniously, wilfully and wrongfully strike, beat, — bruise and wound,
and did thereby then and there feloniously, wilfully and wrongfully inflict
upon *in* the said *Queen O'Neill* —
grievous bodily harm, to the great damage of the said *Queen O'Neill*,
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.

~~RANDOLPH B. MARTINE,~~

~~District Attorney~~

Fourth COUNT.

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

- Edward F. Fitzgerald -

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

The said *Edward F. Fitzgerald,*

late of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, with force of arms, at the City and County aforesaid, in and upon the body of one *Queen O'Neil,* in the peace of the said People then and there being, feloniously did make an assault and *injure* the said *Queen O'Neil,* with a certain *weapon.*

which the said *Edward F. Fitzgerald* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, ~~stab, cut~~ and wound,

with intent *injure* the said *Queen O'Neil,* 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.

Edw. ~~SECOND~~ COUNT:

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

- Edward F. Fitzgerald -

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

The said *Edward F. Fitzgerald,*

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 one *Queen O'Neil,* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *injure* the said *Queen O'Neil,*

with a certain *weapon.*

which *he* the said *Edward F. Fitzgerald,* in *his* right hand then and there had and held, the same being a ~~weapon~~ likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, ~~stab, cut~~ and wound, 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.

Sixth ~~THIRD~~ COUNT---

And the Grand Jury aforesaid, by this indictment, further accuse the said *Edward J. Fitzgerald* of the CRIME OF ASSAULT IN THE ~~SECOND~~ *first* DEGREE, committed as follows:

The said

Edward J. Fitzgerald,

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 one *Owen O'Neill,*

in the peace of the said People then and there being, feloniously did wilfully ~~and wrongfully~~ make an assault, and ~~drive~~ the said *Owen O'Neill*, with a ~~certain blunt instrument to the Grand Jury aforesaid unknown~~ *which he the said Edward Fitzgerald in his right hand then and there had and held, the same being a deadly and in and upon the dangerous weapon, in and upon the head of* the said *Owen O'Neill,* did then and there feloniously ~~wilfully and wrongfully~~ strike, beat, ~~bruise and wound,~~ *and* ~~and did thereby then and there feloniously, wilfully and wrongfully inflict~~ *with intent* ~~upon~~ *the said* *Owen O'Neill* thereby then ~~and there wilfully and feloniously to kill,~~ *grievous bodily harm, to the great damage of the said* *Owen O'Neill,* 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.

~~RANDOLPH B. MARTINE,~~

~~District Attorney,~~

Seventh COUNT.

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

Edward J. Fitzgerald —

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

The said *Edward J. Fitzgerald*,

late of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, with force of arms, at the City and County aforesaid, in and upon the body of one *Ormen O'Neill* — in the peace of the said People then and there being, feloniously did make an assault and *injure* the said *Ormen O'Neill* — with a certain *stilet* —

which the said *Edward J. Fitzgerald* in *his* right hand then and there had and held, ~~the same being a deadly and dangerous weapon~~, wilfully and feloniously did beat, strike, ~~stab, cut~~ and wound, ~~the same being such means and force as were likely to produce the death of the said Ormen O'Neill~~, with intent *injure* the said *Ormen O'Neill*, 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.

Eight ~~SECOND~~ COUNT:

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

Edward J. Fitzgerald —

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

The said *Edward J. Fitzgerald*,

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 one *Ormen O'Neill*, — in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *injure* the said *Ormen O'Neill*, — with a certain *stilet* —

which *he* the said *Edward J. Fitzgerald* in *his* — right hand then and there had and held, the same being an ~~instrument~~ likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, ~~stab, cut~~ and wound, 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.

Ninth ~~THIRD~~ COUNT--

And the Grand Jury aforesaid, by this indictment, further accuse the said *Edward Fitzgerald* of the CRIME OF ASSAULT IN THE ~~SECOND~~ DEGREE, committed as follows:

The said *Edward Fitzgerald*,

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 one *Owen O'Neill*,

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and ~~in~~ the said *Owen O'Neill*, with a *certain sledge which he the said Edward Fitzgerald, in his right hand then and there had and held,* in and upon the ~~head~~ *head* of ~~him~~ the said *Owen O'Neill* did then and there feloniously, wilfully ~~and wrongfully~~ strike, beat, ~~bruise and wound,~~ and ~~did thereby then and there feloniously, wilfully and wrongfully inflict upon~~ the said ~~grievous bodily harm, to the great damage of the said~~ 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.

~~RANDOLPH B. MARTINE,~~
~~District Attorney.~~

The same being such means and force as were likely to produce the death of him the said Owen O'Neill, with intent him the said Owen O'Neill thereby then and there wilfully and feloniously 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.

First COUNT.

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

- Edward J. Fitzgerald -

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

The said *Edward J. Fitzgerald,*

late of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, with force of arms, at the City and County aforesaid, in and upon the body of one *James O'Neil*, in the peace of the said People then and there being, feloniously did make an assault and *in* the said *James O'Neil* with a certain *blunt instrument to the Grand Jury aforesaid submission,* which the said *Edward J. Fitzgerald* in *his* right hand then and there had and held, ~~the same being a deadly and dangerous weapon~~, wilfully and feloniously did beat, strike, ~~stab, cut~~ and wound ~~the same being such means and force as were likely to produce the death of the said James O'Neil~~, with intent *in* the said *James O'Neil* 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

- Edward J. Fitzgerald -

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

The said *Edward J. Fitzgerald,*

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 one *James O'Neil*, in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *in* the said *James O'Neil*,

with a certain *blunt instrument to the Grand Jury aforesaid submission,* which *he* the said *Edward J. Fitzgerald* in *his* right hand then and there had and held, the same being an ~~instrument~~ likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, ~~stab, cut~~ and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY
ORIGINAL

0665

~~THIRD~~ COUNT--

And the Grand Jury aforesaid, by this indictment, further accuse the said
Edward Fitzgerald -
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Edward Fitzgerald,
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 one *Oliver O'Neill*, -

in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and ~~him~~ the said

Oliver O'Neill, -

in and upon the ~~body of the said~~ *Oliver O'Neill*, ~~which he then and there had and held in his hand~~ *the said Edward Fitzgerald then and there had and held in his hand*
said *Oliver O'Neill*, ~~with a certain sledge~~ *with a certain sledge*, did then and there
feloniously, wilfully and wrongfully strike, beat, ~~bruise and wound,~~
~~and did then and there feloniously, wilfully and wrongfully inflict~~ *bruise and wound,*
~~upon the said~~ *upon the said*
~~serious bodily harm, to the great damage of the said~~ *serious bodily harm, to the great damage of the said* *Oliver O'Neill*
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.

RANDOLPH B. MARTINE,

District Attorney.

POOR QUALITY
ORIGINAL

0666

4229 B

Witnesses:

Counsel,

Filed 19 day of

188

Pleads

THE PEOPLE

vs.

Edward Fitzgerald

ASSAULT IN THE FIRST DEGREE, ETC.
(Sections 217 and 218, Penal Code).

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Charles J. Hardy Foreman.

Dec. 19 188

0667

BOX:

237

FOLDER:

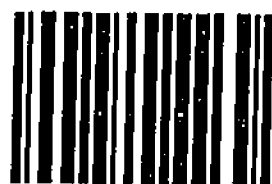
2314

DESCRIPTION:

Flynn, James

DATE:

11/03/86



2314

Witnesses:

Upon the
affirmation of the
affidavits of good
character, I ask
that the defendant
be discharged in
his own recognizance
James H. H. H. H.
2182

#22.13

Counsel,

Filed

day of

Nov.

1886

Pleads

Guilty

THE PEOPLE

vs.

Assault in the First Degree, Etc.

(Sections 217 and 218, Penal Code).

A

James H. H. H.

James H. H.

Discharged by Court
on his own recognizance

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

James H. H. H.
Foreman.

June 7

Police Court—4 District.

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

Daniel Cruise
of No. 1875 Third Avenue ~~Street~~, aged 39 years,
occupation Horse Shoer being duly sworn

deposes and says, that on the 27th day of October 1886, at the City of New
York, in the County of New York, at the Third Avenue Railroad Company's
Shoeing Shop, between 65th & 66th Sts.

he was violently and feloniously ASSAULTED and BEATEN by James
Thym (now here), who wilfully
and maliciously pointed and aimed
a revolving pistol loaded with powder
and leaden ball at the body of deponent.
That deponent was assaulted
as aforesaid by said defendant.

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 } Daniel Cruise.
of October 1886, }

Plaffy Police Justice.

Police Court—4 District.

City and County } ss.:
of New York,

Daniel Cruise

of No. 1875 Third Avenue ~~Street~~, aged 39 years,
occupation Horse Shoer being duly sworn

deposes and says, that on the 27th day of October 1886, at the City of New
York, in the County of New York, at the Third Avenue Railroad Company's
Swing Shop, between 65th and 66th Sts.

he was violently and feloniously ASSAULTED and BEATEN by James

Thym (now here), who wilfully
and maliciously pointed and aimed
a revolving pistol loaded with powder
and leaden ball at the body of deponent.
That deponent was assaulted
as aforesaid by said defendant.

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 October 1886.

Daniel Cruise.

[Signature] Police Justice.

COURT OF GENERAL SESSIONS.

The People, &c.

James Flynn

vs.

OFFICE

RANDOLPH B. MARTINE,
District Attorney.

City and County of New York fs:-

Nicholas Larson being duly sworn says:- That he resides at The Corner of 62^d Street and Third Avenue care of Mrs. Brown. That he is acquainted with James Flynn and has known him since last May when the said Flynn the defendant herein arrived in this City from Scranton Pa.

Deponent further says that during the time he has been acquainted with him he has always found him a quiet, peaceable and hardworking man and whose character and reputation for peace and quiet was well known among his fellow employees of the 3^d Ave. R. R. Co. and that deponent, who is employed with the said Flynn has never seen the said Flynn intoxicated or under the influence

of liquor.
Sworn to before me } Niklas Larson.
this 6th day of Jan. 1887 }
Rudolph L. Scharf
Comr of Deeds
N.Y. City & Co.

City and County of New York fo:-
Ann Flynn being
duly sworn says: That she
resides at No 1162 - 3 Avenue
and that she is the wife of
James Flynn the defendant
herein. That she has been
married to said Flynn for
the past 13 years and has
5 children by him.

That her said husband James
Flynn has always been a hardworking
man and a kind husband and
father and that he is the only support
of herself and children. That deponent
and her said husband have no friends in this City.
Sworn to before me } Anne Flynn
this 6th day of Jan. 1887 }
Rudolph L. Scharf
Comr of Deeds
N.Y. City

POOR QUALITY
ORIGINAL

0673

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

James Flynn

RANDOLPH B. MARTIN
District Attorney

*Affidavits of
Nicholas Larsen &
Ann Flynn*

11/18

Looms Prison

Dec 20 86

My Dear sir i have bin
locked up for 8 weeks for
attent of assalt the complant
withdrawn the charge i would
like to know when i am to
get out as my wife and family
are in distate circumstances
i have my work to go to and
you would do an act of charity
for me and my family yours

humble servant

James Filmer

To Parker
Mr. Parker
my
this case
R.B.M.

POOR QUALITY
ORIGINAL

0675

People

Jas. Flynn
Ind. Nov 3.

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

James Flynn

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. After reflection I have a very serious doubt if James Flynn intended doing me bodily harm. He being so much under influence of Liquor as in my judgment he hardly knew what he was doing - I have suffered no injury at his hands whatsoever, and anticipate none in the future - His family - seven in all are helpless and depending upon his efforts for support. - I know him to be an honest hardworking man and I most respectfully beg of the Hon. District Attorney that James Flynn may be permitted to go home to his family.

Harriet Cruise,

Complainant.

POOR QUALITY
ORIGINAL

0677

People

vs.
James Flynn

Withdrawal &
Affidavits of
Character

POOR QUALITY
ORIGINAL

0678

Sec. 198-200.

H. H.

District Police Court.

CITY AND COUNTY
OF NEW YORK

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

Question What is your name?

Answer

James Flynn

Question How old are you?

Answer

41 years.

Question Where were you born?

Answer

Ireland

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

Answer

1162 Third Avenue And two Months.

Question What is your business or profession?

Answer

Horse shaver

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 was intoxicated and did
not know what I was doing.*

James Flynn
mark.

Taken before me this

day of

1886

Police Justice.

POOR QUALITY ORIGINAL

0679

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

#2213
Police Court District 16/8

THE PEOPLE, &c.,
ON THE COMPLAINT OF
James Bruce
1871-73
James Flynn
Offence Felonious Assault

Dated October 27 1886

Magistrate
Officer
Precinct

Witnesses
No. _____
Street _____
No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

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

_____ 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 Oct. 27, 1886 _____ 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

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 E. Hynes

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

James E. Hynes —
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

James E. Hynes —
late of the City of New York, in the County of New York aforesaid, on the
fourteenth day of *October*, — in the year of our Lord

one thousand eight hundred and eighty-*six*, with force of arms, at the City and

County aforesaid, in and upon the body of one *Daniel Bruce*, —

in the peace of the said People then and there being, feloniously did make an assault

and to, at and against *him* the said *Daniel Bruce*, —

a certain *pistol* then and there loaded and charged with gunpowder and one

lead bullet, which the said *James E. Hynes*, —

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, *aiming to kill, with intent to kill, and with intent to do the said Daniel Bruce*

with intent the said *Daniel Bruce*, —

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 E. Hynes —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

James E. Hynes —
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 one *Daniel Bruce*, —

in the peace of the said People then and there being, feloniously did wilfully and

wrongfully make an assault, and to, at and against *him* — the said

Daniel Bruce, —

a certain *pistol* then and there charged and loaded with gunpowder

and one leaden bullet, which the said *James E. Hynes*, —

in *his* — right hand then and there had and held, the same being

an instrument likely to produce grievous bodily harm, then and there feloniously

did wilfully and wrongfully shoot off and discharge, *aiming to kill, with intent to kill, and with intent to do the said Daniel Bruce*

in such case made and provided, and against the peace of the People of the State

of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0681

BOX:

237

FOLDER:

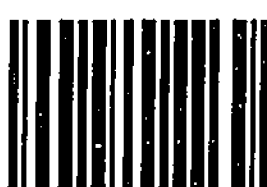
2314

DESCRIPTION:

Fogarty, Michael

DATE:

11/29/86



2314

POOR QUALITY
ORIGINAL

0682

X3/4 B

Witnesses:

Counsel, *Shepherd*
Filed 29 day of *Nov* 1886
Pleads *Not Guilty*

THE PEOPLE
vs.
Michael Sogarty
Feb 4/87
Discharged by Court

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

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.
R. B. Martine
Foreman.

Subscribed by me within 60 days of the date of the indictment that it is impossible to secure the attendance of Robert Foster
a material and necessary witness for the People and without whose evidence a conviction cannot be had. I therefore respectfully recommend that the defendant herein Michael Sogarty

be discharged on his own recognizance.
N. Y., Feb 3, 1887
Randolph B. Martine
District Attorney.

POOR QUALITY
ORIGINAL

0683

HEALTH DEPARTMENT OF THE CITY OF NEW YORK
Sanitary Bureau, Vital Statistics.
Office, 301 MOTT STREET.

Liber 25

No. 11392

New York, Jan'y 27, 1887

A TRANSCRIPT FROM THE RECORD OF DEATHS
IN THE CITY OF NEW YORK.

NAME OF DECEASED			DATE OF DEATH			AGE OF DECEASED		
			MONTH	DAY	YEAR	YEARS	MONTHS	DAYS
Robert Foster			Jan'y	23	1887	22	8	~
COLOR	CONDITION	OCCUPATION	BIRTHPLACE			HOW LONG RESIDENT IN CITY		
W	Single	Butcher	Ireland			4		
PLACE OF DEATH			FATHER'S BIRTHPLACE			MOTHER'S BIRTHPLACE		
No. 25 Cherry St. 4th WARD.			Ireland			Ireland		
CAUSE OF DEATH						TIME FROM ATTACK TILL DEATH		
Phthisis.						YEARS	MONTHS	DAYS

PLACE OF BURIAL	UNDERTAKER	MEDICAL ATTENDANT
Calvary	C. O'Brien	Eugene Fuller, M. D.

John T. Noyes, Jr.
Deputy Register of Records.
A True Copy,

C. Goldman
Chief Clerk Secretary.

POOR QUALITY
ORIGINAL

0684

Police Court—1st District.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 25 Cherry Street,

on Friday the 19th day of November being duly sworn, deposes and says, that

in the year 1886 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Michael Fogarty (now here)

who did wilfully and maliciously

cut deponent on the back

part of the right hand with

the blade of a pen knife the

said defendant did throw

said knife at deponent

wounding deponent and said

assault was committed

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 22nd day
of November 1886

[Signature]
POLICE JUSTICE.

Robert Foster
Mark

POOR QUALITY
ORIGINAL

0685

Sec. 198—200.

152

District Police Court.

CITY AND COUNTY OF NEW YORK.

Michael Fogarty 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.

Michael Fogarty

Question. How old are you?

Answer.

14 Years

Question. Where were you born?

Answer.

New York City

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

Answer.

31 Monroe Street 3 years

Question. What is your business or profession?

Answer.

Tender

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 the Complainant had a large Butcher Knife in his hands and said he would cut my head off and when I was running away from the Complainant I threw the Knife behind me I don't know that *Michael Fogarty**

Taken before me this

day of

1888

Police Justice.

POOR QUALITY ORIGINAL

0686

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

X 314 B

Police Court

1st District
1/15

THE PEOPLE, &c.

ON THE COMPLAINT OF

John J. Stoten

Michael Stoten

Offence

Violent Assault

Dated May 22 1888

Magistrate

Daniel M. Leachman

Precinct

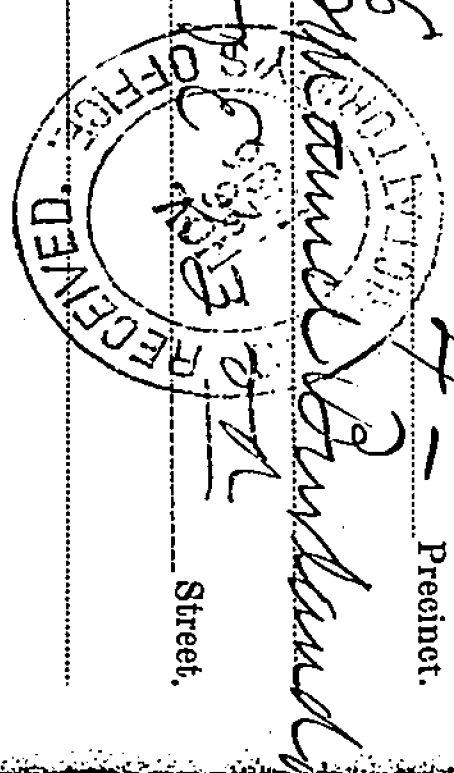
Witnesses

No. 1 _____ Street _____

No. 2 _____ Street _____

No. 3 _____ Street _____

No. 4 _____ Street _____



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

Defendant

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

Dated May 22 1888 _____ Police Justice.

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

Dated _____ 1888 _____ 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 _____ 1888 _____ Police Justice.

POOR QUALITY
ORIGINAL

0687

Please bring the witnesses + report to Chief Clerk

SUBPCENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To *Off. Tyrnell*
of No. _____ Street,

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building in the Park of the said City, on the _____ day of *February* instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

James Paggart
in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of *January*, in the year of our Lord 188

Randolph B. Martine
RANDOLPH B. MARTINE, District Attorney.

PART I.

THE COURT ROOM IS IN THE SECOND STORY, AND FRONTING THE PARK.

If this Subpcena is disobeyed, an attachment will immediately issue.

Bring this Subpcena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

POOR QUALITY
ORIGINAL

0688

District Attorney's Office.

PEOPLE

vs.

Michael Fogarty

Defendant

This case not to go on
calendar again until we
hear from complainant,
who is dying.
dec 24/66

^{ADD}
Complainant
died Jan 23/67

POOR QUALITY
ORIGINAL

0689

District Attorney's Office.

PEOPLE

vs.

Michael Foyar

Mr. Fitzgerald,

*Please send check
to me in re this
motion*

ADP

POOR QUALITY
ORIGINAL

0690

DISTRICT ATTORNEY'S OFFICE,

New York,

1887

Robert Foster the complainant
died Jan'y 23. 1887 at 11.45
P.M. of Phthisis
certificate filed Jan'y
24. 1887

People vs

vs.

Michael Fogarty

**POOR QUALITY
ORIGINAL**

0691

People
vs.
Michael Fogarty

POOR QUALITY
ORIGINAL

0692

Court of
General Sessions
The People vs
Michael Fogarty.

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

100 EAST 23^d STREET,

New York, Nov. 22^d 1886

CASE NO. 26608 OFFICER Daniel J. Callahan 4th Precinct
DATE OF ARREST November 21st 1886
CHARGE Felonious Assault

AGE OF CHILD 17 years, Claims to be 14 yrs.
RELIGION Roman Catholic
FATHER Thomas

MOTHER Margaret

RESIDENCE 31 Munroe St.

AN INVESTIGATION BY THE SOCIETY SHOWS THAT boy looks
much older than he claims to be,
and looks like a big tramp.
The mother was found drunk,
and the whole family are a
tough crowd.

All which is respectfully submitted,

Wm. J. Terry
President

To

**POOR QUALITY
ORIGINAL**

0693

*Court of
General Sessions*

The People vs

Michael Fogarty

Frederick Deane

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.

POOR QUALITY
ORIGINAL

0694

N.Y. Court of General Sessions

vs.

The People &c.

Michael Fogarty
Hon: Randolph B. Martine:
District Attorney:

Please take notice that a motion will be made at a Court of General Sessions of the Peace, to be held in and for the City and County of New York, in Part 11. thereof, on the 28th. day of January 1887, at 11 A.M. or as soon thereafter as counsel can be heard, for the discharge of the above named defendant on the ground that two terms of the Court have elapsed since the defendant's indictment, without a trial.

Charles Steckler

Deft's Atty

Nos: 47 & 49 Centre St.

New York City

POOR QUALITY
ORIGINAL

0695

CITY AND COUNTY OF NEW YORK, ss.,
being duly sworn deposes and says: that he is _____ years of age, and a clerk in
the office of CHARLES STECKLER, Esq., the attorney for the _____ in this
action; on the _____ day of _____ 188 at No. _____
in the City of New York, he served the annexed _____
upon _____ the _____ therein
by delivering to, and leaving with _____ personally _____

_____ true cop thereof _____

Deponent further says that he knew the person so served to be _____

Sworn to before me this
day of _____ 188

Session
NY Court of General Sess.

The People vs.
Plaintiff.

AGAINST
Michael Fogarty
Defendant.

Copy
Notice of Motion,

CHARLES STECKLER,
Esq. Attorney.

Nos. 47 & 49 Centre Street,
N. Y. City.

Due and timely service of a copy within
_____ is hereby admitted.

Dated N. Y., _____ 188

Rec'd Jan 7 1887
Atty.

Atty. Randolph B. Hartman Esq.
District Atty.

SIR:

Please take notice that the within is a
true copy of an _____
this day duly filed and entered in the office of
the clerk of _____
in this action.

Dated N. Y., _____ 188

Yours, &c.,

CHARLES STECKLER.

Attorney for _____

To: _____ Esq

Atty. for _____

POOR QUALITY
ORIGINAL

0696

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Scagerty

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

Michael Scagerty -

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

The said *Michael Scagerty*

late of the City and County of New York, on the *nineteenth* day of *November*, in the year of our Lord one thousand eight hundred and eighty *six*, with force and arms, at the City and County aforesaid, in and upon one

Robert Foster -

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said

Michael Scagerty -

with a certain *knife* which *he* the said

Michael Scagerty -
in *his* right hand then and there had and held, the same being then and there an *instrument* likely to produce grievous bodily harm, *him*, the said *Robert Foster*, then and there feloniously did wilfully and wrongfully strike, beat, *cut*, bruise and wound, 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.

Donald H. Martine
District Attorney.

0697

BOX:

237

FOLDER:

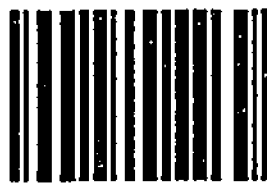
2314

DESCRIPTION:

Frey, John

DATE:

11/08/86



2314

POOR QUALITY ORIGINAL

0698

X73-B
Counsel,
Filed
Pleads
1886
J.H. Sinead
J. H. Sinead
J. H. Sinead

THE PEOPLE
vs.
John Frey
Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code).

RANDOLPH B. MARTINE,
District Attorney.
True Bill.
Foreman.

21st
AHP

Witnesses:

POOR QUALITY
ORIGINAL

0699

Police Court— 2 District.

City and County } ss.:
of New York,

John J. Foley
of No. 551 W. 26th Street, aged 15 years,
occupation works in a Candy Store being duly sworn

deposes and says, that on 26 day of July 1886 at the City of New
York, in the County of New York, in the rear yard of premises 521 W. 27th

he was violently and feloniously ASSAULTED ~~and BEATEN~~ by John Frey
(now here) who did willfully and maliciously
discharge a fire arm loaded with
powder and ball. the ball from said
fire arm striking deponent in the back
inflicting a painful flesh wound

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 dealt with according to law.

Sworn before me, this 27 day } John J. Foley
of July 1886.

Edouard Smith
Police Justice.

POOR QUALITY
ORIGINAL

0700

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK

2 District Police Court.

John Frey being duly examined before the under-
signed, according to law, on the annexed charge: and being informed that it is h *h* right to
make a statement in relation to the charge against h *h*; that the statement is designed to
enable h *h* if he see fit to answer the charge and explain the facts alleged against h *h*
that he is at liberty to waive making a statement, and that h *h* waiver cannot be used
against h *h* 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. I had
a toy pistol which I picked up
in the yard. and it went off
accidentally

John Frey

Taken before me this

27

day of

John Frey
Justice

POOR QUALITY
ORIGINAL

0701

BAILED.
No. 1, by Frank Freudenbach
Residence 356 W 46 St Street.
No. 2, by 356
Residence _____ Street.
No. 3, by _____ Street.
No. 4, by _____ Street.
Residence _____ Street.

#73 B.
Police Court- 2 District.
#114

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Frey
West 26
John Frey

Offence Felony
Assault

Dated July 27 188

Smith Magistrate.
Geo Krouse Officer.

320 Precinct.

Witnesses Frank Frey 516 W 24
No. Frank Frey 516 W 24 Street.

Edward J. Krouse
No. 538 W 24 Street.

Frank Frey 100 E 13
No. 380 Street.
to answer Smith

Bailed

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

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

Dated July 27 188 6 Solon B. Smith Police Justice.

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

Dated July 27 188 6 Solon B. Smith 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 _____ 188 _____ Police Justice.

**POOR QUALITY
ORIGINAL**

0702

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

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

New York, July 31 1886

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

*The People
against*

John Fey

Notice of Prosecution.

*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 1886, Chapter 30, Section 8), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

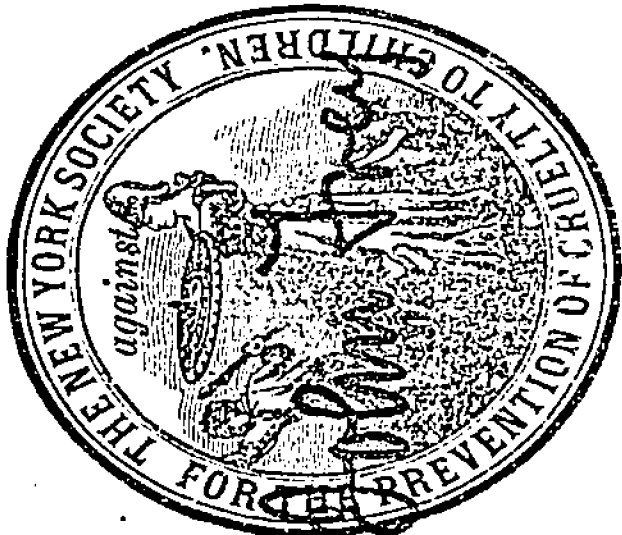
*Elbridge T. Gerry,
President, &c.*

POOR QUALITY
ORIGINAL

0703

N. Y. GENERAL SESSIONS

THE PEOPLE



CRUELTY TO CHILDREN
Testimony of

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

**POOR QUALITY
ORIGINAL**

0704

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

The People

v.

BRIEF FOR THE PEOPLE.

John Frey.

STATEMENT OF THE CASE.

The prisoner, who is a German boarding-house keeper, 48 years of age, residing at 523 West 27th Street, is indicted for a felonious assault on John J. Foley, 551 West 26th Street, aged 15 years, on July 26, 1886, in the rear yard of the premises 521 West 27th Street, by shooting him in the back with a pistol.

EVIDENCE FOR THE PEOPLE.

JOHN J. FOLEY: - 15 years of age; works in a candy store, and resides at 551 West 26th Street with his parents. On July 26, 1886, witness was sitting in the yard of 521 West 27th Street, with companions William Reilly, John Fogarty and Edward Hendricks. Witness was playing some mouth music. One of the boys with him threw a stone at the fence of No. 523, whereupon the prisoner came into the yard of No. 521, and pointed a pistol at Reilly. Witness said "O, look at the pistol!" "Yes," said the prisoner, "and you may have it." Then he fired at witness. The ball, a very small one, struck witness sideways on the left side of the back, and glanced along two or three inches, and was extratted by cutting a half inch deep. After the prisoner had fired the shot, he walked into his house and laughed at witness.

**POOR QUALITY
ORIGINAL**

0705

COMB OF GENERAL 22222222 OF THE DEVOE

2

WILLIAM REILLY: - 516 West 27th Street;

JOHN FOGARTY: - 540 West 27th Street;

EDWARD HENDRICKS: - 538 West 27th Street; will corroborate
the above witness.

DEFENCE.

The defence in the case will be, first, that the pistol went off by accident; second, that the prisoner had been greatly aggravated by these boys throwing stones at his fence.

But of course no amount of exasperation justifies the assault in question, and if the pistol went off accidentally, it is for the prisoner to explain why he took the pistol with him at all, or why he pointed it at the boys.

**POOR QUALITY
ORIGINAL**

0706

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

John Frey

PENAL CODE, § 217

BRIEF FOR THE PEOPLE.

POOR QUALITY
ORIGINAL

0707

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 E. Egan

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

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

The said

John E. Egan
late of the City of New York, in the County of New York aforesaid, on the *Twenty sixth* day of *July* in the year of our Lord one thousand eight hundred and eighty-*two*, with force of arms, at the City and County aforesaid, in and upon the body of one *John E. Egan* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *John E. Egan* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which the said *John E. Egan* 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 *John E. Egan* 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

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

The said

John E. Egan
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 one *John E. Egan* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and to, at and against *him* the said *John E. Egan* a certain *pistol* then and there charged and loaded with gunpowder and one leaden bullet, which the said *John E. Egan* in *his* right hand then and there had and held, the same being 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.

RANDOLPH B. MARTINE,

District Attorney.