

0340

BOX:

324

FOLDER:

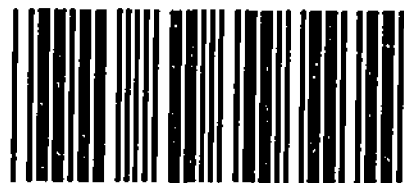
3077

DESCRIPTION:

Fisher, John

DATE:

10/25/88



3077

0341

BOX:

324

FOLDER:

3077

DESCRIPTION:

Restel, Henry

DATE:

10/25/88



3077

POOR QUALITY
ORIGINAL

0342

Witnesses:

Montaone Giber

W. Lyons

Counsel,

Filed

25 day of Oct 1888

Pleas, *Verdict*

THE PEOPLE

vs.

P

John Fisher

and P

Henry Restel

JOHN R. FELLOWS,

District Attorney.

Grand Larceny, second degree. [Sections 528, 531, 550, Penal Code].

A True Bill.

Foreman.

Small Jury
For Off.

(Over)

Spred & Connected of
White Larceny
No 1. Ben. Jones
No 2. Ben. Jones. B.M.

POOR QUALITY
ORIGINAL

0343

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Paulales Genser
of No. *267* *Roching Street* *Stuyvesant* Street, aged *61* years,
occupation *Shoe Maker* being duly sworn
deposes and says, that on the *17th* day of *October* 188*8* 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 *evening* time, the following property viz:

Twenty eight pigeons
Being together of the value of
Fifty 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 *John Fisher & Henry Rostek*
(now here) who were acting in concert
with each other, for the reasons following
to wit, That said said night said pigeons
were in a coop in the yard of said premises
and that on the *18th* day of *October* 188*8* de-
ponent missed said property and found
ten of said pigeons (which is a portion
of the aforesaid number of pigeons)
in the possession of said defendants
who were offering them for sale in the
city of *New York*, and which deponent
fully identified as being his, and as
having been taken, stolen & carried away
from said premises & charges said defendant
with the larceny of said property.

Subscribed before me, this *18th* day of *October* 188*8*

Samuel J. McCall Police Justice.

POOR QUALITY
ORIGINAL

0344

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

✓ District Police Court.

Henry Pestel 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.

Henry Pestel

Question. How old are you?

Answer.

18 years.

Question. Where were you born?

Answer.

New York City

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

Answer.

190 Orchard. 2 years.

Question. What is your business or profession?

Answer.

Mickerman

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

Henry Pestel

Taken before me this

day of

Oct 11 1888

Don't V. C. M. J. Police Justice.

POOR QUALITY
ORIGINAL

0345

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name.

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty

John Fisher

Taken before me this

day of

18th
March 188*8*

So. 10th St. N.Y.
Police Justice.

POOR QUALITY
ORIGINAL

0346

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

Police Court---
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Offence _____

Dated _____

Magistrate.

Officer.

Precinct.

Witnesses.

No. _____

Street.

No. _____

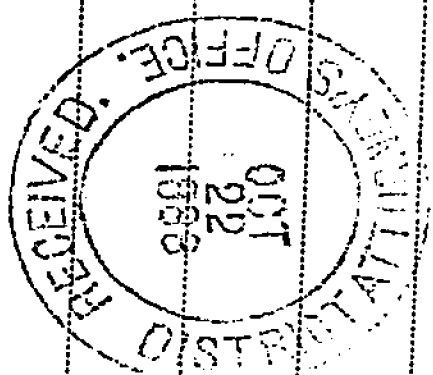
Street.

No. _____

Street.

\$ _____

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 _____

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0347

Testimony in the case

John Fisher and

Henry Restel

filed

Oct.

1888.

The People } Court of General Sessions. Part I
John Fisher } Before Judge Martine. Nov. 8. 1888.
and
Henry Kestel } Indictment for grand larceny in
the second degree.

Panteleem Gerber, sworn and examined,
testified. I live at 267 Roebling St. Williamsburgh.
I am a shoe maker; on the 14th of October
1888 and just before that I kept pigeons in
the same place that I live. I missed on the
14th of October twenty eight pigeons altogether;
there was five pairs of Marie's fancy pigeons.
I gave only the value of thirty dollars for those
he had in the basket, in the police Court.
Good Marie pigeons are worth about twenty
to twenty five dollars a pair; there is a great
difference in the price of pigeons. These that
I lost were fancy pigeons. I am not dealing
in pigeons I have kept them for my own
pleasure about twelve or fifteen years. I buy
fancy pigeons and then I raise the young
ones. All the pigeons that I lost were worth
fifty dollars. I know the defendants now but I
never saw them before. I saw these pigeons
after I missed them. I was notified to go to the
station house in Fourth St. Williamsburgh.
I only notified the police there that I lost them.
Where did you see them next? I saw them
in Church St. in this city; they had them in a
basket. I could not tell who was carrying them in

The basket. I was alone when I saw the defendants. I did not look at the pigeons. That man wanted to sell them. I saw the defendants in Church st. I don't know the number of the place; the basket was in the barrel; this was on the 18th of the month. I spoke to the defendants. I went to the station house first and got a policeman. They wanted to sell the pigeons in the store; the clerk told me they asked if he wanted to buy any pigeons. I looked in the basket when I had the policeman with me. I told the policeman they had pigeons belonging to me. I heard one of the defendants say that he bought them. I don't know which one it was. he said he bought them for 25 cents a pair. I said I did not believe that he bought those pigeons so quick; they were my pigeons. I had the defendants arrested. I got the ten pigeons back that he had in the basket. Cross examined. There were only nine pigeons in the basket. I lost them the night before. Every man knows his own pigeons; it is hard to find pigeons like them; when I whistle they come to me. Some are black on each side, some have got a black head, and there are some that are blue, red, yellow and there is another with a white stripe. There were no marks on the pigeons I lost, but I know

that they are mine. The kind of pigeons there were you don't get much in the store. I have sold pigeons; sometimes I get five dollars for one and sometimes less; you can buy pigeons for one dollar; only five pairs of those I lost were first class pigeons.

John H. Lyons sworn and examined, testified. I am an officer of the Second Precinct police and arrested the defendants on the 18th of October at No 24 New Church St. in this city in a basement. Did they have any pigeons with them? Yes. Was the complainant with you? Yes, he came to the station house and made a complaint. Did you give the pigeons to the complainant? No, not then, but when I came back from Court I did. Did he identify them as his? Yes. How many were there? He said there were five pairs. I saw the pigeons in the basket but did not count them. Did you tell the defendants what they were charged with? Yes. What did they say? They said that they bought them - the tall one said he bought them. Were they both together? Yes. Did he say how much he gave for them? No, he did not. Henry Restel said he bought them; the other one said he took a walk with him to sell them. Fisher said that. Did you have any further conversation with him? No sir, I did not.

Cross Examined.

Is there any chance for your being mistaken?
No, no chance at all. In 29 New Church St. the complainant brought me down stairs. I asked him where he got the pigeons, and the one on the right said he bought them and the one on the left said he went with the other fellow to sell them.

John Fisher, sworn and examined in his own behalf testified. Where do you live?
No 195 Ludlow St. With whom do you live?
With my sister. Do you work? Yes. What do you work at? Cigar maker. Have you ever been arrested in your life for anything? No.
You were arrested for stealing these pigeons, you know that don't you? Yes. Tell the jury what you know about it? I was standing in Essex St. on Thursday morning at 8 o'clock and two young fellows came out of a bird store and asked me if I wanted to buy any pigeons. I asked them how much they wanted and they said seventyfive cents a piece. I took a two dollar bill out and paid him this young man. I met him in front of the store in Essex St. I asked him to take a walk. He said, 'yes,' and the two of us went down town and I asked this man if he wanted to buy any pigeons? He said, 'yes'. I opened the basket and showed him these pigeons

This man (the complainant) and the officer came down and said, "Open this basket; those pigeons are mine; they were stolen last night." I said, "I bought those pigeons this morning at eight o'clock for fifteen cents a piece. The other prisoner did not buy the pigeons, he only came with me to help me to sell them. You bought the pigeons? Yes. Where did you get the money? My sister gave me two dollars. She is here in Court? Yes. Have you ever been in Williamsburgh? No. Do you know where Roebling St. Williamsburgh is? No. Cross Examined. I bought the pigeons at Essex near Houston Sts. off two young fellows in front of a bird store where they sell pigeons. I was standing in front of the bird store and two young fellows came out and asked me if I would not buy any pigeons. I could not tell you their names. John Harrison is the name of the man who keeps the bird store, 188 Essex St. How long have you known John Harrison? I don't know that man long. I only pass there to go to work that morning. I live two blocks away. Do you go past there often to go to work? Yes. Were you going to your work that morning? Yes. Where do you work? I am a cigar maker at Christie and Houston Sts. When you bought the pigeons you went from Essex St. to what street to sell

them? To Church Street down in the basement.
How far is that away from Essex St.? It is
right down here. How long did it take you to
go down from Essex St. where you got the
pigeons to where you wanted to sell them?
I walked down, it took ten minutes to walk
down, we hitched on to a wagon. What
time do you go to work in the morning?
Eight o'clock. I got to work that morning at
nine o'clock - I did not go to work that day
because I had those pigeons to sell. I was
going to sell them to make a few cents
on them to save the money. How much
did you expect to make on them? I expected
to make a quarter a piece. How much do
you make a day at your trade? Six dollars
a week. These two young fellows when they
were going out of the bird store asked me
if I wanted to buy any pigeons; I could not
tell you their names, the pigeons were in
a basket. The same basket you had when
you were arrested? Yes. Did they sell pigeons
in that bird store? Yes. Did they say where
they got them? No. They did not tell you
anything about them? No. Did not you
know they got them inside? No. How long
have you known this other defendant?
I only know him four weeks. Then you

Knew him before that day? Yes. What is his business? He is a milkman. For whom does ~~you~~ work? Henry Brainerd, Monston St. He was not working that day? He was out of work for two days. Did you get to the bird store in Essex St. before he did? I just met him on the corner of Essex St. at the bird store. You met him there accidentally? Yes, I told him to come along to help me to sell the birds. I said I would give him half a dollar. I wanted to take a friend with me, and the two of us walked down together. I wanted a friend with me because I did not feel like walking down alone. Was this day time? Yes. You did not sell them? No sir. I just got caught by this officer and this man. Why did you go down to Church St. how did you come to pick out this store? I thought I could sell the birds there: it was down in the basement. I was willing to give the other defendant fifty cents if he would come along with me. What did he say? He said he did not want to come along. I said, Come along and take a walk down town. I did not know the pigeons were stolen: if I knew that I would not have bought them. I did not think I would have any trouble in selling them in a bird store if I could find one.

Why didn't you sell them to Harrison in his bird store? The two young fellows just came out of the bird store and they asked me if I did not want to buy them; they said that the man in the store said he had too many and he did not want to buy them. I offered them for 75 cents a pair.

Josephine Frankenburg sworn. I am married and am a sister of Fisher; he works all the time at cigars; the morning of the 18th of Oct. he came and asked me to lend him two dollars around seven o'clock; he told me he wanted to buy some birds; he never invested in birds before. I read in the paper that evening he had been arrested; he did not tell me where the birds were, only that he could buy birds and make a few cents.

Henry Restel sworn said that he did not steal the birds and was never arrested before; he met the other defendant about 8 o'clock in Essex St. at the door of the bird store; he asked him to take a walk; he had the birds in a basket. I was not there when the two fellows came out of the bird store; he told me he bought the birds and I went down town with him. I have never been in Williamsburgh. The jury rendered a verdict of guilty of petty larceny.

POOR QUALITY
ORIGINAL

0356

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against
John Fisher and
Henry Restel

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

John Fisher and Henry Restel
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said *John Fisher and Henry*
Restel, both,

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

twenty-eight pigins of the
value of two dollars each

of the goods, chattels and personal property of one *Pantales Gerber*

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 Fisher and Henry Rettel
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

John Fisher and Henry Rettel, both —

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,

*twenty-eight pigeons of the
value of two dollars each*

of the goods, chattels and personal property of one

Paulales Gerber

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

Paulales Gerber

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

John Fisher and Henry Rettel

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.

JOHN R. FELLOWS,

District Attorney.

0358

BOX:

324

FOLDER:

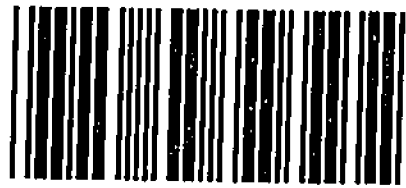
3077

DESCRIPTION:

Fitzgerald, Thomas E.

DATE:

10/05/88



3077

POOR QUALITY
ORIGINAL

0359

WITNESSES:

94
Counsel,
Filed 5th day of Oct 1888
Pleads *Guilty*

VIOLATION OF EXCISE LAW
(III Rev. Stat. (7th Edition), page 188, Sec. 21 and
page 189, Sec. 5.)

THE PEOPLE,

vs.

B

Thomas E. Fitzgerald

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Amell Amora Foreman.

*Transferred to the Court of Special
Sessions for trial and final disposition.*

Part 2... Dec. 5... 1888.

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 E. Fitzgerald

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

Thomas E. Fitzgerald

of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

Thomas E. Fitzgerald

late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *May* in the year of our Lord one thousand eight hundred and eighty-*eight*, at the City and County aforesaid, the same being the first day of the week commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Michael Mc Dermott

and to certain other persons whose names are 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.

SECOND COUNT—

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

Thomas E. Fitzgerald

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Thomas E. Fitzgerald

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0361

BOX:

324

FOLDER:

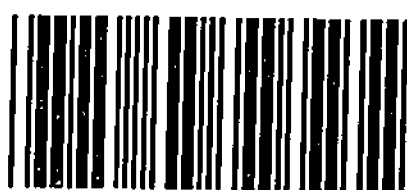
3077

DESCRIPTION:

Fitzsimons, Annie

DATE:

10/25/88



3077

POOR QUALITY
ORIGINAL

0362

Witnesses:

Wm. H. Harris
Wm. H. Harris
Mae Coyle

Counsel,

Filed

day of

1888

Pleads

Chiquely

THE PEOPLE

vs.

Amie Simmons

JOHN R. FELLOWS,

District Attorney.

A True Bill

Foreman.

1909

1909

1909

1909

POOR QUALITY
ORIGINAL

0363

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 5th DISTRICT.

Sadie Boyle
of No. 1909-2 Avenue Street, aged 17 years,
occupation Servant being duly sworn deposes and says,
that on the 17th day of October 1888
at the City of New York, in the County of New York, Aminie Fitzgibbon
gave to deponent a gold watch
chain which deponent took to the
Pawn shop in East 108th Street and
deponent pawned the said chain and
received the sum of Ten dollars There
and deponent gave said money and
the ticket to Aminie Fitzgibbon

Sadie Boyle

Sworn to before me, this 22 day
of October 1888

Wm. H. Hall
Police Justice.

POOR QUALITY
ORIGINAL

0364

CITY AND COUNTY }
OF NEW YORK, } ss.

George Swan
aged 25 years, occupation Police Officer of NY
the 27th Precinct Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of George Hawkins
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 21
day of October 1898

George Swan

M. A. Hinde

Police Justice.

POOR QUALITY
ORIGINAL

0365

Police Court—5th District.

Affidavit—Larceny.

City and County }
of New York, } ss.

George Hawkins
of No. 173 East 96th Street, aged 36 years,
occupation Sash Blind maker being duly sworn
deposes and says, that on the 17th day of October 1888 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 gold watch chain of the
value of thirty-seven 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 Ann Fitzgibbon (name true), from
the fact that deponent named said
suspect, as said day, and deponent
reported the matter to officer George Swan
27th Precinct Police (name true), that he had
lost said property and the said George
Swan informed deponent, that he had arrested
said Ann Fitzgibbon and that she had
admitted that she stole said property
and said Swan found said property in
a pawn shop which deponent fully identifies

George Hawkins

Sworn to before me, this 21st day
of October 1888

Police Justice.

POOR QUALITY
ORIGINAL

0366

Sec. 193-200.

J. H.
District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Annie Fitzsimmons being duly examined before the under-
signed 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. *Annie Fitzsimmons*

Question. How old are you?

Answer. *19 years -*

Question. Where were you born?

Answer. *New York*

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

Answer. *1909-2, Anne*

Question. What is your business or profession?

Answer. *None*

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

Answer. *I am very guilty of the charge*
Annie Fitzsimmons

Taken before me this *21st*
day of *October* 189*5*

M. J. White

Police Justice.

POOR QUALITY
ORIGINAL

0367

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

401, the 1665-
Police Court... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charge: *Harboring*
173 East 96 St
Alvin S. Zimmerman

Offence *Larceny*
- Felony

Dated *October 21* 188*8*

Justice Magistrate.

Straw Officer.

27th Precinct.

Witnesses *Alvin S. Zimmerman*

No. *156 E 109 St*
Street

Henry Strawn

No. *27 West 109 St*
Street

Magistrate

No. *348*
Street

Alvin S. Zimmerman
to answer

Chas. A. ...

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 *Alvin S. Zimmerman*

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

Dated *October 21* 188*8* *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.

**POOR QUALITY
ORIGINAL**

0368

House of the Holy Family.

I36 & I38 Second Avenue.

November 23 1888.

To His Honor, Judge R B Martine.

Dear Sir.

Annie Fitzsimmons was committed to this House on the 9th of November. We find that she is about to become a mother and as her condition is apparent we cannot place her among our girls. We could provide for her in a suitable institution but she would have her liberty there and she frankly admits that even under the present circumstances she would not stay there. We have known her for some time and feel that it would do her no harm to be sent to any one of the penal institution. She is older than she looks in years and much older than she appears in experience.

I have the honor to be

with much respect,

very truly,

M.M.Veronica. R.D.C.

POOR QUALITY
ORIGINAL

0369

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Annie Fitzsimons

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

Annie Fitzsimons

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

The said

Annie Fitzsimons

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

*One watch chain of the value of thirty
seven dollars*

of the goods, chattels and personal property of one

George Hawkins

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.

**POOR QUALITY
ORIGINAL**

0370

SECOND COUNT—

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

Annie Fitzsimons—

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

The said

Annie Fitzsimons

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,

*one watch chain of the value of thirty-
seven dollars*

of the goods, chattels and personal property of one

George Hawkins

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

George Hawkins

unlawfully and unjustly did feloniously receive and have; the said

Annie Fitzsimons—

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.

JOHN R. FELLOWS,

District Attorney.

0371

BOX:

324

FOLDER:

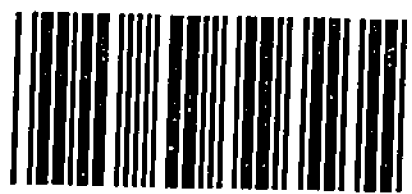
3077

DESCRIPTION:

Fleming, Louis

DATE:

10/03/88



3077

POOR QUALITY
ORIGINAL

0372

Court of Oyer and Terminer

Counsel,
Filed, 3 day of Oct 1888

Pleads, *Not guilty & says 1/18*
THE PEOPLE,

vs.

B
Louis Fleming

JOHN R. FELLOWS.

District Attorney.

Mr. J. May 1/18

Transferred by Cons. Sec.

True Bill.

It is the duty of the Grand Jury to find the bill true if the evidence is sufficient to support the charge.

Dated

Sessions for trial and final dis-

position.

True Bill.

Dated

Sessions for trial and final dis-

position.

True Bill.

Dated

Sessions for trial and final dis-

position.

True Bill.

Dated

Sessions for trial and final dis-

position.

True Bill.

Dated

Sessions for trial and final dis-

position.

True Bill.

Dated

Sessions for trial and final dis-

position.

True Bill.

Dated

Sessions for trial and final dis-

position.

True Bill.

Dated

Sessions for trial and final dis-

position.

True Bill.

Foreman.

Sept 26. 1888

Witnesses:

M. J. ...

3rd Dist Court

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Louis Fleming

The Grand Jury of the City and County of New York, by this indictment, accuse
Louis Fleming
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

Louis Fleming

late of the City of New York, in the County of New York aforesaid, on the
Seventeenth day of *October* in the year of our Lord one
thousand eight hundred and eighty *Six*, at the City and County aforesaid,
the same being the first day of the week, commonly called and known as Sunday, with
force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine,
one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial,
one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer,
and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown,
unlawfully did sell as a beverage to one

George Meis, the younger
and to certain other persons whose names are 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.

SECOND COUNT—

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

Louis Fleming

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG
AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Louis Fleming

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, the same being the first day of the week, commonly called and known as
Sunday, being then and there in charge of and having the control of a certain place
there situate, which was then duly licensed as a place for the sale of strong and
spirituous liquors, wines, ale and beer, with force and arms, at the City and County
aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep
closed, and on the said day the said place so licensed as aforesaid unlawfully did then
and there open, and cause and procure, and suffer and permit, to be open, and to remain
open, against the form of the Statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0374

BOX:

324

FOLDER:

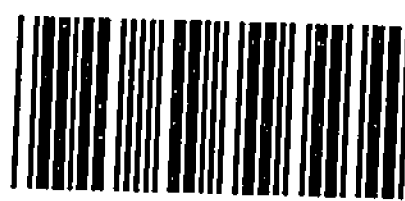
3077

DESCRIPTION:

Flood, Philip

DATE:

10/03/88



3077

POOR QUALITY
ORIGINAL

0375

248
Court of Oger and Terminer

Counsel,

Filed, 3 day of Oct 1888

Pleas, *Myself Day*

THE PEOPLE,

vs.

B
Philip Flood

Transferred to the Court of Special Sessions for trial and final dis-
positions
True: *Bill. [unclear]*
Dated: *Dec 19/88*
District Attorney.

JOHN R. FELLOWS.

Foreman.

Witnesses:

W. E. Dwyer
W. McKeown

POOR QUALITY
ORIGINAL

0376

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against
Philip Flood

The Grand Jury of the City and County of New York, by this indictment, accuse
Philip Flood
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

Philip Flood

late of the City of New York, in the County of New York aforesaid, on the
seventeenth day of *October* in the year of our Lord one
thousand eight hundred and eighty-*six*, at the City and County aforesaid,
the same being the first day of the week, commonly called and known as Sunday, with
force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine,
one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial,
one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer,
and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown,
unlawfully did sell as a beverage to one

William E. Daly

and to certain other persons whose names are 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.

SECOND COUNT—

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

Philip Flood

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG
AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Philip Flood

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, the same being the first day of the week, commonly called and known as
Sunday, being then and there in charge of and having the control of a certain place
there situate, which was then duly licensed as a place for the sale of strong and
spirituous liquors, wines, ale and beer, with force and arms, at the City and County
aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep
closed, and on the said day the said place so licensed as aforesaid unlawfully did then
and there open, and cause and procure, and suffer and permit, to be open, and to remain
open, against the form of the Statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0377

BOX:

324

FOLDER:

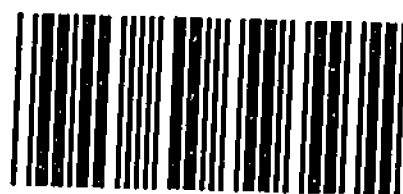
3077

DESCRIPTION:

Fogarty, William

DATE:

10/23/88



3077

POOR QUALITY
ORIGINAL

0378

Witnesses,

May Breary

Wm. Heary

Counsel,

Filed

23 day of

1888

Pleads, *Charged*

THE PEOPLE

vs.

William Fogarty

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. Murphy Foreman.

Dec 7/88

George C. Lane Deq.

S.P. 3 yrs 6 mo

Dec 7/88

P.B.M.

POOR QUALITY
ORIGINAL

0379

From Coroner's Hospital.

New York, Sept. 10th 1888

To Coroner Mugent.

Sir:

Please hold an Inquest on the body of

Name: James Fogarty Residence: 42 Oliver St

Age: 19 years months days. Admitted Sept + day,

Father Thomas 9th 1888, at 1³⁰ o'clock A.M.

Nativity, Us.; of

Mother Margaret By Ambulance A

Life in U. S., Life in City. From 120 Cherry St B

Civil Bond: L Occup.: Odd Examined by Dr. M. M. M.

Suffering from symptoms of Shock (unconscious) C

due to injury of right wrist, punctured wound,
entering into brain.

Said Injuries said to have been received by person or persons D

unknown, where, when and how

also unknown, done with an umbrella stick

Simply of withdrawing the probe from E

remains in wound.

Death took place Sept + day, 10 th 1888 at 1³⁰ o'clock A.M.

The Autopsy revealed Brain deeply congested. Hemorrhage

at base, in interpeduncular space. Fract Posterior

Clenoid process of Sphenoid bone. Dislocation of base wing

Remarks: of Sphenoid. Punctured wd about 1 1/2 inches in depth

going upwards and entering commencing as anterior

part of base of Temporal sphenoidal Pth on left side near

Commencing in Brain Syllabus. J. J. Bird M. D.

HOUSE SURGEON PHYSICIAN.

- J. J. Bird Mugent Coroner
- Ad. t. State the day of the week.
Ad. A. State whether by Ambulance or Friends.
Ad. B. State whether from a Precinct or a Residence and give the name.
Ad. C. State whether from Natural Causes or from Shock (conscious or unconscious; due to Injuries, and if so, give name, place, date, number, character, and Extent of Injuries, always stating where indicated, whether right or left.
Ad. D. State when, where, how, by what means or persons received, also whether Accidental, Suicidal or Homicidal; in falls, the distance, location and place; in Burns and Scalds the circumstances attending the same; in runaway cases, the line of Street Car, Railroad or Conveyance; in Weapons, the character of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.
Ad. E. State name, date, place, character and results of any operation or amputation performed.
Ad. F. Give a short resume of the Autopsy with the Pathological Diagnosis and the Cause of Death at the End.
Ad. G. State here any important facts not embodied in the above statements.

TESTIMONY.

William O'Keefe M. D., being duly sworn, says:
I have made an Autopsy of the body of
James Fitzgerald now lying dead at
Southern Hospital and from such examination
and history of the case, as per testimony, I am of opinion the cause of
death is

*Penetrating wound
of brain through right
orbit.*

William O'Keefe M. D.

Memorandum.

The autopsy was held in
Southern Hospital, in presence
of Deputy Coroner *William T. Jenkins*,
and several members of the Medical &
Surgical staff of the hospital. There was
a lacerated wound of right upper eyelid and
some ecchymosis of the orbit. On removing
the upper part of the skull, the brain was found
superficially congested, and, at the base, an irre-
gular cavity, about the size of a walnut, resulting
from lacerated wound of the brain substance. Made
by a sharp and open umbrella stick, which had
passed through the orbit, displacing & fracturing the
posterior nasal bone. Death was due to this wound
of the brain.

William O'Keefe M.D.

Sworn to before me,

this

day of

Sept

1888

W. R. Ruggen

CORONER.

POOR QUALITY
ORIGINAL

0381

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
19	Years	Months	Days	112	Stavernem Hosp. Sept 10/88

Thomas Fogarty
Dr. - brother
lives at 415
2nd St. -
Thomas lives at
42 Olive St.

J. R. N.

No. 872

3rd. Power.

1888

AN INQUISITION

On the VIEW of the BODY of

James Fogarty

whereby it is found that he came to
his death by

21

Inquest taken on the

of

1888 before

JOHN R. NUGENT, Coroner.

872

Coroner's Office.

TESTIMONY. 2

Mary Sweeney being sworn says:
I reside at 410 Water St. I work at
Myers + Johnsons Cloak Store 358 Broadway.
I knew the deceased James Fagarty. I
last saw him alive on March 19/88 at
93 Monroe St. On Sept. 8/88 at 10:30 am
I went down to Mrs Smith's 121 Cherry St.
to borrow a dollar as I had not got
paid on Saturday night ~~the~~ I sat
there for a long time till Lizzie came
she gave me the dollar. Then I went
home, I told my husband that I was going
to Mrs. Smith's little girl's birthday
party. I went there. There were some
people there & we had some beer. Mr.
Wright & Marnie & I went for the beer
to Mr. McHorn's Cor. Cherry & Catherine St.
we got the beer, Marnie or I said
we would like to have a hot Corn
Mr Wright asked me how many were
in the house & I said a dozen
While we were getting the hot
Corn we heard the cry of murder
I looked towards Catherine Ferry
& saw no one there, I happened
to look across to where Brooks
Corner is & saw a young man lying
on the sidewalk near the gutter

Taken before me

this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

3

I saw a man going to kick the man who was lying, I halloed to him not to kick the man when he was down. When ~~I~~ this man saw me coming he went round the corner. This man did not kick the man who was lying on the sidewalk, but he had his foot up. I only heard the cry of "Murder" once. I could not distinguish the man who was lying on the sidewalk but I recognize the man who was standing on the sidewalk alongside the man who was lying. I identify the prisoner as this man. His name is Bill Fogarty. I heard afterwards that it was James Fogarty who was lying on the sidewalk. After that I went home with the beer. The lot corn stand was by the Market. The man who was lying on the sidewalk was on Brook's side ^{or north side} of the street. At the time I heard the cry of Murder Mr Wright was beside me, I was the first one to run. I was across the street from ~~at~~ where the deceased was lying when I heard the cry of murder. I could not recognize the man as his

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY.

Special Officer Cornelius Lear, 7th Precinct being sworn says: On September 9/88 at 1.30 AM I was at my home 153 Henry St. when I was notified that a man had been assaulted at the corner of Catherine and Cherry Streets and was then lying dangerously wounded at Gowanus Hospital. I went to the Hospital and saw the deceased James Fogarty but he was unconscious and could not speak. I was informed that the deceased had been assaulted by a man with an umbrella, and had been struck in the eye with it, the point of the umbrella remaining in the socket. From information I received from witnesses of the assault, I arrested the prisoner William Fogarty, a brother of the deceased and now charge him with having caused the death of the aforesaid James Fogarty.

Cornelius Lear

Taken before me

this 19 day of September 1888
J. W. R. Ruger CORONER.

Coroner's Office.

TESTIMONY. 4

face was all over with blood. There was no one but Wm Fogarty near the deceased. There were two men on the opposite corner. It was not 2 seconds from I heard the cry of murder till I went across the street. I did not mention the name of Wm Fogarty to any one. I told Marie that I knew who did it. It was in the station-house that I said it was Wm Fogarty, after I was arrested. I did not tell any one for 9 days after the occurrence that it was Wm Fogarty who injured the deceased. I was informed by deceased's sister that Jim the deceased was killed, ~~she told me so on~~ the day following. I knew that my testimony would be important. When I crossed over the street Mr Wright & Miss Wime remained at the hot corn stand for some time & then they came after me. I positively identify the prisoner Wm Fogarty as the man who was standing beside the prostrate

Taken before me

this

day of

188

CORONER.

POOR QUALITY
ORIGINAL

0386

Coroner's Office.

TESTIMONY.

5

man. He had an umbrella
in his hand. I did not speak
to Fogarty the defendant after
I recognized him. A crowd
came around the prostrate
man immediately.

Wm P. Veery

Taken before me
this 27 day of September 1888

Wm P. Veery
CORONER.

CORONER'S Office.

TESTIMONY.

6

Mamie Wyne being sworn says:
I reside at 142 W. 33rd St. I am
a domestic. I knew the deceased.
I was standing on the corner
but I did not see him injured.
This was about 12.10 am. I was
standing at the hot corn stand
Cor. Cherry & Catherine. Mr Wright
& Mary Sweeney were with me.
Nothing attracted my attention
but the man when he fell called
'Oh' I did not hear the cry
of murder. I looked in that
direction & I saw four men
standing up against the clothing
store. (Barrens¹³⁴) They were not fighting.
They moved towards Catherine St.
just going to turn the corner of
Cherry St. I went over to the man
who was lying. Mary Sweeney was
the first one to run across. I followed
her after a little while. I saw a
man lying on the sidewalk
covered with blood. There was
nobody there then but Mary
Sweeney. He did not speak
a word, but when he fell he
said 'Oh'. There were four men

Taken before me.

this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

7

beside the deceased, & they moved away before I went over. We then went over to Mrs. Smith's & we came back again. A gentleman came up & said he was a Doctor. He felt deceased's pulse & then walked away. An Officer also came. The Doctor did not make any remark. The policeman was about 15 or 16 feet from the man when I went away. After he saw the man he gave an alarm for an Ambulance. I knew the deceased and I also know the prisoner I cannot say that he was one of the four men I saw there beside the man. Mary Sweeney said she knew the son of a bitch. The deceased was unconscious. When I heard the cry of Oh 'May Sweeney was standing at the hot Corn Stand. I followed Mary in about 2 minutes. The four men were walking away while I was crossing. Mary Sweeney had reached the man before I started to cross. I did not notice if any of the men had an umbrella. I am sure I did not identify the prisoner as one of the 4 men. I said in Court that his pants were similar to those of one of the men. Mary Sweeney drank beer in 1900 Smith & also one of those in the liquor store. Mrs. Sweeney was under the influence of liquor at the time of the occurrence this day of 188

CORONER.

Coroner's Office.

TESTIMONY.

She was drinking all evening. Mary Sweeney had been in Mrs. Smith's for two hours and then went home and came back again. ~~She came there after 11 PM.~~ I first saw her about 8:30 or 8:45 PM. I cannot say what time she returned to Mrs. Smith's before the homicide. I boarded with Mrs. Sweeney. We went to Mrs. Smith's about 8:30 PM. Can't say if she had anything to drink before she left home. We remained in Mrs. Smith's more than an hour. We then went home & remained ~~in home~~ & returned to Mrs. Smith's & remained there till we went for the beer. We were drinking beer in Mrs. Smith's before going for the beer. Mrs. Sweeney drank a glass of beer in the liquor store. She was then under the influence of liquor a little.

Marrie Wynne.

Taken before me
this 27 day of September 1888
J. W. Ringer

CORONER.

Coroner's Office.

TESTIMONY.

9

Mrs. Mary Ann Caulfield being sworn says: I reside at 144 Cherry St. I sell hot corn. I did not know the deceased or the prisoner. On that night ~~Mr. Wright~~ Mrs. Sweeney & Mary Wynn passed down. Half an hour after that she returned with a man & Mary Wynn. This was between 12 + 1 run near to 1 am. Mrs. Sweeney said she was going to get the man to buy some hot corn. Mr. Wright & Mary Wynn then stepped up & ~~Mr. Wright~~ asked how many they wanted & was answered 10 or 12. I was about taking the corn out of the boiler & put them on the plates. I heard a yell across the street like the yell of a dog. I did not hear the cry of murder - I heard the yell "Wow" twice. I heard the voice of a man falling on the sidewalk & Mrs. Sweeney ran over, she halloed "Murder" & said You son of a B - don't

Taken before me

this

day of

188

CORONER.

CORONER'S OFFICE.

TESTIMONY. 10

Kick the man while
he is down, "Man brute
don't kick the man when
he is down". Mr Wright
got angry at Mrs. Sweeney
for leaving, & Miss Winn went
halled at her to come over
she then went over & halled
also "Murder don't kick the
man when he is down". When
Mrs Sweeney returned ~~she~~ she
said she could not stand
to see a poor son of a b—
murdered. I did not see any
one quarrelling that night, I only
heard the yell. I did not see
any men there at the time.
I could not distinguish parties
on the other side of the street
Mrs. Sweeney was under the
influence of liquor at the
time. I saw the shadow of a
man about Wheeler's door that
Mary Sweeney pointed out to me
Mary Ann ^{her} Caulfield
mark

Taken before me
this 27 day of September 1888
W. R. Muger

CORONER.

POOR QUALITY
ORIGINAL

0392

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of Coroners' Office
No. 67 Park Row Street in the 4th Ward of the City of
New York, in the County of New York, this 27 day of September
in the year of our Lord one thousand eight hundred and 88 before
J. R. Nugent
Coroner,
of the City and County aforesaid, on view of the Body of James Fogarty
lying dead at

Six good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
James Fogarty came to his death, do
upon their Oaths and Affirmations, say: That the said James Fogarty
came to his death by

Penetrating wound of Brain
through right orbit inflicted with the point of an umbrella
in the hands of William Fogarty at the Corner of Catherine
and Cherry Sts. on September 9/88 about 12.10 am.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
set our hands and seals, on the day and place aforesaid.

JURORS.

J. Harner 881-6 am
M. Mary 789-6. Doe
H. Outh 848 6. Ar
C. J. George 751 6 am
W. Lageroth 835.6 am
J. O'Connor 845 6 am

J. R. Nugent

CORONER, I. S.

POOR QUALITY
ORIGINAL

0393

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

William Fogarty being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer— William Fogarty

Question—How old are you?

Answer— 31 years

Question—Where were you born?

Answer— New York

Question—Where do you live?

Answer— 42 Oliver St.

Question—What is your occupation?

Answer— Printer

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

I have nothing to say, by advice of my Counsel here present.

William Fogarty

Taken before me, this 27 day of Sept. 1888

Geo R. Mudgett

CORONER.

POOR QUALITY
ORIGINAL

0394

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
19 Years. — Months — Days.	U S	Gouverneur House.	Sept 12 1888.

Ad. 10/18 88

31/872 1888
HOMICIDE.

AN INQUISITION 1537

On the VIEW of the BODY of 88

James Fogarty

whereby it is found that he came to
his Death by the hands of

William Fogarty.

Inquest taken on the 27 day
of September 1888
before

Frederick M. Mearns Coroner.

Committed
Bailed
Discharged

Date of death Sept 10 1888



Court of General Sessions.

The People vs.

v.

William Fogarty

Manslaughter.

This case having been referred to me for the purpose of reporting whether or no it is advisable to recommend to the Court the acceptance of a plea of manslaughter in the second degree, I have conferred with the defendant's attorney, & all the witnesses on behalf of the prosecution in the case. From that conference, & a perusal of the depositions, I am clearly of the opinion that a recommendation of the nature indicated would be advisable.

The indictment is for manslaughter in having caused the death of one James Fogarty, by a blow or thrust from the stick of an umbrella held by the defendant, the end of which, entering by the aperture of the eye, penetrated to the brain of deceased. The form of indictment of course negates the theory of any intent upon defendant's part to produce a fatal result; & I am unable to find any evidence which would, in fact, tend to sustain such a theory. Upon the contrary, every circumstance seems to point to the conclusion that the defendant, of the age of 30, assaulted the deceased in the heat of passion, without any purpose to inflict a mortal wound. The single blow struck, the nature of the weapon, & the manner of its use, all point to this result. The only question

that remains is, accordingly, whether there is presented by the proof so clear a case of manslaughter in the first degree as to warrant the people in refusing the offer of defendant. The decision of this question will depend upon the presence or absence of the circumstances which distinguish these degrees of homicide one from the other. Manslaughter in the first degree is a killing without intent in the heat of passion, but ~~with~~ ~~and~~ ~~in~~ in a cruel or unusual manner or by means of a dangerous weapon. Manslaughter in the second degree is a like killing, but committed neither in a cruel or unusual manner, or by means of a deadly weapon. ~~Causing~~ by the annoying variance, ~~in the degree~~ observable in these definitions, in the description of the weapon used — a variance which leaves unfixed the line of demarcation between these grades of homicide, since a dangerous weapon is not necessarily a deadly one — it may fairly be assumed, for the purpose of this consideration, that if

Court of General Sessions

x-----x
The People
agst
William Fogarty
x-----x

City & County of New York ss;

William Fogarty being duly sworn deposes and says; that he is the defendant above named, that has pleaded guilty to the charge of Manslaughter in the second degree.

That before being sentenced on such plea he desires to inform the Court, of the following facts in relation to his case.

First: That at the time of the commission of the crime for which he is indicted he had no intention to injure or in any way seriously harm his brother, the deceased.

Second: That while it is distasteful to him to say anything uncharitable or to lessen the respect due the dead, still in Justice to himself and to place the true facts before the Court, he is compelled to say that his brother was a thief.

Third: While he has been informed by his Counsel that the record of the deceased will be before the Court when he is sentenced, and that all the facts will then be brought out, still he desires to give to the Court such an explanation as would clear up any doubts about the matter.

On the night when this much lamented occurrence took place he had been visiting some friends in Cherry Street in this City, and upon reaching Catharine Street or there-

abouts his brother the deceased turned from Catharine into Cherry Street, having upon his person and a part of his bodily clothing, an overcoat, which deponent had some time previously purchased for his Father; that deponent knowing well the character of the deceased, and also having in mind the many times the deceased had robbed his Father, and well knowing that he, (the deceased) had not become possessed of the said coat in any honest way, immediately halted the deceased and demanded why he had robbed his own Father of his clothing. Deceased answered in a sullen and profane manner, and deponent who had an umbrella in his hand attempted to chastise him, and while deponent was in the act of striking the deceased with said umbrella, he (the deceased) made a dash at deponent and accidentally received the point of deponents umbrella in the eye. Deponent does not ask the Court for a complete vindication, but does appeal to the Judge presiding over this Court to take into consideration the facts as herein stated.

He has never had an officer of the law place his hand on his shoulder, and charge him with transgressing any of the laws of this State.

That he has since leaving school worked hard and industriously to obtain a living for himself and to aid in the support of his Father.

Deponent in conclusion earnestly begs of this Court any clemency which it can consistently extend to him in view of the foregoing facts.

Sworn to before me this

14th day of December 1888

Wm. W. McKnight

Commissioner of the Court

William Fogarty

Court of General Sessions

The People

vs.

William Fogarty

City & County of New York ss:

Charles Frost

Houseman in the employ
of the

of Publishing Company, located in this city being duly
sworn says: he has known the above named defendant for many
years and has had occasion to ~~work with~~ him.

That the defendant worked for said company for from
five to seven years and behaved himself while so employed in a
quiet peaceable manner doing his work faithfully and well
deponent further says he has never known defendant to quar-
rel with any of his fellow workmen and that a quiet easy
temper and was well liked by all who knew him.

Subscribed and sworn to before me this

9th day of November 1933.

Shoew. McKnight
Commissioner of Prisons
N.Y.C.

Chas. L. Frost

Court of General Sessions

X-----X-----X

The People

vs.

William Murphy

X-----X-----X

City and County of New York ss:

Frederick H. Henshaw being duly sworn says: he is a
notary public and resides at No. 40 Van Ness Street in
said City and has known the defendant for 10 years last
past and knows him to be a quiet, inoffensive person, and
to be steady and industrious.

Sworn to before me this 24th
day of November 1883.

Fred Knustedt

Thos. W. McKnight
Commissioner of Deeds
in &c

Court of General Sessions

X-----X
The People
vs.
William G. Gandy
X-----X

City of New York ss:

Frederick Gandy, duly sworn, says: he is a
barber and resides at No. 20 Newberry in said City that he
has known the defendant above named for 5 years last past
and he knows him to be a quiet, inoffensive person and to
be steady and industrious.

Sworn to before me this

9th day of November 1888. % * J. Clerk

Thos W. McKnight
Commissioner of Courts
N.Y.C.

POOR QUALITY
ORIGINAL

0402

County of General Sessions

X-----X
The People
vs.
William Fogarty
X-----X

City & County of New York ss:

William Fogarty being duly sworn saith that he is a
corporal in the Police Department of the City of New York
that he has known the defendant above named for ^{some} ~~many~~ years
that said defendant is a quiet and law-abiding
person and to be steady and industrious. And deponent further
says that said Fogarty is a ~~hard~~ ^{hard} ~~working~~ ^{working} and ~~is~~ ^{is} ~~now~~ ^{now} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~City~~ ^{City} ~~of~~ ^{of} ~~New~~ ^{New} ~~York~~ ^{York}
Sworn to before me this 9th day of November 1900.

Shoew. McLaughlin
Commissioner of Police
N.Y.C.

Court of General Sessions

x-----x
The People
vs.
William Fogarty
x-----x

City & County of New York ss:

James Conway being duly sworn says: he is a coal
dealer and resides at No. 391 Pearl Street in said City
and he has known the defendant above named for six years
last past: that he knows him to be a quiet inoffensive
person and to be steady and industrious.

Sworn to before me this

9th day of November 1886.

James Conway.
Shore McKnight
Commissioner of Deeds
N.Y.C.

POOR QUALITY
ORIGINAL

0404

CITY AND COUNTY OF NEW YORK, ss. _____
being duly sworn deposes and says; that he is _____ years of age and upwards
That on the _____ day of _____ 188 at No. _____
in the City of New York, he served the annexed _____
upon _____
_____ the _____ therein
by delivering to, and leaving with _____
_____ a true copy thereof, _____
Deponent further says that he knew the person so served to be _____
Sworn to before me this
day of _____ 188

<i>Court of General Sessions</i>	<i>Plaintiff</i>	<i>Defendant</i>	<i>William E. Morris</i>	<i>Attorney</i>
<i>the People</i>	AGAINST	<i>William E. Morris</i>	<i>William E. Morris</i>	<i>23 Chambers Street, N. Y. City.</i>
		<i>Applicant</i>	<i>William E. Morris</i>	Due and timely service of a copy within
			<i>William E. Morris</i> is hereby admitted.
			<i>William E. Morris</i>	Dated N. Y., 188..
			 Atty.
				To..... Esq.
			 Atty.

Sir: Please take notice that the within is a
true copy of an _____
this day duly _____ in the office of the
Clerk of this Court in this action.
Dated N. Y., 188..
Yours &c.,
WILLIAM E. MORRIS,
Attorney for.....
To: Esq.
Atty. for.....

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Zagarty

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

Indictment accuse

William Zagarty

of the crime of *Manslaughter*, —

committed as follows:

The said

William Zagarty

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

nineteen day of *September* in the year of our Lord one thousand
eight hundred and eighty-*eight*, at the City and County aforesaid,

in and upon one *James Zagarty*, then
and there being, *intentionally and feloniously*
did make an assault, and with the
said *James Zagarty*, with a certain
undue force which he the said
William Zagarty in his right hand
then and there had and held, in and
upon the head of him the said
James Zagarty then and there
intentionally and feloniously did strike,
strike, cut, penetrate and wound, giving
into him the said *James Zagarty*

then and there into the undressed body
of said, in and upon the head of
him the said James Doaghty, one
mortal wound of the depth of six
inches and of the breadth of one
inch, of which said mortal wound,
he the said James Doaghty, from the
said ninth day of September in the
year of said, until the tenth day
of September, in the same year
of said, at the City and County
of said, did languish and lan-
guishing did die, and on which said
tenth day of September, in the year
of said, he the said James Doaghty
at the City and County of said, of
the said mortal wound did die.

And so the Grand Jury of said
do say: that the said William Doaghty
him the said James Doaghty, in
manner and form, and by the means
of said, unlawfully and feloniously
did kill and slay, against the form
of the Statute in such case made
and provided, and against the peace
of the People of the State of New
York, and their dignity.

John R. Fellows,
District Attorney

0407

BOX:

324

FOLDER:

3077

DESCRIPTION:

Frank, John

DATE:

10/19/88



3077

POOR QUALITY
ORIGINAL

0408

Witnesses;

Mr. Thompson

Counsel,

Filed 19 day of Oct 1888

Pleads, *Guilty*

THE PEOPLE

vs. John Frank

John Frank

Robbery in the
(MONEY)
[Sections 224 and 225, Pennl Code].
degree.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Spencer Foreman.

Part II October 22/88

Trick & convicted
Oct 23/88
judgment suspended

POOR QUALITY
ORIGINAL

0409

Police Court-- District.

CITY AND COUNTY
OF NEW YORK, ss

of No. 59 Essex Street, Aged 30 Years

Occupation Soda water Strangler, deposes and says, that on the

30 day of Sept 1888, at the 7th 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:

Fifty Dollars in good
and lawful current
money of the United States
in gold coin and bills (\$50)

of the value of Fifty (\$50) DOLLARS,

the property of Samuel Shamponsky

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 Frank Brown here
for the reason that on said day
and date deponent, deponent
and another man went
into house N^o 176 Cherry St
and into a room on the second
floor, then and there the said
another man grabbed deponent
by his neck and pressed deponent's
head backward and then the
said deponent (Frank) with force,
violence and against deponent's
will, took, stole and carried

day of

Subscribed to before me, this

1888

Police Justice

POOR QUALITY
ORIGINAL

0410

away from the person and
possessions and money and
dependent now prays that said
defendant (Frank) be dealt with
at the law direct

Sworn to before me } Samuel Thompson
this 1st of Oct 1888 }
John W. Wines }
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and he committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888 Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereunto annexed.
Dated 1888 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 1888 Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY

vs.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0411

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

3 District Police Court.

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

Question. What is your name?

Answer. *John Frank*

Question. How old are you?

Answer. *24 years of age*

Question. Where were you born?

Answer. *Russia*

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

Answer. *546 Marter & Newark N.J.*

Question. What is your business or profession?

Answer. *Carpenter*

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 Frank
mark

Taken before me this

day of

188

John Frank
Police Justice.

POOR QUALITY
ORIGINAL

0412

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

305 9th 1871
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Strawn

Office

Dated Oct 1st 188

Magistrate.

Officer.

Precinct.

Witnesses

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

\$ _____
to answer

City

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

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

COURT OF GENERAL SESSIONS-Part III.

The People of the State of New York,

against

John Frank,

: Before Hon. H. A.

: Gildersleeve, and

: a Jury.

Indictment filed October 19th 1888.

New York, October 22nd 1888.

APPEARANCES: For the People, Asst. Dist. Atty.

Harry Macdonald.

For the defendant, Mr. John Guenther.

SAMUEL SHAMPONSKY, a witness called on behalf of the
People, sworn, testified:-

I live at No. 50 Essex Street in this city. I am
at present doing nothing. During the summer I kept a
soda water stand. On the night of the 30th of Sep-
tember I went into No. 126 Cherry Street with the
defendant and another man; we went up-stairs and sat
down in a room. We had a pint of beer and I drank a
glass of it. There was a girl there and another man.
After a while the girl and the three men went into ano-
ther room and then came back and John Frank came to-
wards me and says "How do you like that girl". He told
me to pay the girl a dollar and I could go with her. I
paid her a dollar and she wanted two dollars. We quar-
relled about this and we came out. When we were in the
first room, two men caught me and held my head back. I
could not see who it was took the money out of my

pocket. At the time the money was taken I did not see whether the defendant was there or not.

Q. When you came out of the smaller room with the girl who was in the large room? A. There was the boss of the place, John Frank and another man, and the girl.

After the money was gone they threw me down stairs.

When I refused to pay this girl the extra dollar; I put my hand on my money in my pocket and when they saw me putting my hand on the money, they took me and lifted me up on the back of the chair. It was John Frank and the boss of the place who took me by the hands.

Q. When you got up off the floor who was in the room?

A. The boss, John Frank, and another man and the girl.

Q. Who picked you up off the floor? A. John Frank and the boss. When I cried out that they had taken my money John Frank and the boss said "We will give you your money back."

CROSS EXAMINATION:-

I had been drinking considerable that afternoon. All this happened about eleven o'clock at night.

Q. Is it not a fact that while you were in this room you exposed your money and threw it on the floor?

A. No sir.

MICHAEL GORMAN, a witness for defendant, sworn, testified:-

I am an officer attached to the 7th precinct. I arrested John Frank on the last day of September at 126 Cherry Street. When I arrested Frank he handed me a pocket book and told me he had taken it from the defendant for safe keeping. There was \$50. in it. The complainant was intoxicated.

-----DEFENCE-----

MICHAEL GOLDBERG, a witness for defendant, sworn, testified:-

I am a custom tailor. I am the man whom the witness has called the boss. This man came into my room with the defendant Frank on the day he speaks of. He was very drunk. I threatened to put them out several times. He threw his pocket book down on the floor and was acting very wild^{ly} when the defendant Frank took his pocket book and put it in his own pocket for safe keeping.

Cross Examination:-

It is not true that I held this man while some one took his money.

MICHAEL KEUDLE, a witness for the defendant, sworn, testified:-

I was present in this house in Cherry Street on the day in question. What the complainant has described did not take place. He threw his money on the floor and the defendant took it up and said he would save it for him.

JOHN FRANK, the defendant, sworn, testified:-

I work in Newark, N. J. I came here on Saturday evening from Newark and met this complainant. We had several drinks together. He took ^{me} ~~me~~ to this house in Cherry Street. and we had more beer in there. He took out his money and said "Here is money, I have \$100!"

He took it up again and put it in his pocket. Afterwards he dropped the money out of his pocket and I picked it up and took it and as soon as we got down ~~stair~~ stairs he said to me "Give me my money". I told him I would not give him the money then, for if I did he might be robbed. That I would take him home. Then an officer came along and I was arrested. I did not intend to steal his money but simply to take care of it for him as he was so drunk that he was not able to take care of it himself. I told the officer this same story.

CROSS EXAMINATION:-

This man was very drunk and he wanted to fight. I never was arrested before.

The Jury returned a verdict of Guilty of Grand Larceny in the Second Degree.

October 28th.

Judge Gildersleeve: I have decided to suspend sentence upon you, Frank for the reason that Michael Goldberg who was a witness at the trial has since been indicted for the same offence as you were; and upon the same testimony he has been acquitted. The witness against you was very stupid and it is fair to assume that there was some mistake as to what took place. You are discharged under a suspended judgment.

POOR QUALITY
ORIGINAL

0417

Indictment filed, Oct. 19, 1888

COURT OF GENERAL SESSIONS

Part III.

The PEOPLE &c.

against

John Frank

Abstract of testimony on
trial, October 22nd 1888.

POOR QUALITY
ORIGINAL

04 18

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 Tranda

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

John Tranda

of the crime of ROBBERY IN THE *First* DEGREE, committed as follows:

The said *John Tranda*,

\$50-
late 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-~~eight~~, in the ~~time of the said day~~, at the City and County aforesaid, with force
and arms, in and upon one *Daniel Thompson* in the peace of the said People then
and there being, feloniously did make an assault, and *two* promissory notes for the payment of
money, being then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of the denomination of twenty dollars, and of the value of twenty dollars *each* ;
Five promissory notes for the payment of money, being then and there due and unsatisfied
(and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and
of the value of ten dollars *each* ; *ten* promissory notes for the payment of money,
being then and there due and unsatisfied (and of the kind known as United States Treasury Notes),
of the denomination of five dollars, and of the value of five dollars *each* ; *Twenty-five*
promissory notes for the payment of money, being then and there due and unsatisfied (and of the
kind known as United States Treasury Notes), of the denomination of two dollars, and of the value
of two dollars *each* ; *Twenty* promissory notes for the payment of money, being then
and there due and unsatisfied (and of the kind known as United States Treasury Notes), of
the denomination of one dollar, and of the value of one dollar *each* ; *two*
promissory notes for the payment of money (and of the kind known as bank notes), being then
and there due and unsatisfied, of the value of twenty dollars *each* ; *Five* promissory
notes for the payment of money (and of the kind known as bank notes), being then and there due
and unsatisfied, of the value of ten dollars *each* ; *ten* promissory notes for the
payment of money (and of the kind known as bank notes), being then and there due and
unsatisfied, of the value of five dollars *each* ; *two* United States Silver Certificates of
the denomination and value of twenty dollars *each* ; *Five* United States Silver
Certificates of the denomination and value of ten dollars *each* ; *ten* United States
Silver Certificates of the denomination and value of five dollars *each* ; *Twenty-five* United
States Silver Certificates of the denomination and value of two dollars *each* ; *Twenty*
United States Silver Certificates of the denomination and value of one dollar *each* ;

**POOR QUALITY
ORIGINAL**

04 19

Two United States Gold Certificates of the denomination and value of twenty dollars *each*; *Two* United States Gold Certificates of the denomination and value of ten dollars *each*; *Five* United States Gold Certificates of the denomination and value of five dollars *each*; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *Twenty dollars*.

of the goods, chattels and personal property of the said *Samuel Shampson*, from the person of the said *Samuel Shampson*, against the will, and by violence to the person of the said *Samuel Shampson*— then and there violently and feloniously did rob, steal, take and carry away, *(the said John Santa Maria then and there aided by an accomplice actually present whose name is to the Grand Jury aforesaid as yet 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.

JOHN R. FELLOWS,

District Attorney.

0420

BOX:

324

FOLDER:

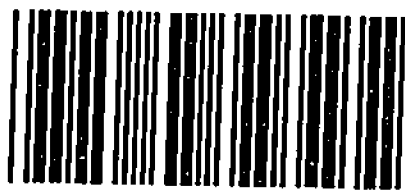
3077

DESCRIPTION:

Freygang, Richard

DATE:

10/05/88



3077

POOR QUALITY
ORIGINAL

0421

Witnesses:

Counsel,

Filed, 5th day of Oct 1888

Pleads *Chargely - P*

THE PEOPLE,

vs.

VIOLETION OF EXCISE LAW
(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), Page 1080, Sec. 5.]

B

Richard Freygang

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Wm. J. Foreman.

Part 3 October 16/88.

Complaint sub to Special Sessions

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Richard Freygang

The Grand Jury of the City and County of New York, by this indictment,
accuse *Richard Freygang*
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG
AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

The said *Richard Freygang*
late of the City of New York, in the County of New York aforesaid, on the
second day of *September* in the year of our Lord one
thousand eight hundred and eighty-*eight*, the same being the first day of the
week, commonly called and known as Sunday, being then and there in charge of, and
having the control of a certain place there situate, which was then duly licensed as a
place for the sale of strong and spirituous liquors, wines, ale and beer, with force and
arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully
did not close and keep closed, and on the said day the said place so licensed as aforesaid
unlawfully did open and cause and procure, and suffer and permit to be open, and to
remain open, against the form of the Statute in such case made and provided, and against
the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0423

BOX:

324

FOLDER:

3077

DESCRIPTION:

Fullwood, John

DATE:

10/05/88



3077

POOR QUALITY
ORIGINAL

0424

Witnesses:

73
Counsel,
Filed, 5th day of Oct 1888
Pleads *Chinquilly*

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday)
[Ill. Rev. Stat. (7th Edition), Page 1889, Sec. 8.]

B
John Sullwood

Chinquilly
Sent to the Court at Special
Sessions for trial, by request
of Counsel for Defendant.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edmund J. Linn Foreman.

POOR QUALITY
ORIGINAL

0425

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 Fullwood

The Grand Jury of the City and County of New York, by this indictment,
accuse John Fullwood
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG
AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

The said John Fullwood
late of the City of New York, in the County of New York aforesaid, on the
~~twenty-fourth~~ day of June in the year of our Lord one
thousand eight hundred and eighty-eight, the same being the first day of the
week, commonly called and known as Sunday, being then and there in charge of, and
having the control of a certain place there situate, which was then duly licensed as a
place for the sale of strong and spirituous liquors, wines, ale and beer, with force and
arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully
did not close and keep closed, and on the said day the said place so licensed as aforesaid
unlawfully did open and cause and procure, and suffer and permit to be open, and to
remain open, against the form of the Statute in such case made and provided, and against
the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.