

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 *injure* 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 name of said knife and means and force
as more fully to produce the death
of the said Thomas Whalen.
with intent *injure* 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 *injure* 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 Lyda

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

The said *Stephen Lyda*,

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*,

in and upon the ~~head~~ *head* of ~~him~~ the said *Thomas Whalen*, 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 Whalen*, grievous bodily harm, to the great damage of the said *Thomas Whalen*, 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,
Filed 7 day of
Pleads
Stephen York
1888

THE PEOPLE

vs.

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.

July 13/88

W. C. [Signature]

*The complaint
me to with
has the a
was probably
taken into
account is
for men
K. H. [Signature]
admitted*

POOR QUALITY ORIGINALS

0804

61 B

Counsel,
Filed 7 July 1885
Pleads Not guilty (No)

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.

[Signature]

Aug 13/83 Foreman.

[Signature]
Secretary of Court

Witnesses:

The complainant
declines to withdraw
charges. The act
was probably
done in self defense
& cannot be disken
on own recog

[Signature]
ad. Dist. atty.

0505

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
 ATTORNEY AT LAW
 RECEIVED
 AUG 1 1885
 CLERK'S OFFICE

Offence Felony
Assault

Dated July 31st 1885

Smith
 Magistrate
Wm Flynn
 Officer
 Precinct 27

Witnesses _____
 No. _____ Street _____
 No. _____ Street _____
 No. _____ Street _____

No. 500 to answer 28
 Street Down

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 R. 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

District Police Court.

CITY AND COUNTY OF NEW YORK

Stephen York 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. *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 *Sept* 18*97*
Wm. J. ...
Police Justice.

POOR QUALITY ORIGINALS

0608

Police Court 1st District.

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

Thomas Whalen

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

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 } Thomas Whalen
of July 1885 }

John B. Smith
Police Justice.