

0600

BOX:

186

FOLDER:

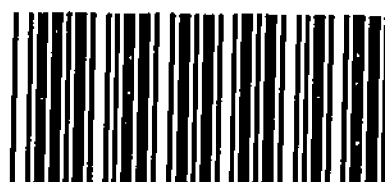
1881

DESCRIPTION:

York, Stephen

DATE:

08/07/81



1881

0601

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Stephen Upton

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

Stephen Upton

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

The said *Stephen Upton*

late of the City of New York, in the County of New York aforesaid, on the
fourth day of *July* in the year of our Lord
one thousand eight hundred and eighty *five*, with force of arms, at the City and
County aforesaid, in and upon the body of one *Thomas Whalen*,
in the peace of the said People then and there being, feloniously did make an assault
and *in* the said *Thomas Whalen*
with a certain *knife*

which the said *Stephen Upton*,
in *his* right hand then and there had and held, ~~the same being a deadly and~~
~~dangerous weapon~~, wilfully and feloniously did beat, strike, stab, cut and wound,
~~the same being a deadly and~~ *as more likely to produce the death*
~~of the said Thomas Whalen.~~
with intent *in* the said *Thomas Whalen*
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

Stephen Upton

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

The said *Stephen Upton*

late of the City and County aforesaid, afterwards, to wit: on the day and in the
year aforesaid, at the City and County aforesaid, with force and arms, in and
upon the body of one *Thomas Whalen*
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and *in* the said *Thomas Whalen*

with a certain *knife*

which *he* the said *Stephen Upton*
in *his* right hand then and there had and held, the same being an
~~instrument~~ *likely to produce grievous bodily harm*, then and
there feloniously did wilfully and wrongfully beat, strike, stab, cut and wound,
against the form of the statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

0602

THIRD COUNT---

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

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

The said *Stephen Upda*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body
of one *Thomas W. Haden*

in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and *him* the said *Thomas W. Haden*,

in and upon the *head* of *him* the
said *Thomas W. Haden*, did then and there
feloniously, wilfully and wrongfully strike, beat, *stab, cut*, bruise and wound,
and did thereby then and there feloniously, wilfully and wrongfully inflict
upon *him* the said *Thomas W. Haden*,
grievous bodily harm, to the great damage of the said *Thomas W. Haden*,
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE;

District Attorney.

POOR QUALITY
ORIGINALS

0603

13
Counsel, *Sharp & the wife*
Filed *7* day of *Aug* 188*8*
Pleads *Not guilty*

THE PEOPLE

vs.

E
Stephen York

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

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Wm O. Scott

Foreman.

Aug 13/88

Deering and Co

*The complaint
made to within
three days of
the arrest
of the defendant
and is true
and correct
and the
defendant is
guilty of the
same.*

POOR QUALITY
ORIGINALS

0604

61. B

Counsel, *William*
Filed *7* day of *Aug* 188*5*
Pleads *Not guilty (to)*

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

THE PEOPLE

vs.

P

Stephen York

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Wm O. Dwyer

Aug 13/83 Foreman.

Deputy Clerk of Court

Witnesses:

*The complainant
declines to withdraw
charge. The act
was probably
done in self defense
I cannot to disprove
on own recog*

*Attest
as to said atty*

0606

BAILED,
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____
No. 5, by _____
Residence _____
Street _____

Police Court 1st 1906 District.
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Thomas Whalen
31 Washington
Stephen J. Porter
Dated July 31st 1885
Magistrate Smith
Officer Wm Flynn
Precinct 127
Offence Felony
Assault
Witnesses _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
No. 500 to answer 21 Street _____
Don

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

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

Dated July 31st 1885 Oliver D. Smith 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.

POOR QUALITY
ORIGINALS

0607

Sec. 198-200

CITY AND COUNTY
OF NEW YORK

1 District Police Court.

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

Question. What is your name?

Answer.

Stephen York

Question. How old are you?

Answer.

18 years old

Question. Where were you born?

Answer.

New York

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

Answer.

107 Washington St about 3 years

Question. What is your business or profession?

Answer.

Work for New York Steam Co

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 what I
did I done in self defense
the complainant struck me first

Stephen York

Taken before me this

31st

day of

188

Wm. J. Justice
Police Justice.

POOR QUALITY
ORIGINALS

0608

Police Court—1st District.

City and County { ss.:
of New York,

of No. 31 Washington Street, aged 21 years,
occupation Laborer

deposes and says, that on 25 day of July 1885 at the City of New
York, in the County of New York, on West St near Morris.

he was violently and feloniously ASSAULTED and BEATEN by Stephen York
(now here) who did then and there
cut and stab deponent in the left
Eye with a pen knife injuring
the eye so that deponent cannot see
out of it

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 31st day
of July 1885.

Thomas Whalen

Oliver B. Smith
Police Justice.