

0048

BOX:

84

FOLDER:

927

DESCRIPTION:

Perry, James

DATE:

11/09/82



927

35  
Spencer

Filed 9 day of Nov 1882

Pleads *Not guilty*

THE PEOPLE

vs.  
*James Garvey*  
Assault and Battery.—Felonious.  
Firearms.

JOHN McKEON,

District Attorney.

A True Bill.

*Edward J. Quinn*

Foreman.

*Recd Feb 11/83*

*Wm. B. Bickley  
James Garvey  
114 West 12th St.  
N.Y.C.*

J. P. Mann, Stationer and Printer, 84 Nassau St., N. Y.  
Rooms 11 and 13

First District Police Court.  
City & County of New York.

— 14 —

Sam Perry

BEFORE

Hon J. J. Morgan

Police Justice

Oct 28 in - 30 in 1887

WITNESSES

Anna Hogan. (Le Complainant)  
Mary Perry.  
Anna Perry.

Direct.	Cross.	Re-Direct	Re-Cross
---------	--------	-----------	----------

11

**Cross**

Re-Direct

### Re-Cross

Dr. S. Veitch Stenographer

0051

FIRST DISTRICT POLICE COURT.

CITY & COUNTY OF NEW YORK.

-----  
The People on the Complaint of

JAMES HOGAN

vs.

JAMES PERRY.  
-----

Before

Hon. B. T. Morgan,  
Police Justice.

October 28, 1882.

JAMES HOGAN, the complaining witness in this case was now  
called for cross-examination by Mr Frank Oliver.

Q Where did this happen ? A 69 Bayard Street.

Q What part of the premises did it first commence on ?

A In the rear building, 69; I believe that is the number.

Q Was this in the basement ? A Yes, sir, in the basement  
hall of the rear building.

Q What were you and your wife doing there ?

A We were living on the second floor; she was under the  
influence of drink; I was bringing her in, and she said  
she was sick to her stomach; this is the hall where fam-  
ilies come down to go to the water closet.

Q Is that the place where Mr and Mrs. Perry live ?

A Yes, sir, right off from the hall.



The place where I was had no connection with their place.

Q You went down there with your wife ? A Yes, sir, to the water closet.

Q Did you sit down on the stoop ? A She went to the water closet, put her finger in her mouth and heaved up considerably; then she came to the stoop and said she was sick again.

Q She was drunk ? A Yes, sir; I said, you had better wait until you get up stairs, and you can throw up or heave up in the room.

Q How near was this stoop to Mr. Perry's room ?

A As far as from here to that corner over there. We had to go out of the hall and go around; their place was outside from the hall; they have a way of going out into the street besides that hall.

Q I want you to locate the hall so that the Judge shall understand it ?

(The witness now describes the location of the hall and the room.)

Q Did not you and your wife have any controversy or discussion there ? A No, sir, no more than my trying to get her up.

Q Who was the first one who came out and spoke to you ?

A This man's wife.

0853

3

Q Didn't you try to bring your wife into Mr. Perry's room ?

A No, sir.

Q Are you sure of that ? A Yes, sir; I had no acquaintance with the parties.

Q And where did Mrs. Perry first meet you and tell you to get away from there; was it near your door ?

A No, sir; it was in the hall.

Q How many feet away from her door ? A Well, I should suppose it was eight feet to the best of my knowledge.

Q Eight feet from where you were sitting ?

A No, sir; you had to go into the door and go back; the stairs are back from the hallway.

Q This was pretty dark all the time ? A Yes, sir.

Q While you were there ? A No, it was not dark at the steps but back of the steps.

Q Was it dark where you first met Mrs. Perry ?

A It was not to say real dark, but it was darker than though you were outside.

Q What was the first word she said to you ?

A She said "Get to Hell out of here;" then my wife made some remark, which I can not say. My back was turned towards her when the reply was made.

Q She spoke in a loud voice ? A Yes, sir.

Q You heard Mrs. Perry speak ? A Yes, sir; she was a kind of throwing up at the time and muttered out something.

0054

4

Q Didn't you go over to Mrs. Perry then and try to get hold of her ? A No, sir; I told her to go on and mind her own business.

Q Didn't you tell her it was none of her business what you were doing there ? A No, sir.

Q Didn't she tell you you would have to get out of there ?

A No, sir; she said something about braining me.

Q Didn't you tell her that you would smash her nose ?

A No, sir.

Q And to bring out her husband and you would do the same thing to her ? A No, sir; I did not know she had a husband.

Q What did you say then ? "Bring out your man?"

A No, sir.

Q You saw a man there a few moments afterwards ?

A This man came out afterwards with her.

Q Was he in his bare feet ? A No, sir; I would not swear to that; I did not look at his feet.

Q Did he have a white shirt on ? A I could not say as to that.

Q Was he dressed or undressed ? A He had some clothes on him, I do not know what they were.

Q It was pretty dark and you could not tell ?

A It was a little darker than the outside.

Q This was a rear hall of the rear house in the basement ?

0855

5

A Yes, sir.

Q Now when he came out, were not you and his wife, and your wife fighting together ?

A No, sir; he commenced it first off himself.

Q He was the first one to strike you ? A Yes, sir.

Q Now, didn't his wife get a black eye in that fight ?

A No, sir; I noticed the black eye at the door.

Q Did you notice a black eye on her ? A Yes, sir.

Q When ? A When she came to the door first off.

Q So your wife did not give her that black eye ? A No, sir.

Q You saw she had one ? A Yes, sir.

Q Then you positively swear that you were not under the influence of drink at that time ?

A I had some taken but nothing to do me any harm.

Q And Mrs. Perry had this black eye before any trouble commenced between you and her husband ? A Yes, sir.

Q Now where did the first blow take place between him and you ? Was it where you first stood ?

A It was right at the steps with my wife; he came on me when my back was turned.

Q Where were you ? Near her room or in the hall ?

A I was in the hall.

Q In a dark place ? A Yes, sir.

Q In an obscure place ? A Yes, sir.

Q Was his wife with him ?



0856

6

A No, sir, not the first time; they were both together when he shot me.

Q Did your wife strike any blows? A I could not say for that.

Q (The Court.) Where is your wife now?

A She is on the Island.

Q I sent her up there? A Yes, sir.

Q She was drunk? A Yes, sir.

Q There is no doubt about that? A No, sir.

Q Who else was there; any one here present? A No, sir.

Sworn to before me this

28 day of October, 1882.

*J. H. Morgan*  
Police Justice.

0057

7

CITY & COUNTY OF NEW YORK, ss.:

MARY PERRY, a witness called by the defence and sworn, deposes and says:

Q (By Mr. Oliver.) Are you the wife of the defendant James Perry ? A Yes, sir.

Q Do you remember the day of this occurrence ? A Yes, sir.

Q What time of the day was it ? A About ten o'clock.

Q Now, begin at the beginning, from the time you first heard Mr and Mrs. Hogan in that hallway, and state what took place.

A Well, Hogan came and knocked at our door. He said "Can I come in?" I said "No, sir"---I did not know who he was. I closed my door, and after that they were making such a noise I thought they would break it in.

Q Where were they making a noise ? A In the hallway; I went out and I said, "Stop that noise;" and he called me "a bloody bitch;" and struck me in the eye; his wife pulled me by the hair; as soon as she pulled me I called my husband by his name and he came out.

Q Where was he at the time ? A He was in bed.

Q How was he dressed ? A He had his pants on.

Q Any shoes on ? A No, sir.

Q A shirt or hat ? A Only an undershirt.

Q Well, go on ? A As soon as I called him by his name he

0858

8

came out, and Mr Hogan grabbed him by the throat and pulled him away back in the hall; and that is all I saw.

Q Did you hear Mr Hogan say, "Don't you kill me and I will be a friend of yours?"

A No, sir, I did not.

Q Did Mrs. Hogan have any hand in this? A Yes, sir.

Q Did you see her strike anybody?

A No, sir; she took hold of me by my hair.

Q Are you sure you had your eye blacked before your husband came out? A Yes, sir; my eye was swelled where he punched me in the eye.

Q And this then took place in a dark corner? A Yes, sir.

Q And these two men struggled together in that corner?

A I could not say what they did.

Q Did you see them struggle? A Yes, sir.

Q Calling to each other and swearing? A Yes, sir.

Q Do you know whether Mrs. Hogan went over to where these two men were? A No, sir, I could not see her; I saw her sitting near the front of the stoop.

Q You could not see her if she went back? A No, sir.

Q Could you see the two men if they were back there?

A No, sir.

Q Now Mr Hogan says that you had some iron bar or a round piece of iron in your hand, and struck him on the shoulder at the time Mr Perry struck him on the nose with his fist?

0859

9

A When I opened my door I did not have any thing in my hand.

Q At any time did you strike him with any thing hard ?

A No, sir.

Q Did you strike him at all ? A I did not strike him at all.

Q Was he sober or drunk ? A I do not know whether he was  
sober or drunk.

*Mary Perry*  
*Prisoner*

Sworn to before me this :  
28 day of October, 1882. :

*B. T. Morgan*  
Police Justice.

The further hearing of this case will take  
place on the 30th instant at 1 P. M.



0060

10

October 30th, 1932.

H O G A N,

vs.

P E R R Y.

City and County of New York, ss:

JAMES PERRY, was now sworn

and examined in his own behalf.

Q (By Mr. Oliver.) Mr. Perry, are you the defendant in this case?

A Yes, sir.

Q Do you remember the time of your quarrel with Mr. Hogan the complainant?

A I do.

Q Where were you at the time when you first heard the struggle in the hallway?

A I was lying in bed, and my wife called me by my name.

Q Did you get up and dress yourself?

A Yes, sir; I pulled on my pants and went out!

Q Did you have your shoes and stockings on?

A No, sir; I was in my bare feet.

Q State what happened after you got out, and make it as clear as possible?

A I went out into the entry, and my wife and Mr. and Mrs. Hogan were all mixed up together and wrangling; I got caught by the throat and knocked down on the floor, and a couple of kicks in the ribs.

Q Was it dark in that place?

A Yes, sir.

Q Did you know with whom you were struggling?

A Yes, sir, with Mr. Hogan.

Q State what took place there?

A I saw I was not strong enough to defend myself with my hands, and I pulled the pistol out of my pocket and hit him on the head with it; I could not speak; anyhow we were struggling for the pistol and I put my hand behind me and it went off; he was trying to take my pistol from me; I put my arm behind my back and struck him on the head.

Q It was in the struggle this pistol went off?

A Yes, sir.

Q Well, now after that?

A After that he went up stairs and I went into my room and threw the pistol in the room.

Q He says that you shot him in the head as he was running away from you after the first shot in the side; did you shoot him in the cellar?

0062

12

A It is a self cocking pistol; the pistol exploded in my hand the first shot; I hit him in the head with it the first time, but the second time I meant to shoot him.

Q What wound did he get?

A First off in the head.

Q You were striking him on the head to make him let go?

A Yes, sir.

Q How far away from you was he at the time the second shot was fired?

A We were in each other's arms struggling; I tried to get the pistol up to his face, so that he could see it and perhaps let go of me; he had me by the throat.

Q Well, now what did he do then?

A He got up and let me alone; I went into the house and I threw the pistol away.

Q Did you follow him up stairs?

A No, sir, I did not.

Q Did you at any time say to him that you would kill him?

A No, sir; I could not speak in the struggle.

Q Did he beg of you to let him go and not kill him and he would be a friend of yours?

A No, sir; after the first shot he passed a dirty remark.

0063

13

Q What did he say?

A He said he would take it and shove it in my--

Q Did he have any business in the house at the time?

A No, sir.

Q Did he live there?

A He claimed to live there, but I did not know him to live there.

Q Did you meet him at any time up the stairway, one two or three flights up after that?

A No, sir.

Q He says you tried when he was weak to throw him over the bannisters, and only you were prevented him by the house-keeper you would have killed him, how is that?

A It is false.

Q Did you ever see him before that day?

A No, sir.

Q Did you have any ill will against him of any kind?

A No, sir.

Mr. Oliver. That is all I have to submit to the Court.

Sworn to before me this :

30 th day of October, 1882. :

*James Perry*

*B. I. Morgan*

Police Justice.

*October 31<sup>st</sup> 1882. \$2000 To answer Govt. claim.*

Decision Reserved.



0064

*First District Court.*

*- The People  
- vs -*

*James Perry*

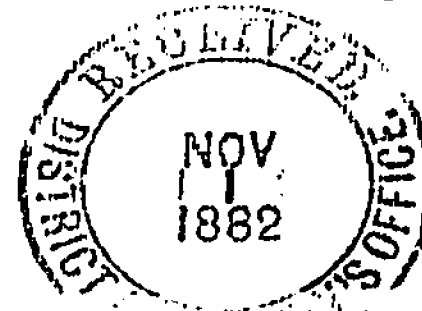
Stenographer's Transcript,

*Oct 28 & 30* 1882

*Perry*

*D. S. Veitch, Stenographer*

*Court of Sessions  
101 Centre St  
N. Y. C.*



0065

Not found - building too down.

**PART 2.**

THE COURT ROOM IS IN THE THIRD 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 James Hogan

of No. 43 Gold Street,

On Alley & Court

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 7th day of Feb 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 Perry  
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 Feb in the year of our Lord 188 8  
JOHN McKEON, District Attorney.

0866

State of New York }  
City and County of N.Y. }

James Hagan, aged 31 years and  
by occupation a Stevedore - after being  
Widely known days. I reside at No. 60  
East Broadway. - am a married  
man. On the 4<sup>th</sup> day of October 1882  
about the hour of 11 o'clock A.M.  
I was shot upon the side - the left  
side of my body and upon the  
back of my head with a revolv-  
er then held in the hand of  
James Perry - the defendant here -  
The effect of the shot on  
my side was the penetration in-  
to my flesh of some distance, and  
the bullet is still in my body -  
The other shot penetrated the  
lower part of my back head and  
came out near the crown of the  
head - From these wounds I have  
been in the Hospital since the 4<sup>th</sup>  
day of October - the day of the  
shooting - and remained there  
nearly two weeks and in the  
meantime during these two  
weeks was about from the

Hospital a day and a half -

The manner in which I was shot is as follows:

I was getting my wife up stairs who was under the influence of liquor, and Perry's wife made this remark to both of us "Get to hell out of here -" My wife answered her something which I do not remember - I then said to Mrs Perry - The Defendant's wife - "Mind your own business!" and she (Perry) replied - That she would bring me if she had something. She then picked up something and threw it at me - Mrs Perry then went into her own house adjoining and in a minute or so Perry - the Defendant and his wife came back into the hall where I was still with my wife and all of a sudden the Defendant struck me on the nose with his fist. At that we both looked each other - and his wife then struck me on the shoulder



with something. I think it was a  
 framed piece of iron. In the  
 meantime my wife who was  
 sitting down on the steps cried  
 out "Do not kill my husband"  
 and she seemed to interfere  
 in my behalf. Just at that time  
 the defendant drew a revolver  
 and put it against my side  
 and shot me - and I cried  
out you have shot me. do  
not kill me and I will be a  
foe to you! then in the further  
 trouble he the defendant said  
"You damn idiot! I will kill  
you before you get out of  
this hall." I was getting weaker  
 and weaker struggling with  
 him when I pushed him back  
 and made a dash for the stairs  
 and he fired. I think two shots  
 I am pretty certain it was.  
 And one of them struck me  
 on the head. I then managed  
 to get up two flights of stairs.  
 and as I went up the people  
 on the several floors asked  
 me where Jones shot. And

When I was on the second flight  
 of stairs and opening my pants  
 to show them where I was shot.  
 the defendant Perry came run-  
 ning up the stairs and he grab-  
 bed hold of me - my pants fell  
 down around my feet. and  
 he (defendant) tried to throw me  
 over the banisters. as he did  
 I kept twisting with him bucking  
 him up until he (defendant)  
 fell down - then I made a  
 dash from him and went into  
 some one's room. While in  
 the last turn the defendant  
 butted me in the face with  
 his head. When I got into this  
 room, some person who I know  
 since learned was the housekeeper  
 and her husband, got between  
 the defendant and myself and  
 kept me in this room. Locked  
 and bolted it and there I  
 remained until I was taken  
 to the Hospital by an officer  
 whom I learned after was  
 Officer Gallagher -

Sworn before me James Hogan  
 October 24th 1891

A. J. Morgan,  
 Police Justice.

0870

St. Vincent Hospital  
Oct 23/12

This is to certify that James Hogan admitted  
to this hospital suffering from a bullet  
wound of hip is yet unable to leave. His  
condition however is not serious.

R. J. McManara M. D.  
House Surgeon.

0071

St. Vincent's Hospital

Sergeant Thompson dear Sir:- Officer Galligan has kindly consented to take this note for me. ~~James Thompson~~ an inmate of this hospital with a bullet wound of side not dangerous in character. He was allowed to go to court on Wednesday morning but was instructed by me to return. He did not make his appearance here until this evening, Friday, when the wound was found to have reopened. I desire to treat him further notwithstanding the beggarly way he has taken my advice and would like to keep him here for a few days. If the case can be ~~put off~~ put off he shall soon be in a position to leave.

Sincerely yours

L. Furmanava



0072

Form 10.

POLICE COURT-FIRST DISTRICT.

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

of No. Edward J. Gallagher Street,

that on the 1st day of October 1887, at the City of New York,

in the County of New York.

He arrested James Perry, now  
here on a charge of barbary, shot  
and wounded one John Hogan  
in his head and side and  
inflicted serious and perhaps  
fatal injuries. That in defendant's  
presence the injured man identified  
the defendant as the person  
who did so shoot & wound him.

Wherefore defendant asks that he  
Perry may be dealt with as the  
law directs.

Edward J. Gallagher

Sworn to, this 1st day of October 1887  
before me,  
John J. McGowan  
Police Justice.

0873

Form 10.

POLICE COURT—FIRST DISTRICT

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Edward Galligan*  
vs  
*James Perry*

AFFIDAVIT

*del ass't W. Galligan*  
*James Perry*

Dated

*Oct 11* 188 *2*

*Murray*  
*Galligan*  
*&*

Justice

Officer

*Committed to*  
*custody of the sheriff*

0874

Form

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

POLICE COURT—FIRST DISTRICT.

*James Hogan*  
of No. *69 Bayard* Street, being duly sworn, deposes and says,  
that on the *4<sup>th</sup>* day of *October* 18*82*

at the City of New York, in the County of New York, he was violently and feloniously assaulted and  
beaten by

*James Perry* now present.

*That said Perry did wilfully  
and maliciously shoot-  
and wound deponent upon  
his head and in his side  
with and by means of a certain  
pistol loaded with powder  
and lead, which the Perry  
then and there discharged  
at deponent the balls or  
missiles from said pistol  
striking and wounding  
deponent in the parts aforesaid*

Deponent believes that said injury, as above set forth, was inflicted by said

*James Perry*  
with the felonious intent to take the life of deponent, or to do <sup>him</sup> 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 dealt with accord-  
ing to law.

*James Hogan*

Sworn to, before me, this

day of

18

*Police Justice.*



0875

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

1st District Police Court.

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

Question What is your name?

Answer.

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 have nothing to say I  
desire an examination*

*James Perry*

Taken before me this  
day of *Oct* 188*8*

*W. L. Morgan* Police Justice.



0876

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

Police Court

District

THE PEOPLE, &c.,

vs. THE DEFENDANT OF

48 West Street

James Perry

James Perry

Attest  
J. J. McLaughlin, M.D.  
City of New York

Dated October 18, 188

W. J. Morgan, Magistrate.

Clerk.

Witnesses

James G. Gorman, Jr.  
George G. Gorman, Jr.

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

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

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

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

No. 5, by \_\_\_\_\_  
Residence \_\_\_\_\_

No. 6, by \_\_\_\_\_  
Residence \_\_\_\_\_

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

Dated Oct 18 188 W. J. Morgan 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.

0077

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.

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

Dated 188 Police Justice.

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

*James Barry*

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
James Barry  
James Barry  
James Barry

James Barry  
James Barry  
James Barry

Dated October 18 188

Magistrate  
Edmund Galligan Officer.

Witneses  
Ed. Oct. 20/22. 1/2 PM  
Ed. Oct. 20/22. 1/2 PM  
Ed. Oct. 20/22. 1/2 PM

Ed. Oct. 20/22. 1/2 PM  
Ed. Oct. 20/22. 1/2 PM  
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Ed. Oct. 20/22. 1/2 PM

BAILED,

No. 1 by

Residence

Street,

No. 2, by

Residence

Street,

No. 3, by

Residence

Street,

No. 4, by

Residence

Street,

Ed. Oct. 20/22. 1/2 PM  
Ed. Oct. 20/22. 1/2 PM  
Ed. Oct. 20/22. 1/2 PM

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

*James Barry*

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

*James Barry*

of the CRIME or "Shooting at another with intent to kill," committed as follows:

The said

*James Barry*

late of the City of New York, in the County of New York, aforesaid, on the  
*fourth* day of *October* in the year of our Lord  
one thousand eight hundred and eighty *two* with force and arms, at the City and  
County aforesaid, in and upon the body of *James Hogan*  
in the peace of the said People then and there being, feloniously did make an assault  
and to, at and against *him* the said *James Hogan*  
a certain *pistol* then and there loaded and charged with gunpowder and one  
leadен bullet, which the said *James Barry*  
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

*James Hogan*

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

*James Barry*

of the Crime of Shooting and Discharging off a *pistol* at another, without  
justifiable or excusable cause, with intent to injure such other, committed as follows:

The said

*James Barry*

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid,  
with force and arms, in and upon the body of the said

*Hogan* then and there being, wilfully and feloniously did make an  
assault and to, at and against *him*, the said *James*  
*Hogan* a certain *pistol* then and there loaded and  
charged with gunpowder and one leadен bullet, which *he* the said

in *his* right hand, then and there had and held, wilfully and feloniously, and  
without justifiable or excusable cause, did then and there shoot off and discharge, with  
intent, thereby *him* the said

*James Hogan*

wilfully and feloniously, then and there to injure, 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 McKEON, District Attorney,

0879

BOX:

84

FOLDER:

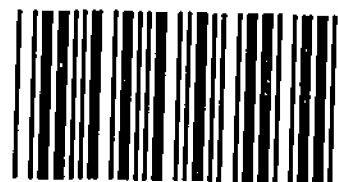
927

DESCRIPTION:

Peters, Leroy

DATE:

11/15/82



927



0000

Part 2 97.8th  
Counsel  
Filed 15 day of Nov 1882  
Pleads *Not guilty*

THE PEOPLE  
vs.  
*R*  
*Leroy Peters*  
*deaf & dumb*  
BURGLARY—First Degree, and

*John McKee*  
*John McKee*  
JOHN MCKEON,  
District Attorney.

*10th*  
A True Bill.  
*Edward J. McKeon*  
Foreman.

Verdict of Guilty should specify of which count.  
*Reads guilty of*  
*Burglary 1st Degree*  
*5th Dec 15 1882*  
*S. J. Seven years.*

0001

Police Court— 3<sup>rd</sup> District.City and County } ss.:  
of New York, }

Isaac Lesselbaum

of No. 73 Hester Street, aged 24 years,  
occupation Watchmaker being duly sworn

deposes and says, that the premises No. 73 Hester  
Street, 10 Ward, in the City and County aforesaid, the said being a Dwelling  
House, the first floor of  
which was occupied by deponent as a Jewellery Store, and Dwelling  
were BURGLARIOUSLY  
entered by means forcibly breaking open the door leading  
from the Hallway to said premises

on the Morning of the 13 day of November 1882  
was attempted to be  
and the following property feloniously taken, stolen, and carried away, viz:

gold + silver Watches of the value  
of five hundred dollars

the property of Deponent

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

Levy Peters (now here) and  
two other persons not arrested, and whose names are unknown  
to deponent  
for the reasons following, to wit: That at the time of about  
One O'clock deponent heard some person  
forcibly breaking open the afore-described door,  
and two persons entered said Room one  
of said persons placed his hand on the  
mouth of Abraham Chasman who was lying  
in bed and to prevent him from giving a  
alarm deponent gave alarm and said  
two persons left the Room, one of said



0883

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Leroy Peters 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.

Leroy Peters

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

New York

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

Answer.

113 Elizabeth Street 3 weeks

Question. What is your business or profession?

Answer.

Cigar 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 came to the complainant about 4 P.M. Sunday, and sold him a match, I went out and got drinking freely, and was walking around and in passing his place again at about 8 or 9 o'clock, I wanted to urinate and went in the hallway, and I was so drunk I sat down any place and went to sleep, I know no more till I was wakened up by the Policeman.

Leroy Peters

Taken before me this

13

day of

November 1898

William J. Justice  
Police Justice.



0004

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

Police Court, 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James Buchanan  
73 Street  
Leroy Peters

Offence, *Roughness*

Dated *Nov 13* 188*2*

*Patterson* Magistrate  
*Buckle* 10 Officer

Clerk.

Witnesses, *Weyman Kaufman*

No. *73* Street,  
*Abraham Shaban*

No. *73* Street,  
*Walter*

No. *73* Street,  
*Samuel* to answer  
*Walter*

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 *Leroy Peters*

guilty thereof, I order that he be held to answer the same ~~and 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~~ *is legally discharged*

Dated *Nov 13* 188*2* *J. M. 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 h to be discharged

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

5885

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Isaac Leunham

79 West 13th St.

Leroy Peters

BAILED,

No. 1, by

Residence

Street,

No. 2, by

Residence

Street,

No. 3, by

Residence

Street,

No. 4, by

Residence

Street.

Dated

Nov 13

188

Patterson

Magistrate.

Burke

Officer

10

Clerk.

Witnesses,

Wayman Kaufman

No. 72 West

Street,

Abraham Lehman

No. 73 West

Street

No.

Street,

Comd. G. S.

to answer

Warrant (Paid)

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 be committed 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 as is legally dischargeable

Dated Nov 13 188

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.

0006

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

Office of CITY PRISON,

Corner Franklin and Centre Streets,

JAMES FINN,  
WARDEN.

New York, Nov 23 1882

Wm Hugh Donnelly Esq.  
Chief Clerk Dist Atty's Office  
Dear Sir.

I would  
respectfully call your attention  
to the case of Leroy Peters  
a Male. Committed for  
attempt at Burg. Nov 13/82  
by Justice Patterson by  
having him disposed of  
as soon as possible you  
will much oblige

Yours Resptl.  
James Finn  
Warden

0007

COURT OF GENERAL SESSIONS OF THE PEACE  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Seroy Peters*

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

*Seroy Peters*

of the CRIME OF BURGLARY in the *first* Degree, committed as follows:

The said

*Seroy Peters*

late of the *Tenth* Ward of the City of New York, in the County of New York, aforesaid, on the *thirteenth* day of *November* in the year of our Lord one thousand eight hundred and eighty-*two* with force and arms, about the hour of *one* o'clock in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of

*Isaac Lesserbaum*

there situate, feloniously and burglariously did break into and enter, by means of *forcibly breaking open an outer door thereof* whilst there was then and there some human being, to wit, one *Isaac Lesserbaum* within the said dwelling-house, the said

*Seroy Peters*

then and there intending to commit some crime therein, to wit: the goods, chattels and personal property of *Isaac Lesserbaum*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

*John McKeon*

*District Attorney*

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

of the CRIME OF GRAND LARCENY IN A DWELLING HOUSE, committed as follows:

The said

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, about the hour of o'clock in the time of said day,

of the goods, chattels, and personal property of

in the said dwelling house of one

then and there being found in the dwelling 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.

JOHN McKEON, District Attorney.