

0470

**BOX:**

440

**FOLDER:**

4057

**DESCRIPTION:**

Faulkner, Arthur

**DATE:**

06/26/91



4057

0471

*Cuddy*

Counsel,  
Filed *26* day of *June* 1891  
Pleads, *Not Guilty*

THE PEOPLE  
*vs*  
*Arthur Faulkner*  
Robbery,  
[Sections 224 and 228, Penal Code].  
degree.

*Reddancy Nicoll*  
JOHN R. FELLOWS  
District Attorney.

A True Bill.

*Chas. J. ...*  
Foreman.

*July 16, 1891*  
*Pleas do not apply*  
*D. H. ...*  
*July 17, 1891*

Witnesses;

*Arthur been*  
*in ...*  
*years ago.*

0472

Police Court - 4 District.

CITY AND COUNTY }  
OF NEW YORK, } ss

George Deppers  
of No. 40 1/2 East 7<sup>th</sup> Street, Aged 40 Years  
Occupation Composite, being duly sworn, deposes and says, that on the  
21 day of June 1891, at the 19<sup>th</sup> 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 <sup>25</sup>/<sub>100</sub> dollars.

of the value of Four <sup>25</sup>/<sub>100</sub> 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 Tackker, (now here),  
and an unknown man, yet get arrested  
while acting in concert, from the fact  
that at about the hour of 2:30 P.M. on  
said date defendant was going through  
East 7<sup>th</sup> Street on his way home and the  
said property was in his possession.  
When defendant was about half way on  
the street between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues  
the aforesaid Tackker and the said  
unknown man ran out, and the defend-  
ant Tackker caught hold of deponent  
by the throat, and the said unknown

Copy of  
188  
Police Station  
Secure to ignore me, this

0473

Caught here of depment by the court called  
and depment was thrown down. This  
depment was lying on the ground the  
depment was taken by the depment by  
the throat and the said unknown man  
took the said property out of depment's  
pocket. Therefore depment pray that  
the depment be held and  
sent with to the land direct

Now before me this 4 George Jeffers  
21<sup>st</sup> Day of June 1891

A. J. White  
Police Justice

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
committed, and that there is sufficient cause to believe the within named

Police Court, District

THE PEOPLE, etc.,  
on the complaint of  
1  
2  
3  
4  
Offence—ROBBERY.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

No. Street,

to answer General Sessions.

0474

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*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. *Plumber*

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

*[Signature]*  
1887

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 11 188* *1* *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  
see 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 Seppert*  
vs.  
*Arthur Faulder*

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

Offence *Robbery*

Dated *June 21* 1891

*W. H. White* Magistrate

*Donley* Officer.

*25* Precinct.

Witnesses *Emil G. Riche*

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

*Emil G. Riche*

No. *24* Street.

*Complet bailed see inside*

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

\$ *2000*

*of June 24/230*

\_\_\_\_\_

\_\_\_\_\_



0477

No. 1.

408

District Attorney's Office.

Pass me  
PEOPLE

vs.

Arthur Paulsen

July 14<sup>th</sup>

Off of Winters Rec'd

and Sumell

Coupl to office

July 14<sup>th</sup> 1901

0478

CITY AND COUNTY }  
OF NEW YORK, } ss.

POLICE COURT, 11 DISTRICT.

Patrick H. Sawyer

of No. The 75<sup>th</sup> Precinct Police Street, aged        years,

occupation Officer being duly sworn deposes and says,

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 Sweeney, charged with  
Robbery. Deppert further says  
that he has good reason to believe that  
said Deppert will not appear when  
wanted and prays that he be committed  
to the House of Detention.

Patrick H. Sawyer

Sworn to before me this

of June 1891

day

W. H. [Signature]

Police Justice.

0479

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

Recognition to Testify.

BE IT REMEMBERED, that on the 26 day of June in the year of our Lord 1921

of No. 40 B East 14 St. Street, in the City of New York,  
and Joseph Lunnin  
of No. 443 E 2nd Street, in the City of New York,

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

the sum of One Hundred Dollars,  
and the said Joseph Lunnin  
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 condition following, viz:

The Condition of this Recognition 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

Arthur Faulkner

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

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

Joseph J. Kelly  
Joseph Lunnin

Arthur Faulkner  
POLICE JUSTICE.

0480

CITY AND COUNTY } ss.  
OF NEW YORK, }

1887  
Police Justice  
Sworn before me, this  
day of  
1887

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 firm name  
of our thousand dollars  
Joseph Rivino

New York Sessions.

THE PEOPLE, &c.,

Recognition to Testify.

Magistrate

Filed day of 1887

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 Defendant of No. 408  
East 77<sup>th</sup> 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 4<sup>th</sup> District Police Court in the City of New York,  
as a witness 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 22<sup>nd</sup>  
day of June 1891.

[Signature] POLICE JUSTICE.

George Deppert  
Joseph Knirim

0482

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Joseph Kirrim*  
District Police Justice.  
1891

Sworn to before me, this 29th day of \_\_\_\_\_ 1891

*Joseph Kirrim*

the within named Bail and Surety being duly sworn, says, that he is a resident and house 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 fitures & furniture at premises number 2443 Pearl street New York city worth eighteen hundred dollars free & clear

*Joseph Kirrim*

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear during the Examination.

78.

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 Faulkner

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

Arthur Faulkner

of the CRIME OF ROBBERY in the 2<sup>nd</sup> degree, committed as follows:

The said Arthur Faulkner,

late of the City of New York, in the County of New York aforesaid, on the 22<sup>nd</sup> day of June in the year of our Lord one thousand eight hundred and ninety-one, in the time of the said day, at the City and County aforesaid, with force and arms, in and upon one George Deppert, 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 Deppert, from the person of the said George Deppert, against the will, and by violence to the person of the said George Deppert, then and there violently and feloniously did rob, steal, take and carry away,

the said Arthur Faulkner being 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.

Doansey Meill  
District Attorney

0484

**BOX:**

440

**FOLDER:**

4057

**DESCRIPTION:**

Fels, Charles

**DATE:**

06/30/91



4057

0485

Witnesses:

Counsel,

Filed *20 June 1891*

Pleads,

*vs. Sullivan*

THE PEOPLE

18

*First ind. vs.*

*Burglary in the Third degree.*

*Section 498, Penal Code 1.*

*Charles F. DeLo*

*BLANCEY HICOLL  
JOHN R. FELLOWS*

District Attorney.

A True Bill

*Ch. F. DeLo*

Foreman.

*July 10/91*

*Pleas Attorney  
1416 Mar 21/91*

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 sworn

deposes and says, that the premises No. 24 Second Ave Street, 17 Ward

in 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 Cafe

and in which there was at the time a human being, by name Albert Mistela  
of No. 24 Second Avenue

were BURGLARIOUSLY entered by means of forcibly breaching a pane  
of glass of a door leading to said premises,  
and removing a bar which had securely  
fastened said door

on the 27<sup>th</sup> 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 about

One hundred (100) Dollars

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid attempted to property taken, stolen and carried away by

Charles Pelt (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 crushing glass, and  
going to investigate, saw defendant

in said Cafe, who fled at the approach of said witness, said witness causing defendant arrest by Officer Edward Smith of the 14<sup>th</sup> Precinct, defendant having a revolver in his possession, which contained a leaden ball cartridge in each 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 27<sup>th</sup> day of June 1913. *Mark Levy*  
*Solomon B. Smith*  
Police Justice

..... Dated 1888 Police Justice.

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.

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

..... Dated 1888 Police Justice.

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

I have 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

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

Offence—BURGLARY.

vs.

1  
2  
3  
4

Dated 1888

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 of No. Parlor  
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 } Albert Mustela  
day of June 1898. }

Edouard Belmont  
Police Justice.

0489

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Charles Fale* 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. *Charles Fale*

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 - 1<sup>st</sup> Street - Newark*

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 Fale.*

Taken before me this *27*  
day of *June* 1918  
*John J. 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* *he* will be committed to the Warden and Keeper of the City Prison, of the City of New York, until *he* give such bail.

Dated *Jan 27* 18 *91* *Solomon 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 *h* to be discharged.

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

0491

Police Court--- 3 --- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Max Dewey  
Charles [unclear]

Office  
Dewey

2  
3  
4

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

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

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

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

Dated June 27 1891  
Smith Magistrate.

Edward Smith Officer.

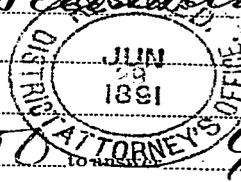
14 Precinct.

Witnesses. [unclear] Officer

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

Albert Mistela

No. 24 [unclear] Street.



No. 1000 [unclear] Street.

[unclear] [unclear]

**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*

~~dwelling house~~ 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

5<sup>th</sup> day of June 1894

Pleds,

*J. J. [Signature]*

THE PEOPLE

vs.

*Joseph Fischer*

*Burglary in the Third degree.*

[Section 498, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Chas. J. Ambler*

Foreman.

*June 11/94*

*Hebert H. [Signature]*

*Pen one of*

0495

Police Court 2 District.

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

Umberto Guerin

of No. 394 Fifth Avenue Street, aged 27 years,  
occupation Artist being duly sworn

deposes 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 name

were 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 therein

on the 30<sup>th</sup> 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  
dollars

the property of Deponent  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Joseph Fischer  
(Now here)

for the reasons following, to wit: deponent is informed by  
his wife Amelia Guerin that she securely  
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 defendant's wife  
Amelia called defendant's attention to defendant  
and said that the defendant had burglarized  
said premises and defendant followed  
defendant and caused the arrest of  
defendant

Sworn to before me  
this 1<sup>st</sup> day of June 1911

*W. W. ...*

*Robert ...*

Police Justice

Police Court District

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

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.

aged 21 years, occupation Mania 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 } Emilia Gerin nata Pola

W. D. ...  
Police Justice.

0498

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

*Joseph Fischer* 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.

*Joseph Fischer*

Question. How old are you?

Answer.

*36 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*1037 Bloor Ave 4 years*

Question. What is your business or profession?

Answer.

*Painter*

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*

*Joseph Fischer*

Taken before me this

*August 1889*  
*W. H. ...*

Police Justice.

0499

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.....

*Open Court*

.....  
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 12* 189*1* *W. 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 he to be discharged.

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

0500

753

Police Court--- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Umberto Cerin  
394 5th St

1 Joseph Fischer

3

4

Offence: *Unlawful  
Attempted Rape*

Dated June 1<sup>st</sup> 1891

Magistrate.

Thomas Rosen Officer.

19 Precinct.

Witnesses: *Amelia Cerin*

No. 394 5th St Street.

No. Street.

No. Street.

\$ 2500 to answer G. S. 5th



*Handwritten signature*

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. Lamsley Nicoll,*  
*District Attorney*

0502

**BOX:**

440

**FOLDER:**

4057

**DESCRIPTION:**

Fisher, John

**DATE:**

06/30/91



4057

0503

*Lacey*

Witnesses:

*Mytharven*  
*W. W. in d.P.*  
*Post. Grandly at bay*  
*AS*

*Mr. Frothing recommending  
the acceptance of the plea  
& recommended that def  
be allowed to plead to  
a charge of abduction  
July 9. 91*  
*John Fisher*  
*Adm.*

*W. W. Blakey*

Counsel,  
Filed *20 June 1891*  
Pleas, *Admittedly July 9*

*W. W. Blakey*  
THE PEOPLE  
vs.  
*I*  
*John Fisher*

ABDUCTION  
[Section 252, Sub. 1, Penal Code]

*Redoncy Mott*  
~~JOHN R. BULLOWS~~

District Attorney.

A True Bill.

*C. J. Fisher*

Foreman,  
*July 9, 1891*

Pleas *M. Abduction*

*2. 17. 6. 1891*  
*E. S.*  
*10*

0504

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

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

*Frank B. Barkley*

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 14<sup>th</sup> day of June,  
1891, at No. 124 West 10<sup>th</sup> 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 26<sup>th</sup>  
day of June 1891

*Frank B. Barkley*  
*[Signature]*  
Police Justice.

0505

POLICE COURT DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Francis J. Scully*  
*Arthur*  
*Lothian*



WITNESSES.  
AFFIDAVIT.

Dated *June 27* 19*21*  
*Alvin* Magistrate.  
*Rachless* Officer.  
*P. P. G.*

Disposition, *Com to P.C.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<sup>d</sup> Street being duly sworn,  
he has reason to believe and does believe that  
deposes and says, that on the 14<sup>th</sup> day of June 1891, at the  
City of New York, in the County of New York, at No. 124 West

161<sup>st</sup> Street in the said city of New  
York, one John Fischer, now pres-  
ent, did unlawfully and feloniously  
perpetrate an act of sexual  
intercourse with and upon a  
certain child called Lottie Crumble,  
who was then and there under the  
age of sixteen years, & not of the  
age of fifteen years, the said  
John Fischer not being the husband  
of the said Lottie Crumble, in vio-  
lation 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

17<sup>th</sup>  
1891

Frank G. Barkley

Police Justice.

0507

12 West 39<sup>th</sup> Street  
New York June 15/87

W<sup>o</sup> 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

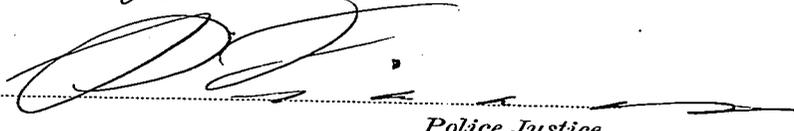
Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Frank G. Buckley

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

Sworn to before me, this 17<sup>th</sup>  
day of June 1891

Lottie <sup>her</sup> X Grumble  
mark



Police Justice.

0509

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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 101<sup>st</sup> 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

Taken before me this 15 day of 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 he to be discharged.

Dated.....188

Police Justice.

0511

230 ✓ 848  
Police Court--- 5 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Frank G. Barkley  
100 5<sup>th</sup> 234 St  
1 John Fischer

offence Rape

3  
4

Dated June 17<sup>th</sup> 1891  
De Witt Magistrate.

McClinton Barkley Officer.  
27<sup>th</sup> Precinct.

Witnesses Amelia Bramble  
No. " 12<sup>th</sup> W. 101" Street.

Lottie Bramble  
No. 100 Street.

No. Street.

\$ 1000 to answer G.S.

1000 Exp June 19 - 9.30 a.m.

Corn " " 19 - 2 P.M.  
" " 25 - 2 P.M.  
" " 26 - 2 P.M.



BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

0512

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

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

New York *JUN 26<sup>th</sup> 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.*

0513

N. Y. GENERAL SESSIONS

CRUELTY TO CHILDREN

THE PEOPLE



NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

*President, &c.*

0514

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 Fisher

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

John Fisher

of the CRIME OF ABDUCTION, committed as follows:

The said John 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-nine, at the City and County aforesaid, did
feloniously take, receive, harbor, employ and use one Lottie Lyman,
who was then and there a female under the age of sixteen years. to wit: of the age of
fifteen years, for the purpose of sexual intercourse, he, the
said John Fisher not being then and there
the husband of the said Lottie Lyman,
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.

Second COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further

accuse the said John Sidner —

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 Sidner,

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 Sidner 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,  
20 Chambers  
Filed  
1887  
Reads, August 7<sup>th</sup>

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

JOHN R. FELLOWS,  
District Attorney.  
100 Nassau St. New York

A True Bill.

Charles J. Mohr  
Foreman.  
James W. [unclear]  
Reads August 7<sup>th</sup>  
S. P. 3 [unclear]

Witnesses;

0518

Police Court— District.

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

of No. 40 Laight Street, aged 35 years,

occupation Labourer being duly sworn

deposes and says, that the premises No 40 Laight Street,  
in the City and County aforesaid, the said being a Five story Brick  
Building

and 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 forcibly  
Opening 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 1891 in the Night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Good and lawful money of the United  
States of the amount of Twelve  
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 by

David 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

0519

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

his  
Yojoio & Ducro  
magistrate

this 28. day of May 1891

Charles M. Lantier

Justice

Police Court District.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

Degree

Burglary

vs.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses

Committed in default of \$ Bail.

Bailed by

No. Street.

0520

107

District Police Court.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

David Flavin 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. 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 guilty

David Flavin

Taken before me this 11th day of May 1931 at New York City, New York, by me, Charles J. Stephens, District 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 27* 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--- 15<sup>th</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Joseph Luc*  
vs. *Laught*  
*David Flavin*

*Quigley*  
Offence

2  
3  
4

Dated *May 28* 18*91*  
*DeWitt* Magistrate.  
*Edgar Parker* Officer.  
*5<sup>th</sup>* Precinct.

Witnesses *Luigi Alfano*  
No. *40 Laught* Street.

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

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

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

*Carroll* *May 28*



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

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 Duce

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

the said Joseph Duce

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

Joseph Duce

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

0525

Witnesses:

I do solemnly swear  
in acceptance of a  
Place of Notary Public  
June 11-1941  
Wanda J. Gamm  
Notary Public

80  
J. M. Kelleher

Counsel,

Filed

Pleads,

200  
J. M. Kelleher

1941  
J. M. Kelleher

THE PEOPLE

vs.

George Dwin

Grand Larceny, 3rd Degree,  
(From the Person)  
[Sections 528, 530, Penal Code]

JOHN R. FELLOWS

District Attorney

A True Bill.

Foreman  
J. M. Kelleher

10 days  
City Prison

0526

Police Court 2<sup>nd</sup> District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

Cornelius J. Fleming  
of No. 8<sup>th</sup> Precinct Street, aged 29 years,  
occupation Police officer being duly sworn,  
deposes and says, that on the 2<sup>nd</sup> 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 3 day of June 1891  
John Kelly Police Justice.

0527

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Dugar*  
Waite

aged 34 years, occupation \_\_\_\_\_ 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 Dugar*

*John S. Kelly*  
Police Justice.

0528

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*George Flavin*

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. *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*

Subscribed and sworn to before me this 9 day of June 1934  
*John S. 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

750

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Cornelius J. Florman*  
vs.

1 *George J. Flavin*  
2  
3  
4

*Lengem*  
*Jalby*  
Offence.

BAILED,

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

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

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

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

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

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

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

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

Dated *June 3* 18*91*

*Kelly* Magistrate.

*D. Leming* Officer.

*8* Precinct.

Witnesses *Call de Officer*

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

*John Bryan*

No. *15 Pennick* Street.

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

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

\$ *500* to *the above*

*John*



*John*

0531

**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~~ *eighty* ~~one~~ *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:

1091  
Counsel,  
Filed  
9 day of June 1891  
Pleas, *9*  
THE PEOPLE

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

vs.

*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 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 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.

0539

**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 par-  
ticular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) there-  
after 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 con-  
tests 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, *B. Spence*  
Filed *June 1881*

Pleads,

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

THE PEOPLE

v.

*John Flynn*

JOHN R. FELLOWS,

District Attorney.

**A True Bill.**

*Chas. J. Hubbs*  
Foreman

*Pleaded guilty at G. C. C. C.  
July 1911  
Pen one by G. C. C. C.*

0542

Police Court 6<sup>th</sup> District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of William 3<sup>rd</sup> av bet 182 & 183<sup>rd</sup> Street, aged 72 years,  
occupation seaman being duly sworn

deposes and says, that on the 2<sup>d</sup> 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 cents

the property of deponent a widow

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 John Flynn (now here) James  
the fact that since the commission of  
said offense deponent was refused by  
Richard James of Regent 34<sup>th</sup> Precinct  
Police (now here) that he said James of  
Regent saw the said John Flynn just  
his house in the night frame with  
pieces of the dress then & there worn by  
deponent as a portion of her child's  
clothing and feloniously take same and  
carry away the property above mentioned

William 3<sup>rd</sup> av  
bet 182 & 183<sup>rd</sup>  
Street

Sworn to before me this 2<sup>d</sup> day  
of June 1891  
John S. Kelly  
Police Justice.

0543

CITY AND COUNTY }  
OF NEW YORK, } ss.

James J. Ryan  
aged 32 years, occupation Police of N.Y.

34<sup>th</sup> Police Precinct Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of William Sweeney  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 25  
day of June 1897 James J. Ryan

John E. Kelly  
Police Justice.

0544

Sec. 198-200.

6<sup>th</sup>

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.

*John Flynn*

Question. How old are you?

Answer.

*16 years*

Question. Where were you born?

Answer.

*Sulame*

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

Answer.

*Chatham Square! 3 days*

Question. What is your business or profession?

Answer.

*Peuder*

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

*John Steel*

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 Alford

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

849

Police Court--- 6 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William Sullivan*  
*East side of 3 Ave. 4th*  
*John Flynn*

*John Flynn*  
*John Flynn*  
Offence

1  
2  
3  
4

Dated *June 25* 18*91*

*Kelley* Magistrate.

*James J. Ryan* Officer.  
*34* Precinct.

Witnesses *Same Officer*

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

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

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

\$ *1,000* to answer *Ans.*

*Com*

*John Flynn*  
*John Flynn*



BAILED.

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

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

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

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

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

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

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

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

0547

**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 Lancy 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.

187-218  
each criminal

William Flynn

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

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*John J. [Signature]*

Part 3. March 23/92

Pleads Assault 3<sup>d</sup> deg

*John J. [Signature]*

I have examined the above case with great care and am satisfied that it would be impossible to make out a case of rape or felony assault and I therefore need the acceptance of a plea of guilty in the third degree  
March 23<sup>d</sup> 1892 Geo M Osborne

Fourth District  
Police Court

Catherine Coen  
-vs-  
William Flynn

Before Hon  
Henry Murray,  
Justice

N.Y. June 11<sup>th</sup>, 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 18<sup>th</sup> St

Q On June 5<sup>th</sup>, 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

0551

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  
buy 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

0552

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.  
Q What did he do?

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

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

0553

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?

0554

5

Q 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 'shollered' 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?

0555

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 'hollered' and screamed and he put his jaw on my mouth so I couldn't 'holler' any more.

Q Before he came in was there any hole in this wrapper? (Showing wrapper to witness <sup>2</sup>)

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 any-  
thing 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.

0557

S

Q Now 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 Now 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?

0558

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 bed-  
room 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

Q 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

0560

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  
or 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

0562

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lady, Mrs Myers.

Q When 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?

A Yes, sir.

Q Was the subject of pregnancy brought up?

A Yes, sir.

Q And she went 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 13<sup>th</sup> 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 5<sup>th</sup> of June  
 were you called to  
 see this girl?

A Yes, sir. I saw and  
 talked with her. I looked  
 her what was the matter.

Her mother first came  
 to me and explained

what happened. ~~and~~

0566

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

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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 437  
East 18<sup>th</sup> 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 18<sup>th</sup> St. I am the mother of the complainant.

Q Do you know this gentleman here?

A Yes, sir.

Q Who is he?

A Doctor McClracken.

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.

0570

21  
N.Y. June 17/91

Met Pursuant to adjournment  
Thomas F. Coen Esq, ap-  
pears for complainant.  
Defendants Council  
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

0571

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 intercourses  
with this man, actual  
intercourses, 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 state-  
ment here of your  
saying you had four  
intercourses - 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  
18<sup>th</sup> at 2 P.M.

0575

June 6 '91  
This is to certify that Kate Coen  
of 421 E. 18<sup>th</sup> is unable to walk alone  
except across the floor. She has hip  
thru disease, is deformed in back  
part, and has a badly elevated  
leg, and has very little power of  
her lower limbs. Respectfully  
M. C. Crankman, M.D.

0576

Police Court, 4<sup>th</sup> District.

City and County } ss.  
of New York, }

of No. 421 East 1<sup>st</sup> St Street, aged 18 years,  
occupation Housekeeper being duly sworn, deposes and says,  
that on the 5<sup>th</sup> day of June 1887, at the City of New  
York, in the County of New York, William Flynn

(Now here) did unlawfully have carnal  
knowledge of deponent, <sup>herself</sup> 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 <sup>and have sexual intercourse with the defendant</sup> defendant Virginia <sup>deponent</sup> <sup>deponent</sup> resisted the defendant as well as she was able as deponent is a cripple and was unable to protect her self from defendant wherefore deponent prays said defendant may be dealt with as the law directs Sworn to before me this 10<sup>th</sup> day of June 1891

Kate 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 committed to bail in the sum of One 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 1888 I have admitted the above named to bail to answer by the undertaking hereto annexed. 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

Offence, Dated 1888 Magistrate. Officer. Clerk. Witnesses, No. Street, No. Street, No. Street, \$ to answer Sessions

0578

inserted his penis into <sup>and have sexual intercourse with deponent</sup> deponent's vagina, deponent resisted the deponent as well as she, <sup>deponent</sup> was able as deponent is a cripple and was unable to protect her self from deponent—wherefore deponent prays said deponent may be dealt with as the law directs

Osworn to before me this  
10<sup>th</sup> day of June 1891

Kate Coen

Police Justice

Dated \_\_\_\_\_ 188\_\_\_\_  
Police Justice  
There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order it 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,

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

1  
2  
3  
4

Offence,

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 OF NEW YORK, ss.

*William 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. *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 *18* day of *June* 19*18*  
*W. M. [Signature]*  
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.....

..... *Defendant* .....  
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 20* 188*8* of *Henry M. ...* Police Justice.

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

Dated *June 20* 188*8* of *Henry M. ...* 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 - 4<sup>th</sup> District. 836

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Catherine Coey  
421 - E. 18<sup>th</sup> St.  
William Flynn

Rape

2  
3  
4

Dated June 10<sup>th</sup> 1891

Murray Magistrate  
Martin Robinson Officer.  
18 - Precinct.

Witnesses Jennie Meyers  
No. 239 West 46 Street.

Mrs Mary Coey  
No. 421 E. 18<sup>th</sup> Street.

No. Street.

\$ 2000 - Bail  
June 20. 10. am



\$5000 - Bail for  
Eyo June 13 - 9 1/2 am  
June 17 10 1/2 am  
June 18 11 3 am

BAILED.

No. 1, by Mark Morgan  
Residence 87<sup>th</sup> St Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

0582

Sec. 192.

4<sup>th</sup> 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 14<sup>th</sup> Street; by occupation a Coach Driver  
and Mark Hogan of No. 87 East 4<sup>th</sup>  
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 4<sup>th</sup> 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 10<sup>th</sup> William Flynn  
day of June 1891. Mark Hogan  
Henry Murray POLICE JUSTICE.



0584

CITY AND COUNTY } ss.  
OF NEW YORK, }

POLICE COURT, 4<sup>th</sup> DISTRICT.

of the 18<sup>th</sup> Precinct Police Street, aged \_\_\_\_\_ years,  
occupation Police Officer being duly sworn deposes and says,  
that on the 5<sup>th</sup> day of June 1891

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 18<sup>th</sup> 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.

Sworn to before me this

1891

day

Police Justice

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.

7 day before me this }  
7 day of June 1891 }  
B. M. H. }  
Magistrate

Martin Robinson

Police Court, 4 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.  
William Flynn

Dated June 7 1891

Martin Robinson

Magistrate.

Witness,  
18

Disposition \$ 2000 per day

E. K. Ammon

July 10<sup>th</sup> 2 1/2 P.M.

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 without her consent, did 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.

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, committed 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, *W. J. [Signature]*  
Filed *June 29* day of *June* 189*7*  
Pleas, *Not Guilty*

THE PEOPLE  
vs.  
*R*  
*John Fogarty*  
*H. W.*

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

JOHN R. FELLOWS  
District Attorney.

A True Bill,  
*Chas. J. [Signature]* Foreman.  
*June 29/97*  
*Wm. [Signature]* Clerk of  
*Assembly*  
*S. P. 9* yps.

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 189 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 deponent is not sure that he can produce the said Terence Reynolds as a witness at the trial of the said John Fitzgerald, deponent prays that the said Reynolds may furnish funds 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 June 1891

10  
J. J. McDonald  
Police Justice



0592

Police Court 2 District.

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

of No. 423 West 32nd Street, aged 29 years,  
occupation Stone Cutter being duly sworn

deposes and says, that on 14 day of June 1891 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 ~~then~~ 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 1891 } Frederic Reynolds  
W. M. ... Police Justice.

0593

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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 19 of June 1887

M. J. Michaels

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 ~~Twenty~~ *Fifteen* 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 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 he to be discharged.

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

0595

804

Police Court--- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Terence Ryan*  
*Home of Detention*

1 *John F. Murray*

2

3

4

*Offence Assault*  
*Fid.*

BAILED.

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

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

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

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

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

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

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

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

Dated *June 15* 18*91*

*J. F. M. Murdock* Magistrate.

*Murdock* Officer.

*15* Precinct.

Witnesses *Geo. Murdock*

No. *13-<sup>th</sup> Precinct* Street.

*John W. Quinn*

No. *123 West 3<sup>rd</sup> St* Street.

*Request returned to*

No. *House of Detention* Street.

\$ *1500* to answer *9-8*

*Com*

*Asst. 1*

0596



300 MULBERRY ST.

New York, July 4 1891

To Officers

Murdoch 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 20<sup>th</sup> 1884 Grand  
Larceny sent to State Prison for  
3 years by Judge Goldenshere  
June 30 "1884

0597

Arrested July 9<sup>th</sup> 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 <sup>complacit</sup> 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  
Act. Sergeant

21

The People  
John Fogarty v. John Reynolds  
 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 14<sup>th</sup> of June last  
 anywhere? Only where he cut me sitting  
 on a lounge in Mr. McGinnis' house. Was that  
 on the 14<sup>th</sup> of June? Yes, it was. Where did  
 it take place? In Mr. McGinnis' 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'? No, Mr. McGinnis has got no  
 saloon. In a private house? Yes in  
 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. His 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 jabbed 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.

Cross

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.

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. McQuinn's 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.

Learned. I do not think this man is in his rational mind you never saw.

John M. Ginnis, sworn and examined.  
 Where do you live? No. 123 West Third St.  
 Were you present on the 14<sup>th</sup> 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. When 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 Murdoch, 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  
 halloving "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 Bedford. 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 Geldersleeve 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 ~~two~~ years.

0606

Testimony in the  
case of  
John Fogarty  
filed June 1921

0607

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 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, 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 LANCEY NICOLL. JOHN R. FELLOWS,

District Attorney.