

0470

BOX:

440

FOLDER:

4057

DESCRIPTION:

Faulkner, Arthur

DATE:

06/26/91



4057

Witnesses;

Arthur been
in California Prison
year ago.
H

Counsel,
Filed 26th of June 1891
Pleads, Not guilty felony

THE PEOPLE

37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1
I
Arthur Faulkner
Robbery,
[Sections 224 and 228, Penal Code].
degree.

Dedamcy Nicoll
JOHN R. FELLOWS

District Attorney.

A True Bill.

Chas. J. Smith

Foreman.

July 1st 1891
Pleads Robt 2nd 1891
D. H. M. 1891
July 17th 1891

0472

Police Court-- District.

CITY AND COUNTY }
OF NEW YORK, } ss

George Deppers
of No. *408 East 72* Street, Aged *40* Years
Occupation *Composite*, being duly sworn, deposes and says, that on the
21 day of *June* 18*91*, at the *19th* Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

*One pocketbook containing
good and lawful money of the
United States of the amount and
value of about four dollars and
a scuff box of the value of about
twenty five cents the property
altogether being of the value of about
Four ²⁵/₁₀₀ dollars.*

of the value of *Four ²⁵/₁₀₀* DOLLARS,
the property of *Deponent*

and that this deponent has a probable cause to suspect, and does suspect, that the said property was
feloniously taken, stolen and carried away, by force and violence as aforesaid by

*Arthur Tuckner, (now here),
and an unknown man, yet get arrested
while acting in concert, from the fact
that at about the hour of 2:30 O'Clock A.M.
on said date Deponent was going through
East 72nd Street on his way home and the
said property was in his possession,
when Deponent was about half way on
the street between 2nd and 3rd Avenues
the aforesaid Tuckner and the said
unknown man ran out, and the defend-
ant Tuckner caught back of Deponent
by the throat, and the said unknown in*

Sworn to before me, this

day of *June* 18*91*

Police Justice

0473

Caught head of defendant by the coat collar
and defendant was thrown down. This
defendant was lying on the ground the
defendant Gaudin held defendant by
the throat and the said unknown man
took the said property out of defendant's
pocket. Therefore defendant prays that
the defendant Gaudin be held and
dealt with as the law directs

Sworn to before me this 4 George Jeffers
21st Day of June 1891

A. J. White
Police Justice

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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
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.

Police Court, District.	Offence—ROBBERY.
THE PEOPLE, etc., on the complaint of	
1.	
2.	
3.	
4.	
Dated 188	Magistrate.
	Officer.
	Clerk.
Witness,	
No. Street,	
No. Street,	
No. Street,	
\$ to answer General Sessions.	

0474

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

Arthur Faulkner 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. *Arthur Faulkner*

Question. How old are you?

Answer. *30 years old*

Question. Where were you born?

Answer. *New York City*

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

Answer. *634 East 66th St. 3 years*

Question. What is your business or profession?

Answer. *Shoemaker*

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*

Arthur Faulkner

Taken before me this

day of

1891

Police Justice.

0475

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.....

Richard Hunt
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 *June 11 91* 188..... *A. J. White* 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.

0476

Complet Bailed
all inside

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court— 11 District. 835

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Deppert
vs.
Arthur Faulder

2 _____
3 _____
4 _____

Offence Robbery

Dated May 21 1891

W. H. Miller Magistrate

D. M. Dwyer Officer.

25 Precinct.

Witnesses Emil E. Rick

No. 241 Street.

Complet bailed see inside

No. 241 Street.

\$ 200.00 to answer.

Q. June 24/230

me

0477

No. 1.

408

District Attorney's Office.

Pass me
PEOPLE

US.

Arthur Paulsen

July 14th

Off & Minors Rec'd

and pernell

Coupl to officer

July 7/91 M. J. J.

0478

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 11 DISTRICT.

of The 75th Precinct Police
occupation Officer Street, aged 31 years,
that on the 21 day of June 1891
at the City of New York, in the County of New York, George

Deppert, (now here), is a necessary
and material witness for the People
of the State of New York against
Arthur Luckner, charged with
Robbery. Deponee further says
that he has good reason to believe that
said Depport will not appear when
wanted and prays that he be committed
to the House of Detention.

Patrick H. Meyer

Sworn to before me, this

of

June 1891

day

Police Justice.

0479

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

Recognizance to Testify.

BE IT REMEMBERED, That on
the 26 day of March in the year of our Lord 1911

of No. 408 East 142nd Street, in the City of New York,
and Joseph Furman
of No. 443 1st Ave

personally came before the undersigned, one of the Police Justices in and for the City of New York, and
acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said
Joseph Furman
Joseph Furman

the sum of One Hundred Dollars,
and the said Joseph Furman
the sum of One Hundred Dollars,

separately, of good and lawful money of the State of New York, to be levied and made of their respective
goods and chattels, lands and tenements, to the use of said People, if default shall be made in the con-
dition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally
appear at the next COURT OF General Sessions of the Peace, to be holden in and
for the City and County of New York, and then and there Testify and give such evidence, in behalf of
the People of the State of New York, as he may know concerning an Offense or Robbery
said to have been lately committed in the City of New York aforesaid by

William Faulkner

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to
remain in full force and virtue.

Taken and acknowledged before me, the
day and year first above written.

Joseph Furman

Police Justice

0480

CITY AND COUNTY } ss.
OF NEW YORK, }

1883
Police Justice

Sworn before me, this

the within-named Bail, being duly sworn, says that he is a lease holder in
said City, and is worth Two Hundred Dollars

over and above the amount of all his debts and liabilities; and that his property consists of
Stock and fixtures of the
Legion Saloon situated at
Pearl Street and is
of the sum value
of One thousand dollars
Joseph Krivino

New York Sessions.

THE PEOPLE, &c.,

Recognition to Testify.

Magistrate

Filed

day of

188

0481

Sec. 192.

4 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Andrew J. White a Police Justice
of the City of New York, charging George Deppert Defendant with
the offence of Robbery

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

We George Deppert Witness of No. 408
East 77th Street; by occupation a Printer
and Joseph Knirim of No. 443 Pearl Street
Street, by occupation a Liquor Dealer Surety, hereby jointly and severally undertake
that the above named George Deppert Defendant

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

Taken and acknowledged before me, this 22nd George Deppert

day of June 1891. } Joseph Knirim

Police Justice

0482

CITY AND COUNTY } ss.
OF NEW YORK, }

Joseph Krivim
1891
District Police Justice.

Sworn to before me, this 19th day of

Joseph Krivim
the within named Bail and Surety being duly sworn, says, that he is a resident and *Louse*
holder within the said County and State, and is worth *twenty five* Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities,
and that his property consists of *Wines, liquors, cigars, and*
fit furniture at premises number
2443 Pearl street New York City
worth eighteen hundred dollars five cents

Joseph Krivim

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the day of 18

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

Arthur F. Baulman

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

Arthur F. Baulman

of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said *Arthur F. Baulman*,

late of the City of New York, in the County of New York aforesaid, on the *twenty*
fourth day of *June* in the year of our Lord one thousand eight
hundred and *ninety-one*, in the *indict* time of the said day, at the City and
County aforesaid, with force and arms, in and upon one *George Deyett*,
in the peace of the said People, then and there being, feloniously did make an assault, and

one pocket book of the value of
fifty cents, the sum of two dollars
in money, lawful money of the
United States of America and of
the value of two dollars, and one
small box of the value of
twenty five cents,

of the goods, chattels and personal property of the said *George Deyett*,
from the person of the said *George Deyett*, against the will,
and by violence to the person of the said *George Deyett*, —
then and there violently and feloniously did rob, steal, take and carry away, *the*

said Arthur F. Baulman *himself*, then
and there aided by an accomplice
actually present, whose name is *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.

De Lancey Meill
Prosecutor

0484

BOX:

440

FOLDER:

4057

DESCRIPTION:

Fels, Charles

DATE:

06/30/91



4057

0485

Witnesses;

Counsel,

Filed

Day of June 1891

Pleads,

vs. Sullivan

THE PEOPLE

18

24 First vs.

Charles Fela

Burglary in the Third degree.

Section 498, Penal Code

BLANCEY HICOLL
JOHN R. FELLOWS

District Attorney.

A True Bill

Chas. F. Fella
Foreman.

July 10/91

Pleas Attorney
14176 W. 2nd St.
H.

0486

Police Court— 3 District.City and County } ss.:
of New York,of No. 24 Second Ave Street, aged 48 years,
occupation Cupid being duly sworndeposes and says, that the premises No. 24 Second Ave Street, 17 Wardin the City and County aforesaid the said being a Cafe, on the ground
floor of the buildings 20-22-24 Second Ave
and which was occupied by deponent as a Cafeand in which there was at the time a human being, by name Albert Mistela
of No. 24 Second Avenuewere BURGLARIOUSLY entered by means of forcibly breaking a pane
of glass of a door leading to said premises,
and removing a bar which had securely
fastened said dooron the 27th day of June 1891 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:A quantity of cutlery, liquors
and cigars, of the value of aboutOne hundred (100) Dollarsthe property of Deponentand deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away byCharles Pelé (nowhere)for the reasons following, to wit: Deponent says - at about 1 am
of said date he securely locked the doors
and fastened the same, as well as the
windows of said premises, and at about
6 am of said date, he was informed by Albert
Mistela of No 24 Second Avenue, that at
about 5 am of said date, said Albert Mistela
heard the sound of crashing glass, and
going to investigate, saw defendant

0487

in said Café, who fled at the approach of said witness, said witness causing defendant's arrest by Officer Edward Smith of the 14th Precinct, defendant having a revolver in his possession, which contained a leaden ball cartridge in one of the Chambers thereof.

Wherefore deponent charges defendant, with burglariously entering said premises, and attempting to take and carry away the aforesaid estimated property from deponent's possession.

Sworn to before me this 27th day of June 1913 Mont Levy

Solomon B. Smith
Police Justice

Dated _____ 188 _____ Police Justice.

I have 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.

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

Dated _____ 188 _____ Police Justice.

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

I have held to answer the sum of _____ and be committed to the Warden and Keeper of the City Prison.

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 _____

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
1. _____	
2. _____	
3. _____	
4. _____	
Dated _____ 188 _____	Magistrate.
	Officer.
	Clerk.
Witness,	_____
No. _____	Street,
No. _____	Street,
No. _____	Street,
\$ _____	to answer General Sessions.

0488

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 39 years, occupation Albert Mustela
Parler of No. 14 Second Ave Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Max Levy
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 27 }
day of June 1898. } Albert Mustela

Edouard B. Smith
Police Justice.

0489

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

Charles Felt

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

Germany

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

Answer.

24 - 1st Street - 2 weeks

Question. What is your business or profession?

Answer.

Writer

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.
Charles Felt.

Taken before me this *27* day of *June* 190*8*
John D. Smith
Police Justice.

0490

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 *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 *March 27* 18 *91* *Selden B. Smith* Police Justice.

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

Dated.....18..... Police Justice.

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

Dated.....18..... Police Justice.

0491

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court--- 3 --- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Max Levy
Charles [illegible]

1
2
3
4

Office [illegible]
[illegible]

Dated June 27 1891
Smith Magistrate.
Edward Smith Officer.

14 Precinct.

Witnesses. [illegible]
No. _____ Street.

Albert Miestela
No. 24 [illegible] Street.

No. 1000 [illegible] Street.
JUN 28 1891
DISTRICT ATTORNEY'S OFFICE

Chm [illegible]
Burg [illegible]

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Charles Fels

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

Charles Fels

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

The said

Charles Fels

late of the *Seventeenth* Ward of the City of New York, in the County of New York
aforesaid, on the *twenty seventh* day of *June* in the year of our Lord one
thousand eight hundred and *ninety-one*, with force and arms, in the

day time of the same day, at the Ward, City and County aforesaid, the
~~dwelling house of one~~ *a certain building, to wit:*
the building of one Max Levy

there situate, feloniously and burglariously, did break into and enter, with intent to
commit some crime therein, to wit: with intent, the goods, chattels and personal property
of the said *Max Levy*

~~in the said dwelling house~~ then and there being, then and
there feloniously and burglariously to steal, take and carry away, against the form of
the Statute in such case made and provided, and against the peace of the People of the
State of New York and their dignity.

De Lancey Nicoll,
District Attorney.

0493

BOX:

440

FOLDER:

4057

DESCRIPTION:

Fischer, Joseph

DATE:

06/05/91



4057

0494

Witnesses;

Counsel,

Filed

May 1897

Pleds,

THE PEOPLE

vs.

Joseph Fischer

John R. Fellows

JOHN R. FELLOWS,

District Attorney.

Burglary in the Third degree.

[Section 498, Penal Code.]

A True Bill.

Chas. J. Ambrose

Foreman.

June 11/97

Heard at New York

per one of

0495

Police Court-- 2 District.City and County }
of New York, } ss.:of No. 394 Fifth Avenue Street, aged 27 years,
occupation Artist being duly sworndeposes and says, that the premises No 394 Fifth Avenue Street,
in the City and County aforesaid, the said being a Four story brick
building in part
and which was occupied by deponent as a Dwelling and Studio
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly Opening a
door leading into the Studio with a false
Key said Studio being in the fourth floor in front
part of said building and entering thereinon the 30th day of May 1889 in the Day time, and the
following property feloniously taken, stolen, and carried away, viz:A quantity of wearing apparel
and a number of oil paintings
together of the value of Four hundred
dollarsthe property of Deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away byJoseph Fischer
(Now here)for the reasons following, to wit: deponent is informed by
he wife Amelia Geim that she secured
locked and fastened the door leading into
the Studio at about the hour of eleven o'clock
A.M. on said date when she heard the defendant
coming up stairs and immediately after
locking said door she heard a noise and
heard the defendant inserting a false key in
said door and opening the door and entering therein

0496

Said Studio and said Amelia heard the
defendant trying to force open the door
leading into her apartment from the Studio
Department met the defendant coming down
stairs in said building and department's wife
Amelia called department's attention to defendant
and said that the defendant had burglarized
said premises and department followed
defendant and caused the arrest of
defendant

Sworn to before me
this 1st day of June 1909
W. W. McMahon

Robert Henry
Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0497

CITY AND COUNTY }
OF NEW YORK, } ss.

Amelia Gerin
aged 21 years, occupation Married Woman of No.
394 Fifth Avenue Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Umberto Gerin
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 1
day of June 1897

Amelia Gerin nata Pola

W. D. McManis
Police Justice.

0498

Sec. 198-280.

CITY AND COUNTY } ss.
OF NEW YORK.

2 District Police Court.

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

Question. What is your name?

Answer.

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.

Joseph Fischer

Taken before me this

day of June 1897

Michael J. ...

Police Justice.

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

Dated June 1st 1891 W. M. Malone Police Justice.

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

Dated June 7 1891 W. J. M. Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

0500

753

Police Court---2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Umberto Gerin
394 3rd St

1. *Joseph Fischer*

3.
4.

Unplanned
Attempted Rape
Office

Dated *June 1st 1891* Magistrate.

Thomas Rosen Officer.
19 Precinct.

Witnesses *Amelia Gerin*
No. *394 3rd St* Street.

No. _____ Street.
No. _____ Street.



No. *2500* to answer *4. 8 5th*

Aug 2

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Joseph Fischer

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

Joseph Fischer

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

The said

Joseph Fischer

late of the *Twenty-first* Ward of the City of New York, in the County of New York
aforesaid, on the *thirtieth* day of *May* in the year of our Lord one
thousand eight hundred and *ninety-one*, with force and arms, in the
day time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *Umberto Gerin*

there situate, feloniously and burglariously did break into and enter, with intent to
commit some crime therein, to wit: with intent, the goods, chattels and personal property
of the said *Umberto Gerin*

in the said dwelling house then and there being, then and
there feloniously and burglariously to steal, take and carry away, against the form of
the Statute in such case made and provided, and against the peace of the People of the
State of New York and their dignity.

Wm. Larnsey Nicoll,
District Attorney

0502

BOX:

440

FOLDER:

4057

DESCRIPTION:

Fisher, John

DATE:

06/30/91



4057

Friday

Witnesses:

*My father & mother
in D.P.
Pet. County of Bay
H.*

*Mr. Stocking recommending
the acceptance of the plea
& recommending that I be
allowed to plead to
a charge of Intoxication
July 9, 91
John R. Fishar
adva.*

Wm. Blake

Counsel, *Wm. Blake*
Filed *20 June 1891*
Pleads, *Wm. Blake*

THE PEOPLE
vs.
John Fisher

ABDUCTION
[Section 282, Sub. 1, Penal Code]

John R. Fishar
District Attorney

A True Bill.

John R. Fishar

Foreman,
July 9, 1891

Pleas *W. Blake*

*2 of 6 pages of
F.D.*

0504

Police Court, 3rd District.STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:

Frank B. Bailey

of No. 105 East 23d Street, in said City, being duly sworn,
deposes and says, that a certain ~~fe~~ male child called Lottie Grumble
[now present], under the age of sixteen years, to wit, of the age of 15 years, is a
necessary and material witness on behalf of the People of the State of New York in a certain
criminal case now pending in the Court of General Sessions of, in and for the City and
County of New York, entitled, The People against John Fisher
Fisher, wherein the said

Fisher is charged with the crime of Rape, under
Section 278 of the Penal Code of said State, in that he, the said the said

Fisher did on the 14th day of June,
1891, at No. 124 West 10th Street
unlawfully and feloniously per-
petrate an act of sexual intercourse
with and upon a certain child -
to wit: the said Lottie Grumble, who
was of the age of fifteen years, as
aforesaid.

and that the said Lottie Grumble
will, as deponent verily believes, unless duly held to appear on trial thereof, avoid giving his
testimony at the instance of the people.

Wherefore, deponent prays that the said child Lottie Grumble
may be held as a witness to appear on the trial of the aforesaid criminal case, and be committed
temporarily to an institution authorized by law to receive children on final commitment, and to
have compensation therefor from the City or County authorities, as a witness, to appear on the
trial of the aforesaid criminal case, in pursuance of the statutes in such case made and provided,
and especially of Section 291 of the Penal Code of the State of New York.

Sworn to before me, this 26th
day of June 1891

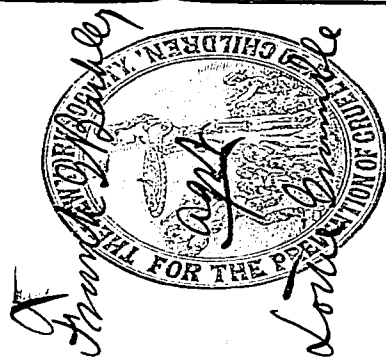
Frank B. Bailey

[Signature]
Police Justice.

0505

POLICE COURT DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF



AFRIDAVID.
WITNESS.

Dated June 27 1981
Magistrate.
Bachler Officer.
C. P. G.

Disposition, Com. to P. O. C.

0506

Tiffin

District Police Court.

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

Frank G. Barkley

of Number *100 East 23^d Street* being duly sworn,
he has reason to believe and does believe that
deposes and says, that on the *14th* day of *June* 1891, at the
City of New York, in the County of New York, at No. *124 West*

101st Street in the said city of New
York, one John Fischer, now pres-
ent, did unlawfully and felon-
iously perpetrate an act of sexual
intercourse with and upon a
certain child called Lottie Bramble,
who was then and there under the
age of sixteen years, & out of the
age of fifteen years, the said
John Fischer not being the husband
of the said Lottie Bramble, in vi-
olation of provisions of section 278
of the Penal Code of the State of
New York

Wherefore the complainant prays that the said

John Fischer

may be apprehended, arrested and dealt with according to law.

Sworn to before me, this
day of *June*

17th
1891

Frank G. Barkley

Police Justice.

0507

12 West 39th Street
New York June 15/89

W^m Eldridge Gerry,
President Society of Prevention Cruelty
to Children.

Dear Sir:- I have
examined Lottie Gramble age
15, and find that there has
been penetration by some blunt
instrument.

F. C. Henshaw M.D.

0508

CITY AND COUNTY }
OF NEW YORK, } ss.

Lottie Grumble
aged 15 years, occupation Servant of No.

124 W. 121st Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Frank G. Bailey
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 17th day of June 1891 } Lottie ^{her} Grumble
mark

[Signature]
Police Justice.

0509

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

5

District Police Court.

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

Question. What is your name?

Answer. *John Fisher*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *122 West 101st St - 9 months*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty & demand an examination*
John Fisher

day of

Taken before me this

15th

1891

Police Justice.

05 10

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

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

Dated *June 26* 18*91* *[Signature]* Police Justice.

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

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

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

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

05 11

BAILED,

No. 1, by _____

Residence _____ Street _____

No. 2, by _____

Residence _____ Street _____

No. 3, by _____

Residence _____ Street _____

No. 4, by _____

Residence _____ Street _____

230 ✓ 848
Police Court--- 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank G. Backley
100 6th 234 St

1 John Fischer
2 _____
3 _____
4 _____

Offence Rape

Dated June 17th 1891
De Witt Magistrate.

McKinnis Backley Officer.

2nd Precinct.

Witnesses Amelia Bramble

No. 12th W. 101st Street.

Lothie Bramble

No. 100 _____ Street.

No. _____ Street.

No. _____ Street.

1000 to answer

1000 Ex June 19 - 9.30 a.m.

" " 19 - 2 P.M.

Corn " 23 - 2 P.M.

" 26 - 2 P.M.



05 12

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

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

New York *JUN 26th* 1891.

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

*The People
against
John Fisher*

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 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

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

05 13

N. Y. GENERAL SESSIONS

THE PEOPLE



CRUELTY TO CHILDREN

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

05 14

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 F. Fisher

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

John F. Fisher

of the CRIME OF ABDUCTION, committed as follows:

The said *John F. Fisher*,

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

fourteenth day of *June*, in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety one*, at the City and County aforesaid, did

feloniously take, receive, harbor, employ and use one *Sadie F. F. F.*, who was then and there a female under the age of sixteen years. to wit: of the age of

eighteen years, for the purpose of sexual intercourse, he, the

said *John F. Fisher* not being then and there

the husband of the said *Sadie F. F. F.*,

against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

~~JOHN R. FELLOWS,~~

~~District Attorney.~~

05 15

Second COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said John F. Bidner —

of the CRIME OF PERPETRATING AN ACT OF SEXUAL INTER-
COURSE WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS,
NOT HIS WIFE, committed as follows :

The said John F. Bidner,

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 a certain
female not his wife, to wit: her, the said Sottie Spaulde, —
then and there being, wilfully and feloniously did make another assault, she, the said
Sottie Spaulde being then and there a female under the
age of sixteen years, to wit: of the age of fifteen years; and the said
John F. Bidner — then and there
wilfully and feloniously did perpetrate an act of sexual intercourse with her, the said
Sottie Spaulde — , against the form of the
Statute in such case made and provided, and against the peace of the people of the
State of New York and their dignity.

John R. Fellows
JOHN R. FELLOWS, District Attorney.

05 16

BOX:

440

FOLDER:

4057

DESCRIPTION:

Flavin, David

DATE:

06/02/91



4057

0517

No. 11
J. W. McHeller

Counsel,
Filed
Reads, August 7, 1897

THE PEOPLE
vs.
David Blain
Burglary in the Second Degree.
[Section 497 Penal Code]

JOHN R. FELLOWS,
District Attorney.
Witness to a Court Case

A True Bill.

Charles J. McKee
Foreman.
James W. McKee
Reads August 7, 1897
S. P. 3 yrs

0518

Police Court— District.

City and County } ss.:
of New York,of No. 40 Laight Street, aged 33 years,
occupation Lat-mer being duly sworndeposes and says, that the premises No 40 Laight Street,
in the City and County aforesaid, the said being a Five story Brick
Buildingand which was occupied by deponent as a Tenement
and in which there was at the time a human being, by name Luigi Alfano
and one other whose name is unknown to deponent and deponent,
were BURGLARIOUSLY entered by means of forciblyOpening a window in the rear part of the
house, said window leading from the
Yard, into a room in the basement of the
House, and the said room being occupied by Deponent,
on the 28 day of May 1889 in the Night time, and the
attempted to be
following property feloniously taken, stolen, and carried away, viz:Good and lawful money of the United
States of the amount of sixteen
dollars - and a quantity of clothing
of the value of six dollars - all of
the amount and of the value of
Twenty two dollars(\$ 22.00)

the property of

Deponent in deponents Care and Custody.and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away byDavid Flavin (now here)

for the reasons following, to wit:

That deponent securely
closed the aforesaid window about the
hour of 10.0 clock P.M. of the aforesaid
date and went to bed - and that about
the hour of 3.0 clock A.M. of the
aforesaid date deponent was awakened
by feeling some person touching his legs
and immediately discovered and took
hold of the defendant who was standing

05 19

in the aforesaid room, and discovered
the said window open -

Deponent therefore charges the defendant
with having committed a Burglary
and asks that he may be held and
dealt with as the Law may direct

Sworn to before me

this 28. day of May 1891

his
Jofrio X Ducro
mark

Charles M. Lammie

Justice

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses

Committed in default of \$ Bail.

Bailed by

No.

Street.

0520

Sec. 108-200.

10th District Police Court.CITY AND COUNTY }
OF NEW YORK, } ss.

David Flavin 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. David Flavin

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. Brooklyn

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

Answer. 20 Ralph St 2 months

Question. What is your business or profession?

Answer. Truck Driver

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

Answer. I am not guiltyDavid Flavin

Taken before me this

day of

Charles H. DePinto

Police Justice

0521

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

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

Dated *May 28* 18*91* *Charles M. Linton* Police Justice.

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

Dated.....18..... Police Justice.

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

Dated.....18..... Police Justice.

0522

732

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Norio Luc
110 vs. *Laught*
David Flavin

2
3
4

Office

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *May 28* 1891

Deputy Magistrate.

Edgar Barker Officer.

5 Precinct.

Witnesses *Luigi Alfano*

No. *110* *Laught* Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

\$ *1000* to answer *G. J.*

Caru

May 28



0523

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

David Flavin

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

David Flavin

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

The said

David Flavin

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

Joseph Duco

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

the said Joseph Duco

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

Joseph Duco

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away;

against the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity,

De Lancey Nicoll,
District Attorney.

0524

BOX:

440

FOLDER:

4057

DESCRIPTION:

Flavin, George

DATE:

06/08/91



4057

Witnesses:

I do solemnly swear
in acceptance of a
Place of Public Service
June 11th 1944
Wanda Hope Lyman
1 copy sent to [illegible]

80 Jm. K. Miller

Counsel,

Filed

Pleads,

20th June 1944

THE PEOPLE

George Thwin

Grand Larceny, (Bank Degree)
(From the Person.)
[Sections 528, 530, Penal Code]

JOHN R. FELLOWS

District Attorney.

A True Bill.

Foreman

City Prison 10 days.

0526

Police Court 2nd District.

Affidavit—Larceny.

City and County } ss:
of New York,

Cornelius J. Fleming
of No. 8th Precinct Street, aged 29 years,
occupation Police officer being duly sworn,
deposes and says, that on the 2nd day of June 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of an unknown man, in
the night time, the following property, viz:

A box containing a pair of
shoes of the value of about
One dollar

the property of said unknown man who
deponent believes from information
to be a seafaring man

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 George Flamm (now here)

for the reasons that deponent
is informed by John Dugan
(now here) that he saw the said
unknown man walking along
Canal Street and had the box
here shown in his hands and
saw the defendant snatch said
box and run away. Deponent
upon said information pursued
the defendant and saw him throw
said box away. Deponent made
diligent efforts to find the owner
but he had gone away.

Cornelius J. Fleming

Sworn to before me, this 3rd day

of June 1891
John H. Kelly Police Justice.

0527

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 34 years, occupation John Dugar Waite of No.

15 Kenwick Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Cornelius J. Fleming
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 7 day of June 1890 } John S. Kelly

John S. Kelly
Police Justice.

0528

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

George Flavin

Question. How old are you?

Answer.

20 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

Yonkers

Question. What is your business or profession?

Answer.

Truck driver

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

Answer.

*I am not guilty**George Flavin*

Taken before me this

9

day of June

1897

John J. Kelly

Police Justice.

0529

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.....

George J. Lavin

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 500 Hundred Dollars,..... and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated June 3 1891 *John E. Kelly* Police Justice.

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

Dated.....18..... Police Justice.

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

Dated.....18..... Police Justice.

0530

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Cornelius J. Fleming
vs.

1 *George J. Flavin*

2 _____

3 _____

4 _____

Lengens
Offence.
Galley

Dated *June 3* 189*1*

Kelly Magistrate.

D. Leming Officer.

8 Precinct.

Witnesses *Call de Officer*

No. _____ Street.

John Bryan

No. *15* *Demick* Street.

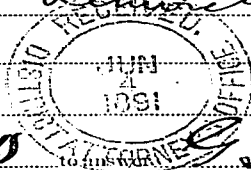
_____ Street.

No. _____ Street.

\$ *500* to *insure* *G. S.*

John

921
Person



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Flavin

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

George Flavin
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said

George Flavin

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

one pair of shoes of the value of one dollar, and one box of the value of ten cents

of the goods, chattels and personal property of one *a certain man whose name is to the Grand Jury aforesaid unknown* on the person of the said *man* then and there being found, from the person of the said *man* 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.

Wm Lancy Nicoll,
District Attorney

0532

BOX:

440

FOLDER:

4057

DESCRIPTION:

Fleming, Edward H.

DATE:

06/09/91



4057

0533

Witnesses:

Counsel,

Filed

9 day of June 1891

Fleets,

Myrick 10

THE PEOPLE

vs.

POOL SELLING.
(Section 351, Penal Code and Chap. 479,
Laws of 1887, SS 4 and 7.)

Edward H. Fleming

May 20/91
Sent to the Court of Special
Sessions for trial, by request
of Counsel for Defendant.

DE LANCEY NICOLL,

District Attorney.

A True Bill.

Chas. J. Gubins

Foreman.

0534

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 N. Fleming

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse Edward N. Fleming

of the crime of keeping a room for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Edward N. Fleming

late of the Fifteenth Ward of the City of New York, in the County of New York aforesaid, on the fifteenth day of May in the year of our Lord one thousand eight hundred and ninety one, at the Ward, City and County aforesaid, and not upon any grounds or race track, owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, with force and arms, did unlawfully and feloniously keep a certain room in a certain building there situate, for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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 N. Fleming

of the crime of knowingly permitting a room to be used and occupied for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Edward N. Fleming

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, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the *occupant* of certain room in a certain building there situate, with force and arms, unlawfully and feloniously did knowingly permit the said room to be used and occupied for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed, and power of endurance of beasts, to wit, horses; 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 N. Fleming

of the crime of keeping, exhibiting and employing devices and apparatus for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Edward N. Fleming

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, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being the *occupant* of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein keep, exhibit and employ, divers devices and apparatus (a more particular description whereof is to the Grand Jury aforesaid unknown) for the purpose of recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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 Grand Jury aforesaid, by this indictment, further accuse the said

Edward N. Fleming

of the crime of becoming the custodian and depository, for hire and reward, of money staked,

wagered and pledged upon the result of trials and contests of speed and power of endurance of horses, committed as follows :

The said

Edward N. Fleming

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, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the occupant of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein then and there become the custodian and depository, for hire and reward, of certain money, to wit: the sum of *two* dollars in lawful money of the United States of America, which said money was then and there by one *Michael J. Cooney* staked, wagered and pledged upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Madstone* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situate at *Gravesend* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club Race Track*, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the circumstances and manner of, upon, and in which the said money was so staked, wagered and pledged as aforesaid, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

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

Edward N. Fleming
of the crime of recording and registering a bet and wager, committed as follows :

The said

Edward N. Fleming

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, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose

of improving the breed of horses, where racing was then lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one

Michael J. Cooney

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Madstone* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *Gravesend* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), 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 Count, And the Grand Jury aforesaid, by this indictment, further accuse the said

Edward W. Fleming

of the CRIME OF POOL SELLING, committed as follows:

The said

Edward W. Fleming

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, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold, to one *Michael J. Cooney* and to divers other persons, to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Madstone* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid.

said, at a certain place and race track situated at Gravesend
 in the County of Kings in the State of New York
 and commonly called the Brooklyn Jockey Club Race Track,
 and which said trial and contest was had, holden and run on the day and in the year aforesaid at
 the place and race track aforesaid (a more particular description of which said trial and contest,
 and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid
 unknown, and cannot now be given), against the form of the Statute in such case made and pro-
 vided, and against the peace of the People of the State of New York and their dignity.

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

Edward N. Fleming

of the crime of recording and registering bets and wagers, committed as follows :

The said

Edward N. Fleming

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, and not upon any grounds or race track owned,
 leased, or conducted by any association incorporated under the laws of this State, for the purpose
 of improving the breed of horses, where racing was then lawfully had, with force and arms, did
 unlawfully and feloniously record and register, and cause to be recorded and registered, divers
 bets and wagers, then and there made by and between divers persons to the Grand Jury aforesaid
 unknown, upon the result of divers certain trials and contests of speed and power of endurance of
 and between divers horses (a more particular description whereof, and of each of them, is to the
 Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year
 aforesaid, at a certain place and race track situated at Gravesend
 in the County of Kings in the State of New York
 and commonly called the Brooklyn Jockey Club Race Track, and which
 said trials and contests were had, holden and run on the day and in the year aforesaid, at
 the place and race track aforesaid (a more particular description of which said trials and contests
 and of the said bets and wagers so as aforesaid then and there made upon the same, is to the
 Grand Jury aforesaid unknown, and cannot now be given), 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.

Eighth Count, And the Grand Jury aforesaid, by this indictment, further accuse the
said *Edward N. Fleming*

of the crime of pool selling, committed as follows:

The said *Edward N. Fleming*

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, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to divers persons, to the Grand Jury aforesaid unknown, divers pools upon the result of divers trials and contests of speed and power of endurance of and between divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *Gravesend* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trials and contests were had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trials and contests and of the pools upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0540

BOX:

440

FOLDER:

4057

DESCRIPTION:

Flynn, John

DATE:

06/30/91



4057

Witnesses;

Counsel,

Filed

day of June 1881

Pleads,

THE PEOPLE

vs.

John Flynn

Grand Larceny, Second Degree.
(From the Person.)
[Sections 528, 531, Penal Code].

JOHN R. FELLOWS

District Attorney.

A True Bill.

Chas. J. [Signature]

Foreman

Pleaded guilty at G.D. Ct.
July 1/91
Pen one yr

0542

Police Court 6th District.

Affidavit—Larceny.

City and County }
of New York, } ss.of Ellen Sweeney
of Can sin 3rd av br 182 + 183rd Street, aged 72 years,
occupation seamstress being duly sworndeposes and says, that on the 2^d day of June 1891 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
and person of deponent, in the day time, the following property viz :gold and silver money of the
United States to the amount and
value of Ninety centsthe property of deponent a widowand that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by John Flynn (now here) Junethe fact that since the commission of
said offense deponent was refused by
Ross Benson James J. Ryan 3rd Precinct
Police (now here) that he said James J.
Ryan came the said John Flynn from
his house in the night from said
possession of the dress then & there worn by
deponent as a portion of her bodily
clothing and feloniously take same and
carry away the property above mentionedJohn
Ellen Sweeney
markSworn to before me this 2^d day of June 1891

Police Justice.

0543

CITY AND COUNTY }
OF NEW YORK, } ss.

James J. Ryan
aged 32 years, occupation Policeman of N.Y.
34th Police Precinct Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Ellen Sweeney
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

June 1897

James J. Ryan
John E. Kelly
Police Justice.

0544

Sec. 198-200.

6th

District Police Court

CITY AND COUNTY } ss.
OF NEW YORK.

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

Question. What is your name?

Answer.

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 have nothing to say or present,
John Flynn
man

Taken before me this

day of

1889

Police Justice

0545

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

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

Dated June 25 18 91 John E. Kelly Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

0546

BAILED.

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

849
Police Court--- 6 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Sweeney
East side of 3 Ave. N.Y.
John Flynn

1 _____
2 _____
3 _____
4 _____

John Flynn
Offence _____

Dated *June 25* 18*91*
Kelly Magistrate.
James J. Ryan Officer.
34 Precinct.

Witnesses *Same Officer*
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1.000* to answer *Yes*

Come

9th
Neuman



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Flynn

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

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

John Flynn

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

one silver coin of the United States of America of the kind called half dollars, of the value of fifty cents, two silver coins of the kind called quarter dollars, of the value of twenty-five cents each, five silver coins of the kind called dimes of the value of ten cents each, eight nickel coins of the kind called five cent pieces of the value of five cents each and ten coins of the kind called cents of the value of one cent each

of the goods, chattels and personal property of one *Ellen Sweeney* - on the person of the said *Ellen Sweeney*

then and there being found, from the person of the said *Ellen Sweeney* 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.

De Lancey Nicoll,
District Attorney

0548

BOX:

440

FOLDER:

4057

DESCRIPTION:

Flynn, William

DATE:

06/26/91



4057

0549

POOR QUALITY
ORIGINAL

Witnesses:

Counsel,

Filed 26 day of June 1891

Pleads, *Not guilty*
THE PEOPLE

26
vs.
17-218
each driver
William Flynn

R A P E.
(Sections 278 and 218, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Chas. J. Sullivan

Part 3. March 23/92
Pleads Assault 3d deg
Foreman.
24

Plays 17x 12

I have examined the
above case with great
care and am satisfied
that it would be im-
possible to make out
a case of rape or felon-
ious assault and I recom-
mend the acceptance of
a plea of assault in
the third degree.
March 27th 1892 Geo M Osborne

Fourth District
Police Court

Catherine Coen
-vs-
William Flynn

Before Hon
Henry Murray,
Justice

N.Y. June 11th, 1891
Joseph Moss, Esq.,
appears for Defendant.

Catherine Coen, being
duly sworn, testifies
as follows:

By the Court:

Q Where do you reside?

A 421 East 18th St

Q On June 5th, last Friday
did you see the def-
endant?

A Yes, sir

Q What time in the day
did you see him?

A Quarter to two. My
husband went to the

2

market.

Q Where did you see him?

A He came in my store.

A little Grocery store.

I am with my mother.

Q Where were you when he came in the store?

A Sitting in the show window behind the counter.

Q Tell us what happened?

A This young man came in the store after my mother went out and asked me whether my mother was out and I said "No". He said what did I want to live for. He said "Have you any shoe laces?" I said "If you want any shoe laces you go just down where you belong". He put his arm over the counter

3

and said "Give me a
lias" I said "Go
away you dirty loafer"
and he comes behind
the counter and drags
me into the back room.
I had a little dog. I
called my dog to come
and bite him. He
took my dog and
kicked him. I called
my dog again and he
kicked my dog and
shut the glass door
leading from my store
to the kitchen and
threw me on the floor.
What did he do?

A He committed an
assault upon me
Q Did he have connection
with you?

A Yes. I then called
for the Barber lady.
Q How old are you?

4

Q I am going on nineteen
I Have you any afflictions?

A I have a disease and
paralysis. I have no
power in my right arm
and left leg. I have
been so afflicted for
fifteen years.

Q How long have you known
this defendant?

A His mother lives in the
block and she comes
in the store once in a
while.

Q Did you ever have any
connection with him
before?

A He attempted before,
sir.

Q How long ago?

A Three months ago
when I came home from
my brother's house.

Q Where did that occurrence
take place?

a In the same house
Q Did he have anything
to do with you before?

A No sir

Q At the time, last Friday,
when you say he commit-
ted that assault
upon you, did you
shout for help?

A Yes, I 'hollered' for Miss
Davis and Mrs Myers.
The door was open and
he closed it.

Q Did he lock it?

A No sir

Q You say he dragged
you from behind the
counter into the back
room and there out-
raged your person?

A Yes sir

Q Did you struggle?

A Yes sir

Q Did you struggle all
you could?

6

A Yes, sir

Q Could you have done any more?

A No, sir

Q Tell me what you did do to prevent him?

A I 'battered' and screamed and he put his jaw on my mouth so I couldn't 'batter' any more.

Q Before he came in was there any hole in this wrapper? (Showing wrapper to witness -)

A No, sir

Q Who did that?

A He did when I was struggling to protect myself.

7

Cross Examination

By Mr. Mass:-

Q You have known this man for how many years?

A I have known him for four years.

Q Did you live in any other house on that block about a year and a half ago?

A I lived in the corner house.

Q Do you remember anything that took place between you and this man about sixteen months ago?

A No, sir, I was sick home.

Q What time?

A About sixteen months ago.

Q What time do I refer to?

A No answer.

S

Q We come to something that took place about three months ago, you told the Court he attempted to, will you state what he did on that occasion?

A He went to throw me down the same way in the same house.

Q Were you sitting in the same place?

A Yes, sir.

Q Did he pull you from the same place that you were sitting, on last Friday into the same room that he did this to you?

A He tried to. He pulled me into the bedroom.

Q Then he pulled you from the window into the bedroom?

9

A Yes, sir

Q Did you scream and 'holler' then?

A Yes, sir

Q And cried out loud?

A Yes, sir

Q Didn't you at that time use all your physical power to prevent him doing anything to you?

A Yes, sir

Q Were you in the bedroom with him three months ago?

A Yes, sir

Q Did he have something to do with you then?

A No, sir

Q How far did he get?

A He threw me down, but when ~~the~~ lady came in he went out

Q A lady came in the room?

10

A She came in the store
Q What is the name of
the lady?

A I couldn't tell
Q Up to last Friday
you were a virgin?
A Yes sir

Q And nobody up to that
time had anything
to do with you?

A No sir

Q And that is as true
as anything else you
have said?

A Yes sir

Q Did you tell anybody
about what he did
three months ago?

A No sir, I was ashamed.

Q On last Friday you
were sitting in the
same place you were
three months ago?

A Yes sir

Q And he came into the

11

store and had the
conversation you told
me about?

A Yes, sir.

Q And went behind the
counter and dragged
you from the same place
into the bedroom in
the back?

A Into the kitchen.

Q Did he throw you
on the bed?

A No, sir; he attempted
but I 'hollered' and
screamed too loud.

Q Threw you on the floor?

A Yes, sir.

Q You screamed loud
then?

A Yes, sir.

Q The outside door
was open?

A Yes, sir.

Q And nobody came to
your assistance?

12

A No, sir

Q you say he held you
down with his cheek
on your mouth?

A Yes, sir

Q And you are sure he
had intercourse with
you?

A Yes, sir

Q No doubt about that?

A No, sir

Q Did you suffer great
pain?

A Yes, sir

Q Did the doctor ex-
amine you?

A Yes, sir Doctor
McCracken

Q When was it you first
told anybody about
what this young man
did to you last
Friday?

A About an hour after
I told the Barber

13

lady, Mrs Myers.

Q Then did you tell your mother about it?

A Saturday afternoon when she came home.

Q Didn't your mother send for a Doctor to examine you on Saturday morning?

A Yes sir

Q Was it with the object of seeing whether you were pregnant?

A Yes sir

Q Was there not something said between you and your mother whether you should become pregnant, or anything like that?

A She didn't tell me anything like that.

Q Did you hear her talk to your sister about that?

14

Q Yes, sir.

Q Was the subject of pregnancy brought up?

A Yes, sir.

Q And she sent for the doctor to see whether the doctor could discover whether you were in a pregnant condition?

A Yes, sir.

Q Now, wasn't there something else said? Didn't you tell your mother of the occurrence three months ago?

A No, sir.

Q Nor anybody else?

A No, sir, nobody at all.

Q Then you mean to tell this Court that you never told anybody about what this man did three months ago?

A Yes, sir, I didn't.

15

Q Do you know how any
of these people know
that this man had
anything to do with
you three months ago?

A No, sir.

By the Court

Q Was your underclothing
stained?

A No, sir.

Q No stain at all?

A No, sir, only the way
he dragged me my
leg bled.

Q Was there any blood?

A No, sir.

16

Met Pursuant to adjournment
 W. J. June 13th 1891
 William McCracken, being
 duly sworn testified
 as follows:

Q You are a practicing
 physician?

A Yes, sir, for about eighteen
 years in this City.

Q Where do you reside?

A 300 E 18 Street.

Q Do you know a girl
 whose health is impaired
 by the name of Catherine
 Coen?

A Yes, sir.

Q About the 5th of June
 were you called to
 see this girl?

A Yes, sir. I saw and
 talked with her. I asked
 her what was the matter.
 Her mother first came
 to me and explained
 what happened.

17

her some questions about it. She told me that the man had intercourse with her four different times within the last year, or over a year since the first intercourse. I asked her why she didn't complain first. She said she was ashamed and afraid. I then asked her if she was regular - had her menstrual periods every month and she said did until the last time - she had missed her last period. I said "Probably you are in the family way" She said she was afraid but hoped not. I didn't examine her at that time. I went again the following day and

18

made an examination of her womb. I didn't discover anything what we consider evidences of pregnancy. She admitted the second time that she had intercourse several times.

Q That is all you know about it?

A Yes sir

Q How long have you known the girl?

A Over a year

Q Where does she reside?

A I believe it is 427 East 18th St

Q And she is the daughter of the old lady that was here?

A Yes sir

Q You know both of them?

A Yes sir

Q How long have you been their physician?

12

A. About two or three years.

Mary Coen, being duly sworn, testified as follows:

By the Court:

I live at 421 East 18th St. I am the mother of the complainant.

Q Do you know this gentleman here?

A Yes, sir.

Q Who is he?

A Doctor McCracken.

Q Is he your physician?

A Yes, sir.

Q Is he the doctor that attended your daughter?

A Yes, sir.

Q The same doctor that was called in after this alleged occurrence?

0569

20

A Yes, sir.

Defendants counsel
moves for the dis-
charge of the defendant
on the ground that
there is no corrobora-
tion.

Decision reserved.

21
N.Y. June 17/91

Met Pursuant to adjournment
Thomas F. Coen Esq., ap-
pears for complainant.
Defendants Counsel
not present.

Catherine Coen, The
complainant recalled.

By Mr Coen

Q (Reading Dr McCracken's testimony
to witness) Is that
a fact that you told
the Doctor?

A No sir, I told the
Doctor this man came
in three months ago
when I was only home
three weeks from my
brother's house I was
washing dishes. He
asked me if I was
all alone. I told him
it was my business
and he then went to
drag me in the bedroom

22

but a lady came in
for a piece of soap
and then he went out.

Q You remember the Doctor
calling on you the
first time?

A Yes, sir.

Q Did you tell him at
any time that you
had four carnal inter-
courses with this man?

A No, sir.

Q Was it then you wrote
a letter to Superintendent
of Police McCarthy?

A I wrote a letter on
Friday afternoon.

Q Then what the Doctor
states here relative to
your admitting or saying
you had four intercourse
with this man, actual
intercourse, is untrue?

A Yes, sir.

73

Q Did you tell Doctor McCracken you thought you were in the family way?

A No, sir.

Q Did he put you through any analytical examination?

A He examined me.

Q What did he say?

A He said he couldn't tell yet awhile.

Q Relative to the statement here of your saying you had four intercourse - how many times did you see the doctor?

A Twice.

Q What did you tell him the first time?

A I told him how Willy Wynn came in to me and he said I was not fit to be examined.

- 24 -

yet awhile; he would
call tomorrow afternoon.

Q You didn't say anything
else?

A Only how he came in
three months ago.

Q And the reason you didn't
say anything to your
mother three months ago
was why?

A Because I was ashamed
and afraid.

Q In that first instance
did he also racial
you by throwing you
down?

A He couldn't succeed
because there was a
lady came in for soap.

Q He tried to but didn't.

A Yes, sir.

Q The last time he saw
you was the only time
he had actual intercourse?

A Yes, sir.

0574

23

Q And that time was the time you state in your affidavit?

A Yes sir.

Q He came in that time while your mother was to market?

A Yes sir.

Q And no one was present?

A No sir.

Adjourned to June
18th at 2 P.M.

0575

June 6 '91

This is to certify that Kate Coen
of 421 E. 18th is unable to walk alone
except across the floor. She has hip
joint disease, is deformed in back
joint, and has a badly ulcerated
leg, and has very little power of
her lower limbs. Respectfully
M. C. Crackum M.D.

0576

Police Court, 4th District.City and County } ss.
of New York,of No. 421 East 1st St Street, aged 18 years,
occupation Housekeeper being duly sworn, deposes and says,
that on the 5th day of June 1888, at the City of New
York, in the County of New York, William Flynn

(Now here) did unlawfully have carnal knowledge of deponent, and did forcibly ravish deponent without her consent and against her will in violation of Section 278 of the Penal Code of the State of New York for the reasons following to wit; at about the hour 1 o'clock & forty minutes P.M. on said date the defendant came into the store in said premises and caught hold of deponent and dragged deponent from the front of said store into the back room of said store or about twenty five feet from where deponent was sitting deponent shouted loudly for help and called loudly for Mrs. Daly the housekeeper and the defendant forcibly threw deponent down on the floor of the back room and held deponent down forcibly with one hand and forcibly raised deponent's clothes and forcibly

0577

inserted his penis into ^{and have sexual intercourse with defendant} defendant's vagina, defendant resisted the defendant as well as she, ^{defendant} was able as defendant is a cripple and was unable to protect her self from defendant—wherefore defendant prays said defendant may be dealt with as the law directs
Sworn to before me this
10th day of June 1891

Kate Coon

Police Justice

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 committed to bail in the sum of One Hundred Dollars, until he give such bail.
Prison of the City of New York, until he give such bail.
Dated 1888
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1
2
3
4

Offence,

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions

0578

inserted his penis into ^{and have sexual intercourse with} deponent's vagina, deponent resisted the defendant as well as she, ^{deponent} was able as deponent is a cripple and was unable to protect herself from defendant—wherefore deponent prays said defendant may be dealt with as the law directs

Osworn to before me this
10th day of June 1891

Kate Coen

Henry J. Coen
Police Justice

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 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 _____ 188____ 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.

Police Court— District,

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Offence,
1
2
3
4

Dated _____ 188____

Magistrate.

Officer.

Clerk.

Witnesses,

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ _____ to answer _____ Sessions

0579

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK.

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

Question. What is your name?

Answer. *William Flynn*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *417 East 18th St 22 years*

Question. What is your business or profession?

Answer. *Coach Driver*

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

Answer. *I am not guilty*
William Flynn

Taken before me this

day of

John J. McLaughlin

Police Justice

0580

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

Dated June 20 1887 Henry M. Wray Police Justice.

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

Dated June 20 1887 Henry M. Wray 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.

*\$5000 - Bail for
Eyo June 13 - 9 1/2 am
June 17 to 9 1/2 am
RAT at 11
June 18 to 3 p.m.*

BAILED.

No. 1, by Mark Horgan
Residence 87 E 4th Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

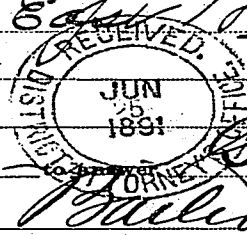
Police Court-- 4th District. 836

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Catharine Coey
421 - E. 18th
William Flynn
2 _____
3 _____
4 _____

Dated June 10th 1891
Murray Magistrate
Martin Robinson Officer.
18 Precinct.

Witnesses Janice Meyers
No. 1239 West 46 Street.
Mrs Mary Coey
No. 421 E 18th Street.

No. _____ Street.
\$ 2000 - Bail
June 20 - 10 am



0582

Sec. 192.

4th District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Henry Murray Esq Police Justice
of the City of New York, charging William Flynn Defendant with
the offence of Rape

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

We William Flynn Defendant of No 417
East 10th Street; by occupation a Coach Driver
and Mark Morgan of No 87 East 4th
Street; by occupation a Retired hereby jointly and severally undertake
that the above named William Flynn Defendant
shall personally appear before the said Justice, at the 4th District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of Fifty
Hundred Dollars.

Taken and acknowledged before me, this 10th day of June 1891
Henry Murray POLICE JUSTICE.

William Flynn
Mark Morgan

0583

CITY AND COUNTY } ss.
OF NEW YORK,

Sworn to before me, this
day of June 1891
at New York City
Police Justice.

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

Situated at no 559 West 44 St in said
City of the value of Eighteen Thousand
Dollars free and clear

Mark Morgan

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 18

Justice.

0584

CITY AND COUNTY } ss.
OF NEW YORK,POLICE COURT, 4th DISTRICT.

Sworn to before me, this
188
day
Police Justice.

Martin Robinson
 of the 18th Precinct Police Street, aged _____ years,
 occupation *Police Officer* being duly sworn deposes and says,
 that on the *5th* day of *June* 188*9*

at the City of New York, in the County of New York, *deponent arrested*
William Flynn (now here) for the reason
that deponent was informed by one
Catharine Cohen that while she, Catharine,
was alone in the store in premises No 421
East 18th Street said defendant entered
said store and did forcibly ravish and
have sexual intercourse with said
Catharine against her will and without
her consent, said Catharine being physically
incapable as shown by annexed certificate,
to successfully resist said defendant.

0585

Deponent further says that said Catharine is unable to appear in Court and asks that said William Flynn may be committed and held until she, Catharine, shall be able to appear and prosecute.

Brought before me this
7 day of June 1891

Martin Robinson

Wm. Flynn

Police Court, District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.
William Flynn

Dated June 7 1891

Magistrate.

Robinson

Witness,

Disposition \$3000 per day

Examination

July 10th 2 1/2 PM

0586

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 Egan

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *William Egan* —
of the CRIME OF RAPE, committed as follows:

The said *William Egan*, —
late of the City of New York, in the County of New York aforesaid, on the *21st*
day of *June*, — in the year of our Lord one thousand eight hundred and
ninety- *one*, at the City and County aforesaid, with force and arms, in and upon
a certain female not his wife, to wit: one *Katharine Coen*, —
— then and there being, wilfully and feloniously did make an assault, and her
the said *Katharine Coen*, then and there, by force and with violence to
her the said *Katharine Coen* —, against her will and with-
out her consent, did wilfully and feloniously ravish and carnally know, against the form of the
Statute is 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 Egan* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *William 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 a certain female not his
wife, to wit: her the said *Katharine Coen*, then and there being,
wilfully and feloniously did make another assault with intent her the said *Katharine*
Coen, against her will and without her consent, by force and violence, to then
and there wilfully and feloniously ravish and carnally know, 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. Ryan* —
of the CRIME OF RAPE, committed as follows:

The said *William F. Ryan*,
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 a certain female not his wife,
to wit: her the said *Katharine Coen*, then and there being, wilfully and
feloniously did make another assault, and an act of sexual intercourse with her the said
Katharine Coen, then and there wilfully and feloniously did
commit and perpetrate, against the will of the said *Katharine Coen*,
and without her consent; 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 GRAND JURY AFORESAID, by this indictment, further
accuse the said *William F. Ryan* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *William F. Ryan*,
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 a certain female not his
wife, to wit: her the said *Katharine Coen*, then and there being,
wilfully and feloniously did make another assault, with intent an act of sexual intercourse with
her the said *Katharine Coen*, against her will and without her
consent then and there wilfully and feloniously to commit and perpetrate, against the form of
the Statute in such case made and provided, and against the peace of the People of the State
of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*

0588

BOX:

440

FOLDER:

4057

DESCRIPTION:

Fogarty, John

DATE:

06/23/91



4057

Witnesses:

Counsel, *67*
Filed *June 29* day of *June* 189*7*
Pleas, *Guilty*

THE PEOPLE
vs.
R
John Fogarty
H. 10.

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

JOHN R. FELLOWS
District Attorney.

A True Bill
Chas. J. [Signature]
June 29/97 Foreman.
Spec'd & Counted off
Assembly Day
S.P. 9

0590

CITY AND COUNTY OF NEW YORK. } ss.

POLICE COURT, 2 DISTRICT.

of No. 15 Police Precinct Street, aged 37 years,
 occupation Police man being duly sworn, deposes and says

that on the day of 1891
 at the City of New York, in the County of New York.

Terence Reynolds
 (now here) is a material witness against
 one John Fitzgerald charged with felonious
 assault, and as defendant is not sure that
 he can produce the said Terence Reynolds
 as a witness at the trial of the said
 John Fitzgerald, defendant prays that the
 said Reynolds may furnish bond
 for his appearance at the trial of the said
 Fitzgerald and in default thereof be held at the
 house of detention.

George Murdoch

Sworn to before me, this

of

1891

15

1891

Inspector
 Police Justice

0591

Police Court, 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George M. J. J.

vs.

Thurston Reynolds

AFFIDAVIT.

Dated, June 13 189 1

W. H. J.

Magistrate.

W. H. J.

Officer.

Witness, 1

Disposition

0592

Police Court—2 District.

City and County of New York, } ss.:

of No. 423 West 32nd Street, aged 29 years,
 Terence Reynolds
 occupation Stone Cutter being duly sworn
 deposes and says, that on 14 day of June 1897 at the City of New
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John Fitzgerald
 (now here) who on the above date did
 cut and slash deponent with a knife
 then and there held in the hands of the
 said Fitzgerald, cutting deponent five times
 in the face and once in the hand.

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 to before me, this 15 day
 of June 1897. } Terence Reynolds
W. M. Malon Police Justice.

0593

Sec. 198—200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

John 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. *John Fogarty*

Question. How old are you?

Answer. *50 years.*

Question. Where were you born?

Answer. *New York.*

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

Answer. *No Home —*

Question. What is your business or profession?

Answer. *None —*

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 dont know anything about it.*
John Fogarty

Taken before me this

day

June

1891

W. J. Nichols

Police Justice.

0594

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

Dated *June 15* 1897 *D. J. Mahala* Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

Residence *Street*

0596



New York, June 24 1891

To Officers

Murdock or Leeson.
Record of John Fogarty:

Picture No 741 Rogues Gallery
Arrested in year 1877 for Burglary
sentenced to State Prison for
1 year 6 months by Judge Bedford

Arrested Feb 18- 1878 Burglary
sentenced 2 years State Prison

Arrested June 20th 1884 Grand
Larceny sent to State Prison for
3 years by Judge Goldenshere
June 30 " 1884

0597

Arrested July 9th 1887 on charge
of Assault with intent to
kill on a woman and
was sentenced to State Prison
for 5 years -

He was arrested ~~again~~ on
a charge of attempted murder
on his wife ^{complacit} previous to
going to Prison the last time.

Fogarty is one of the most
desperate criminals that
ever lived in New York

M. J. Lyman
Det Sergeant

The People v. John Fogarty
 Court of General Sessions. Part I
 Before Judge Cowing. June 29, 1891.
 Indictment for assault in the first degree.
 Terence Reynolds, sworn and examined,
 testified. Where do you live? No. 423 West
 Thirty Second street in this city. Did you
 meet the defendant on the 14th of June last
 anywhere? Only where he cut me sitting
 on a lounge in Mr. McGinnis's. Was that
 on the 14th of June? Yes, it was. Where did
 it take place? Mr. McGinnis's house. Where is
 that? At 123. I think, I forget the number,
 it was West street near Macdougall street
 in this city. What time of day was it? I
 could not exactly tell, but I think it was
 around six o'clock in the evening. I would
 not swear to that fact, though I should
 judge it was about that time, or a little after.
 Was it in this saloon you have called
 McGinnis's? No, Mr. McGinnis has got no
 saloon. In a private house? Yes sir.
 State what took place? I met Mr. McGinnis
 about a quarter to three. I should judge
 I looked at my watch. I got off a Seventh
 Avenue car, it was three o'clock. Mr. Mc-
 Ginnis felt sick. In the afternoon?
 Yes. He says, "I am not able to go up
 stairs; take me up stairs." Mr. McGinnis
 and me was sitting on the lounge

2

talking, and the man came from the bed room. By District Attorney: Do you know this man? Yes. This defendant? Yes sir; we were in the front room sitting on a lounge the same as I am sitting here now. The defendant came from the bed room on the same floor? Yes sir, from the back room. I should judge he did not come from the front room. What took place? He turned around, and he says, "Detectives", and he jolted me here and here and there (pointing) and cut me on the head and I caught him. Had you known the man before? No sir, I have heard tell of him, that is all.

By the Court: You do not know him? No sir, never spoke to him in my life.

By District Attorney: Are you a detective? No sir. What is your business? I did work at stone cutting for my father at one time. When he came into the room he exclaimed "detective?" Yes, but he made a jab for Mr. M. Ginnis, and I put my hand up and I caught it here. He says, "stop it." There is five stitches, it is sewed up.

By the Court: He cut you in the throat and in the head with a knife? Yes, and on the hand.

Had you ever met the man before? No.
 never met the man in my life to know
 him. I heard tell of him. I never had
 a quarrel with him. Did he belong there?
 No, we did not know how he came in
 there; that is what we wanted to find out.
 Cross Examined You had no quarrel with this
 man? No sir, not a word. Do you
 not honestly believe, judging as an
 ordinary man that this man was
 out of his mind at the time? I know
 that; he said, "Why didn't I kill him for
 doing such a thing?" He said, "You
 are detectives." Throwing up his hand
 violently in a great many ways? Yes.
 I know that. Do you think he had
 any intention of injuring you? No I
 do not to tell you the truth. The actual
 fact is that he came out there and
 he inflicted those injuries on you in
 a manner that you could not find
 any reason for whatsoever? No. I was
 sitting on a living with Mr. McGuinness
 lying there. I stated the case to the man.
 "Why didn't you shoot and kill me?"
 You think he is innocent? He must
 be, he said so himself.
 Counsel. I do not think this man is in his
 rational mind you hear now.

John M. Ginnis, sworn and examined.
 Where do you live? No. 123 West Third St.
 Were you present on the 14th of June
 last when Mr. Reynolds was with you
 in the room there? Yes. Mr. Reynolds took
 me up stairs. I had a birthday party
 and I got a little too much in and
 Mr. Reynolds met him two doors from
 my house and took me home. I
 went to sleep on the sofa and I woke
 up. There was trouble. I do not know
 how I came there. Reynolds took me
 home. That man I believe is crazy
 or why should he act that way? I
 saw the officer take the knife away
 from him, a common case knife
 you saw Mr. Reynolds wounded and
 bleeding? Yes. I saw Mr. Reynolds bleeding.
 I do not know what difficulty they had.
 Cross Examined. I don't know what time the
 defendant came into the house. I was
 drunk. I did not know what happened.
 I was on the sofa. Where I woke up I
 saw blood; that was all. You do not
 know what happened in the interim?
 I saw the officer have the knife.

Geoff Murdock, sworn and examined by
 District Attorney. You are a police officer of this city? Yes.
 Connected with what precinct? The fifteenth.
 Did you make the arrest in this case
 officer? Yes sir. Soon after the assault was
 committed? Yes sir. What did you find
 officer? I heard them halloo; some wo-
 men stuck their heads out of a window
 hallooing "Murder," and "Police". I ran
 up stairs and Mr. Fogarty had Reynolds
 away back over on the sofa. In the
 struggle he was making a punch at
 for him and Reynolds had Fogarty
 by the collar of the coat, and he made
 a jab and I caught him by the wrist.
 I told him to let go of the knife and he
 would not. I hit him over the hands
 with a stick and made him drop it.
 He was assaulting the complainant
 Reynolds at the time you entered? Yes.
 Have you got the knife officer? Yes sir.
 (The witness produced the knife).
 What did he say when you arrested him?
 I pulled him out in the middle room
 and he kicked at me; I pulled him at the
 head of the stairs and throw me down
 stairs. Going to the station house he said
 that he took him to be a detective.
 He took who to be a detective? He took

Reynolds to be a detective. Did he say what he had against the detective? He did not say anything further than that - what. Do you want to do a detective up? He did not say a word until he got in front of the station house door. As I was going up he said. He would do the same if he could get away with it. He did not get away with it, Officer. No, not at that time. What statement did he make in the station house? None whatever. He said he knew nothing about it. He said he knew nothing about it after he got in the station house? Yes sir.

Cross Examined Officer, you know this man? Yes sir. I heard of him before. You have examined his record? Yes sir. You found out that he had been in prison for years have you not? Yes sir. In fifteen or sixteen years? I do not think his record is as bad as that. Counsel Reads. This is the record of John Fogarty. Picture No. 741 Rogues gallery. Arrested in the year 1871 for burglary and sentenced to the State prison for one year and six months by Judge Belford. Arrested February 18 1878 for burglary.

and sentenced to two years in the State prison. Arrested June 20. 1886 for grand larceny and sent to the State prison for three years by Judge Gildersleeve June 30. 1886. Arrested February 9. 1887 on a charge of assault with intent to kill on a woman, and was sentenced to the State prison for five years. He was arrested on a charge of attempting to murder his wife, previous to going to prison the last time. Fogarty is one of the most desperate criminals that ever lived in New York that is the record which the officer produced.

By the District Attorney. Officer in all the transactions that you had with this defendant did he do any reasonable or proper act during all the time you had him in custody? No sir. Do you mean going over? I mean while you had him in custody? I mean from the time that you arrested him until the time you brought him into the station house. Did you observe any reasonable act upon his part? A reasonable act - he tried to get away. Do you call that a reasonable act trying to get away from an officer as big as you are? Yes sir trying to trip a man going down

0605

POOR QUALITY
ORIGINAL

stairs when he got to the head of the stairs
I mean in all ways did he not betray
the fact that he was out of his mind?
He acted like a man that had been drink-
ing. Was he seemingly under the
influence of liquor to such an extent
that he could not tell what he was doing?
He could tell what he was doing.
Show me one specific act, tell me one
specific act? He being cunning enough
to try to get away from me.
Have you had an insane person in
your custody in your life, did you
ever have charge of an insane person
in your life? No sir.

District Attorney. That is the people's case.

Counsel for the defendant opened the
case and said: I do not intend
to put the defendant on the stand and
do not intend to make any defence to
this action. He admit that he cut a
man on a certain day at a
certain place.

The jury rendered a verdict of guilty of
assault in the second degree.
The Court sentenced the defendant to the
State prison for 5 years.

0606

Testimony in the
case of
John Fogarty
filed June 1921

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 Fogarty

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 Fogarty

late of the City of New York, in the County of New York aforesaid, on the ~~fourteenth~~ day of ~~June~~, in the year of our Lord one thousand eight hundred and eighty-nine, with force and arms, at the City and County aforesaid, in and upon the body of one *Terence Reynolds* in the peace of the said People then and there being, feloniously did make an assault and to, at and against ~~him~~ the said *Terence Reynolds* with a certain ~~pistol~~ *knife* then and there loaded and charged with gunpowder and one leaden bullet, which the said *John Fogarty* 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 *Terence Reynolds* 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 Fogarty

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Terence Reynolds* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against ~~him~~ the said *Terence Reynolds*, with a certain *knife* a certain ~~pistol~~ then and there charged and loaded with gunpowder and one leaden bullet, which the said *John Fogarty*

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

OF LANCY NICOLL.
JOHN R. FELLOWS,

District Attorney.