

0009

BOX:

192

FOLDER:

1934

DESCRIPTION:

Feehan, Thomas

DATE:

10/13/85



1934

POOR QUALITY ORIGINAL

0010

No 98 Ex

Counsel, *W. J. [Signature]*

Filed *13* day of *Oct* 188*5*

Pleads *Not Guilty*

THE PEOPLE

Perkins be at
once messes *for*

14 & 63-

B

Edmond S. Sedman

Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

W. J. [Signature]

Att. Gen. [Signature]
Chicago
RANDOLPH B. MARTINE, *Atty.*

District Attorney.

A True Bill.

[Signature]
Foreman.

[Signature]

Witnesses:

0011

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas D. Debrau

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

Thomas D. Debrau

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

The said *Thomas D. Debrau*,

late of the City of New York, in the County of New York aforesaid, on the *twenty second* day of *August*, — in the year of our Lord one thousand eight hundred and eighty-*five* with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain instrument and writing, *to wit: an order for the payment of money of the said Debrau as bank checks,* which said forged *bank checks,* is as follows, that is to say:

Cor. 3d Ave, and 23d St.

No. —

New York, Aug 22nd 1885

Fifth National Bank

Pay to the order of P. Reynolds

Two hundred & fifty

Dollars.

\$ 250⁰⁰/₁₀₀

P. Reynolds

with intend to defraud, 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.

00 12

SECOND COUNT:

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

Thomas S. Seaman —

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

The said *Thomas S. Seaman,*

late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, having in *his* — possession a certain forged instrument and writing, *to wit: an order for the payment of money of the kind known as bank checks.* —

which said forged *bank-check.* — is as follows, that is to say:

*Cor. 32 Ave. and 23d St
No. — New York, Aug 22nd 1885
Fifth National Bank,
Pay to the order of P. Reynolds
Two Hundred & Fifty — Dollars,
\$250⁰⁰/₁₀₀ P. Reynolds,*

with force and arms, and with intent to defraud, the said forged *bank-check* then and there did feloniously utter, dispose of and put off as true, *he* the said *Thomas S. Seaman,* then and there well knowing the same to be forged, 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.

0013

Cor. 3d Ave. and 23d St.

No.

New-York, *July 2, 1885*

1885

FIFTH NATIONAL BANK,

Pay to the order of

P. Reynolds

Two hundred fifty Dollars.

\$ *250⁰⁰*

C. Bennett

Stewart, Haring & Warren, Stationers, 470 Broadway, N. Y.

00 14

Carroll

R. B.

0015

New York March 7/87

Dear Sir

I have known Mr.
Thomas H. F. Eckman for the
past 6 years & have known
him to be an honest & industrious
young man. This being
his first offence I
hope you will excuse
him & oblige

Yours truly

Joseph Schwartz
1461 - 3rd Ave.
City.

0016

New York March 7th
Dear Sir

I the undersigned
have known Mr Thomas
Steehan for the
past 5 years & have
always found him
to be sober honest
& industrious young
man. I hope you
will show leniency
to him as this is
his first offence
yours
Thomas Coffey

0017

St. Vincent Ferris
No. 9 1/2 St. av. N. Y.
Oct 26th '85

Wm Mr. Markins Dist. Att.

Dear Sir:—

Thomas

Freehan, whose case is to come
under your notice soon, has
been known by me almost from
the days of his childhood. I,
therefore, willingly testify to his
general good conduct, and
impeachable career up to
the unfortunate occurrence with
which his name is now so
damagingly connected. I would
urgently plead in his behalf
that it is a first offence;

0018

that such being the case,
it might be a useful mercy
to save him from the further
contumacious which ~~imprison-~~
confinement with hardened crim-
-inals commonly engenders;
and finally that your gracious
consideration exercised in
his regard will ^{keep} the
heart of his decent old mother
from utterly breaking

Respectfully

J. P. Meagher, Esq.

0019

New York
Mar 9 87

To all whom it may concern

I the undersigned do hereby
certify that I have been
continuously acquainted with
the Beaver Brand since I have
for the last seven years
and during that time
I have never seen a man
who is so sober honest
and industrious.

Respectfully

Wm. J. Williams

370 E 67 Street

0020

Dear Sir,
To all whom it may concern
I the undersigned do wish
to state that I have been
intimately acquainted with the
Bearer Thomas Mahan for a
period of five years part of
which time I have lived in
an house with him and
have always known and
considered him to be sober
industrious and honest.
Very sincerely

Michael J. Cimmino

370 East 61st

0021

New York March 9th 1887

To whom it may concern.

I have been personally
acquainted with Mr. Hans Thomas
Fiskew for the past seven years
and have always found him to
be a trustworthy and respectable
man, and would cheerfully
recommend him as such.

Respectfully

David C. ...

0022

New York March 9th 1886

To whom it may concern
I have known Thomas Fisham
for the past ten years
and always knew him to be
of good character and up to
the present charge against
him to be a first class
young man in every way

John Rusko
878 4th Ave

0023

New York Oct 26th 1885
Mr. Hartine

Dear Sir
I beseech your
clemency in behalf of J. V. McCann
who is charged with larceny by
Mr. Reynolds

I know of you I know from
childhood, has been raised from good
parents and has shown himself quite
honest and industrious up to this time
Now if the court will let up on him this
time being his first offense I will
employ him in my store as I believe
he will be good for ever more

Yours most respectfully

William Roach
433 Willis Avenue
New York

0024

BRYAN O'HARA,
REAL ESTATE,
AND INSURANCE.

LOANS NEGOTIATED.
APPRAISEMENTS MADE.

1145 SECOND AVENUE,

New York Oct. 26th 1885
'For whom it may concern'
I have known Mrs. Tuban
and her husband during the
past 12 years to be honest
and respectable and well
worthy of consideration
in every way. I have
also known their son Thos.
Tuban & have never heard
of anything whatever against
his character except the
present charge.
J. J. O'Hara

0025

235 E. 82nd St
New York

Dear Sir

The above Thomas Jackson I know
for the past 5 Years and all ways found
him to be strictly Honest & Dependable
This being his first office I hope most
earnestly that you will deal leniently with
him

Respect Yours
John J. Hecking

0026

1074 8 3rd Avenue
New York 4th Dec-1885

M^r J. P. Martine

I beg to certify that I have
known Thomas Lee Han for
the past two years and
can confidently recommend
him for any employment
knowing him to be honest
sober and intelligent

Respectfully
Thomas J. Hanury

0027

New York March 9 1866
Mr. R. B. Martine
Dear Sir:

I have known Mr. Thos. Trechan
the last 3 years & have found him to be
an honest & upright & true man
his work for Mrs. Reynolds was always
right

Yours &c.

Meyer Jacobson

227 East 80 Street

0028

New York March 9/86
Mr. Martine
Dear Sir

I have known
Mr. Thos. F. Furhan for the
past four years & while
he was working with Mr.
C. Reynolds, during that
time he was honest & as
this is his first office
I hope you will overlook it,
as Mr. Reynolds does not
want to persecute him. Hoping
you will oblige me

I remain
B. J. Pully
1543 - 2nd ave
city

0030

People

vs

Fehaw

Affidavit of
defendant

Court of General Sessions,

The People &c
 against
 Thomas F. Gehan

City & County of New York

Thomas F. Gehan being duly sworn says he is the defendant above named. That he has never been arrested except in this action and has never been indicted or charged with crime or misdemeanor or any violation of the laws of this or any other state or of the United States, ^{except herein} That deponent, since his arrest herein has been employed in his fathers store, and has for many years been ^{at work &} employed. That deponent is 22 years of age.

Sworn to before me
 this 23^d March 1887

Thomas F. Gehan

Wm. H. Sullivan
 Attorney at Law
 N.Y.C.

0032

Sec. 108-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

Thomas Feehan 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 *Thomas Feehan*

Question. How old are you?

Answer *20 Years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *214 East 63 Street*

Question What is your business or profession?

Answer *Book Keeper*

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

Answer. *I am not guilty of the charge*

Thos. Feehan

Taken before me this

day of *September* 188*8*

John J. ... Police Justice.

0033

Sec. 151.

Police Court 4 District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Thomas W. Smith

of No. 300 - 3 - Avenue Street, that on the 27 day of August

1885 at the City of New York, in the County of New York,

*Thomas Feehan did unlawfully
and feloniously make false and counterfeit
the name of P. Reynolds to a certain check drawn
on the Fifth National Bank of New York for two
hundred dollars & uttered said check with intent to cheat & defraud*

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you, the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the 4 DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 16th day of Sept 1885
Henry Horvath POLICE JUSTICE.

0034

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

.....
vs.
.....
.....

Warrant—General.

Dated 188

..... Magistrate

J. Ker Officer.

The Defendant *Thomas Feehan*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.
age 21. U.S. Res. 214. E. 63, 4
..... Officer.

Dated *September 18* 1885

This Warrant may be executed on Sunday or at
night.

..... Police Justice.

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice

The within named

0036

11 Jan 28-994
Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas W. Smith
300-3rd Ave
New York

Thomas Sherman
New York

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Offence, *Indignity*

Dated *Sept 16* 188*5*

Henry Magistrate

Off. Foster Officer

H. H. P. O. Clerk

Witnesses, *James Reynolds*

No. *20 St. St.* Street

Porter & Co. Street

No. *William Brock* Street
1033 Miller Ave

\$ *1000* to answer *General Sessions*

James

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 *Sept 16* 188*5* *Henry Sherman* Police Justice.

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

Dated *Sept 20* 188*5* *Henry Sherman* 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.

0037

Police Court, 1st District.

City and County } ss.
of New York, }

Thomas W Smith
of No. 307 - 3 - Avenue Street, aged 40 years,
occupation Paying teller being duly sworn, deposes and says,
that on the 22 day of August 1883, at the City of New
York, in the County of New York,

Thomas Keehan did unlawfully and feloniously make forge and counterfeit the name of D Reynolds to the annexed check for two hundred and fifty dollars on the Fifth National Bank of New York with intent to cheat and defraud

That deponent is paying teller of said Bank and on the day in question the defendant came to said Bank and presented said check to deponent and demanded payment of the same that deponent believing at the time the check to be genuine paid over to the defendant the full value of said check and deponent has since discovered that said check is false forged and fraudulent a fact well known to the defendant at the time he so uttered the same and received payment on it with intent to cheat and defraud said Bank. Deponent asks that said Thomas Keehan be apprehended & dealt with as the law provides

Sworn to before me this }
16th day of Sept 1883 } Thomas W Smith
}
} Mr Henry Police Justice }
}

0038

BOX:

192

FOLDER:

1934

DESCRIPTION:

Ferrini, Frank

DATE:

10/08/85



1934

POOR QUALITY ORIGINAL

0039

No. 53 B X

Counsel, T. H. Nacy
Filed 8 day of Oct 1885
Pleads Guilty.

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

THE PEOPLE

vs.

R

Brandon
Arrested
Friday Sept 12

RANDOLPH B. MARTINE,

District Attorney.

Will be
A True Bill
Copy
Oct 27 1885
Foreman.
John H. ...
John H. ...

Witnesses:

F

0040

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Franka Serini

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

Franka Serini

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

The said Franka,

late of the City of New York, in the County of New York aforesaid, on the thirtieth day of August, 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 John ... in the peace of the said People then and there being, feloniously did make an assault and ... with a certain ...

which the said Franka in ... right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound,

with intent ... the said ... 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

Franka Serini

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

The said Franka,

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

with a certain ...

which ... the said Franka in ... 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.

Handwritten signature and text at the bottom of the page.

0041

No. 53-900
Police Court District.

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John O'Connell
John O'Connell
John O'Connell

Offence *Terrorism*
Assault & Battery

Dated

Aug 31

188

John O'Connell
Magistrate

Witnesses

John O'Connell
John O'Connell

No.

John O'Connell
Street.

No.

John O'Connell
Street.

\$

John O'Connell
to answer

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

John O'Connell
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *100* Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *Aug 31* 188 *John O'Connell* Police Justice.

I have admitted the above-named *John O'Connell* 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.

0042

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Frank Ferrine 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

Frank Ferrine

Question How old are you?

Answer

31 Years of age

Question Where were you born?

Answer.

Italy

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

Answer.

613 Greenwich 3 mon

Question What is your business or profession?

Answer

Boot black

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
by
Frank Ferrine
mark*

Taken before me this

day of *Aug* 188*8*

[Signature]

Police Justice.

0043

Police Court 2 District.

City and County } ss.:
of New York,

of No. 613 Greenwich Street, aged 21 years,
occupation laborer being duly sworn

deposes and says, that on the 30 day of Aug 1883 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by One

Frank Ferrini (non here)
who stabbed and cut the
deponent with a long bladed
knife, under the shoulder
of the left arm

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 31 day
of Aug 1883

J. Murphy Police Justice.

John Kimmins
mark

0044

BOX:

192

FOLDER:

1934

DESCRIPTION:

Finley, Josephine

DATE:

10/06/85



1934

0045

No 5-

Witnesses:

Counsel, *[Signature]*
Filed *6* day of *Oct* 188*8*
Pleads.

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

THE PEOPLE

vs.

Wm. M. ...
... ..
... ..

RANDOLPH B. MARTINE,

District Attorney.

Pr 022/115

Quads P.L.

A True Bill. Leubreyer.

[Signature]

Foreman.

0046

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Josephine Binkley

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

Josephine Binkley

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

The said Josephine Binkley

late of the First Ward of the City of New York, in the County of New York aforesaid on the twenty-first day of December, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms,

one watch of the value of forty dollars, one chain of the value of five dollars, one table cloth of the value of three dollars, one coat of the value of nine dollars, five dresses of the value of four dollars each, one skirt of the value of three dollars, one waist of the value of one dollar and fifty cents, one apron of the value of seventy cents and three pairs of the value of ten cents each.

of the goods, chattels and personal property of one Elizabeth T. Beatty

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

Handwritten signature of District Attorney

0047

No 5-2 1027
Police Court-21 District.

THE PEOPLE, &c,
ON THE COMPLAINT OF

Elizabeth Ferris
of 22 Elm Street
vs.
Josephina Furdy

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

1 2 3 4

Offence

Larceny

Dated Sept 30th 1885

J. P. Quinn Magistrate

Jan. P. Quinn Officer

Witnesses

No. 1 Geo Davis Precinct. 9th

No. 2

No. 3

No. 4

\$ 1000 to answer

Street

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 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 Sept 30th 1885 Samuel C. McNeil Police Justice.

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

Dated _____ 1885 _____ 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 _____ 1885 _____ Police Justice.

0048

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Josephine Fule 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. Josephine Fule

Question. How old are you?

Answer. 22 years old

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. Domestic

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 quit,
Josephine Fule,
Mark

Taken before me this 20th

day of Dec 1889

Samuel P. McNeill Police Justice.

0049

CITY AND COUNTY }
OF NEW YORK, } ss.

George Davis

aged 10 years, occupation go to school of No.

92 Christopher Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Elizabeth Feeny

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

Sworn to before me, this

20th

day of

Sept

1885

George A Davis

Daniel C. Kelly
Police Justice.

0051

BOX:

192

FOLDER:

1934

DESCRIPTION:

Finnegan, John

DATE:

10/06/85



1934

0052

W-3
Plaintiff

Counsel,
Filed *[Signature]* 1885
Pleads, *[Signature]*

THE PEOPLE
vs.
[Signature]
vs.
[Signature]
ASSAULT IN THE THIRD DEGREE
(Section 219, Penal Code.)

RANDOLPH B. MARTINE,
District Attorney.
Oct. 12 *Is over 12/85*
pleads guilty.
A True Bill. *[Signature]*

[Signature]
Foreman

Witnesses:

.....
.....
.....

0053

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 Timmeagan

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

John Timmeagan

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

The said *John Timmeagan*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *19th* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the Ward, City and County aforesaid, in and upon the body of one *Patrick White*, — in the peace of the said people then and there being, with force and arms, unlawfully did make an assault and *in* the said *Patrick White*, — did then and there unlawfully beat, wound and illtreat, to the great damage of the said *Patrick White*, 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.

0054

Police Court— H District.

CITY AND COUNTY }
OF NEW YORK, } ss.

of No. 21 Police Precinct Street, aged 30 years,
occupation Police Officer being duly sworn, deposes and says, that
on the 7 day of September 1885 at the City of New York,
in the County of New York,

he was violently ASSAULTED and BEATEN by John Finigan
(Nawber) who struck deponent
in the face with his closed
hand while deponent was in dis-
charge of his duty as a police officer

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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this 7 day of September 1885 } Patrick White
John Thomas Police Justice

0055

No 3 m 10:10

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patience Perkins

1 John Ferguson

Offence Assault & Battery

Dated September 21 188

Magistrate
Officer

Precinct.

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

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

No. Street.
to answer Sessions.

Signature

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 *200* 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 *Sept 21* 188 *John Ferguson* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0056

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss)

John Finnegan 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 Finnegan

Question. How old are you?

Answer

21 years

Question. Where were you born?

Answer.

United States

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

Answer.

335 East 36th Street. 5 years

Question What is your business or profession?

Answer

Confidential

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.

Not guilty

John Finnegan

Taken before me this

day of

1885

John J. Brennan

Police Justice.

0057

BOX:

192

FOLDER:

1934

DESCRIPTION:

Fitzpatrick, John

DATE:

10/16/85



1934

POOR QUALITY ORIGINAL

0058

No 150

Counsel,
Filed 16 day of Oct 1885
Pleads, N. W. City 19.

[Sections 224 and 228, Penal Code].
Robbery, *1st* degree.

THE PEOPLE

vs.

F

James S. Jordan

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

W. B. Amick
Foreman.

Oct 23/85

Wm. G. ...
W. B. Amick

Witnesses:

Amber A. L.
W. B. Amick

FA



0059

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 Fitzpatrick

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

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

The said John Fitzpatrick

late of the First Ward of the City of New York, in the County of New York aforesaid, on the seventh day of October, in the year of our Lord one thousand eight hundred and eighty-five, in the day time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one Rowad Sherman, in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of twenty dollars, and one chain of the value of seven dollars,

of the goods, chattels and personal property of the said Rowad Sherman, from the person of the said Rowad Sherman, against the will, and by violence to the person of the said Rowad Sherman, then and there violently and feloniously did rob, steal, take and carry away, (The said John Fitzpatrick 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.

Randolph B. Martine, District Attorney.

0060

Testimony in the case
John Fitzpatrick
filed Oct. 1883.

**POOR QUALITY
ORIGINAL**

0062

turned around another party hit me also, an accomplice of his, I got struck in the back of the head then the defendant grabbed my watch, I got kind of stunned when I was struck in the back of the head, I staggered and the defendant grabbed the watch from my vest and tore it off and half the chain was still hanging on my vest. Then he came and hit me another blow in the mouth and knocked me over. I said to the defendant, give me my watch and chain; he turned around and gave it to the man that struck me in the back of the head. I said, I am going to have you arrested and then he turned around and ran towards the street out of the Park; the other man who struck me on the back was under the influence of liquor and I think this man was too drunk when the defendant saw the officer, equip he dropped the watch and chain into my hands and the both of them ran through the Park; I next saw the defendant when the officer brought him back, I said right away that that was the man who took my watch and chain, the other man got away.

Cross Examined. I never was known by any other name than Conrad Herman, I live at 418 East 10th Street since August, I have been employed on the Elevated Road and stopped working there three days before last election

Before I worked on the elevated road I worked for Warren, Ward and Co. corner of Springland Crosby Streets. I have been convicted once, I was away one year in prison and was pardoned when it was found I was convicted innocently before Recorder Hackett on the 27th of June 1876, I was sent up for larceny from the person, I am telling the truth and no lie about it, I have led an honest life

POOR QUALITY ORIGINAL

0063

ever since then, I was convicted since for assault on my own wife and got six months for it. I became acquainted with the defendant in the Penitentiary where he was sent for assaulting an officer when he went to arrest him for a burglary that he committed. I am going to settle him if it is my power to put him away. I think it was about half past one o'clock that I left the house the day my watch was taken, I may have drank a glass of beer. The first place I saw the defendant was in the hospital of the Penitentiary and the first time I saw him on this day in the Park he knocke me down and took my watch from me, I did not drink with him that day, he came deliberately up to me and never spoke to me but struck me between the two eyes and grabbed my watch. When the officer came up I had the watch, I took it off the other man that he passed it to, the chain was broken, the officer can testify to that, it might have been four or five minutes after the defendant grabbed it that I took it from the other man.

Henry Herlich sworn. I am a Park policeman and on October 11, I was on duty in Tompkins Park, I saw the last witness and the prisoner there about two o'clock, I saw a crowd and went down towards it to ascertain what was the trouble and met the complainant, he was saturated with blood and his face was bleeding, I asked him what was the trouble and he told me he was robbed of his watch and chain, I asked him who did it and he said the man ran down; myself and Officer Reid went in the direction he pointed. Reid being in citizen's clothes caught him and gave him to me in Eighth Street near Avenue E.

The prisoner pleaded guilty to grand larceny.

POOR QUALITY ORIGINAL

0064

BAILED,

No. 1, by _____
 Residence _____ Street _____

No. 2, by _____
 Residence _____ Street _____

No. 3, by _____
 Residence _____ Street _____

No. 4, by _____
 Residence _____ Street _____

Police Court No. 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Ernest Kemman

418 E 10th St

John Rydzabicki

2 _____
 3 _____
 4 _____

Offence _____

Dated

Oct 12

188

Patterson

Magistrate

Kennel

Officer,

Park

Precinct.

Witnesses

No. _____

Street _____

No. _____

Street _____

No. _____

Street _____

\$ 1500. to answer

Ernest Kemman

Street _____

Ernest

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 _____

John Rydzabicki

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 Oct 12 188 Patterson 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 ORIGINAL

0065

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

John Fitzpatrick 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 Fitzpatrick*

Question How old are you?

Answer *26 years*

Question Where were you born?

Answer *N. A.*

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

Answer *740 East 9th - one month*

Question What is your business or profession?

Answer *Printer*

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 *This man ~~named~~ Herman came up to me and shook hands. I know him very well. I did not take his watch. He had his watch in his pocket when I was arrested, as the officer knows. I had a scuffle with him, we were skylarking.*

John Fitzpatrick

Taken before me this

day of

October

1881

John J. Brown
Police Justice.

POOR QUALITY ORIGINAL

0066

Police Court-- 3 District.

CITY AND COUNTY }
OF NEW YORK, } ss

Conrad Herman

of No. 448 East Sixteenth Street, Aged 37 Years

Occupation... Clerk being duly sworn, deposes and says, that on the

11 day of October 1885, at the 17 Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

one gold watch and chain of the value of twenty seven dollars, (\$27-)

of the value of _____ 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

John Fitzpatrick (now here) from the following facts: Deponent was passing through Tompkins Park about 2 P.M. on said date. The defendant was sitting with five or six others, to deponent unknown. Deponent stopped to speak to a man sitting near them. The defendant came towards deponent, and struck deponent one blow in the face. The defendant then grabbed deponents watch which was in deponents left vest pocket. Then the defendant broke the chain and passed the watch to one of his companions whose

Sworn to before me this

188

Police Justice

POOR QUALITY ORIGINAL

0067

name is to deponent unknown, at the same time striking and bucking deponent. Deponent then seized the second man who had deponents watch and held him until the watch was returned to deponent. The defendant ran away and was arrested by Henry Herrlich a Park policeman

Sworn to before me this 12th day of Decr 1885 Edward Ferriman

John J. [Signature] Police Justice

Dated 1885 Police Justice

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

Dated 1885 Police Justice

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

Dated 1885 Police Justice

of the City of New York, with 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

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, vs., on the complaint of

Offense—ROBBERY.

vs.

1. 2. 3. 4.

Dated 1885

Magistrate

Officer

Clerk

Witnesses

No. street

No. Street

No. Street

\$ to answer General Sessions.

0068

BOX:

192

FOLDER:

1934

DESCRIPTION:

Fitzpatrick, Thomas

DATE:

10/15/85



1934

0069

No 125

Counsel, *McCarthy*
Filed 15 day of Oct. 1887
Pleads, *11th July 1887*

THE PEOPLE
vs.
F
Thomas Fitzpatrick
McCarthy
McCarthy

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

J. H. Anderson

Foreman

Oct 30/87

Richard H. Smith
3/10/87
30, day 1887

*Ample, as to the
agency in the
care. Ref. a man
of God & Canada
new before
advice for
Am.
the service of
to Ch. Smith*

J. H.

0070

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Fitzpatrick

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

Thomas Fitzpatrick

of the CRIME OF

Maiming

committed as follows:

The said Thomas,

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *twenty seventh* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the Ward, City and County aforesaid, with force and arms, in and upon one Henry Pyles, then and there being, wilfully and feloniously did make an assault, and with intent to injure and disfigure the said Henry did then and there wilfully and feloniously bite off a portion of his nose, the same being an injury which seriously disfigured the person of the said Henry, against the form of the Statute in such case made and provided and against the peace and dignity of the said People.

Randolph B. Martine,
District Attorney.

0071

C. & R. Poillon,

Ship Builders, Shipywrights, Caulkers, Spar Makers,

AND DEALERS IN SPARS, YELLOW PINE, OAK & LOCUST TIMBERS, DECK PLANES, &c.,

224 South Street,

New York, 31th October 1885.

How Fredk Smyth
Recorder

Dear Sir

Thomas Fitzpatrick
has at different times worked
for us as a ship Calker, for a
number of years, we have always
regarded him as a civil inoffensive
man and have never known him
to be engaged in quarrels before
the present time

Very Respectfully

C. & R. Poillon

0072

Sec. 151.

Police Court 3d District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, *and* upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York by *Keenum Pyles*

of No. *258 South 11th* Street, that on the *27th* day of *September*
188*8* at the City of New York, in the County of New York, charging

Thomas Fitzpatrick with willfully and
feloniously with intent to commit a felony
did cut off a piece of complainant's
nose in violation of section number
206 of the Penal Code

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring *him*
forthwith before me, at the *3d* District Police Court, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this *29th* day of *September* 188*8*

M. Conway POLICE JUSTICE.

Police Court 3d District.

THE PEOPLE, Ac.,
ON THE COMPLAINT OF

Keenum Pyles

Thomas Fitzpatrick

Warrant-General.

Dated *Sept 29* 188*8*

Keenum Pyles Magistrate.

Keenum Pyles Officer.

The Defendant _____
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, _____

Native of _____

Age, _____

Sex, _____

Complexion, _____

Color, _____

Profession, _____

Married, _____

Single, _____

Read, _____

Write, _____

0073

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

POLICE COURT, 3^d DISTRICT.

Henry Pyles, aged 65 years,
of No. 258 South 10th Street, being duly sworn, deposes and says,
that on the 2nd day of September, 1885
at the City of New York, in the County of New York, Thomas Fitzpatrick

did willfully, unlawfully, and feloniously, with intent to commit a felony, did in person, disfigure and disable defendant by cutting off a piece of defendant's nose while in South Street opposite Pier Number 42 in violation of section number 206 of the Penal Code of the State of New York. He therefore asks that said defendant be held to answer and dealt with according to law.

Henry Pyles
Grand Juror

Sworn before me, this 29th day of September, 1885

Edw. J. [unclear]
Police Justice

0074

BAILLED,

No. 1, by _____
 Residence _____ Street _____

No. 2, by _____
 Residence _____ Street _____

No. 3, by _____
 Residence _____ Street _____

No. 4, by _____
 Residence _____ Street _____

Manavally
 Police Court *2* District *1094*

THE PEOPLE, &c.,
 vs. THE COMPLAINT OF

Thomas Fitchpatrick
 258 *St. Nicholas*
 Street

1 _____
 2 _____
 3 _____
 4 _____
 Offence _____

Dated *September 29* 188*5*

Henry A. Carter Magistrate
 Officer.
 Precinct. _____

Witnesses
 No. _____ Street _____
 No. _____ Street _____
 No. _____ Street _____
 to answer *SA* Street, _____

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

Thomas Fitchpatrick

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *250* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *Oct 11* 188*5* *A. D. Carter* 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.

0075

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Thomas Fitzpatrick

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 *Thomas Fitzpatrick*

Question How old are you?

Answer *52 years*

Question. Where were you born?

Answer. *N. Y.*

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

Answer. *4 Pelham St. a year*

Question What is your business or profession?

Answer *Caulker*

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

Answer. *I was under the influence of liquor and did not know what I was doing*

Thomas Fitzpatrick

Taken before me, this

day of

188

W. J. ...

Police Justice.

0076

BOX:

192

FOLDER:

1934

DESCRIPTION:

Flanagan, John

DATE:

10/16/85



1934

0077

No. 148

Blair

Counsel,
Filed 6 day of Oct 1885

Pleads: *Not Guilty*

Grand Larceny, 2nd degree,
[Sections 528, 53 Penn. Code]

THE PEOPLE

R

W. N. 18.

RANDOLPH B. MARTINE,

District Attorney.

Dec 19/85

W. N. 18.

A True Bill.

W. N. 18.

*In case of
the indictment
pleads guilty
In case of
W. N. 18.*

Per: One yr & 6 mo

Witnesses:

0078

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 Stavaagun

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

John Stavaagun

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

The said *John Stavaagun*,

late of the First Ward of the City of New York, in the County of New York aforesaid on the *Twenty* day of *October*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the Ward, City and County aforesaid, with force and arms,

one horse of the value of two hundred dollars, one wagon of the value of twenty five dollars, and one set of harness of the value of twenty five dollars,

of the goods, chattels and personal property of one *Max Rosenbaum*,

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

SECOND COUNT—

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

John Flanagan—

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

The said

John Flanagan

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

*one horse of the value of
Two hundred dollars, one
wagon of the value of
seventy five dollars, and one
set of harness of the value of
Twenty five dollars.*

of the goods, chattels and personal property of one *Max Rosenbaum*

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

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

John Flanagan,

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0080

No 148 of 1112
Police Court - 1st District.

THE PEOPLE, &c,
vs
ON THE COMPLAINT OF

John Brown
577 Broadway, N.Y.

John Flanagan

Offence - Grand Larceny

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

Dated October 12 1885

Magistrate
Officer

Witnesses
George Schwartz
197 Greene Street

John Ferguson
519 East 74th Street

\$ 100 to answer
John Brown

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

John Flanagan guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Seven 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 October 12 1885 Police Justice.

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

Dated 1885 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 1885 Police Justice.

0081

Sec. 198-200.

Fourth District Police Court.

CITY AND COUNTY
OF NEW YORK

John Hanagan 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 Hanagan

Question. How old are you?

Answer 21 year

Question. Where were you born?

Answer. New York City

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

Answer. 528 West 29th Street, about 2 years

Question What is your business or profession?

Answer Driver of Coal Cart

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
John Hanagan

Taken before me this

day of October 1888

[Signature]
Police Justice.

0082

CITY AND COUNTY }
OF NEW YORK, } ss.

Hugh Martin
aged 37 years, occupation Police officer of ~~the~~
the 28th Precinct Police ~~Station~~, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Max Rosenbaum
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12th
day of October, 1885 } Hugh Martin

[Signature]
Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

George Schmitt
aged 20 years, occupation Driver of No.
197 Greene Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Max Rosenbaum
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12th
day of October, 1885 } Georg Schmitt

[Signature]
Police Justice.

0083

Police Court Fourth District.

Affidavit—Larceny.

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

of No. 57 Greenwich Avenue Street, aged 27 years,
occupation Butcher being duly sworn

deposes and says, that on the 12th day of October 1885 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

One live horse, wagon and harness
altogether of the Value of three
hundred dollars (\$300.00)

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 John Flanagan (now here,

for the following reasons, to wit—
Deponent is informed by George Schmidt of 197 Greene Street, who is in the employment of deponent in the capacity of driver, that on the above date ^{about the hour of 9 o'clock a.m.} the said George left said horse attached to said wagon on 9th Avenue opposite No. 90. That said George remained inside the packing house No. 90, 9th Avenue for about ten minutes, when he came out of said packing house and found that the above-described was missing—Subsequently deponent was informed by Officer Hugh Martin of the 28th Precinct Police, that

Sworn to before me this 12th day of October 1885
Police Justice

0004

he arrested said defendant at 74th Street near Avenue C, and the said defendant was then and there in the act of offering for sale a horse and harness: that deponent has seen said horse and harness and fully identifies the same as a portion of public property stolen from his possession.

Sworn to before me this 12th day of October 1885

P. C. Plaff, Just. Peace

Dated 1885 Police Justice

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

Dated 1885 Police Justice

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

Dated 1885 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

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

vs.

Offence—LARCENY.

1. 2. 3. 4.

Dated 1885

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions.

0085

BOX:

192

FOLDER:

1934

DESCRIPTION:

Fogarty, Joseph

DATE:

10/06/85



1934

Witnesses:

The Compt. herein rec-
ommends delt. to clemency
and states that the hotel was
not painted at him but was dis-
charged by accident. Under
these circumstances I believe
my conviction could be had
and recommend that within
indictment be dismissed.
October 20, 1885
Randolph B. Martine
District Attorney

No-12

Counsel,
Filed 6 days of
Pleads
1885
[Signature]

THE PEOPLE
vs.
[Signature]
Assault in the First Degree, Etc.
(Fetters)
(Sections 217 and 218, Penal Code).

RANDOLPH B. MARTINE,

District Attorney.

Oct 9. 7 o'clock 15
A True Bill

[Signature]

Foreman.

George Mack
22 Oct 20/85
[Signature] Ind. dismissed.

0086

0087

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 S. Sagarty

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

Joseph S. Sagarty

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

The said *Joseph S. Sagarty*

late of the City of New York, in the County of New York aforesaid, on the *twenty-first* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, with force of arms, at the City and County aforesaid, in and upon the body of one *Patricia Sane*, in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Patricia*, a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which the said *Joseph S. Sagarty*, 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 *Patricia*, 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

Joseph S. Sagarty

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

The said *Joseph S. Sagarty*

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 *Patricia Sane*, in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and to, at and against *him* the said *Patricia*, a certain *pistol* then and there charged and loaded with gunpowder and one leaden bullet, which the said *Joseph S. Sagarty* in *his* right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

POOR QUALITY ORIGINAL

0000

BAILLED,

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

1074
Police Court - 1074
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Stevens
vs. *Joseph Sugart*
1885
Offence *fel assaut*

Dated *Sept 29* 1885

John Stevens
Magistrate.
Officer *Sugart*

Witnesses *Robert Adams*
John Stevens
21. Precinct.

No. *3215*
Street *W 11th*

No. *1074*
Street *1074*
to answer *John Stevens*

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 *Joseph Sugart* 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 *Sept 29* 1885 *John Stevens* Police Justice.

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

Dated _____ 1885 _____ 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 _____ 1885 _____ Police Justice.

0089

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Joseph 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 *Joseph Fogarty*

Question How old are you?

Answer *26 years*

Question Where were you born?

Answer *Brooklyn*

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

Answer *349 East 30 Street 2 years*

Question What is your business or profession?

Answer *Work always abroad*

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 H. Fogarty
Justice

Taken before me this *21st* day of *February* 188*8*
Joseph H. Fogarty
Police Justice.

0090

Police Court— 4 District.

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

of the 21st Precinct Police John Sweeney Street, aged 28 years,
occupation Police officer. being duly sworn

deposes and says, that on the 28 day of September 1885 at the City of New
York, in the County of New York, Patrick Lane

~~he~~ was violently and feloniously ASSAULTED and BEATEN by

Joseph Fogarty (nowhere)
that said Lane informed deponent that
he Lane and said Fogarty were quarrelling
and that said Fogarty struck him, and
that he Lane was in the act of defending
himself, when he Fogarty aimed and
discharged a Revolving pistol at him
Lane

with the felonious intent to take the life of him Lane ~~deponent~~, or to do him grievous bodily harm; and without
any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be ~~apprehended~~ and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 29 day }
of September 1885 } John Sweeney

John Sweeney Police Justice.

0091

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

POLICE COURT, 4 DISTRICT.

John Emery
of the 21st Precinct Police Street, being duly sworn, deposes and says,
that on the 29 day of September 1885
at the City of New York, in the County of New York, Patrick Lane

(now here) is a material witness for
the people of the State of New York, against
Joseph Fogarty, who is charged with
having feloniously assaulted said
Lane by discharging a Pistol at
him. Said Lane is an unwilling
witness, he does not desire to testify,
and deponent fears he will not appear
when required to testify for the people
of this State.

Deponent prays that said

Sworn to before me, this

of

188

Police Justice

0092

Substantive Cause may be accounted
to the cause of destruction

Sworn to before me this 29th day of Sept 1885 -
John J. [Signature]
Police Justice

POLICE COURT— DISTRICT.
THE PEOPLE, & C.,
ON THE COMPLAINT OF
vs.

AFFIDAVIT.

Dated 188

Magistrate.

Officer.

Witness,

Disposition

POOR QUALITY ORIGINAL

0093

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Joseph Bogart Assault, 1, Sec.

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. - I never authorized officer Owen to make the Complaint on my behalf or which the Defendant was indicted. I caused the arrest of the Defendant in a moment of excitement, and the next morning in the Police Court I declared, after reflection I make a Complaint, against the Defendant. Then the officer made the affidavit, against my desire I now wish to state, as I stated before, that the pistol was not pointed at me, but was discharged by accident - I was untreated, or at least under the name of injury. I had no parcel with the Defendant and am now deliberate in saying that his arrest was a mistake and I respectfully ask permission to withdraw my Complaint. Joseph Lane

Morning
Provision
Joseph Lane

**POOR QUALITY
ORIGINAL**

0094

BOX:

192

FOLDER:

1934

DESCRIPTION:

Fogerty, John

DATE:

10/22/85



1934

A1
No 203

Witnesses:

Philip Mack
Officer Thede

Sept has done
343 in D.P. for
deceit

Counsel, ~~Attorney~~
Filed 22 day of Oct 1885
Pleas, Mollity vs.

Sections 498, 506, 528 and 530
Entry in the Third Degree.

THE PEOPLE
vs.
F
Gunderson

RANDOLPH B. MARTINE,
District Attorney.
Nov 4/85
Filed Nov 3. 6.

A True Bill.

W. H. Clendon
Foreman

2406
4th
E

0096

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 Sargent

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

John Sargent

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

The said *John Sargent*

late of the *Fourth* Ward of the City of New York, in the County of New York, aforesaid, on the *thirtieth* day of *October*, in the year of our Lord one thousand eight hundred and eighty-*three*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *dwellinghouse* of one

Philip Madal

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

Philip Madal

in the said *dwellinghouse*, 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.

SECOND COUNT—

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

_____ *John Scofield* _____
of the CRIME OF *Capital* LARCENY, committed as follows:

The said *John Scofield*

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, in the *night* time of the said day, with force and arms,

*divers articles of personal and
real estate, to wit: a number,
said and described to the
grand jury aforesaid, and known,
of the value of two hundred
dollars,*

of the goods, chattels and personal property of one *William Smith*,

in the *Swelling* house of the said *William Smith*,

there situate, then and there being found *from the Swelling house* aforesaid, 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.

Randolph Martin
District Attorney

0098

No 205 ✓ H31
Police Court-- District

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

THE PEOPLE, &c.,
vs
William Moore
Spectator
John O'Connell
1912

Offence
Burglary

Dated

Sept 17 1885

Magistrate

Officer

237 Precinct

Witnessed

23rd Precinct

No. Street

No. Street

\$ TO ANSWER

No. Street

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

John Fogarty

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

Dated Oct 17th 1885

W. A. ... 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.

0099

Sec 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK.

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. *27 Years -*

Question. Where were you born?

Answer. *New York -*

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

Answer. *220 East 107th Street 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 have nothing to say -*

John Fogarty
made

Taken before me this

day of *Sept* 188*8*

Wm. H. ...
Police Justice.

0100

CITY AND COUNTY }
OF NEW YORK, } ss.

George Wreche
aged *29* years, occupation *Police Officer* of No. *23* *Illinois* *Police* Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Philip Mack*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this *17*
day of *October* 188*5* } *George Wreche*

Wm. [Signature]
Police Justice.

0101

Police Court— 6 — District.

City and County }
of New York } ss.:

of No. 42 Philip Mack
the London Theatre, Bowery Street, aged 31 years,

occupation Actor being duly sworn
deposes and says, that the premises No. 109 Street,

in the City and County aforesaid, the said being a Back Apartment
house in the 12th yard.

and which was occupied ^{in part} by deponent as a dwelling
and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly Opening
a door leading from a rear Apartment
to deponent's 12th room.

on the 10th day of October 1888 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A Quantity of Ladies Wearing
Abroad. Consisting of Dresses
and Under Clothing to the Amount
and Value of Two 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 by the aforesaid property taken, stolen, and carried away by

John J. [unclear] (now here)
for the reasons following, to wit: That at or about the hour
of Seven O'clock P. M. on the
10th day of October 1888 deponent
peacefully departed and left said
premises. That on the 16th day
of October 1888 deponent discovered
that said premises had been entered
as aforesaid and the said property
taken, stolen and carried away.

0102

Dependent is informed by Officer George Trade that at or about the hour of 9 o'clock P.M. on the 15th day of October 1881 he arrested the said property and found in his possession the property here shown, which dependent identifies as a portion of the property which had been taken stolen and carried away from dependent's premises.

I prom to depose }
this 17th day of October 1881 }
H. Trade }
Police Justice

Police Court _____ District _____

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Degree _____

Burglary _____

Dated _____ 1881

Magistrate _____

Officer _____

Clerk _____

Witnesses: _____

Committed in default of \$ _____ Bail _____

Bailed by _____

No. _____ Street _____

0103

BOX:

192

FOLDER:

1934

DESCRIPTION:

Foley, James

DATE:

10/26/85



1934

POOR QUALITY ORIGINAL

0104

AP-246

Counsel,
Filed 26 day of Oct 1885
Pleads, Wichitky 23

Grand Larceny, 2nd Degree,
(From the Person) —
[Sections 528, 529, 531, Penal Code].
vs.
THE PEOPLE
R
James J. Decker
Decker
Decker by Court

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.
W.A. Anderson

Foreman.
Wm. J. ...
Be ...

Witnesses:
D. ...

It appearing by the within affidavits that it is impossible to secure the attendance of Dominico Cordovano a material and necessary witness for the People and without whose evidence a conviction cannot be had. I therefore respectfully recommend that the defendant herein James Foley be discharged on his own recognizance.

N. Y., Dec. 4, 1885
Randolph B. Martine
District Attorney.

Court of General Sessions of the Peace.

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James E. Day

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

James E. Day

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

The said *James E. Day*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *October*, in the year of our Lord one thousand eight hundred and eighty-*five*, in the *day* time of the said day, at the Ward, City and County aforesaid, with force and arms,

*one watch of the value of
six dollars and fifty cents,*

of the goods, chattels and personal property of one *Dominico Roderano*, on the person of the said *Dominico Roderano*, — then and there being found, from the person of the said *Dominico Roderano*, 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.

Randolph Brantine,
District Attorney.

0 106

COURT OF GENERAL SESSIONS

James Foley

RADOLPH B. MARTINE,
District Attorney.

affidavit that
Camp Linnard has
moved away &
can't be found
dated Wk 29 88

GLUED PAGE

0107

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York,

To *Dominico Cordovano*

of No. *65 Mulberry* Street,

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *29* day of *October* instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

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

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

RANDOLPH B. MARTINE, *District Attorney*

Sworn, deposes and says:

Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the *28* day of *October* 188*5*, I called at *No. 65 Mulberry Street*

the alleged *residence* of *Dominico Cordovano* the complainant herein, to serve him with the annexed subpoena, and was informed by *the* man with whom he boards that *the* said *Cordovano* had left there and gone to the country to look for work, but did not know where or when he would return. He could not tell where *the* said *Cordovano* could be found.

Sworn to before me, this *29th* day of *October*, 188*5*

Rudolph L. Schauf
Court of Deeds
n. y. city cler.

John V. Hunter
Subpoena Server.

Court of General Sessions.

THE PEOPLE

vs.

es Foley

County of New York, ss.:

John W. Huntley

being duly

and says: I reside at No.

602 Tintora Ave

Street, in the City of New York. I am a subpoena server in the

office of the District Attorney of the City and County of New York. On the 28 day of October 1885, I called at No. 65 Mulberry Street

the alleged residence of Dominico Bordovano

the complainant herein, to serve him with the annexed subpoena, and was informed by the man with whom he boards that the said Bordovano had left there and gone to the country to look for work, but did not know where or when he would return. He could not tell where the said Bordovano could be found.

Sworn to before me this

29th day

of October, 1885

Rudolph L. Schaif
Court of Deeds
n. y. city & co.

John W. Huntley

Subpoena Server.

Sworn to before me, this 188

188 by

Subpoena, of which the within is a copy, upon day of

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

If ill, when served, please send timely notice to District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not here brought out, please state the same to the District Attorney or one of his assistants.

being duly sworn, deposes and says he

0109

COURT OF GENERAL SESSIONS

The People, &c.

vs.

James Foley

OFFENCE

District Attorney.

The People }
vs. }
James Foley }

City & County of New York :-

John Harrington a
Police Officer attached to the 6th
Precinct being duly sworn
says :- That he is the Officer who
arrested the defendant herein on
the complaint of Dominico Cordovano.
That deponent has made diligent
search and inquiry among the
neighbors of the said complainant
and was informed that the said
Cordovano had gone to the
country, but could not tell where.

Deponent could gain no information
as to the present whereabouts of
the said Dominico Cordovano the
complainant herein.

Sworn to before me } John Harrington
this 3 day of Dec. 1885 }
Rudolph L. Schaif
Clerk of Deeds
N. Y. City & Co.

0111

See the Chief Clerk in reference to this case.

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York,

To *Off. Farrington*

of No. _____ Street,

6

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *4* day of *Dec.* instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

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

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of *Nov* in the year of our Lord 188*6*

RANDOLPH B. MARTINE, *District Attorney*

Jas. Foley

0112

COURT OF GENERAL SESSIONS.

The People, &c.

vs. *James Foley*

OFFENCE

RANDOLPH B. MARTINE,
District Attorney.

GLUED PAGE

0113

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York,

To *Dominico Cordavano*
of No. *65 Mulberry* Street,

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you appear in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *4* day of *Dec* instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

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

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of *Nov* in the year of our Lord 188*5*

RANDOLPH B. MARTINE, District Attorney

sworn, deposes and says: I reside at No. *111 Broadway*.

~~Street~~, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the *2* day of *December* 188*5*, I called at *No. 65 Mulberry St.*

the alleged residence of *Dominico Cordavano* the complainant herein, to serve him with the annexed subpoena, and was informed by *the* man that keeps the house that the said *Dominico* has not returned or been seen or heard of since I last called there on *Oct. 30, 1885* & *Oct. 28, 1885* as will appear by my other affidavits filed herewith.

Sworn to before me, this *3* day of *December*, 188*5*
Rudolph L. Scharf
Com: of Deeds
n y cit o leo

John W. Huntley
Subpoena Server.

GLUED PAGE

0114

Court of General Sessions.

PEOPLE

Foley

Devere... material was not there brought out, please state the same to the District Attorney or one of his assistants.

State of New York, City and County of New York, ss.

of New York, ss.

being duly sworn, deposes and says he Subpoena, of which the within is a copy, upon 188 by on the day of

Sworn to before me, this day of 188

John W. Huntley

being duly

sworn, deposes and says: I reside at No. 602 Tintock Ave.

Street, in the City of New York. I am a subpoena server in the

office of the District Attorney of the City and County of New York. On the

of December 1885, I called at No. 65 Mulberry St.

the alleged residence of Dominico Cordavano the complainant herein, to serve him with the annexed subpoena, and was informed by the man that keeps the house that the said Dominico has not returned or been seen or heard of since I last called there on Oct. 30, 1885 + Oct. 28, 1885 as will appear by my other affidavits filed herewith.

Sworn to before me, this 3 day of December 1885

Rudolph L. Schauf Court of Deeds nyc etc

John W. Huntley Subpoena Server.

GLUED PAGE

0115

COURT OF GENERAL SESSIONS.

The People, &c.

vs.
James Foley

OFFENCE

RANDOLPH B. KAETHLE
District Attorney.

1578
1020
13

14
15
16
17
18

14
60
40
30
20
10
1700

GLUED PAGE

0116

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York,

To *Dominico Bordovano*

of No. *65 Mulberry* Street,

E

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the *2* day of *Nov* instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

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

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of *Nov.* in the year of our Lord 188*5*

RANDOLPH B. MARTINE, *District Attorney*

sworn, deposes and says: I reside at No. *200 Union Ave.*

Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the *30th* day of *October* 188*5*, I called at *65 Mulberry Street*.

the alleged *residence* of *Dominico Bordovano* the complainant herein, to serve him with the annexed subpoena, and was informed by *the* man with whom he boarded that he has not returned from the country where he went to seek employment, and has not heard of or from him since I called on Oct. 28. 1883 as will appear by my former affidavit

Sworn to before me, this *2* day

of *November* 188*5*
Rudolph L. Scharf
Court of Deeds N.Y. City & Co.

John L. Huntley
Subpoena Server.

GLUED PAGE

0117

Court of General Sessions.

THE PEOPLE

vs.

James Foley

County of New York, ss.:

day, state this early to the District Attorney's Office.

If ill, when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his assistants.

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

being duly sworn, deposes and says he

Subpoena, of which the within is a copy, upon

on the day of

188 by

John W. Huntley being duly sworn, deposes and says: I reside at No. 602 Tinton Ave.

Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the 30th day of October 1885, I called at 65 Mulberry Street.

the alleged residence of Dominico Cardovano the complainant herein, to serve him with the annexed subpoena, and was informed by the man with whom he boarded that he has not returned from the country where he went to seek employment, and has not heard of or from him since I called on Oct. 28. 1885 as will appear by my former affidavit

Sworn to before me, this 2 day of November 1885

Rudolph L. Scharf
Clerk of Deeds N.Y. City & Co.

John W. Huntley
Subpoena Server.

0118

De 1157
Police Court - 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

James Staley
1
2
3
4
Office

from the person

Dated

188

John H. ...
Magistrate
Office
Precinct

Witnesses

No.

Street

No.

Street

No.

Street

\$

to answer

98

Ally

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 James Staley

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

Dated Oct 20th 188 John H. ... 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.

0119

Sec. 198-200.

188 District Police Court.

CITY AND COUNTY OF NEW YORK, ss

James Foley 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. James Foley

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. New York City

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

Answer. 62 Catherine Street six years

Question. What is your business or profession?

Answer. Printer

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
James Foley

Taken before me this

day of Oct 1888

Wm. J. ... Police Justice.

0120

Police Court—First District.

Affidavit—Larceny.

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

of No. 65 Mulberry Street, aged 27 years,
occupation 19th Laborer being duly sworn

deposes and says, that on the 19th day of October 1885 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and

possession of deponent, in the daytime, the following property viz :

One Double Cased Silver Watch
of the value of Six dollars & fifty
Cents

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 James Foley (now here).

from the fact that deponent walking
through the hall way of premises nos 65
Mulberry Street the said defendant met
deponent and snatched hold of a chain
attached to said watch, and pulled said
watch out of deponent left hand vest pocket
worn by deponent as a portion of deponents
bodily clothing and ran out of said hallway
pursued by deponent and deponent saw
the said defendant throw the aforesaid watch
down on the street and deponent caused
the arrest of said defendant.

Dominic Cordorans
mark

Sworn to before me this
day of October 1885
at New York
John J. Brennan
Police Justice

0121

BOX:

192

FOLDER:

1934

DESCRIPTION:

Foley, John

DATE:

10/07/85



1934

Witnesses:

No. 360
Counsel, J. H. DeLoach
Filed 7 day of Dec 1888
Pleads, Subjunct

THE PEOPLE
vs
30. 36
36
James R. DeLoach
Grand Larceny, 1st Degree.
(From the Person.)
[Sections 928, 929, Penal Code.]

RANDOLPH B. MARTINE,
District Attorney.

Pr 661170
pleads & L. & D.

A True Bill. S. P. Two years.

M. H. Anderson

661170
Foreman.

0123

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 T. Deary

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

John T. Deary

of the CRIME OF GRAND LARCENY in the *7th 1st* degree, committed as follows:

The said *John T. Deary*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *7th* day of *October*, in the year of our Lord one thousand eight hundred and eighty-*five*, in the *midnight* time of the said day, at the Ward, City and County aforesaid, with force and arms,

one watch to the value of

ten dollars.

of the goods, chattels and personal property of one *Edward Hartman*
on the person of the said *Edward Hartman*
then and there being found, from the person of the said *Edward Hartman*
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.

Randolph B. Martin
District Attorney

0124

No. 35
Police Court
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward H. ...

226 W. 28th St.

John Foley

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

offence regarding the person

Dated

John Foley

Magistrate

Witnesses

No. 477

Street

No.

Street

No.

Street

\$ 1000

to answer

98

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

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

Dated 2/26/18 188 John Foley Police Justice.

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

Dated 2/26/18 188 John Foley 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 2/26/18 188 John Foley Police Justice.

0125

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

John Foley 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 Foley*

Question How old are you?

Answer *29 years*

Question Where were you born?

Answer *Ireland*

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

Answer *26 Greenwich St. 7 years*

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 do not know any thing about it*

John Foley
mark

Taken before me this

day of

188

Samuel C. Hall Police Justice.

0126

Police Court— 2 District.

Affidavit—Larceny.

City and County
of New York,

ss.: 47 W. 22

Edward Hartney

of No. 226

W 28

Street, aged 29 years,

occupation Wool Merchant

being duly sworn

deposes and says, that on the 11 day of Oct 1887 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the with time, the following property viz:

One watch of the value of
one dollar

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 John Foley now here

from the fact that said Foley approached deponent and snatched said watch from deponent's person and ran away with it.

Ed Hartney

Sworn to before me this 11 day of Oct 1887

James W. Kelly
Police Justice.

0127

BOX:

192

FOLDER:

1934

DESCRIPTION:

Fox, Patrick

DATE:

10/23/85



1934

0128

No 233

Counsel,
Filed 23 day of Oct 1886
Pleas, *Not guilty* (261)

Grand Larceny, 1st Degree,
(From the Person)
[Sections 528, 529, 34 Penal Code]

THE PEOPLE

vs.

R

in the presence of
Wm. G. ...
at

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

W. M. ...

Foreman.

Wm. G. ...

24th S. P. ...

Witnesses:

Ernest Haber
Officer Berg

0129

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Patricia Fox

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

Patricia Fox
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *Patricia Fox*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *October*, in the year of our Lord one thousand eight hundred and eighty-*five*, in the *mid* time of the said day, at the Ward, City and County aforesaid, with force and arms,

one silver coin of the said tenor
as denier of the value of ten cents,
two metal coins of the said
tenor as five cent pieces of the
value of five cents each, and ten
coins of the said tenor as cents,
of the value of one cent each.

of the goods, chattels and personal property of one *Ernest Stoller*,
on the person of the said *Ernest Stoller*,
then and there being found, from the person of the said *Ernest Stoller*,
then and there feloniously did *attempt 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.

Randolph A. Martin
District Attorney.

0130

BAILED,

No. 1, by _____
 Residence _____ Street _____

No. 2, by _____
 Residence _____ Street _____

No. 3, by _____
 Residence _____ Street _____

No. 4, by _____
 Residence _____ Street _____

No 234 of 1146
Police Court 3^d District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

JAMES WALLER
512 Columbia

1 Patrick Fiof

2 _____
3 _____
4 _____

Offence Attempted Larceny
from the person

Dated October 20 1885

Magistrate
FREDERICK BERRY

Precinct 13

Witnesses
FREDERICK BERRY

No. _____
Street _____

No. _____
Street _____

No. 500 to answer
Street _____
CMA

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 _____

Patrick Fiof

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 October 20 1885 _____ Police Justice.

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 1885 _____ 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 _____ 1885 _____ Police Justice.

0131

Sec. 198-200.

3d District Police Court.

CITY AND COUNTY OF NEW YORK.

Patrick Fox

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. Patrick Fox

Question. How old are you?
Answer. 22 years

Question. Where were you born?
Answer. New York

Question. Where do you live, and how long have you resided there?
Answer. 172 Chatham Street, 1 year

Question. What is your business or profession?
Answer. Chair maker

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

Patrick Fox

I have before me this 21st day of October 1888
W. J. [Signature]

Police Justice.

0132

CITY AND COUNTY }
OF NEW YORK, } ss.

Frederick Berg

aged *28* years, occupation *Police officer* of No.

the 13th Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Ernest Healler*

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

Sworn to before me, this *20th*
day of *October* 188*8*

Frederick Berg

Myower

Police Justice.

0133

32

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK, ss.

Ernest Haller

of No. 52 Columbia Street,

being duly sworn, deposes and says, that on the 20th day of October 1885

at the night time ~~in~~ City of New York,

in the County of New York ^{attempted to be} was feloniously taken, stolen and carried away from the possession

of deponent ~~and from his person~~

the following property, viz.:

Good and lawful money to the amount and of the value of few cents

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was ^{attempted to be} feloniously taken,

stolen, and carried away by Patrick Fox (nowhere) from the fact that deponent was informed by officer ~~Hinderer~~ Berg of the 13th Precinct Police that he saw said defendant in the act of rifling and searching deponent's pockets while he was sitting on a stoop between ~~streets~~ ^{between} Columbia and Cayman street in ~~the~~ ^{same} City at about 3 o'clock this A.M. Deponent therefore asks that defendant be held to answer and dealt with according to law.

Ernest Haller

Sworn before me this

20th day of October

1885

Police Justice,

0134

BOX:

192

FOLDER:

1934

DESCRIPTION:

Fraser, Laura

DATE:

10/12/85



1934

0135

No-80

Counsel, *Schultz*
Filed *12* day of *Oct* 188*5*
Pleads, *Nov 13*

THE PEOPLE
vs.
Samuel S. ...
March 1906
Pa. ...

(Sections 322 and 385, Pennl Code.)

KEEPING A HOUSE OF ILL FAME, ETC.

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

J. A. ...

Foreman
...
in the presence of
...

Witnesses:

.....
.....
.....

Upon affidavit of the
Officer herein I am of
that the bail be
discharged

James ...
And ...

0136

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Sawra Fraser

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

Sawra Fraser

(Section 322,
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME, committed as follows:

The said *Sawra Fraser,*

late of the *20th* Ward of the City of New York, in the County of New York aforesaid, on the *thirtieth* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, and on divers other days and times as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Sawra Fraser

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of, and against good morals and good manners, 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

Sawra Fraser

(Section 355,
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Sawra Fraser,*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *thirtieth* day of *September*, in the year of our Lord one thousand eight hundred

0137

and eighty-~~one~~ and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill governed house, and in ~~the~~ said house, for ~~his~~ own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tipping, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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

Samuel Brown

(Section 322,
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said *Samuel Brown,*

late of the Ward, City and County aforesaid, afterwards, to wit: on the ~~fourth~~ *fourth* day of ~~November~~ *November*, in the year of our Lord one thousand eight hundred and eighty-~~one~~ *one*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for ~~his~~ own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women, in ~~the~~ said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tipping, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully, did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

General Sessions

The People

vs
James Hooper

Apparition of Office
Michael Scott
of Abolam's of Me.
same.

James M. Colburn
of Council

0138

Court of General Sessions
of the Peace held in the City
& County of New York.

The People,

vs.

Laura Fraser.

{ On Indictment for keep-
ing Disorderly House

City & County of New York, S. Michael Casey
being duly sworn deposes & says that he
is the complainant against the above
named defendant in an Indictment
for keeping a disorderly house at No. 475
Seventh Avenue in the City of New York
in September 30, 1885 & other days prior
thereto. That said Indictment was found
& filed Dec. 12, 1885 in the Court of Gen-
eral Sessions that defendant is a mem-
ber of the Municipal Police & was at
the time attached to the 29th Precinct
Station in said City & made the arrest
of said defendant - that since the
date of the arrest of the said defen-
dant & for some time past the said
defendant vacates said premises
& abates said nuisance, & the same
no longer continues

0140

Sum before me this

9th of March 1886. Michael Casey

Wm H. Genshler

Com. of Deeds
N. Y. Co.

POOR QUALITY ORIGINAL

0141

No-802 1073
Police Court District.

THE PEOPLE, &c,
ON THE COMPLAINT OF

Michael Barry
29 West
10th Street

Offence Keeping a
Disorderly House

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

Oct 1 188

D O Kelly Magistrate.

Casey Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ 5000

to answer

Handwritten signature and name

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 5000 Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Oct 4 188 Samuel C. Kelly Police Justice.

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

Dated Oct 4 188 Samuel C. Kelly 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.

0142

Sec. 198-200

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Laura Fraser

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

Question. What is your name?

Answer. *Laura Fraser*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Nashville; Tenn*

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

Answer. *475 10th Ave 6 mos*

Question. What is your business or profession?

Answer. *Housekeeper*

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 and demand a trial by jury*

Laura Fraser

Taken before me this

day of

Oct 5

188

James M. [Signature]
Police Justice.

0143

W
Police Court— 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael Casey

Lana Frasen

AFFIDAVIT—Keeping Disorderly House, &c.

Dated Sept 21 1885

D. J. Reilly Justice.

Officer.

Precinct.

WITNESSES :

0144

Sec. 322, Penal Code.

2 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

Michael Casey
of No 29th Precinct Police Court, in said City, being duly sworn says
that at the premises known as Number 75 Seventh Avenue 1 floor front
in the City and County of New York, on the 30 day of September 1887, and on divers
other days and times, between that day and the day of making this complaint

Laura Fraser
did unlawfully keep and maintain and yet continue to keep and maintain a House of Ill
fame and did then, and on the said other days and times, there unlawfully procure
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come
together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil
name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and
there passing is habitually disturbed, in violation of the statute in such case made and provided.

Deponent therefore prays, that the said Laura Fraser
and all vile, disorderly and improper persons found upon the premises, occupied by said
Laura Fraser
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 1st day of Sep 1887 Michael Casey

Daniel O'Reilly Police Justice.

0145

Sec. 151.

Police Court— District.

CITY AND COUNTY }
OF NEW YORK, } ss

In the name of the People of the State of New York: To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Michael Casen of No. 29th Street Police Street, that on the 30th day of September 1885, at the City of New York, in the County of New York, Laura Fraser did keep and maintain at the premises known as Number 475. Seventh Avenue 1st floor front Street, in said City, a House of Ill fame and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to Command you, the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the body of the said

Laura Fraser and all vice, disorderly and improper persons found upon the premises occupied by said Laura Fraser and forthwith bring them before me, at the 2^d DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 1st day of October 1885

Samuel [Signature] POLICE JUSTICE.

0146

Police Court— District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

WARRANT—Keeping Disorderly House, &c.

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

The within named

Dated 188

Magistrate

Officer.

Precinct.

The Defendant taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Officer.

Dated 188

This Warrant may be executed on Sunday or at night.

Samuel C. Kelly Police Justice.

Police Justice.

0147

BOX:

192

FOLDER:

1934

DESCRIPTION:

Fulda, Allin

DATE:

10/23/85



1934

POOR QUALITY ORIGINAL

0149

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Abner Sudda

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

of a Misdemeanor,

(§ 356. Practice)

committed as follows:

The said Abner Sudda,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the eighth day of July, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, without having obtained any license or diploma from any chartered school, State Board of Medical Examiners or medical society, did unlawfully practice medicine, and did then and there, without having so obtained as aforesaid, unlawfully examine, treat and prescribe for one John Smith, as a physician, against the tenor of the Statute in such case made and provided, and against the peace and dignity of the said People.

Second Count: (Chapter 613, Laws of 1880, § 1.) And the Grand Jury aforesaid, by this indictment further

accuse the said Alvin Biddle of a
 Misdemeanor, committed as follows:

The said Alvin Biddle, late of
 the Ward, City and County of Kansas, Kansas,
 the int. on the day and in the year
 aforesaid, at the Ward, City and
 County aforesaid, did unlawfully practice
 surgery without being lawfully
 authorized so to do, and without such
 lawful authority, did then and there
 unlawfully examine, treat and operate
 for one John Durbin, as a Surgeon,
 against the form of the Statute
 in such case made and provided,
 and against the peace and dignity
 of the said State.

Third Count: (Case No. 880, Chas. S. S. 27.)

That the Grand Jury aforesaid
 by this indictment further accuse
 the said Alvin Biddle, of a
 Misdemeanor, committed as follows:
 The said Alvin Biddle, late of
 the Ward, City and County of Kansas,
 afterwards, the int. on the day and
 in the year aforesaid, at the Ward,
 City and County aforesaid, being
 then and there a person duly authorized
 to practice surgery and surgery, did
 unlawfully practice surgery without

0151

I have first registered in the
 Office of the said County in the
 manner and form required by law,
 this name, residence and date of
 birth, together with his authority
 for practicing medicine and surgery
 and did then and there instruct
 I have first registered as above,
 unlawfully examine, treat and
 prescribe for one John Smith, as
 a physician, against the form of
 the Statute in such case made and
 provided, and against the peace and
 dignity of the said County.

Randall B. Martin,
 District Attorney.

S U P R E M E C O U R T.

The People, &c.

Respondents,

vs.

Albin Fulda,

Appellant.

A. SUYDAM,
Counsellor at Law,
32 WARREN STREET,
NEW YORK CITY.

Of Counsel for Appellant.

Judgment of Reversal.

Filed March 25, 1880

0152

0153

At a General Term of the Supreme Court of
The State of New York, held in and for the
First Judicial Department, at the Court
House of The City and County of New York,
on Monday, the 22nd day of March, A.D. 1886,

Present,

The Honorable Noah Davis, Presiding Justice,
The Honorable John R. Brady, Justice, and
The Honorable Charles Daniels, Justice.

-----X	
The People, &c., <u>Respondents,</u>	:
vs.	:
Albin Fulda, <u>Appellant.</u>	:
-----X	:
	: <u>Judgment of Reversal.</u>

The appellant having been convicted, in the Court of Gen-
eral Sessions in and for the City and County of New York, of a
misdemeanor, to wit: the unlawful practice of medicine, in vio-
lation of Section 356 of the Penal Code of The State of New
York, and of Chapter 513 of the Laws of 1880 of The State of
New York, and judgment having been rendered against him, on
such conviction, by the said Court of General Sessions, on the
9th day of November, A.D. 1885,

And the appellant having appealed to this Court from the
said judgment, and the said appeal having been heard in this
Court on the 29th day of January, A.D. 1886, and counsel for the
appellant and for the respondents, respectively, having been
heard thereon, and due consideration having been thereupon had,

And this Court being now of the opinion that the evidence

0154

produced at the trial of this action in the said Court of General Sessions was insufficient to warrant a conviction, and that there is error in the said judgment affecting the substantial rights of the appellant,

Now upon all the papers heretofore filed and the proceedings heretofore had in this action, and on motion of A. Suydam, Esq., of counsel for the appellant,

It is adjudged, ordered and considered by the Court, that the said judgment rendered in this action, against the appellant, by the said Court of General Sessions, on the 9th day of November, A.D. 1885, be, and the same is hereby, in all things reversed, vacated and annulled, and that a new trial of this action be had in the said Court of General Sessions.

And it is further ordered, that this action be remitted to the said Court of General Sessions, to be further proceeded in according to law, ~~in conformity with the principles expressed in the opinion of this Court.~~



A Copy
James A. Stack
Clerk

0155

New-York Feb 27. 59.

To Mr. Justice Clerk of Court of S. S.

Dear Sir,

Your letter of Oct. 4 received. My case
is still now under consideration of
Superior Court, so far I have been instanc-
ted of my lawyer. Please let me know if it
is not so, and I will appear and lend
to this matter incessantly.

Very respectfully

Wm. B. Field

Suff. Co. Ct. Clk.

0156



Mrs. Parker

Clack of Court of General Sessions
City and County

City

Business
Oct 7 89
Deane & Sturges
New York
app. Oct 10/89

0157



Please take notice that an order of which
the within is a certified copy, was entered
herein on the

188

Yours, &c.,

~~_____~~
District Attorney.

To

Attorney for Appellant.

N. Y. Supreme Court,

GENERAL TERM.

THE PEOPLE,

Respondents,

v.

Albin Fuld

Appellant.

ORDER OF AFFIRMANCE.

John H. Fellows
RANDOLPH B. MARTINE

District Attorney.

Due service of a certified copy of the
within order, is hereby admitted.

New York,

188

Filed Oct. 2 1889

Attorney for Appellant.

Filed April 9, 1889

*Notice of the settlement of the within process order
is hereby given*

*A. F. Fuld
Counsel for Appellant*

0158

0159

At a General Term of the Supreme Court of the State of New York, held in and for the First Judicial Department, at the County Court House in the City of New York, on the 29th day of March in the year of our Lord one thousand eight hundred and eighty-nine

Present,

The Honorable Charles Van Buren D. J.

The Honorable John R. Brady

and The Honorable Charles Daniels J. J.

THE PEOPLE OF THE STATE OF NEW YORK,
Respondents,
against

Albin Zilda

Appellant.

ORDER OF AFFIRMANCE.

The above-named Appellant having been, at a Court of General Sessions of the Peace, held in and for the City and County of New York, at the City Hall in said City, on the 19th day of October in the year of our Lord one thousand eight hundred and eighty-six, in due form of law convicted by the verdict of a jury of a ^{crime} ~~felony~~, to wit: the crime of practicing medicine without a license whereupon it was considered by the said Court of General Sessions of the Peace, and ordered and adjudged, that the said appellant for the felony aforesaid whereof he was so convicted as aforesaid ~~be imprisoned in the State Prison at hard labor for the term of~~ pay a fine of Fifty Dollars

And the appellant aforesaid, having thereafter duly appealed from the said judgment to this Court, and the said appeal having come on to be heard in due form of law.

Now, therefore, after hearing Abraham Sydney Esquire of Counsel for the appellant, and McKenzie Temple, Esquire, Assistant District Attorney for the respondents, due deliberation being had thereon, it is

Ordered and adjudged, that the said judgment of the said Court of General Sessions of the Peace, so appealed from as aforesaid, be, and the same hereby is in all things affirmed. And it is further

Ordered, that the said judgment of the said Court of General Sessions of the Peace, be, and the same is hereby directed to be, enforced and carried into execution and effect.

98/ A Copy

Ent 617

Clerk.

New York, General Sessions.

The People, &c.,

vs.

Albin Fulda.

Affidavit & Notice of Motion.

A. SUYDAM,
Counselor at Law,
32 WARREN STREET,
NEW YORK CITY.

Of Counsel for Defendant.

To Randolph E. Martine, Esq.,

District Attorney, &c.

0160

New York, Court of General Sessions.

-----x
 The People, Ac., :
 vs. : Upon an Indictment for the Unlawful
 Albin Gulda. : Practice of Medicine.
 -----x

City and County of New York, ss:

Abraham Spector, being duly

sworn, says as follows, to wit:

I am an attorney and counselor at law, and reside at No. 370 West Broadway Street in the City of New York, and have my office at No. 17 Nassau Street in the said city, and am of counsel for the above-named defendant.

The above-entitled action was tried in this court at the last November term. The defendant was convicted of the crime charged in the indictment, and judgment was rendered against him for a fine of one hundred and fifty dollars.

The defendant appealed from the said judgment to the Supreme Court. The said appeal was heard at the last January term, and at the last March General Term of the said court a judgment was rendered upon the said appeal reversing the said judgment of this court, and ordering a new trial.

A certified copy of the said judgment of the Supreme Court was duly filed in the office of the Clerk of this court during the last April term of this court.

More than two full terms of this court have been held since the said certified copy of the said judgment was filed as aforesaid, and this case has never been put upon the calendar or called for trial.

During the entire time since this action was first con-

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nenced, the defendant has been at all times within the jurisdic-
tion of this Court and ready for trial, and has never
made any application for delay.

Subscribed and sworn to before me

This 13th day of June, A. D. 1886.

(Sgd) A. Hamilton Reaves
Notary Public
N. Y. Co.

To Edward B. Hartine, Esquire,

District Attorney of the City and County of New York

Dear Sir,

You will please take notice,

that on Tuesday, the 13th day of June, A. D. 1886, at eleven
o'clock in the forenoon, or as soon thereafter as counsel can
be heard, in the Court of General Sessions in and for the
City and County of New York, in Court One, at the Court House
No. 52 Chambers Street in the City of New York, on the Affi-
davit of which the foregoing is a copy, and on the papers
heretofore filed and the proceedings heretofore had in this
action, I shall move the Court to dismiss the indictment in
this matter.

Yours respectfully,

A. Suydam
Of Counsel for Defendant.

Dated at New York, the 13th day of June, A. D. 1886.

Court of General Sessions

The People, &c.,

vs.

Albin Fulda.

Notice of Motion.

FUNDAM.
To the Court at Law,
Washington,
District of Columbia.

Of Counsel for Defendant.

To Randolph B. Martine, Esq.

District Attorney, &c.

*Off for Court
at Term in
District of Columbia,
In Part I*

0163

Court of General Sessions, City and County of New York.

-----X
 The People, &c., :
 vs. :
 Albin Fulda. :
 -----X

To Randolph B. Martine, Esquire, District Attorney of the City
and County of New York:

Sir:

You will please take notice that on Thursday, the
 30th day of September, A. D. 1886, at eleven o'clock in the fore
 noon, or as soon thereafter as counsel can be heard, in Part Two
 of the Court of General Sessions in and for the City and County
 of New York, to be held at the Court House No. 32 Chambers St.
 in the City of New York, upon all the proceedings heretofore had
 and the papers heretofore filed in this action, I shall move
 the Court to dismiss this action.

Dated at New York, the 29th day of September, A. D. 1886.

A. S. [Signature]
 Of Counsel for the Defendant.

0165

When: of cases
on ignorance
of Trade or
no excuse for
the doing of
certain prohibited
acts. —

Acquiescence of fact is no defense
 when the statute makes the act
 indictable irrespective of guilt
 People v. Nelson, 14 N.Y. C.R., 459
 Barnes v. People, 44 Ill. 322
 State v. Stebbins, 23 Minn. 549
 State v. Melville, 11 R.I., 417
 State v. Dimson, 42 Gr. 478
 Rex v. Mungleton, 6 T.R., 439
 See also 1 Whet. Cr. L. (8th Ed) 588

and has been so held in the
 following cases relating to the
adulteration of food

People v. Chicago Parkers 355
~~People v. Nelson, 14 N.Y. C.R., 459~~
 Row v. Broughton, 2 Allen, 160
 Row v. Warren, 9 Allen 489
 Row v. Nichols, 10 Allen 199
 Row v. Wake, 11 Allen 264
 Row v. Smith, 103 Mass, 444
 State v. Smith, 10 R.I., 258

Do in selling intoxicating liquors
 Barnes v State 19 Conn. 398

On for selling dangerous substances
 Row v Wadsworth, 118 Mass., 441

On dangerous compounds, finding
 ignorant that tests were not
 satisfied.

Stowman v Rowell, 110 Mass., 470

Duncan v State, 7 Humph., 148

Dupire v State, 46 Ind., 459

Hearne v Tugton, 2 El. & E., 66

On sales below the age limited by law
 Row v Raymond 94 Mass., 567

Do in cases of bigamous marriage

Cow v Marsh, 7 Met., 472

State v Goodenow, 65 Me., 30

Cow v Elwell, 2 Met., 190.

Cow v Thompson, 6 Allen 591

Ibid. - 11 Allen ~~93~~ 23

Hood v State 56 Ind., 263

Davis v Com. 13 Bush, 318.

or as to age of female in cases of
abduction or seduction, or illegal marriage

State v Puhl, 8 Iowa, 447.

State v Newton 44 Iowa, 45

Lawrence v Com., 30 Gratt., 845

Reg v Robins, 1 Cart K., 456

Reg v Olifier, 10 Cox 402

Reg v Booth 12 Cox 231

State v Griffiths 67 Mo. 287

Ulrich v Com., 6 Bush 400

Barnes v State 19 Com., 398

U.S. v Dodge, Deady 186.

McCutcheon v People., 69 Ill. 601

Com v Emmons, 98 Mass, 6.

Com v Goodman, 97 Mass, 117

Com v Lathville, 120 Mass, 385.

Com v Finnegan, 124 Mass 324

State v House, 71 N.C., 518

State v Cain,, 9 W. Va., 559.

See also.

State v Balt. S. N. Co., 13 Md., 187

Shuster v State, 48 Ala., 199

U.S. v Anthony, 11 Blatch., 200.

State v Hallett,, 8 Ala., 159-

Mc Guire v State 7 Humph 54

0169

State v Hart, 6 Jones (N.C.) 389
Gardner v People, N.Y.
Minor v Happersett, 53 Mo, 58

0170

ASSOCIATION OF THE BAR
7 WEST 29TH STREET.

Oct. 11/86

Randolph B. Martin Esq
District Attorney

Dear Sir: I have made a
rough memorandum of
the points in the People
vs Fulda which you
have kindly set down for
the 13th. I think that
it may ~~at~~ save the prosecutor
some trouble and time in
picking out his points.

The case is so simple if
clearly understood that it
ought not to consume over

0171

fifteen or twenty minutes
on trial. But it is also so
technical that unless a
synopsis of it is gone over
with some care, it may
take an hour or two in
trying, and end in empow-
ering the jury. I do not
think that any of defendant's
evidence is admissible
on a close trial. The case
will probably go up on
appeal and it would be

well to have the issue
clearly defined.

Sincerely yours

W. A. Dunnington

0172

Part One
District Attorney's Office.

Oct 19/86

PEOPLE

vs.

Albin Filda

~~Outp issued~~

Counsel & Bail
Pers by Fay

Oct 15/86

0174

6-21-85. Henschel in the RR, 77
10/7 - American ... 1871

~~...~~
...

W.S. Williams
52. Bi. 91 62

0175

Court of General Sessions.

The People, &c.,

vs.

Albin Fulda.

Notice of Motion.

*Albin Fulda,
County Prison,
New York City.*

Of Counsel for Defendant.

To Randolph B. Martine, Esq.

District Attorney, &c.

*File copy
to Sept 20
G.P.S.*

0176

New York, Court of General Sessions.

-----X
The People, &c., :
 : Notice of Motion.
 vs. : :
Albin Fulda. : :
-----X

To Randolph B. Martine, Esquire,
 District Attorney, &c.,

Dear Sir,

You will please take notice that on Friday, the 17th day of September, A. D. 1886, at eleven o'clock in the forenoon, or as soon thereafter as counsel can be heard, in the Court of General Sessions in and for the City and County of New York, Part Two, in the Court House, No. 32 Chambers Street in the City of New York, upon the papers heretofore filed and the proceedings heretofore had in this action, I shall move the Court to dismiss this action.

Dated at New York, the 15th day of September, A. D. 1886.

Yours respectfully,

Of Counsel for Defendant.

0177

New York General Sessions.

The People, &c.,

vs.

Albin Fulda.

Notice of Motion.

A. Jay Davis
32 Waverley St.
Of Counsel for the Def't.

To Randolph B. Martine, Esq.,

District Attorney, &c.

RECEIVED

CLERK OF THE COURT

RECEIVED

0178

New York, Court of General Sessions.

-----X	:	
The People, &c.,	:	
vs.	:	<u>Upon an Indictment for the Unlawful</u>
Albin Fulda.	:	<u>Practice of Medicine.</u>
-----X	:	

To Randolph B. Martine, Esquire,

District Attorney of the City and County of New York.

Fear Sir,

You will please take notice that on Tuesday, the 15th day of May, A. D. 1886, at eleven o'clock in the forenoon, or as soon thereafter as counsel can be heard, in part one of the Court of General Sessions in and for the City and County of New York, at the Court House No. 32 Chambers St. in the City of New York, upon the papers heretofore filed and the proceedings heretofore had in this action, I shall move the Court for leave to withdraw the plea of not guilty heretofore entered herein, and to demur to the indictment herein.

Yours respectfully,

A. J. J. J.

Of Counsel for the Defendant.

Dated at New York, the 14th day of May, A. D. 1886.

COURT OF GENERAL SESSIONS.

The People,

- vs -

Richard Roe.

Charged with practicing
physics in violation of the
Statutes.

BRIEF FOR THE MEDICAL
SOCIETY OF THE COUNTY OF
NEW YORK.

W. A. Purrington,
Counsel of the Society,
2 Wall St.,
N. Y. City.

0179

COURT OF GENERAL SESSIONS.

<p>The People, --vs-- Richard Roe.</p>	<p>⋮ ⋮ ⋮ ⋮ ⋮ ⋮ ⋮</p>	<p>A General Trial Brief for the Medical Society of the County of New York, Com- plainants.</p>
--	--	--

STATEMENT OF FACTS.

The defendant is indicted for practicing medicine without any license or diploma from some chartered school, State Board of medical examiners or medical society, (Penal Code Sec. 356), and also for so practicing without registering in the office of the Clerk of the County of New York, his name, residence and place of birth, together with his authority for practicing physic and surgery as prescribed in the Laws of 1880 Ch. 513, Secs. 2 and 3.

I.

a. What constitutes practice.

Practice of Physic consists in holding out oneself as a physician, answering to the name of Dr. in attending the sick, and in such attendance and consultation,

Reynolds v Graves, 3 Wisc. 416.

Brown v Mines, 2 Mill Const. 325 (S.C.)

and in making diagnosis and prescribing whether defendant has practiced physic is a question of fact for the jury; but attendance on one case and a holding out as a doctor warrant conviction.

Antle v State, 6 Tex. App. 202.

Ellison v State, do 248.

b.

Need not prove
payment of fee.

It is not necessary, however, to prove the payment of a fee where the intent to receive one may be plainly inferred even though the Statute in terms prescribe that the practice must be for gain.

State vs Hale, 15 Mo. 606.

nor

c.

or produce medicine. is it necessary to produce the medicine prescribed in Court.

U. S. vs Williams, 5 Cranch C. Ct. 62.

d.

clairvoyant.

A medical clairvoyant renders medical services within the Statute and must be licensed,

Bibber v Simpson, 59 Me. 181.

Masseur.

but in New York a manipulator or masseur is not a physician in the meaning of the Statute.

Smith v Lane, 24 Hun. 532.

(Semble that the difference between these cases is that a masseur by rubbing uses a harmless mechanical process of easily understood results, harmless, and not even ostensibly of a medical nature; aliter of a clairvoyant who prescribes)

e.

Patent Medicine. But a person cannot, under the guise of selling a patent medicine, practice physic as above described, i.e. cannot advise, prescribe and treat.

Smith vs Tracy, 2 Hall (N.Y. Superior Ct.) 465.

Alcott vs Barker, 1 Wend. 526.

Thomson vs Staats, 15 Wend. 395.

II.

Burden of Proof. The People's case is made out where practice of physic is proved as above. They may then rest, and the burden of proving authority and registration is on the defendant.

Wharton Crim. Evidence, Secs. 333--341.

Lawson, Presumptions of Evidence, p.20.

Apothecaries Company vs Bentley, 1 C. & P. 538.

People vs Nyce, N.Y. Crim. Reps. Vol. 3, No. 1, p. 150

People vs Fulda, N.Y. Gen'l. Sessions, Nov. 6, 1865, before Recorded Fred'k. Smyth.

III.

The defendant, having thus the onus probandi, must show:

(a)

- Registration.** (1) That he has registered according to the provisions of Chap. 513 Laws of 1880; for though he may have lawful authority he is guilty of misdemeanor for practicing without registration.
- (2) That his registered authority is lawful authority; for registration of a pretended authority insufficient in law is no registration; and .
- In one County insufficient.** (3) That he is registered in the County wherein he habitually practices. It is not enough that he is registered in another County of the State, for the object of the law is to provide in every County a list of the qualified physicians practicing therein.

Hilliard vs State, 7 Tex. App. 69.

So held by Police Justice Kilbreth in the case of Robt. Hayes in July 1883, and approved, obiter, by Judge Van Hoesen in Hayes v Vanderpoel, also so held at Special Sessions, Oct. 23,

and 1885, in People vs Utzinger.

(b)

that he has authority to practice; and in proving his authority or license he must observe the rules of evidence Rule of Evidence. that obtain in Civil Cases where actions are brought to recover a penalty for practice without license, etc.

Code of Criminal Procedure Sec. 392.

(c)

In proving a diploma it must be shown:

(1) If it is conferred by a foreign institution, &c. that the body conferring it was duly chartered with power to confer the diploma and was in existence at the time the diploma bears date.

Proof of Diploma.

Hill vs Boddie, 2 Stew. & Porter (Ala) 56.

Hunter vs Blount, 27 Ga. 76.

Moises vs Thornton, 8 T.R. 303.

(2) That the seal and signatures on the diploma are genuine, that the seal was affixed by its custodian, and that the diploma bears the date of its conferment.

Moises vs Thornton, 8 T.R. 303.

Chadwick vs Bunning, 2 C. & P. 106.

Semble also (3) That defendant should show compliance with the preliminary requirements to the conferment of the degree.

Andrews vs Styrup, 26 Law Times R. 704.

(in which Bramwell changed the view he took in Ellis vs Kelley, 3 L. T.R. N.S. 331).

0184

v.

Law consti- Laws requiring a license of practitioners of physic
tutional. are constitutional.

Ex parte Smith 10 Wend. 449.

Hewitt v Charier, 16 Pick. 353.

State v Hibbard, 3 Ohio, 63.

" v Proudfit, " "

" v Gazley, 5 " 21.

W. A. Furrington,
Counsel of the Society,
2 Wall St.,
N. Y. City.

0-185

Supreme Court, General Term

The People, &c., Respondents,

vs.

Albin Fulda, Appellant.

-0-0-0-0-0-0-0-0-0-0-0-0-0-
-0-0-0-0-0-0-0-0-0-0-0-0-0-

Copy of Opinion.

0185

Supreme Court, First Department, January General Term, 1886.

Noah Davis, P.J., John R. Brady and Charles Daniels, JJ.

-----X
The People, &c., Respondents, :
vs. : Appeal from a Judgment of the
Albin Fulda, Appellant. : Court of General Sessions.
-----X

A. Suydam, for Appellant.

Delancey Nicoll, for Respondents.

Davis, P.J.,

The appellant was indicted for unlawfully practicing medicine in the city of New York. The indictment contains three counts, the first charging that the appellant did unlawfully examine, treat and prescribe as a physician for one John Irwin, without being authorized by a license or diploma from any chartered school, state board of medical examiners or medical society. The second count charged that the appellant unlawfully practised physic, and did unlawfully examine, treat and prescribe for one John Irwin as a physician, without being lawfully authorized so to do. The third count charged that the appellant did unlawfully practise physic, without having first registered, in the clerk's office of the city and court of New York, in the manner and form required by law, and without having so registered as aforesaid, did examine, treat and prescribe for one John Irwin.

On the trial it was shown that a detective in the employ of the New York Medical Society, on the 25th of July, 1885, brought a patient who was suffering from skin disease to the office of the appellant, that the appellant looked at him, examined him and gave him a prescription, for which the witness

0 187

paid him a fee of seventy five cents. The prescription was produced and put in evidence. The patient was a boy, then in court, but who was not called as a witness, nor was it shown that he was John Irwin. The People rested upon this evidence and the defendant's counsel moved that the Court advise the jury to acquit, upon the ground that the evidence was insufficient to warrant a conviction. There was no proof of the name of the patient who was taken to the office by the detective, and none tending to show that his name was John Irwin. The evidence, taken together, shows that a boy then in court was the person, but it is quite probable that he was not called as a witness because his name was not that of the person named in the indictment. The offense specially set forth in the indictment was that of prescribing as a physician for one John Irwin, and there was not a particle of evidence to show that that offense was committed, nor to show who the patient in fact was. There was, therefore, a total failure of evidence to establish the offense charged, and the Court ought to have granted the motion, and instructed the jury to acquit, upon the ground that the evidence was insufficient to warrant a conviction. It is very doubtful whether a conviction under this indictment would be a bar to another conviction for an offense in prescribing for the same patient. But whether that would be so or not, is not material, because the proof failed to show the particular crime alleged in the indictment.

On the part of the defence, it was shown that the appellant is a physician, who has practised medicine in the City of New York for thirty years, and that before he came to this country, he practised medicine in the University of Halle, and in the College of Medicine and Surgery in Halle, in Prussia; that he underwent an examination for permission to practise

medicine and surgery, conducted by Surgeon-General Vanderpool, at Albany; that he passed the examination, and received a commission from the State, as a medical officer in the volunteer army. He also produced a certificate signed by the County Clerk, certifying that the appellant, in compliance with Chap. 513 of the laws of 1880, had, on the 27th of June, 1881, duly registered his name and address in the book kept in the County Clerk's office for that purpose.

The Court charged the jury, in substance, that if they believed the evidence given on the part of the prosecution, it was their duty to convict the defendant of the offence charged in the indictment. Very serious questions arise upon the evidence produced by the appellant, whether or not he was liable to indictment under Sec. 513 of the Penal Code. But it is not necessary to discuss or pass upon them, because we are of opinion that there was a total failure, on the part of the people to produce sufficient evidence to justify conviction.

The judgment should be reversed, and a new trial granted.

Daniels, J., concurs.

Brady, J., concurs in the result.

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UNIVERSITY CLUB:
MADISON SQUARE.

People }
v } The defendant
Fulda } admits that,
Dillon Irwin
will testify:

That at the place and
time alleged in the in-
dictment Albin Fulda,
the defendant, made a
medical examination of
John Irwin, the patient
mentioned in the indict-
ment, by testing his
pulse, examining an
eruption of the skin, and

inquirinig his symptoms;
 that he wrote a prescription
 and gave advice as to the
 care and treatment of the
 child, and received for his
 services compensation.

That at the time of
 such examination defendant
 had displayed outside his
 premises a sign, such
 as physicians use, bearing
 his name Dr. Fulder.

H. L. J. Dan
 Counsel for Deft.

As Irwin's evidence on
 Cross examination the
 People admit

That Irwin is the agent
 of the County Society, upon
 a fixed salary not dependent
 on fines or convictions; that
 as such agent he visited
 defendant with the patient
 in order to obtain evidence
 of practice; and that he
 went there in the under-
 standing that defendant
 had no authority to practice
 and in order to procure evidence
 on which to prosecute him

J. A. P. King
 Counsel for Plt. Soc. Co. N. Y.

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People
v
Fulda

Stipulations as
to admissions
of evidence

People
vs
Allen Gulda } Trial Brief

Prosecution prove

- (1) That on the day alleged defendant practiced on John Irvine; by, having out a sign and
 - (a) examining him
 - (b) prescribing for him
 - (c) taking a fee

Witnesses

Dillon Irvine, John Irvine if necessary.
Have people read
People v Ayce

Defence

Must show

- (1) That he is qualified to practice under law of 1860 or
- (2) That he was qualified before its passage:
He will try to prove the latter

He must therefore show

- (1) That he had a diploma from
 - (a) an incorporated medical society of the State
 - (b) the university of the State
 - (c) an incorporated medical college of this State authorized by its charter to confer degrees that shall

operate as licenses.

- (d) a diploma from a legally incorporated medical college or society of another state after filing a copy of this diploma with the County Clerk and satisfying the censors of the County Society of his qualification
- (e) a diploma from an incorporated college or society of a foreign country after filing a copy as aforesaid and satisfying the censors of the State Society (as amended ch. 1836 ch. 532)
- §§ 16, 17. R.D. Pt 1 CXL 217
- (f) that he has filed a copy of his license with the County Clerk (§ 19 ch. 517 supra)

The foregoing provisions of the R.D. were not repealed by the act of 1844 in so far as they prescribed what constituted a license or qualification to practice physic, for that act only limits the R.D. by enforcing criminal prosecutions to cases of malpractice, gross ignorance, or immoral conduct in practice by the unlicensed.

Now are they repealed by § 3 of the act of 1874 ch. 436, which at most only enlarges the provisions of R.D. by adding a new class of licenses, namely

- (g) licentiates of a state board of medical examiners

0194

✓ After proof of practice the burden of proving authority is on deft
People v. Hyde 34.9. Crim. Rs. p 150

also of Registration

Aposth Co. v. Bentley 1 C + P 538

✓ In proving a diploma from another state or Country he must show that the College conferring it was incorporated with authority to confer the degree at the time of its conferment

Keill v. Boddie 2 Stew. + Porter (ala) 56

Hunter v. Blount 27 Ga. 76

✓ He should show the genuineness of the seal and that it was affixed by the proper person, + bears the date of its conferment

Chadwick v. Running 2 C + P 106

Morris v. Thornton 8 J. R. 303

and semble compliance with the preliminaries to its conferment

Andrews v. Styrup 26 L. J. R. 704

POOR QUALITY
ORIGINAL

0195

District Attorney's Office.

PEOPLE

vs.

Albin Fulda

Unlawfully practicing medicine.

*Let this case
be tried on 13th
inst. It should be
disposed of. P.B.M.
Oct 8/86*

*Put it in Part
2.*

**POOR QUALITY
ORIGINAL**

0196

The People

05

Alvin F. Fuld

0 197

A. SUYDAM,
Attorney and Counsellor at Law,
No. 32 Warren St., Room 51.

The People v. Albin Fulda.

NEW YORK,.....October 11th,.....1888.

Dear Sir,

I have received notice from your office that this case will be put on the calendar of Part Two of the Court of General Sessions for the 13th inst.

I am, as I have told you, anxious to try the case, and willing to try it before any judge. But you may not be aware that Judge Gildersleeve himself, after the case was tried before him, last term, expressed, in open court, his unwillingness to try it again, and recommended that it be tried this term before Judge Cowing. And I fear that if he is unwilling to try it on Wednesday, we may be subject again to much delay.

Is there any serious objection to putting it on the calendar in Part One?

If the notice has already been sent to the bail, I will waive any change of notice.

I make this suggestion solely for the reason above stated, and will be ready to try the case on Wednesday, in either part of the court.

Yours truly,

A. Suydam

Randolph B. Martine, Esq.,

District Attorney, &c.

0198

218 882

Police Court 3 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm. H. Rorington
632 1/2 11th St.
Albin F. Fulda

Offence Practising Physic
without Registration

Dated August 25 188

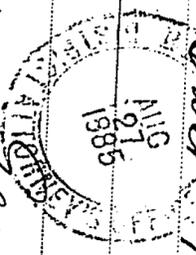
Magistrate
Patterson
Officer
Patterson

Witnesses
No. 415 15 St.
Edwin Brown
No. 415 15 St.
Edwin Brown

No. 415 15 St.

No. 900 to answer 700 Sessions.

Bailed



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

Albin F. Fulda

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

Dated Aug 25 188 J. M. Patterson Police Justice.

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

Dated August 25 188 J. M. Patterson Police Justice.

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

Dated _____ 188 _____ Police Justice.

0199

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Albin Fulda

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 *Albin Fulda*

Question How old are you?

Answer *52 years*

Question Where were you born?

Answer *Prussia*

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

Answer *328 East 14th St about 14 months*

Question What is your business or profession?

Answer *Physician*

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 *Not Guilty, I demand a trial by jury.*

Albin Fulda

Taken before me this

25

day of

Aug

188

1

W. J. Patterson
Police Justice.

0200

Sec. 151.

Police Court 3^d District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by William A. Purrington
of No. 2 Wall Street, that on the 8th day of July
1885 at the City of New York, in the County of New York,

Albin Fueda practices medicine in the City and County
of New York without authority of law so to do and without
registering with the clerk of said County such due
authority by diploma or license to practice medicine
as prescribed by Chapter 513 of the laws of 1880

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring him
forthwith before me, at the 3^d District Police Court, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 22nd day of August 1885

W. A. Purrington POLICE JUSTICE.

Police Court 3^d District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William A. Purrington
vs

Albin Fueda
338 E. 14th St.

Warrant-General.

Dated August 19th 1885

William A. Purrington Magistrate.

William A. Purrington Officer.

The Defendant
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

William A. Purrington Officer.

Dated August 25th 1885

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS. 4

Time of Arrest, August 25th 1885

Name of Albin Fueda

Age, 32

Sex, Male

Complexion, _____

Color, White

Profession, Physician

Married, No

Single, "

Read, "

Write, "

338 E. 14th St.

X

The People	} Penal Code
Albion Fulda	
335 E. 14 St	§ 356
	§ 1880
	§ 513

Charge Practising physic
without authority and
without registration

Complainant

The Medical Society of the
County of New York by their
Counsel William A. Harrington
of 2 Wall St.

Witness

Dexter Swain. 4/15-8.15
Richard Roe.

City and County }
of New York } ss.

William A. Purnington being duly sworn says that he is a Counsellor at Law residing in the City of New York and having an office therein at number 2 Wall street; that he is the duly retained Counsel of the Medical Society of the County of New York and as such officer in behalf of said Society complains upon his information and belief of one Albin Fulda as practicing physic in said County without due authority of law as to do, and without any ^{due} registration of such authority with the Clerk of this County. So complaining he says

- I That said Albin Fulda resides and has an office in said City at number 325 East 14th street, and there holds himself out as a physician.
- II That on or about July 8th 1885 said Albin Fulda unlawfully and without due registration of authority as to do practices medicine at his said office upon a minor child, John Irwin, residing at No. 415 East 15th street by examining the said child's symptoms diagnosing his case and prescribing remedies for the cure and relief of his malady receiving as compensation for such medical services the sum of seventy five cents.
- III That on a number of occasions to wit at regular intervals between the 14th day of April and the

1st day of May 1885 - the said Fulda attended and prescribed for Richard Roe a minor child at his residence in said City, receiving compensation for his medical services

IV That said Fulda at the time of said practice had no legal authority to practice medicine in this State and had no legal authority as to practice registered with the Clerk of this County, that his practice was in violation wilfully of the law, that he attempted registration and did register as a matriculant of a College, which is not authority to practice medicine under the law; and that an indictment is now pending against said Fulda, in the Office of the District Attorney in this County, for practicing medicine contrary to the form of the Statute, and has been pending since the year 1882.

Sworn to before me

this 22nd day of August 1885

J. A. Lorington

J. M. Patterson

Police Justice

0204

City and County }
of New York } ss.

Dillon Swain being duly sworn says that he resides at No. 415 East 13th Street in the City of New York, that on or about the 2nd day of July 1885 one Albin Fulsa practiced medicine upon the minor child of deponent, John Swain, by examining said child's symptoms, making diagnosis of his case prescribing remedies for the relief thereof and receiving for his said medical services the sum of seventy five cents.

Deponent further says that at the time of such practice said Albin Fulsa had no authority by diploma or license registered at the Office of the Clerk of the County of New York.

Sworn to before me

this 22 day of August 1885

Dillon Swain

J. M. Patterson

Police Justice