

0178

**BOX:**

400

**FOLDER:**

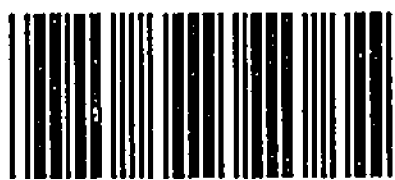
3713

**DESCRIPTION:**

Lubitz, Solomon

**DATE:**

06/05/90



3713

0179

**BOX:**

400

**FOLDER:**

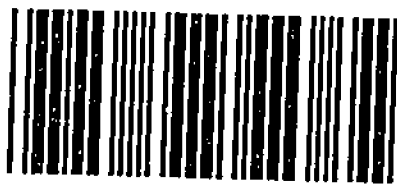
3713

**DESCRIPTION:**

Sheresheroski, Max

**DATE:**

06/05/90



3713



0180

**BOX:**

400

**FOLDER:**

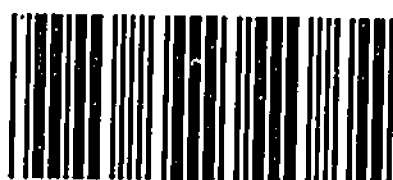
3713

**DESCRIPTION:**

Levene, Pincus

**DATE:**

06/05/90



3713

**TORN PAGE**

0101

with the apocryphal hearsay  
 made upon a private  
 person. That is to say,  
 a Pious opinion in the discharge  
 of his duty is what he has  
 been. but a Commandment  
 against or as it is called  
 turned out against him.  
 that then requires the  
 rights. name. Improper  
 imprisonment service.  
 then Commandment is applied  
 to him because the violation  
 of the law.  
 Improper imprisonment.  
 applied. as it is.

May 13/91.

Counsel,  
Filed  
Pleads,

THE PEOPLE

Assault in the Second Degree

A

Solomon Lubitz  
at Boston  
Max Shereshevski  
B  
and Misses Leven

JOHN R. FELLOWS.

Sept. 1, 1906

# A True Bill.

[illegible]

11/11/1893;  
Morris Cohen  
The depts. I have  
and Labadie's having  
with a view. These matters  
for a few lines of how  
cause seen the evidence  
when the best act the  
offspring, as to the  
characteristics and  
features that the  
of justice will be  
key. Remember for the  
present, however, upon  
the record, and against  
the law - for the  
reasons  
The object was not  
and a wanted one. The  
agency was in fact, a  
upon the grounds.  
2. It was made, under  
great excitement & during  
the "Panic" in which the  
conflict, been engaged, &  
The paper men probably  
imagined it was done  
they being for economic  
it. Upon the law and  
Cohen's



Drop nap<sup>d</sup> aw.  
Left. desc<sup>d</sup>?

May 13/91.

WOWSICIT

Chas. F. Peck & Co. The Book Company  
(New York)

• • •



## COURT OF GENERAL SESSIONS

-----x  
 The People :  
 -vs- :  
 Max Speresheroski, and Pincus :  
 Levene. :  
 -----x

City and County of New York SS:

Hersch Hecht, being duly sworn deposes and says, that he resides at No. 10 Buckingham street, New York, and that he is a presser by trade.

Deponent further says he knows Pincus Levene, and was present at the time of the alleged assault on the officer on April the 17th, 1890, at the American Star Hall.

Deponent further says that he was near said Pincus Levene during the entire difficulty, and knows to a certainty that said Pincus Levene did not strike or attempt to strike the officer or any other person, and that he did not throw a map at any person. That said Levene approached officer Cohen, and asked him to explain to him, Levene, the difficulty whereupon, the officer hit said Levene with his club, and that Levene then retreated.

Deponent says he does not know the other defendant.

Subscribed and sworn to before :

me this 9th day of June, 1891. :

*Hersch Hecht*

*Frank Walter*  
*Corn. of Inds.*  
*N.Y. City*

City and County of New York SS:

Morris Rothstein, being duly sworn deposes and says, that he lives at No. 337 East 106th street, New York, and that he was present at the time referred to in the foregoing affidavit of Hersch Hecht, and that during the entire difficulty he was sitting on a bench by the side of the defendant Speresheroski, and that said Speresheroski did not leave the bench or take any part in the difficulty in any manner whatever, and that he knows said Speresheroski did not attempt to strike officer Cohen or any other person present.

Deponent further says he saw Pincus Levene at the time, but that he did not see him strike anybody, and knows he did not throw a map at the officer or any other person.

Subscribed and sworn to before :

me this 9th day of June, 1891. :

*Morris Rothstein*

*Jacob Miller  
Com. of Deeds  
N.Y. City*

City and County of New York SS:

Jacob Miller, being duly sworn deposes and says, that he resides at No. 55 Norfolk street, New York, that he is a knee pants maker, and that he was present at the time referred to in the affidavit of Hersch Hecht hereto attached, and that he was sitting at a table by the side of the defendant, Pincus Levene, when the difficulty commenced, and that he went with said Pincus Levene towards the officer, and that said Pincus Levene asked the cause of the difficulty.



whereupon, the officer struck said Pincus Levene with his club, and that said Levens did not throw a nap or take any part in the difficulty.

Deponent also saw Speresheroski sitting on a bench during the time of the difficulty, and knows that he took no part in the same.

Subscribed and sworn to before :  
me this 9th day of June, 1891. :

*Jacob X Miller*  
Mark

*Frank Walker*  
Com. of Sudo  
N.Y. City

That he is a member of the Police Department and that he is a member of the Police Department and that he is a member of the Police Department.

That he is a member of the Police Department and that he is a member of the Police Department and that he is a member of the Police Department.

That he is a member of the Police Department and that he is a member of the Police Department and that he is a member of the Police Department.



Court of General Session

The People

vs.

Max Sheroski

And Pincus Levene

City and County of New York : SS.

Louis Levene being duly sworn says, that he is an attorney and counsellor at law and has been such for several years last past, practicing in the various Courts of this State and that he resides at No. 178 Henry Street in the City of New York and has an office at No. 293 Broadway in said City, that in the month of April, 1890, he was and still is a counsel for the United Hebrew Trades of which the Knee pants Makers Union is a branch.

That on the 17th day of April, 1890, he was present in the American Star Hall at the time when the officer Morris W. Cohen entered the hall and deponent who was present on business saw all that took place on said night between the officers and the persons who were congregated in the hall holding a meeting at the time.

That he is acquainted with Pincus Levene and Max Sheroski and saw them at the time in the hall.

That deponent positively swears that the said Pincus Levene and Max Sheroski never assaulted the officers who entered the hall nor attempted to do so.

That said Sheroski was sitting conversing with his friends on a side bench in the hall and was picked out by

0187

-2-

the officer after the fight had subsided.

That Pincus Levene when deponent entered the hall was writing at a desk, and went up to the officer to ask what the trouble was, whereupon he was assaulted by a club held in the hands of one of the officers and such assault was entirely unwarranted.

That deponent saw officer Cohen flourishing his revolver in a threatening manner, heard him threatening to shoot the entire assemblage.

That deponent never saw a mat fired by any person, and deponent positively swears that Levene never kicked any of the officers or fired a mat at them as the officers testified.

That at the time of the trial of the said Pincus Levene and Max Sheroski deponent was actually engaged in Brooklyn in the trial of an action before Hon. Justice Bartlett and had deponent known that the trial was to take place deponent would have foregone all their engagements for the purpose of trying the trial of the said Levene and Sheroski.

That said Pincus Levene is no relative of deponent, said Pincus Levene being a native of Russia and deponent being a native of this state.

That deponent is familiar with all the facts of the case and testifies as a witness upon the former trial, and deponent verily believes that had he been present at the trial and testified to the facts no conviction would have been had.

That deponent asked the cause of the difficulty



0188

-3-

That deponent verily believes and knows the said  
Pinus Levene and Max Sheroski to be unjustly accused and  
that great injustice will be done if a new trial will not  
be granted them.

Sworn to before me this

10<sup>th</sup> day of June 1891:

Louis Levene.

Frank Maher  
Comptroller  
N.Y. City

That said Pinus Levene asked the cause of the difficulty



N. Y. GENERAL SESSIONS.

The People,

-vs-

Max Spersherock, and Pinous

Levene.

*Copy*  
AFFIDAVITS ETC.,

R. J. Haire, for Defendants,  
Attorney 28 Chambers Street,  
New York City.

0189



0190

PHILLIPS & MOWER, 82 Nassau St., N. Y.

# STENOGRAPHER'S MINUTES.

Court of General Sessions, Part I

The People  
vs.  
Max Spersheroski  
and  
Pinous Levene

BEFORE

His Honor Recorder Smyth

May 29<sup>th</sup> 1891

## WITNESSES.

	Direct.	Cross.	Re-Direct.	Re-Cross.
Morris Cohen	1	5		
Robert Henry	8	10		
Lewis Rubinsky	14	4		
John Calhoun	17			

J. M. Anderson, Official Stenographer,  
Court of General Sessions, Part I

0191

THE PEOPLE

vs.

MAX SPERESHEROSKI  
and  
PINCUS LEVENE .

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTH.

Friday, May 29, 1891.

Jointly indicted with SOLOMON LUBITZ for assault in  
the second degree.

Asst. Dist. Atty. McIntyre for the People.

Counsel assigned for the Defendants.

MORRIS COHEN, sworn and examined by Mr. McIntyre.

Q. Officer Cohen, what precinct are you connected with?

A. At present the 8th.

Q. And what precinct were you connected with on April 17, 1890.

A. The 11th precinct.

Q. Where was your post at that time? A. My post was known  
as the Market, Ludlow Street, Orchard Street, Hester and  
Essex Streets.

Q. On April 17, 1890 did you see a man named Rubinsky?

A. Yes sir.

Q. Where? A. On Orchard Street between Hester and Canal  
Streets.

Q. Had anything happened to him if you know? A. Yes sir.

Q. What? A. He was assaulted with an iron bar.

Q. And a complaint was made to you? A. Yes sir.

Q. Where did you go in consequence of that complaint made to  
you? A. I was standing on the center of the block

with Officer Henry and this Rubinsky came up to me and  
spoke to me in the Jewish language telling me ----



Objected to.

By the court. Q. You understand the Jewish language?

A. Yes sir.

Q. In consequence of what he said to you what did you do?

A. I chased after the man that had been pointed out as the one that assaulted Rubinsky.

By District Attorney. Q. Do you know what that man's name was?

A. No sir.

Q. Where did you chase him? A. Down Canal Street into East Broadway and the American Star Hall.

Q. Where is it? A. About fifty feet near Rutger Street on East Broadway.

Q. Did he go into the American Star Hall? A. Yes sir.

Q. Did you follow him in? A. Yes sir.

Q. When you got inside what occurred, what was going on in the American Star Hall if you know? A. A meeting of the strikers, the knee pants makers.

Q. When you got in there did you see the man that you chased? A. Yes sir.

Q. What occurred? A. I seized hold of him and I was going to take him to the Station House on the complaint of Rubinsky for assaulting him; Rubinsky pointed out another man whom he said also assaulted him; I had hold of these two and started to take them out of the hall when a crowd of three or four hundred people surrounded me and would not let me take them out. I explained to them in their own language and they said they would not let me take them out, that they had done nothing; I explained if they done nothing they were all right but they would have to go to the

station house on this man's complaint.

Q. Did you hear anything else, A. Yes sir, a young girl got up on a chair and urged the crowd not to let me take them out as they were brothers. With that, before I knew anything one of the prisoners was taken away from me.

By the Court. Q. Which one<sup>one</sup> of those two men? (The defendants.)

A. No sir, the ones that I had arrested for the assault.

Q. When you got into the hall Rubinsky who was assaulted pointed out another man and you arrested both?

A. Yes sir, one of these men was dragged from me, taken right from me and the mob closed in on me and I backed myself through the crowd and got right in with my back against the wall holding on to this other prisoner --- the other man that I had arrested, I still had him in custody. With that they ran at me and tried to take him from me.

Q. The crowd A. Yes sir; I saw Officer Henry trying to get at me; there is a bench runs around the hall and I stood on that bench as they came to go for me and I drew the revolver and pointed it at the crowd and told them the first man attempted to take him from me I would shoot him.

When Officer Henry reached me I put the revolver in my pocket and started to go out with the prisoner. In the center of the hall the crowd struck at us and we struck at them to keep them back; there is an ante-room two or three steps near this; the prisoner was taken from me and these two defendants assaulted me and struck several blows at me



0194

and Levene stooped and picked up a mat full of dust and dirt and fired it.

By the Court Q. These two defendants struck at you with their fists? A. Yes sir, and Levene stooped down and picked up a mat that was full of dirt and dust and threw it at us. As he threw it at us the prisoner was seized from me.

Q. Rescued? A. Yes sir.

By District Attorney. Q. After the prisoner was rescued what occurred? A. Some reserves from the 7th precinct came there --- they all rushed in there.

By the Court. Q. Reserves came? A. Yes sir; Officer Calhoun came in; we guarded the doors so as to let nobody out, still thinking that the prisoners who were rescued from me were in there. I picked out the persons that assaulted me.

Q. Those are the two? A. Yes sir.

Q. They were taken by the reserves and yourself I suppose to the Station House? A. Yes sir, to our own precinct.

By District Attorney. Q. Levene is the one who threw the mat?

A. Yes sir.

Q. Speresheroski, what did he do? A. He was with the rest of them punching at me and hitting me.

By the Court. Q. Were you in uniform at the time? A. Yes sir

Q. So was Henry and Calhoun? A. Yes sir.

By District Attorney Q. When was it that Officer Calhoun came in there? A. I did not see him come in there; by the time he came in I had this prisoner down the steps getting to the door.

Q. Do you mean the prisoner at the bar? A. No sir, one of the men that I chased.

CROSS EXAMINED by Counsel.

- Q. Now the man who assaulted Rubinsky was not any of these prisoners here? A. No sir.
- Q. And the first time that you saw these men was when you were on the steps leaving with that one prisoner?
- A. No, I saw them in the Hall, the first time I saw them in the Hall proper.
- Q. Were there many others around at that time? A. Three hundred or three hundred and fifty.
- Q. In the hall? A. Yes sir.
- Q. All crowded in the Hall? A. All crowded, men and women.
- Q. What made you first notice these two particularly?
- A. Because they were nearest to me.
- Q. Was it light in the Hall there? A. Yes sir.
- Q. Many lamps around and gas? A. All the gas was lit.
- Q. Were there any others that were resisting you, taking these prisoners beside these two men? A. All hands that could get at us.
- Q. How was it you noticed these two particularly?
- A. I could not help seeing them, they were facing me, I had the prisoner as far as the door leading into the outer hall.
- Q. You say that Levene fired a mat at you? A. Yes sir.
- Q. Did he hit you? A. He hit the three of us, covered us almost blinded us, we had to let go of the prisoner.
- Q. Did any part of the mat strike you? A. Yes sir, it struck the three of us.
- Q. I mean did it strike you? A. Yes sir.



0196

Q. What part of you? A. The head.

Q. Did it cause you to be dazed in any way? A. It caused the dust to come into my eyes, I was full of mud and dirt, it stunned me only to get the dust in my eyes and bewilder me for a moment.

Q. You are positive that you saw Levene throw this mat, are you? A. Yes sir.

Q. What did this other prisoner do? A. He struck at me with his fist.

Q. Assaulted you with his fist? A. Yes sir.

Q. Did he hit you? A. Yes sir.

Q. Where? A. Different parts of the body.

Q. Well, name them? A. The breast and face.

Q. Did you hit him back? A. I hit Levene.

Q. You hit Levene with your club? A. Yes sir.

Q. Do you remember where you hit him? A. On the forehead.

Q. Did you hit him after he threw the mat or before?

A. I think it was after he threw the mat he made another dash and I hit him.

Q. Did you hit the other defendant? A. I do not know, I might have.

Q. You do not remember whether you did or not?

A. I am not positive.

Q. Were you a little excited at that time? A. Not very much.

Q. Not very much? A. No sir.

Q. Then when did you next see these two prisoners, did you arrest them? A. I arrested one of them, I had one of the prisoners, I next saw him in the Station House; when

0197

the reserves came Officer Henry -- ---I did not have one of these, I had the girl.

Q. You had the girl? A. Yes sir.

Q. And when was it next that you saw both of these prisoners?

A. In the Station House; we all went to the Station House together. If you will allow me to explain I will tell you how it was. I did not have one of these prisoners I arrested them at that place and turned them over to other officers.

Q. Were there any others arrested beside these two?

A. Yes sir.

Q. Where did you identify them? A. Picked them out in the Hall.

Q. You picked them out in the Hall? A. Yes sir.

Q. Did a large crowd follow you to the Station House?

A. Yes sir.

Q. Do you remember any of the others at that time in the Hall that were striking at you too besides these men?

A. As I told you before, they were all striking at me that could get near me; I received blows in every direction, I could not positively identify any but these two and that is why I made no other arrests.

Q. Did you arrest them at that time? A. When the reserves came.

Q. You arrested these two and handed them over to the reserves? A. Yes sir.

Q. At the time you arrested them were they the nearest men that you grabbed? A. No sir.

Q. Were they arrested from these other people?



A. They were with the crowd standing back, we held them all in the hall until the reserves came.

Q. Were not they the nearest men that you could get hold of?

A. No sir.

Q. Were there others just as near? A. Yes sir, they were altogether.

Q. Where were those men standing, back or front of the crowd.

A. In the crowd.

Q. Were they quiet when you arrested them or were they turbulent? A. As regards quiet, they did not attempt to

strike me then.

Q. Did they resist arrest then? A. They could not, there was too many policemen there then, about twenty.

Q. They went quietly along, is that it, as far as you know?

A. Yes sir.

ROBERT HENRY, sworn and examined.

By District Attorney. Q. Officer Henry, what precinct are you connected with? A. The 11th precinct..

Q. What precinct were you connected with on April, 17 1890.

A. The 11th precinct.

Q. Do you know where the American Star Hall is?

A. Yes sir.

Q. Were you in the American Star Hall on the 19th day of April, 1890? A. Yes sir.

Q. Who did you see there on that day? A. I saw Officer Cohen, he was in there.

Q. Do you know what was going on there that time?

0199

A. Yes sir, there was a meeting of the knee pants strikers.

Q. State all that you saw? A. We were sent down by Capt. Cassidy in the Hebrew Market, that is the place where this Rubinsky was assaulted; while we were down there the man came up to us, Rubinsky, with his head streaming with blood; he said he had been assaulted.

Q. Where did you go? A. He spoke to Officer Coeh and we went from there towards the American Star Hall and while we were going on the corner of Orchard near Canal Street Rubinsky pointed the man out and he said, "that is the man that assaulted me."

Q. What did you do? A. Officer Cohen, myself and Rubinsky followed him to the American Star Hall. Officer Cohen went in with Rubinsky and I stopped outside for a few minutes to keep the crowd back; while I was there a boy came running up and said -----

Q. A boy came up and said something A. The boy came out and I went inside and Officer Cohen had two prisoners that Rubinsky had pointed out, that one of them had assaulted Rubinsky. In the meantime Officer Calhoun came in and he started first to Cohen with his two prisoners, me bringing up the rear and while we were going out we were assaulted by these prisoners and others - --- these two men at the bar and others, those are the two.

Q. Describe to the Court and Jury in what way you were assaulted? A. They rushed for us and grabbed hold of us and struck us.

Q. Was anything thrown? A. There was a mat.



0200

Q. At whom? A. Thrown at us; I saw Levene pick up the mat and throw it.

Q. What time of day was it, Officer? A. I should judge if I remember right it was between eight and nine o'clock, I cannot say precisely just when it was.

CROSS EXAMINED.

By Counsel. Q. Were you there when Officer Cochran arrested the two men that he was bringing out? A. No sir.

Q. He had two prisoners at that time? A. Yes sir, two prisoners.

Q. Did he hold on to those prisoners all the time until these men started to assault him? A. Yes sir.

Q. He did. A. Yes sir, as near as I can recollect he was in the center, Officer Calhoun ahead and I was in the rear bringing them out.

Q. What did you do when you came in? A. I pushed my way in to assist my brother officer; Officer Cohen.

Q. What did you do? A. I told Cohen ---- we stopped there a minute, he commenced to explain that these were the men after Officer Calhoun came in, I started, Calhoun in front and Cohen in the center and myself in the rear to take the prisoners out.

Q. To take the two prisoners out? A. To take the two prisoners out along with the complainant to the Station House in Elridge Street.

Q. You did not hear Officer Cohen's testimony?  
A. No sir.

Q. You were outside, weren't you? A. I was outside.

Q. And then what next occurred? A. While we were going out we were assaulted by the prisoners and others.

Q. How did you come to notice the prisoners particularly?

A. I could notice them because in all such cases we take particular notice .

By the Court. Q. You noticed the man who threw the mat at you?

A. Yes sir.

By Counsel. Q. You saw him pick it up before he fired it?

A. Yes sir.

Q. You saw one of these prisoners, is that it?

A. Levene.

Q. This one with the beard? A. Yes sir.

Q. Did he have a beard at that time? A. Yes sir.

Q. Was the light there in the hallway? A. Perfectly light, gaslight.

Q. It was perfectly light? A. Yes sir.

Q. Did the mat hit you? A. I got part of it.

Q. Where did it strike you? A. It struck me on the shoulder, I was all covered with dust and dirt when I got to the Station House.

Q. Were there any other men right close to you together with these two prisoners ? A. As near as I can recollect Officer Calhoun I think was around.

Q. -I do not mean officers, were there any of these knee pants makers? A. There was several, three or four hundred.

Q. They were all surrounding you? A. No, they were in the large Hall.

Q. How many people were in the Hall exclusive of those



0202

✓ prisoners at the time that the mat was thrown?

A. O, there might have been thirty, forty or fifty.

Q. Were all of them advancing towards you in a threatening manner? A. No, some of them were back against the wall.

Q. How many took part in the assault? A. There might be a dozen or fifteen.

Q. You did not arrest any of those, did you? A. There was five or six arrested.

By the Court. Q. Others were arrested by the reserves?

A. Yes sir, the ones that we were sure and positive that we saw commit the assault and was right there in the crowd, we arrested.

By Counsel. Q. What became of them do you know? A. No, some of them were discharged.

Q. You say that Levene threw the mat, what did this prisoner do? A. I saw him strike Officer Cohen

Q. Where? A. Struck him with his fist.

Q. What part of Officer Cohen's body? A. I could not say.

Q. You do not remember that? A. NO.

Q. Did he strike him more than once? A. Yes sir, several times.

Q. Did Officer Cohen hit him back? A. No, I did not see him.

Q. Did you see this man's head at any time, whether it was cut, hit with a club or anything? A. Levene's head was cut, I believe.

Q. Levene's head was cut? A. I think so.

Q. Did you strike either one of these prisoners with your club? A. Not as I know of, I cleared my way that night.

0203

✓ By the Court. Q. You cleared it with your club? A. Yes sir, I cleared it with the stick, I could not say whether Levene was struck.

By Counsel Q. Do you remember striking anybody at that time in that vicinity, in the hallway there? A. I had to strike out, I had a woman that had both her hands planted in my face and holding on to me.

Q. Did you take these prisoners to the station house?

A. They were all got together and all of us officers with the reserve took them to the station house.

Q. When you got to the station house did Cohen pick out any of them in your presence? A. Yes sir, the ones that were there that was in the assault.

✓ Q. Did he particularly pick out either of these two?

A. These two.

✓ Q. He picked out these two? A. Yes sir.

✓ Q. In preference to all the rest? A. Yes sir, as the ones that assaulted him.

Q. Were these standing among the others when the identification took place? A. They were right among them.

Q. And he picked the two right out? A. Yes sir, he picked the two right out.

Q. Did he say anything about these that assaulted him?

Q. A. No, only these that he picked out he identified them.

Q. Who made the complaint at the Station House?

A. Officer Cohen.

Q. Did he make a complaint against anybody except these two?

A. Yes sir, he made a complaint against three, I think three or four.



0204

Q. Did you pick them out at the station house too?

A. No sir, I made a complaint against the woman.

By the court. Q. She had her hands in your eyes? A. Yes sir.

By a Juror. Q. How large comparatively was this map that he threw?

A. It was a mat I suppose that would reach probably ten or fifteen feet.

By the court. Q. A big long mat? A. A big, long mat that is used to walk on, about three feet wide.

By a Juror. Q. You say there was a crowd there A. Yes sir, the strikers meeting, there was probably three or four hundred people in this Hall at the time.

LEWIS RUBINSKY, sworn and examined, by the District Attorney through the Interpreter.

Q. Where do you live, Rubinsky? A. In East New York.

Q. Where did you live on April 17, 1890? A. No. 24 Orchard Street I lived in New York City.

Q. And just before that time for whom were you working?

A. My own business, on my own account.

Q. What was your business? A. Knee pants manufacturer.

Q. About that time were you on a strike? A. Yes sir --- I did not make the strike, I was not on the strike.

Q. Were you assaulted on or about the 17th day of April, 1890?

A. I was beaten.

Q. Where? A. In Orchard Street.

Q. By whom? A. One by the name of Bolinsky and another man whose name I do not know --- they assaulted me.

Q. What place in Orchard Street was it? A. In the street

0205

I was assaulted.

Q. What did they do? A. They beat me with sticks.

Q. Where? A. Here on the head.

Q. What for? A. For nothing.

Q. Was your head cut? A. When they were beating me they said, "why do you work."

By the court. Q. Was his head cut? A. Yes sir, it was bleeding.

Q. Did he see Officer Cohen that day? A. Yes sir.

By District Attorney. Q. Where? A. On the street I saw Officer Cohen.

By the court. Q. Did he tell Officer Cohen what those men had done to him? A. Cohen just came up whilst they were assaulting me.

Q. Did Officer Cohen follow the men thatvassaulted you? A. Yes sir, he run after them to arrest them.

Q. Where did he follow them to? A. Into the hall, 165 East Broadway.

Q. The American Star Hall? A. Yes sir.

Q. Did you go down with Officer Cokhn? A. I went with Officer Cohen.

Q. Do you know what was going on at that time ~~when I called~~ in that Hall? A. Yes sir.

Q. What? A. There was a meeting as I understood.

By the court. Q. Ask him when he got into the American Star Hall with Officer Cohen if he had pointed out to the officer the men who had beatennhim in Orchard Street with a stick or either of them? A. Cohen himself took the people and I showed them to him also.



0206

Q. He did show him the people that struck him with the stick?

A. Yes sir.

Q. And Cohen took them?

A. Yes sir, Cohen took them.

By District Attorney. Q. What was done after you got inside, did you see the defendants do anything?

A. I cannot tell particularly for those two ----- all the people in the Hall were assaulting Cohen.

By the Court. Q. Ask him if he saw those two men amongst the people who were in the Hall?

A. Yes sir.

Q. Were they there at the time that he saw Officer Cohen assaulted?

A. Those two were in the Hall whilst Cohen was arresting the other two.

By District Attorney. Q. Did you see a mat thrown?

A. Yes sir, I do not know who threw the mat.

By the Court. Q. He saw the mat in the air, did he?

A. Yes sir, I saw it in the air.

By Counsel. Q. How large was that mat?

A. Very big.

Q. Was it ten feet long?

A. I do not know ---- a small thing about that size (illustrating).

By District Attorney. Q. Ask him how long?

A. About that size

square (illustrating).

By a Juror. Q. Ask him whether that mat was rolled up or flat on the ground?

A. It was flat, lying on the floor.

By Counsel. Q. Did you see it in the air hitting any of the officers?

A. It fell on all the men, there was a big crowd there.

Q. Did you see the man that lifted that mat and threw it?

A. No sir, I did not.

District Attorney: The People rest.

0207

REBUTTING EVIDENCE.

JOHN CALHOUN, sworn and examined by District Attorney.

Q. Officer Calhoun, what precinct are you connected with?

A. The seventh.

Q. Were you connected with that precinct on April 17, 1890?

A. Yes sir.

Q. Were you at the American Star Hall on that day?

A. Yes sir.

Q. What time were you there? A. Between eight and nine in the evening I should judge.

By the Court. Q. Were you one of the reserves? A. I was on post. I was standing about half a block away from the Hall, I saw the excitement, Officers Cohen and Henry were chasing a man across the square, a man that assaulted another; I ran down to the Hall and I saw Officer Cohen.

Q. Did the man run into the Hall that you saw?

A. He did, sir, I saw the excitement and went in, Officers Henry and Cohen were in a fight in the middle of the Hall; there was a large number of people, about three or four hundred I guess, I went in among them and the first thing I knew I was struck and thrown down and kicked by somebody, I did not know who, and the next thing when I got up this mat was fired at us, my hat was broken. We arrested those men as the ring leaders.

Q. You arrested those men? A. Yes sir, Mr. Levene is the man that I took myself.

Q. Did you see him throw the mat? A. No sir, I did not I had my back turned to him.

Q. You were struck with the mat and your hat broken?



0200

A. Yes sir, I was thrown down and kicked in the side several times.

✓ By District Attorney. Q. What did you see the other defendant do?

A. I do not know, one of the other officers arrested him.

Q. Did you see him there at all? A. O yes, I recognized him.

✓ Q. How near was he to the other officer? A. They were all in a bunch together..

Q. How large a mat was this? A. About half the length of this table.

CROSS EXAMINED.

By Counsel. Q. How broad was the mat? A. About that width.

By the court. Q. A rope mat, I suppose? A. Yes sir.

By Counsel. Q. How many would it take to throw that? A. One man could handle it, it weighed about twenty pounds.

By the court. Q. Exclusive of dirt? A. Inclusive of dirt.

By Counsel. Q. Do you remember the time that this mat was thrown where Officer Cohen was or did you see him at that time?

A. O yes, he went in there first.

Q. I mean just exactly the moment the mat was thrown where was Officer Cohen standing? A. He was right inside the entrance to the door having this man whom he pursued in there, that was the time they took him away from him.

Q. Was he facing the direction of the mat? A. I could not swear positively, I do not know whether he faced it.

✱ Q. Do you know whether he was hit with the mat? A. O yes, all three were hit.

0209

Q. Did any of you fall? A. I was thrown down in the Hall previous to that.

Q. Did you see either of these two defendants during that malee? A. Yes sir, they stood right in the middle of it.

Q. Were there many others around? A. O yes.

Q. How many? A. I should judge about four hundred altogether in the Hall, we were surrounded by them.

Q. Do you remember how many were arrested? A. I believe there were three men and one woman ---- those two, another man and this woman .

Q. At what time were they arrested, after the mat was thrown or sometime afterward? A. I guess it was about five minutes after, after we got the crowd quieted down we just picked those men out.

Q. How many arrests were made if you know, that is whether there was any identification? A. We went and picked out the men that did the assaulting.

Q. Who picked them out? A. We three officers, Cohen, Henry and I. I had this man for a mark because he was the one that kicked me when I was down, Levene.

Q. Levene kicked you? A. Yes sir.

Q. Did this other man kick or hit you? A. No sir, I do not think he did, I am not sure about that, I was struck several times by different people.

Q. Did you see Speresheroski strike Officer Cohen?

A. No sir.

Q. Did you see this man Peresheroski at any time during this fight? A. O yes, I saw him in the middle of the



02 10

fight punching.

Q. What did he appear to be doing?

A. ~~He~~ Fighting

with us.

Q. Did he strike you?

A. I could not tell, I was hit by half a dozen of people.

Q. You really could not see what was going on?

A. I could see a good deal, I was on the floor, this is the man (Levene) that kicked me, I took him for a mark, I could only arrest one.

District Attorney: That is my case.

The Jury rendered a verdict of guilty of assault in the second degree.

1120

Mr. F. H. Smith  
General Manager  
Leit



0212

We the undersigned can  
truly certify as known  
residents of this city,  
that Max Shushensky  
and Vincent Lewin  
have ever since led  
a honest and peace-  
ful living and can't  
never be considered  
of being guilty of the  
trouble they're invol-  
ved now.

New York June 10, 1891

Max Aronson

Max Aronson,  
53 Orchard St. N.Y.

~~LEVIN & SHUSHENSKY~~  
MANUFACTURERS OF

CHILDRENS CLOTHING,  
3 ORCHARD ST., N. Y.

Pacific White Lead Works  
HOSHA LOBELSKY, Prop

sp. Cohen  
Julius Loebenstein  
Meyer London

max Kipf  
D. Rubin  
Louis London  
To. Pinsky

0213

New York June 9<sup>th</sup> 91.

Hon. J. Smyth.

Dear Sir,

I have known the prisoner Pinus  
Levine as an honest, peaceable gentle-  
man and carries my best wishes  
for his freedom.

Chas H B Kemmerly  
179 E Broadway.



0214

OFFICE OF  
Berman & Summer,  
Manufacturer of  
Plush and Cloth Caps  
14 WOOSTER STREET,

New York, June 9<sup>th</sup> 1891

Hon. F. Smyth

Dear Sir

I have known the  
prisoner Mark Shereshevsky  
as long as he is in this country  
and have known him to be  
a peaceable and hard working man  
and have not been in any trouble  
before you

Isaac Berman





02 16

PEOPLE

vs.

COURT of GENERAL SESSIONS.

Max Speresheroski and

Pincus Levene, City & County

of N. Y. (S. S. )

*City and County of New York ss*

John F. McIntyre being duly sworn, says that he is one of the <sup>deputy</sup> Assisant District Attorneys of the City and County of New York; that on May 29th of this year he had charge of the prosecution of the above entitled action, on behalf of the people of the State, before the Honorable Frederick Smyth, Recorder; that on said day the defendants above named were placed on trial and convicted of an assault in the second degree. At about 10 o'clock on said day R. J. Haire, the Counsel for the Defendants, communicated by letter with this defendant, in which letter he requested that the trial of this action be deferred until noon time of that day. The reason of his so asking was that he was engaged in a District Court in the City of New York, and would be prepared to go on with the trial of the Defendants at noon time; that the <sup>deponent</sup> ~~Defendant~~ did defer the trial of this action until after 1 o'clock of said day, when he moved the trial of the Defendants, and the Court there-upon assigned Counsel for <sup>defense</sup> ~~their Defendants~~.

*Given testimony  
this 18<sup>th</sup> day of June 1891*

*John F. McIntyre*

*John E. Pohatz  
Counsel for Def.  
(1)*

TORN PAGE

0217

People,

vs.

Max Speresheroski and

Pincus Levene, ~~City & County~~  
~~of N. Y.~~ ~~S.S.~~

COURT OF GENERAL SESSIONS.

Memorandum in opposition to  
motion for a new trial.

The Defendants base this application for a new trial first upon the ground that the Defendants above named at the time of pleading demanded a severance. The application on this ground is without merit, in as much as there is nothing upon the record showing that the application was denied by the Court, or even made to the Court at the time of this trial, and the fact of the Defendants proceeding to trial without making the formal application at the time they were called to the bar is a clear waiver.

The application for a new trial is also based upon affidavits made by Hersch Hecht, Morris Rothstein, Jacob Miller, and Louis Levene, which affidavits set forth in ~~turn~~ turns that the Defendants did not commit the assault mentioned and described in the indictment. These affidavits ~~are~~ have no ground for a new trial, in as much as they are merely cumulative evidence, the same character of testimony having been given at the trial.

The application for a new trial is also based upon the ground that there is a vast variance between the evidence given by officer Morris Cohn on the trial of one Solomon Lubitz. There is no merit to ~~base an application on this~~ <sup>in this</sup> ground. The testimony is substantially the same. <sup>in the two cases,</sup> Lubitz



TORN PAGE

0218

was jointly indicted with these defendants, but was separately tried and acquitted. Officer Cohn's testimony on the occasion of Lubitz's trial is as follows;

Q How many others did you identify as parties who assaulted you?

A. Only two others.

Q Were you able to select those out of the crowd?

A. I selected those three whom I was positive assaulted me; there were others that assaulted me. We could have arrested fifty there.

Q Could you have identified fifty?

A. No sir, that is why we did not make the arrests. I was not positive as to the ones that assaulted me except these three. (Meaning these Defendants). See pages 8 and 9. Stenographer's minutes of Lubitz's trial. Also on same page see as follows;

Q Isn't it a fact that there was so many striking you that you do not know who struck you?

A. I do not know who struck me with the exception of those three which I positively identified when assistance came.

On page 10 appears the following testimony;

Q What did you say to him?

A. I said, that is one of them that struck me. He was turned over to one of the other officers. I picked out the other two co-defendants and the girl.

By reference to the testimony of officer Cohn given in this Court on the trial of the above named Defendants it will

TORN PAGE

0219

it will be seen that his testimony in all respects was the same as that given by him on the trial of Lebitz. There is no variance or contradictory statements in the testimony given upon either trial.

It is respectfully submitted that the motion for a new trial be denied.

John F. McIntyre.

*for the People etc*

*June 15-1891*



Count of several Sessions  
of the Peace

PEOPLE

vs.

Max Speresheroski and  
Pincus Levene, of City and  
County of N. Y.

Affidavits and Memorandum  
Brief in opposition to a  
Motion for a New Trial.

John P. McKeown  
for the People

0221

COURT OF GENERAL SESSIONS.

-----X  
 The People etc., :  
 -vs- :  
 Max Speresheroski, and Pincus :  
 Levene. :  
 -----X

To the Hon. Frederick Smythe,  
 District Attorney, City.  
 City and County of New York SS:

The undersigned being duly sworn deposes and say, that  
 they and each of them have known the above named defendant  
 Max Speresheroski, for <sup>year</sup> one last past and upwards, and  
 that they know him to be an honest, hard working and indus-  
 trious man who has never been in any trouble before the time  
 of the above entitled case, and that from their knowledge of  
 him, they most respectfully ask, that sentence be suspended.

Subscribed and sworn to before me :

this thirteenth day of June, 1891. :

Name	Occupation or business
Dave Libermorn	Cigar Maker
Isaac Nosovitch	cigar maker
Leopold Rabin	Capmaker
For Estlin.	Reluctant.
Abraham Peckham	
Committed	
Peckham	



0222

COURT OF GENERAL SESSIONS.

-----X  
The People etc., :  
-vs- :  
Max Skeresheroski, and Pincus :  
Levene. :  
-----X

To the Hon. Frederick Smythe,  
District Attorney, City.  
City and County of New York SS:

The undersigned being duly sworn deposes and say, that  
they and each of them have known the above named defendant,  
Pincus Levene for ~~two years~~ last past and upwards, and that  
they know him to be an honest, hard working and industrious  
man who has never been in any trouble before the time of the  
above entitled case, and that from their knowledge of him,  
they most respectfully ask, that sentence be suspended.

Subscribed and sworn to before :  
me this 13th day of June, 1891. :

Name	Occupation or Business
Max Skeresheroski at 42 East City	Coffee Saloon
Max Skeresheroski Commonwealth City	



0223

COURT OF GENERAL SESSIONS.

COURT OF GENERAL SESSIONS.

-----X  
The People etc., :

-vs- :

Max Sberesheroski, and Pincus :

Levens. :  
-----X

To the Hon. Frederick Smythe,

District Attorney, City.

City and County of New York SS:

The undersigned being duly sworn deposes and say, that they and each of them have known the above named defendant Max Speresheroski, for <sup>year</sup> ~~one~~ last past and upwards, and that they know him to be an honest, hard working and industrious man who has never been in any trouble before the time of the above entitled case, and that from their knowledge of him, they most respectfully ask, that sentence be suspended.

Subscribed and sworn to before me :

this thirteenth day of June, 1891. :

Name	Occupation or Business
M. Moskowitz 40 E. 10th St.	
A. Givens 42 E. 10th St.	
M. Lobert	cap. Mafr. 434 Broome St.
L. Loken	jewelry stor.
Abraham Vachman	
Crown Street	
NY City	

0224

COURT OF GENERAL SESSIONS.

The People etc.,

-vs-

Max Sheresheroski, and Pincus

Levens.

To the Hon. Frederick Smythe,

District Attorney, City.

City and County of New York SS:

The undersigned being duly sworn deposes and say, that they and each of them have known the above named defendant, Pincus Levens for *two years* last past and upwards, and that they know him to be an honest, hard working and industrious man who has never been in any trouble before the time of the above entitled case, and that from their knowledge of him, they most respectfully ask, that sentence be suspended.

Subscribed and sworn to before :

me this 13th day of June, 1891. :

<u>Name</u>	<u>Occupation or Business</u>
Ab. Goldenberg	Knee pants maker
J. Alter	Knee pants maker
Mr. Rumark	knee pants maker
A. Elvick	knee pants maker
J. Baer	knee pants m.
P. Cohen	Pants maker
Graham Richmond	
Comptroller	
City of New York	



N. Y. GENERAL SESSIONS.

The People etc.,

-vs-

Max Speresheroski, and Pincus

Levene.

AFFIDAVITS ETC.,

R. J. Haire,

Attorney for Defendants,

23 Chambers street,

New York City.

0225



0226

COURT OF GENERAL SESSIONS, PART I.

*The People v. Solomon Lubitz*

*Testimony of Maurice Cohen.*

0227

THE PEOPLE

vs.

SOLOMON LUBITZ.

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTH.

Friday, Seotember 26, 1890.

Jointly indicted with Max SHERESHEROSKI and  
PINCUS LEVENE for assault in the second degree.

MAURICE COHEN, sworn and examined by MR. JEROME.

Q. You are an officer of the municipal police of this city,  
Cohen? A. Yes sir.

Q. And do you recollect the 18th of April of this year?  
A. Yes sir.

Q. Were you on duty at that time? A. I was.

Q. In citizen's clothing or in uniform? A. In uniform.

Q. Did this man Rubinsky come to you on that day?  
A. Yes sir.

Q. Where were you when he came to you? A. I was on Or-  
chard Street between Hester and Canal Streets.

Q. What was his condition, Rubinsky's? A. He was cov-  
ered with blood from a cut on the forehead.

Q. Did he make complaint to you against somebody?  
A. Yes sir.

By the Court. Q. Who came to you? A. A man named Rubinsky.

Q. That is not the defendant? A. No sir.

By Mr Jerome. Q. Lewis Rubinsky? A. Yes sir.

Q. He made a complaint against some one of assaulting him?  
A. Yes sir, he came to me and told me.

Q. He made a complaint? A. Yes sir, he made a com-  
plaint of having been assaulted and he pointed out the man  
whom he said committed the assault.



0228

Q. What time of day was this? A. It was in the night time about a little after seven o'clock, between seven and eight I think.

Q. What portion of the city? A. The east side the lower portion of the city, Orchard Street between Canal and Hester nearer to Canal.

Q. He pointed out somebody to you? A. Yes sir.

Q. Who was the man? A. I do not know the man.

Q. How far off was he from you when Rubinsky pointed him out? A. I should judge from here almost, about where you are.

Q. What did you do then? A. As he pointed out the man I immediately started in pursuit of this man.

Q. Did the man follow? A. Yes sir, he started down Orchard towards Canal and down Canal Street after him putting in running raps.

Counsel: Objected to because it was not the defendant.

The Court: If it is not legitimate evidence after I hear it I will strike it out, after I heard it I will be able to determine whether it is or not.

By the Court. Q. He says a man came to him, as I understood, Rubinsky, and complained that an assault had been made upon him and there was blood on his face, is that right?

A. Yes sir.

Q. And he pointed out the man to this police officer who had crossed over or gone after the man for the purpose of arresting him on that complaint, is that right? A. Yes sir.

Q. Where was this defendant at the time? A. He was right along side of me ---- no, not this defendant, he was in the Hall.

0229

Q. Of what? A. Of the American Star Hall, East Broadway, I chased this man rappin for assistance.

By Mr. Jerome. Q. The man ran into the American Star Hall?

A. Yes sir, it is on East Broadway, about two doors from the corner of Rutgers Street. As I chased this man in there there was a large crowd of people there, I understood it was a meeting.

Q. It was on the ground floor, was it? A. Up a slight stoop.

Q. He went up the stoop and went in, and you went up and went in after him? A. Yes sir, after him.

Q. When you got in there tell us what happened?

A. Officer Henry was following us, we were both detailed to go that night; as I chased him round in there I got hold of him, and held him, the crowd got around me and Rubinsky meanwhile came in and said in the Jewish Hebrew language, "this is the man."

Q. You are a Hebrew yourself? A. Yes sir--- "this is the man that struck me." So I held on to him and I saw someone else, he turned around and said, "there is the other fellow was with him", and I grabbed hold of him. With that I had a prisoner in each hand, the crowd in the Hall came around me, I should say three or four hundred in the Hall, they got around me there and said I could not take him out, what was the matter? So I explained to them in the Jewish language, thinking it was the best way, that they would understand me, for what I had arrested this man, thinking it was the easiest way to let him out; he said that he had not done anything of the sort, and they would not let me out. I said, "if he has not done anything he is all right." As I



0230

started to go out some girl there jumps up on a chair and she said in the Jewish language, "he is our brother, don't let the officers take them out, kill them." With that the defendant and two others and the crowd in the Hall set on us and one prisoner was dragged out of my right hand that time, and the crowd got on me pushing and punching at me. I backed up to the wall and got up on a bench still holding this prisoner who had been charged by Rubinsky with committing the assault. They went for me, I put my hand in the pocket and pulled out a revolver and told them if they did not let me take this man out I would shoot one of them. When they seen the revolver they fell back and meanwhile Officer Henry came running in there, as I seen him facing up towards me I put the revolver in my pocket. Henry fought his way through the crowd and we started out with this prisoner; they attacked both of us, this girl jumped up and scratched Henry in the face and started the crowd on and they struck us, Lubitz struck me on the face and body.

By the Court. Q. With his fist?

A. Yes sir.

By Mr. Jerome. Q. They got the prisoner away?

A. Yes sir, and

had him as far as the door, just getting out they fired a mat, it was full of dirt and mud and it blinded us and hit me across the nose, I don't know who done that.

Q. When did you see these men?

A. There was reserve

officers that identified them as being the ones that punched me; they sent out reserves.

Q. You positively identify these three men?

A. Yes sir.

Q. You are sure they were in the crowd that were claspig around about you and assisted in taking away this prisoner?

A. Yes sir, they took him away.

0231

CROSS EXAMINED by Counsel.

- Q. How long have you been on the police force? A. A little over two years.
- Q. And have you been at the same precinct all the time? A. No sir.
- Q. What other precincts? A. The 27th.
- Q. Any other? A. No sir.
- Q. How long had you been in this precinct previous to the time of this alleged assault. A. About fifteen or sixteen months.
- Q. And were you previous to that time acquainted with the defendant Lubitz? A. No sir, not to my knowledge.
- Q. Had you ever seen him before that time? A. Not that I recollect.
- Q. You speak of going into this Hall, was that a Hall of some particular organization? A. It is a hall that anybody can hire and occupy it.
- Q. Do you know who had possession of it that day? A. As I have understood since, it was the Kneg Pants strikers employees.
- Q. You followed somebody in there? A. Yes sir.
- Q. Do you know to-day who that somebody was? A. No sir.
- Q. You have not learned his name? A. No sir.
- Q. You have not seen him since? A. No sir.
- Q. Have you made an effort to find that same party? A. Yes sir, I went around and tried to get a description of this man so as to arrest him.
- Q. Would you know the man if you saw him? A. I do not think I would, I had hold of him.



0232

Q But you do not think you would know him if you would see him?  
A. No, I had not much time to study his features in that crowd.

Q. Had you ever seen him before ?  
A. Not to my knowledge.

Q. You say there were two or three hundred in there?  
A. Yes sir.

Q. They attempted to prevent you taking a prisoner out?  
A. They did.

Q. Or rather, you took two prisoners?  
A. Two prisoners.

Q. All these people gathered around you, did they?  
A. Yes sir.

Q. First they asked for an explanation and you gave it to them?

A. They did not ask for an explanation at all, they jumped right on to me as quick as I got hold of the man, I explained to them in Hebrew, thinking that the easiest way was the best.

Q. You gave an explanation?  
A. Yes sir.

Q. At the time you gave this explanation did you see the defendant?  
A. Not at that time.

Q. When was the first you saw of this defendant Lubitz?

A. When I started to go out with my prisoners.

Q. Were you outside the Hall?  
A. No sir.

Q. Whereabouts were you?  
A. I was about the center of the Hall.

Q. Was the crowd all around you at that time?  
A. They kept pushing me right in, closing in on me.

Q. The crowd surrounded you at that time, did it?

A. Yes sir.

Q. Were all these people, the two or three hundred you speak of,

0233

about you then? A. As near as they could get, all in sort of ring.

Q. You still hung on to your two prisoners? A. One was taken away immediately, they got hold of me, I only held on to one.

Q. When you first saw the defendant did you have hold of one of the prisoners? A. One prisoner.

Q. What was the defendant doing? A. The defendant and the others, some of the others were pushing and hitting at me.

Q. Do you mean to swear that this defendant hit you?

A. Yes sir, I do not recollect what part of the body.

Q. You never had seen that man before that day?

A. No sir.

Q. Where did he hit you? A. He struck me on the body or the face, I am not positive which.

Q. What did he strike you with? A. With his hand.

Q. With his open hand or clinched fist? A. That is pretty hard for me to recollect in a crowd of that kind; they struck me to take the prisoner away from me.

Q. Did this defendant strike you hard enough to make you relax your hold? A. Yes sir.

Q. You do not know whether he struck you with his open hand or fist? A. I had not time to look, I could not help looking at him when he was in front of me.

Q. Were not you looking at him when he struck you?

A. I was trying to ward off all their blows, I was not paying any particular attention to him.

Q. How many people struck you at that time? A. I could not count them.



0234

- Q. Five or six? A. Yes, more than that, I am not afraid of five or six ordinarily.
- Q. A dozen of them? A. Every one of them that could get at us.
- Q. Struck you? A. Yes sir, they were all anxious to get well at us because this girl incited them on.
- Q. I suppose that girl was Kinsburg? A. Yes sir, she shouted in Hewbrew, "kill them, they are our brothers, do not let the officers take them out." When Officer Henry tried to get at me she jumped at him.
- Q. Did you see this defendant before he struck you?  
A. I do not know that I paid particular attention to him before he struck me.
- Q. Were not you somewhat excited by all these people pushing upon you? A. I was not excited, but I done the best to save myself from getting hurt, I was not severely hurt but Officer Henry was.
- Q. You did not have any black eyes or bruises? A. I only had my hat knocked off and blows on the body and face but Officer Henry had his face scarred up.
- Q. Had you any black eyes, was your face cut at all?  
A. No sir.
- Q. When did you first identify this defendant as one of the parties who had assaulted you? A. As quick as assistance came, before I left the Hall.
- Q. How many others did you identify as parties who assaulted you? A. Only two others.
- Q. Were you able to select those out of the crowd?  
A. I selected those three whom I was positive assaulted.

0235

me; there was others that assaulted me, we could have arrested fifty there.

Q. Could you have identified fifty?

A. No sir, that is

why we did not make the arrests, I was not positive as to the ones assaulted me except these three.

Q. How long a time elapsed from the time you saw this defendant strike you until the reserves came?

A. The reserves

came afterwards; there was Officer Calhoun, he came rushing in quick as he heard the trouble, it was on his post, alarm raps were given, Detective Stapleton was there in citizen's clothes, Officer Henry came right in after because we were both detailed together that night.

Q. How long after you saw this defendant strike you before he was arrested?

A. I should judge ten or fifteen

minutes; he could not get out of the Hall but he was in with the crowd, I was not standing guard, we were trying to get out ourselves with the prisoner, we had him as far as the door leading out into the hallway.

Q. At the time you saw this defendant strike you did you still have hold of your prisoner?

A. Yes sir.

Q. Was there anybody else at the same time striking you?

A. I was receiving blows from all directions and I was doing the best I could, I cannot answer, there was so many striking me.

Q. Isn't it a fact that there was so many striking you that you do not know who struck you?

A. I do not know who

struck me with the exception of those three that I positively identified when assistance came.

Q. Did you charge this man at the time that you arrested him



0236

with having assaulted you?  
him with it.

A. Certainly I charged

Q. What did you say to him?

A. I said, "that is one of  
them that struck me"; [he was turned over to one of the other  
officers, I picked out the other two co-defendants and the girl

Q. Did the defendant strike you more than once?

A. I am not positive as to that.

Q. You do not know whether he struck you in the face or on the  
body?

A. How could I tell?

Q. You say that you know the defendant struck you?

A. I am positive he struck me.

Q. Don't you know where he struck you?

A. No sir, I am  
positive he struck me, the other officer might know.

By Mr Jerome. Q. Where were those people arrested, in the Hall?

A. Yes sir.

Q. After the reserves came?

A. Officer Calhoun, Sta-  
pleton and myself were in there and some other officers had  
come there, Officer Calhou was knocked down too.

Q. These defendants were arrested in the Hall and the reserves  
came afterwards?

A. Yes sir.

0237

Monday, September 29, 1890.

MAURICE COHEN recalled by Counsel for the Defendant.

Q. Officer Cohen, did you draw a revolver that day during the  
melce in the Hall? A. Yes sir.

Q. Did you threaten to shoot? A. I threatened to shoot  
if they would not desist.

Q. And did you cock the revolver? A. No, I had it in my  
pouch.

Q. In a pouch? A. Yes sir, a black rubber pouch.

Q. Did you have it out of the pouch? A. No sir.

Q. Did you use a club upon that occasion? A. Yes sir.

Q. Was that before or after the defendant assaulted you?

A. After they assaulted me, after I put my revolver  
away, when Officers Calhoun and Henry came up I used my club  
the best I knew how.

Q. You struck the defendant and Levene? A. Yes sir.

Q. And a man named Sheresheroski? A. I do not know whom I  
did strike, I know I struck Levene.

Q. You did not strike this man, the defendant, A. I cannot  
tell, I struck so many of them there, as much as I could to  
protect myself, I am positive about Levene.

By the Court. Q. Have you any recollection of striking the defend-  
ant? A. No sir, I might have.

By Counsel. Q. Who took this defendant to the station house?

A. One of the other officers.

Q. You took Ida Kinsburg? A. Yes sir.

Q. When you got to the Station House what charge did you make  
against this defendant? A. The charge of assaulting an  
officer and rescuing a prisoner.



0238

- Q. Did you make that charge at that time? A. Yes sir.
- Q. Do you know Louis Levine? A. Yes sir.
- Q. Was he at the station house? A. Yes sir, I think he was.
- Q. He went to the station house? A. Yes sir.
- Q. Did you see him at the time you had the revolver in your hand? A. No sir.
- Q. Did you see him in the room at all during the trouble? A. No sir.
- Q. You are pretty quick tempered, are you not, Officer? A. No sir.
- Q. Have not you been complained of a great many times for the free use of your club? Objected to. Objection sustained.
- Q. Were you charged with shooting a man once? Objected to. Objection sustained.
- Q. Did you or any of the officers close the door and keep the crowd in from the time that you were assaulted up to the time of the rescue? A. Officer Henry and I were at the door with the prisoner when the mat was fired by Levene and struck us, we had to release our hold, we allowed nobody to go out until assistance came.
- Q. Then from the time that thi defendant struck you as you say up to the time that the reserves came, he did not go out of the room, did he? A. No sir, he could not get out.
- Q. You know that he did not get out of the room? A. He could not get out.

0239

MAURICE COHEN, recalled by Mr. Jerome.

Q. What man after this prisoner whom you had in custody escaped from you ---- whom did you arrest after that? A. Lubitz.

By Counsel. Q. Did you arrest him? A. I got hold of him first and turned him over to the other officers, I turned him over to Calhoun or Henry, I don't recollect which officer, I had several others there with me.

By the Court. Q. Let us have the exact situation of the Hall, commence at the outside? A. It is about three or four steps leading up into an entry like from the street and in the rear of that entry, not quite in the rear, there is a side door leads into a sort of ante-room and adjoining that anti-room and fronting the street is another room and the Hall proper is about two or three steps up and leads right into the main Hall.

Q. There is a way of entrance into that big Hall from the two rooms you described? A. Yes sir.

By Mr. Jerome. Q. Is there an entrance from this place where you first came in? A. Yes sir, there is an entrance from the saloon underneath coming out through the private room which takes part of that ante-room away.

By the Court. Q. Where was Lubitz when you arrested him? A. Lubitz was right on the steps of the Hall when I arrested him leading into the main Hall.

By a Juror. Q. From the anti-room into the main Hall? A. Yes sir.

By Mr. Jerome. Q. Was he in the main Hall or the ante-room? A. He was midway on the stairs between them when I got him; there was nobody could get out or get in, the balance



0240

of the reserves, the officers that came to our assistance barred the door so as nobody could get out.

By Counsel. Q. Did not they club them all out? A. I do not know what took place after we went away.

Q. Did not the reserves come in and club the people out of the Hall? A. No sir, they assisted me in making the arrest.

Q. There was no clubs drawn? A. No sir, not while I was there.

Q. Are there any steps from this small room leading into the main hall? A. Steps going forward, going up from this ante-room into the main Hall.

By the Court. Q. The floor of the ante-room is three steps below the floor of the main Hall, is that right? A. Yes sir, about three steps.

By Counsel. Q. And the large Hall is higher? A. Yes sir, higher.

Q. And the small room is about three steps lower? A. Yes sir.

0241

COURT OF GENERAL SESSIONS, PART I.



0242

5/90

THE PEOPLE

vs.

MAX SPERESHEROSKI  
and  
PINCUS LEVIENE .

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTH.

Friday, May 29, 1891.

Jointly indicted with SOLOMON LUBITZ for assault in  
the second degree.

Asst. Dist. Atty. McIntyre for the People.

Counsel assigned for the Defendants.

MORRIS COHEN, sworn and examined by Mr. McIntyre.

Q. Officer Cohen, what precinct are you connected with?

A. At present the 8th.

Q. And what precinct were you connected with on April 17, 1890.

A. The 11th precinct.

Q. Where was your post at that time? A. My post was known  
as the Market, Ludlow Street, Orchard Street, Hester and  
Essex Streets.

Q. On April 17, 1890 did you see a man named Rubinsky?

A. Yes sir.

Q. Where? A. On Orchard Street between Hester and Canal  
Streets.

Q. Had anything happened to him if you know? A. Yes sir.

Q. What? A. He was assaulted with an iron bar.

Q. And a complaint was made to you? A. Yes sir.

Q. Where did you go in consequence of that complaint made to  
you?

A. I was standing on the center of the block  
with Officer Henry and this Rubinsky came up to me and  
spoke to me in the Jewish language telling me ----

0243

Objected to.

By the court. Q. You understand the Jewish language?

A. Yes sir.

Q. In consequence of what he said to you what did you do?

A. I chased after the man that had been pointed out as the one that assaulted Rubinsky.

By District Attorney. Q. Do you know what that man's name was?

A. No sir.

Q. Where did you chase him? A. Down Canal Street into East Broadway and the American Star Hall.

Q. Where is it? A. About fifty feet near Rutger Street on East Broadway.

Q. Did he go into the American Star Hall? A. Yes sir.

Q. Did you follow him in? A. Yes sir.

Q. When you got inside what occurred, what was going on in the American Star Hall if you know? A. A meeting of the strikers, the knee pants makers.

Q. When you got in there did you see the man that you chased? A. Yes sir.

Q. What occurred? A. I seized hold of him and I was going to take him to the Station House on the complaint of Rubinsky for assaulting him; Rubinsky pointed out another man whom he said also assaulted him; I had hold of those two and started to take them out of the hall when a crowd of three or four hundred people surrounded me and would not let me take them out. I explained to them in their own language and they said they would not let me take them out, that they had done nothing; I explained if they done nothing they were all right but they would have to go to the



0244

station house on this man's complaint.

Q. Did you hear anything else? A. Yes sir, a young girl got up on a chair and urged the crowd not to let me take them out as they were brothers. With that, before I knew anything one of the prisoners was taken away from me.

By the court. Q. Which one of those two men? (The defendants.)

A. No sir, the ones that I had arrested for the assault.

Q. When you got into the hall Rubinsky who was assaulted pointed out another man and you arrested both?

A. Yes sir, one of those men was dragged from me, taken right from me and the mob closed in on me and I backed myself through the crowd and got right in with my back against the wall holding on to this other prisoner --- the other man that I had arrested, I still had him in custody. With that they ran at me and tried to take him from me.

Q. The crowd A. Yes sir; I saw Officer Henry trying to get at me; there is a bench runs around the hall and I stood on that bench as they came to go for me and I drew the revolver and pointed it at the crowd and told them the first man attempted to take him from me I would shoot him.

When Officer Henry reached me I put the revolver in my pocket and started to go out with the prisoner. In the center of the hall the crowd struck at us and we struck at them to keep them back; there is an ante-room two or three steps near this; the prisoner was taken from me and these two defendants assaulted me and struck several blows at me



0245

and Levene stooped and picked up a mat full of dust and dirt and fired it.

By the Court Q. These two defendants struck at you with their fists?

A. Yes sir, and Levene stooped down and picked up a mat that was full of dirt and dust and threw it at us. As he threw it at us the prisoner was seized from me.

Q. Rescued? A. Yes sir.

By District Attorney. Q. After the prisoner was rescued what occurred? A. Some reserves from the 7th precinct came there --- they all rushed in there.

By the Court. Q. Reserves came? A. Yes sir; Officer Calhoun came in; we guarded the doors so as to let nobody out, still thinking that the prisoners who were rescued from me were in there. I picked out the persons that assaulted me.

Q. Those are the two? A. Yes sir.

Q. They were taken by the reserves and yourself I suppose to the Station House? A. Yes sir, to our own precinct.

By District Attorney. Q. Levene is the one who threw the mat?

A. Yes sir.

Q. Speresheroski, what did he do? A. He was with the rest of them punching at me and hitting me.

By the Court. Q. Were you in uniform at the time? A. Yes sir.

Q. So was Henry and Calhoun? A. Yes sir.

By District Attorney. Q. When was it that Officer Calhoun came in there? A. I did not see him come in there; by the time he came in I had this prisoner down the steps getting to the door.

Q. Do you mean the prisoner at the bar? A. No sir, one of the men that I chased.

0246

CROSS EXAMINED by Counsel.

Q. Now the man who assaulted Rubinsky was not any of these prisoners here. A. No sir.

Q. And the first time that you saw these men was when you were on the steps leaving with that one prisoner?

A. No, I saw them in the Hall, the first time I saw them in the Hall proper.

Q. Were there many others around at that time? A. Three hundred or three hundred and fifty.

Q. In the hall? A. Yes sir.

Q. All crowded in the Hall? A. All crowded, men and women.

Q. What made you first notice these two particularly?

A. Because they were nearest to me.

Q. Was it light in the Hall there. A. Yes sir.

Q. Many lamps around and gas? A. All the gas was lit.

Q. Were there any others that were resisting you, taking these prisoners beside these two men? A. All hands that could get at us.

Q. How was it you noticed these two particularly?

A. I could not help seeing them, they were facing me, I had the prisoner as far as the door leading into the outer hall.

Q. You say that Levene fired a mat at you? A. Yes sir.

Q. Did he hit you? A. He hit the three of us, covered us almost blinded us, we had to let go of the prisoner.

Q. Did any part of the mat strike you? A. Yes sir, it struck the three of us.

Q. I mean did it strike you? A. Yes sir.

0247

- Q. What part of you? A. The head.
- Q. Did it cause you to be dazed in any way? A. It caused the dust to come into my eyes, I was full of mud and dirt, it stunned me only to get the dust in my eyes and bewilder me for a moment.
- Q. You are positive that you saw Levene throw this mat, are you? A. Yes sir.
- Q. What did this other prisoner do? A. He struck at me with his fist.
- Q. Assaulted you with his fist? A. Yes sir.
- Q. Did he hit you? A. Yes sir.
- Q. Where? A. Different parts of the body.
- Q. Well, name them? A. The breast and face.
- Q. Did you hit him back? A. I hit Levene.
- Q. You hit Levene with your club? A. Yes sir.
- Q. Do you remember where you hit him? A. On the forehead.
- Q. Did you hit him after he threw the mat or before?  
A. I think it was after he threw the mat he made another dash and I hit him.
- Q. Did you hit the other defendant? A. I do not know, I might have.
- Q. You do not remember whether you did or not?  
A. I am not positive.
- Q. Were you a little excited at that time? A. Not very much.
- Q. Not very much? A. No sir.
- Q. Then when did you next see these two prisoners, did you arrest them?  
A. I arrested one of them, I had one of the prisoners, I next saw him in the Station House; when



0248

the reserves came Officer Henry -- ---I did not have one of these, I had the girl.

Q. You had the girl? A. Yes sir.

Q. And when was it next that you saw both of these prisoners?

A. In the Station House; we all went to the Station House together. If you will allow me to explain I will tell you how it was. I did not have one of these prisoners I arrested them at that place and turned them over to other officers.

Q. Were there any others arrested beside these two?

A. Yes sir.

Q. Where did you identify them? A. Picked them out in the Hall.

Q. You picked them out in the Hall? A. Yes sir.

Q. Did a large crowd follow you to the Station House?

A. Yes sir.

Q. Do you remember any of the others at that time in the Hall that were striking at you too besides these men?

A. As I told you before, they were all striking at me that could get near me; I received blows in every direction, I could not positively identify any but these two and that is why I made no other arrests.

Q. Did you arrest them at that time? A. When the reserves came.

Q. You arrested these two and handed them over to the reserves? A. Yes sir.

Q. At the time you arrested them were they the nearest men that you grabbed? A. No sir.

Q. Were they arrested from these other people?

0249

A. They were with the crowd standing back, we held them all in the hall until the reserves came.

Q. Were not they the nearest men that you could get hold of?

A. No sir.

Q. Were there others just as near? A. Yes sir, they were altogether.

Q. Where were those men standing, back or front of the crowd.

A. In the crowd.

Q. Were they quiet when you arrested them or were they turbulent? A. As regards quiet, they did not attempt to strike me then.

Q. Did they resist arrest then? A. They could not, there was too many policemen there then, about twenty.

Q. They went quietly along, is that it, as far as you know?

A. Yes sir.

ROBERT HENRY, sworn and examined.

By District Attorney. Q. Officer Henry, what precinct are you connected with? A. The 11th precinct..

Q. What precinct were you connected with on April, 17 1890.

A. The 11th precinct.

Q. Do you know where the American star Hall is?

A. Yes sir.

Q. Were you in the American Star Hall on the 19th day of April, 1890? A. Yes sir.

Q. Who did you see there on that day? A. I saw Officer Cohen, he was in there.

Q. Do you know what was going on there that time?

0250

A. Yes sir, there was a meeting of the knee pants strikers.

Q. State all that you saw? A. We were sent down by Capt. Cassidy in the Hebrew Market, that is the place where this Rubinsky was assaulted; while we were down there the man came up to us, Rubinsky, with his head streaming with blood; he said he had been assaulted.

Q. Where did you go? A. He spoke to Officer Coch and we went from there towards the American Star Hall and while we were going on the corner of Orchard near Canal Street Rubinsky pointed the man out and he said, "that is the man that assaulted me."

Q. What did you do? A. Officer Cohen, myself and Rubinsky followed him to the American Star Hall. Officer Cohen went in with Rubinsky and I stopped outside for a few minutes to keep the crowd back; while I was there a boy came running up and said -----

Q. A boy came up and said something A. The boy came out and I went inside and Officer Cohen had two prisoners that Rubinsky had pointed out, that one of them had assaulted Rubinsky. In the meantime Officer Calhoun came in and he started first to Cohen with his two prisoners, me bringing up the rear and while we were going out we were assaulted by these prisoners and others - --- these two men at the bar and others, those are the two.

Q. Describe to the Court and Jury in what way you were assaulted? A. They rushed for us and grabbed hold of us and struck us.

Q. Was anything thrown? A. There was a mat.



0251

Q. At whom? A. Thrown at us; I saw Lovene pick up the mat and throw it.

Q. What time of day was it, Officer? A. I should judge if I remember right it was between eight and nine o'clock, I cannot say precisely just when it was.

CROSS EXAMINED.

By Counsel. Q. Were you there when Officer Cohen arrested the two men that he was bringing out? A. No sir.

Q. He had two prisoners at that time? A. Yes sir, two prisoners.

Q. Did he hold on to those prisoners all the time until these men started to assault him? A. Yes sir.

Q. He did? A. Yes sir, as near as I can recollect he was in the center, Officer Calhoun ahead and I was in the rear bringing them out.

Q. What did you do when you came in? A. I pushed my way in to assist my brother officer; Officer Cohen.

Q. What did you do? A. I told Cohen ---- we stopped there a minute, he commenced to explain that these were the men after Officer Calhoun came in, I started, Calhoun in front and Cohen in the center and myself in the rear to take the prisoners out.

Q. To take the two prisoners out? A. To take the two prisoners out along with the complainant to the Station House in Elridge Street.

Q. You did not hear Officer Cohen's testimony? A. No sir.

Q. You were outside, weren't you? A. I was outside.

0252

Q. And then what next occurred? A. While we were going out we were assaulted by the prisoners and others.

Q. How did you come to notice the prisoners particularly?

A. I could notice them because in all such cases we take particular notice.

By the court. Q. You noticed the man who threw the mat at you?

A. Yes sir.

By Counsel. Q. You saw him pick it up before he fired it?

A. Yes sir.

Q. You saw one of these prisoners, is that it?

A. Levene.

Q. This one with the beard? A. Yes sir.

Q. Did he have a beard at that time? A. Yes sir.

Q. Was the light there in the hallway? A. Perfectly light, gaslight.

Q. It was perfectly light? A. Yes sir.

Q. Did the mat hit you? A. I got part of it.

Q. Where did it strike you? A. It struck me on the shoulder, I was all covered with dust and dirt when I got to the Station House.

Q. Were there any other men right close to you together with these two prisoners? A. As near as I can recollect Officer Calhoun I think was around.

Q. I do not mean officers, were there any of these knee pants makers? A. There was several, three or four hundred.

Q. They were all surrounding you? A. No, they were in the large Hall.

Q. How many people were in the Hall exclusive of those

0253

prisoners at the time that the mat was thrown?

A. O, there might have been thirty, forty or fifty.

Q. Were all of them advancing towards you in a threatening manner?

A. No, some of them were back against the wall.

Q. How many took part in the assault?

A. There might be a dozen or fifteen.

Q. You did not arrest any of those, did you?

A. There was five or six arrested.

By the Court. Q. Others were arrested by the reserves?

A. Yes sir, the ones that we were sure and positive that we saw commit the assault and was right there in the crowd, we arrested.

By Counsel. Q. What became of them do you know?

A. No, some of them were discharged.

Q. You say that Levene threw the mat, what did this prisoner do?

A. I saw him strike Officer Cohen

Q. Where?

A. Struck him with his fist.

Q. What part of Officer Cohen's body?

A. I could not say.

Q. You do not remember that?

A. NO.

Q. Did he strike him more than once?

A. Yes sir, several times.

Q. Did Officer Cohen hit him back?

A. No, I did not see him.

Q. Did you see this man's head at any time, whether it was cut, hit with a club or anything?

A. Levene's head was cut, I believe.

Q. Levene's head was cut?

A. I think so.

Q. Did you strike either one of these prisoners with your club?

A. Not as I know of, I cleared my way that night.



0254

By the Court. Q. You cleared it with your club? A. Yes sir, I cleared it with the stick, I could not say whether Levene was struck.

By Counsel Q. Do you remember striking anybody at that time in that vicinity, in the hallway there? A. I had to strike out, I had a woman that had both her hands planted in my face and holding on to me.

Q. Did you take these prisoners to the station house?

A. They were all got together and all of us officers with the reserve took them to the station house.

Q. When you got to the station house did Cohen pick out any of them in your presence? A. Yes sir, the ones that were there that was in the assault.

Q. Did he particularly pick out either of these two?

A. These two.

Q. He picked out these two? A. Yes sir.

Q. In preference to all the rest? A. Yes sir, as the ones that assaulted him.

Q. Were these standing among the others when the identification took place? A. They were right among them.

Q. And he picked the two right out? A. Yes sir, he picked the two right out.

Q. Did he say anything about these that assaulted him?

A. No, only these that he picked out he identified them.

Q. Who made the complaint at the Station House?

A. Officer Cohen.

Q. Did he make a complaint against anybody except these two?

A. Yes sir, he made a complaint against three, I think three or four.

0255

Q. Did you pick them out at the station house too?

A. No sir, I made a complaint against the woman.

By the court. Q. She had her hands in your eyes? A. Yes sir.

By a Juror. Q. How large comparatively was this map that he threw?

A. It was a mat I suppose that would reach probably ten or fifteen feet.

By the court. Q. A big long mat? A. A big, long mat that is used to walk on, about three feet wide.

By a Juror. Q. You say there was a crowd there A. Yes sir, the strikers meeting, there was probably three or four hundred people in this Hall at the time.

LEWIS RUBINSKY, sworn and examined, by the District Attorney through the Interpreter.

Q. Where do you live, Rubinsky? A. In East New York.

Q. Where did you live on April 17, 1890? A. No. 24 Orchard Street I lived in New York City.

Q. And just before that time for whom were you working?

A. My own business, on my own account.

Q. What was your business? A. Knee pants manufacturer.

Q. About that time were you on a strike? A. Yes sir --- I did not make the strike, I was not on the strike.

Q. Were you assaulted on or about the 17th day of April, 1890?

A. I was beaten.

Q. Where? A. In Orchard Street.

Q. By whom? A. One by the name of Bolinsky and another man whose name I do not know --- they assaulted me.

Q. What place in Orchard Street was it? A. In the street



0256

I was assaulted.

Q. What did they do? A. They beat me with sticks.

Q. Where? A. Here on the head.

Q. What for? A. For nothing.

Q. Was your head cut? A. When they were beating me they said, "why do you work."

By the court. Q. Was his head cut? A. Yes sir, it was bleeding.

Q. Did he see Officer Cohen that day? A. Yes sir.

By District Attorney. Q. Where? A. On the street I saw Officer Cohen.

By the court. Q. Did he tell Officer Cohen what those men had done to him? A. Cohen just came up whilst they were assaulting me.

Q. Did Officer Cohen follow the men that assaulted you?

A. Yes sir, he run after them to arrest them.

Q. Where did he follow them to? A. Into the hall, 165 East Broadway.

Q. The American Star Hall? A. Yes sir.

Q. Did you go down with Officer Cohen? A. I went with Officer Cohen.

Q. Do you know what was going on at that time ~~when I called~~ in that Hall? A. Yes sir.

Q. What? A. There was a meeting as I understood.

By the court. Q. Ask him when he got into the American Star Hall with Officer Cohen if he had pointed out to the officer the men who had beaten him in Orchard Street with a stick or either of them? A. Cohen himself took the people and I showed them to him also.



Q. He did show him the people that struck him with the stick?

A. Yes sir.

Q. And Cohen took them?

A. Yes sir, Cohen took them.

By District Attorney. Q. What was done after you got inside, did you see the defendants do anything? A. I cannot tell particularly for those two ----- all the people in the Hall were assaulting Cohen.

By the Court. Q. Ask him if he saw those two men amongst the people who were in the Hall? A. Yes sir.

Q. Were they there at the time that he saw Officer Cohen assaulted? A. Those two were in the Hall whilst Cohen was arresting the other two.

By District Attorney. Q. Did you see a mat thrown?

A. Yes sir, I do not know who threw the mat.

By the Court. Q. He saw the mat in the air, did he?

A. Yes sir, I saw it in the air.

By Counsel. Q. How large was that mat? A. Very big.

Q. Was it ten feet long? A. I do not know ----- a small thing about that size (illustrating ).

By District Attorney. Q. Ask him how long? A. About that size square (illustrating).

By a juror. Q. Ask him whether that mat was rolled up or flat on the ground? A. It was flat, lying on the floor.

By Counsel. Q. Did you see it in the air hitting any of the officers? A. It fell on all the men, there was a big crowd there.

Q. Did you see the man that lifted that mat and threw it?

A. No sir, I did not.

District Attorney: The People rest.

The Case for the Defence.

Counsel: I move to dismiss the indictment.

The Court: On what ground?

Counsel: I do not think there is sufficient evidence to sustain it.

The Court: It is assault in the second degree to assault an officer without a weapon as long as the officer is in discharge of his duty. There is abundant evidence if the Jury believe it, to show that these officers were roughly handled; there is abundant evidence here to show that <sup>a</sup> ~~the~~ man was assaulted, that a man made a complaint to the officer and pointed out two men that ran into this Hall; the officer pursued these men and arrested the men who were pointed out to him as the assailants and he was surrounded by a mob composed partially of those two gentlemen who are at the bar and he was assaulted and beaten. If the Jury believe that it is a case of assault in the second degree.

MAX SPERESHEROSKI, sworn and examined by Counsel through the interpreter.

- Q. Where do you reside? A. No. 83 Mott Street I am living at present.
- Q. And what is your business? A. Knee pants operator for children.
- Q. What were you doing on April 17, 1890? A. I was working in the same business.
- Q. Where were you on the evening of the 17th of April, 1890?  
A. I was in the meeting in that Hall.
- Q. What is it, American Hall? A. American Hall.

0259

Q. How many were there beside you if you know?

A. About six hundred men were there, it was full, crowded.

Q. Where were you when you had the first intimation that the police came?

A. I was sitting on the bench when the police came up in the rear hall near to the platform where the speakers are.

Q. What did you do when the police came up?

A. I remained

sitting with other people who were sitting also on the bench.

Q. What did the police do, if you know?

A. There was a

great gathering of the people, all the people got into one place, pressing against each other and I could not see what was going on.

Q. How many police came in at the beginning?

A. I did not

see the first coming but I heard others say that two policemen came in ----- others were halloeing out two policemen came in.

Q. Did you sit there on that bench during the whole of this melee?

A. I remained sitting on the bench.

Q. Where were you when the officers arrested you?

A. I was sitting on the bench and the policemen took me away from the bench and arrested me while I was sitting on the bench."

Q. Was it Officer Cohen that you saw here?

A. I did not

know the policeman before, I cannot tell which policeman arrested me because at that time I did not know any one of them.

Q. I understood you to say that you were on the bench in the back part of the Hall at the time that you were arrested, is



0260

that so?

A. I was sitting away from the door on the bench nearer to the platform when I was arrested.

Q. Before you were arrested were you at any time during the evening or at the time the police officers were there, in the Hall?

A. He says he was sitting in the Hall on the bench.

Q. I mean the hallway where these policemen testified that the assault took place?

A. There is a little room in the hall.

By the court. Q. Ask him if he was sitting upon the bench at the time that the policemen came and took hold of him or whether he was standing up?

A. I was sitting still when the policeman came up to me and arrested me, I did not suspect the policeman that he comes up to me, I remained sitting.

By Counsel. Q. Had there been a row before that?

A. There was something going on, there was great confusion there but I did not know really what it was, I could not say because there were too many people there in front of me.

Q. Where was your friend here at that time that you were arrested?

A. He was already arrested when they came up to me.

By the Court. Q. His friend came out?

A. Yes sir, he was held by the police already when I was arrested.

By Counsel. Q. Did you that evening at that time strike any officer or policemen?

A. No sir, I was sitting on a bench. I did not interfere in the disturbance, in the fight what was going on there, and when the policeman arrested me I did not know why he was arresting me, I did not know why when he came up and caught hold of me.

Q. Did any policeman strike you that evening?

A. No, I was

not beaten by the policeman when he took me.

Q. How many men were taken to the station house?

A. He wants to explain something. I asked him, I say, "why do you take me, what do you want with me?" He gave me a pull and said, "come on", and I went along.

Q. Do you remember arriving at the station house?

A. Yes sir.

Q. How many other of the friends of yours knee pants makers were there with you arrested?

A. They were not friends of mine, the others that were brought up, I knew that they were knee pants makers because I saw they were taken from the Hall but they were no acquaintances of mine.

Q. Do you know this man Rubinsky?

A. No sir, I do not know Rubinsky. Whilst I was out on bail I asked Rubinsky if he ever knew me and he said no.

Q. Now did the officers at the station house pick you and your friends out among the rest as being the ones who hit them?

A. I could not understand, I did not know what they said in the station house, I did not understand what was said in the Station House.

Q. Did you see a mat lying on the floor of that Hall that night.

A. I do not know, maybe there was a mat.

Q. Did you see any thrown at the officers, I did not see that, I did not see anything thrown at the officers.

CROSS EXAMINED by District Attorney.

Q. Did you see any mat in the Hall?

A. I do not know, I think that there was something lying on the floor there, but it is over a year now, I do not recollect what really it was.

0262

Q. How large was it? A. I cannot recollect because it is long ago, I do not recollect the size but I think there was some mat lying on the pass from the little room to the big hall.

Q. Did you see the officers come in to arrest anyone?

A. I was far away from the door, I was nearer to the platform in the direction of the platform and I did not see when the first officers came in.

Q. Did you see anybody attempt to assault the officers?

A. I did not see that part.

Q. They did not do anything to the officers at all?

A. I saw a disturbance and the moving of the crowd but I did not know what was going on.

Q. The crowd was not doing anything to the officers ask him that?

A. I did not see the officers until I was arrested, I saw a big crowd moving and a great noise and confusion but I did not see any officers because I was behind the crowd.

PINCUS LEVENE, sworn and examined by Counsel through the Interpreter.

Q. What was your business April 17, 1890? A. I was working on a machine for children's pants.

Q. A knee pant maker? A. Yes sir.

Q. Now were you at this hall that you have<sup>heard</sup> testified to, on that night? A. Yes sir.



0263

Q. Did you see the officers enter the Hall? A. I was sitting not far from the door and I saw that officers came but I could not tell who the officers were then.

Q. When the officers came in what did you do? A. I remained sitting.

Q. Do you know where your friend was at that time?

A. I did not know the man before only since we have been arrested I know the man, I did not know him before.

Q. Did you see any row occur that night? A. I remained sitting and the policemen passed me and went further into the Hall; at that time all the people got up on their feet and I went up to the people also and I said, "well, it is better we remain sitting because if they want to do anything, if they want to arrest somebody we will get them out afterward but the people stood up immediately, a kind of disturbance among the people commenced.

Q. At the time of this disturbance how close were you to the officers? A. When the people commenced to run, to accumulate together, the I was about the distance from here to the District Attorney from the officers.

Q. Now did you see a mat on the Hall that night?

A. I cannot recollect if there was any mat; it is fourteen months ago that happened, I do not know whether there was a mat or not.

Q. Did you see any mat that night thrown at the officers?

A. In the big Hall where the meeting took place there was no mat there.

By the court. Q. Ask him in the little hall was there a mat there?

A. When I went up to the crowd to see what is going

0264

on at that time I was as far as from here to the District Attorney; then I talked to the crowd as I said, and then I went back to my seat and sat down.

Q. What does he say about the mat? A. He will tell it, he is going on. I was not sitting for a long time when the policemen went out of the Hall, he went to the little room which is in front of the Hall and then the big Hall got quiet; there was not such a noise any more in the big Hall.

Q. Will you ask him if he went tell us about the mat, did you see a mat there? A. No, I did not see the mat because afterward I went to the front.

By Counsel. Q. You testify that everything became quiet?

A. In the big Hall in the meeting-room.

Q. Were you in the big Hall when it became quiet?

A. For a short time I remained in the big Hall yet after it got quiet.

Q. Were you in the big Hall when you were arrested?

A. In the front, in the little room.

Q. You were in the little room? A. Yes sir, I was in the front room.

Q. Was everybody arrested that was standing around you?

A. There was nobody there where I was standing; there was only a girl, me and another one and we were arrested, the girl, I and the other man who was since discharged.

Q. I will ask as a formal question, did you at any time during that evening assault any police officer of the city of New York? A. No sir, I did not.

By the Court. Q. He did not see anybody else do it, I suppose?

A. No, I did not see it.

Q. Ask him if he heard a young lady making a speech that night.

0265

from the chair?

A. Yes sir, I heard that.

Q. Did he hear the young lady tell the crowd there not to allow the officers to take anybody, that they were all brothers?

A. I heard her say so.

Q. And did not the crowd all get up and get round the officers?

A. At that time there was only one policeman in the Hall and the people remained standing.

Q. How many people were in the hall at that time, about two or three hundred?

A. The Hall was crowded full.

Q. And did not the policeman speak to them and tell them he was an officer and that he came there to arrest somebody?

A. I was too far away from the policeman, I saw the policeman talking but I could not hear.

Q. Did he see the policeman pull out his revolver?

A. I did not see that.

Q. All he saw was that the policeman came up and took him off?

A. I went from the Hall into the little room and then I was arrested, I and another one and a girl.

By a Juror. Q. Is it true, as the officer states in his sworn statement, that he saw you pick up a mat and throw it on top of him and the other officers and blind him with dust?

A. I did not, I could not do it.

By District Attorney. Q. Ask him if he saw anybody throw a mat?

A. I did not see it.



0266

ABRAHAM ROSENSTEIN, sworn and examined by  
Counsel through the Interpreter.

Q. What is your business? A. Boss tailor, I have my own business.

Q. Do you remember the evening of April 17, 1890?

A. Yes sir, I remember.

Q. Were you in the Hall that they were holding a meeting in that night.

A. Yes sir .

Q. Did you see ~~any~~ either of these defendants there that night?

A. I was sitting next to Speresheroski, I and two others and several people were sitting around there.

Q. Do you remember when the police first came into the Hall?

A. There were about six hundred people in the Hall and I did not see the policeman come.

Q. Did you see any row that took place around there?

A. I saw that the people are pushing all towards one direction and I did not want to go to be pushed along.

Q. At the time that this pushing took place where was Speresheroski?

A. He remained sitting with me, I remained sitting and he remained sitting.

Q. Did he remain sitting there during all this row?

A. We remained sitting during the whole time that the noise took place, I did not want to get into the crowd to be squeezed into the crowd.

Q. Did you see this defendant Speresheroski arrested?

A. He, (the officer) arrested several, he looked around and he came up to this man and he arrested him.

Q. He arrested him? A. Yes sir, he arrested several.

Q. Now did not you see this other man during the whole evening.

there?

A. The other one I did not see in the evening, I was sitting with Speresheroski, I knew this man before so we sat there, but the other man I did not notice in the crowd (Levene).

Q. Did you hear any woman get up and say to resist the police, or words to that effect?

A. There was so big a crowd, such a pushing crowd against each other that I did not hear anything of what was said, I remained sitting.

Q. Did you at any time during the evening see this defendant Speresheroski strike the police officer?

A. No sir, he was sitting with me the whole time and did not strike any policeman.

Q. Until he was arrested?

A. Until he was arrested; I do not know even now way he was arrested.

Q. Did you go with him to the station house?

A. I was afraid, I thought he might arrest me also, I thought I might as well be arrested so I did not go along, I went home.

Q. Did you see <sup>a mat</sup> ~~him~~ on the floor either in the small room or large Hall?

A. I did not notice, I did not pay attention.

By the Court. Q. Did he notice a mat up in the air?

A. I did not see it, there were a good many people and I could not see what was going on.

By Counsel. Q. Did you see anything thrown through the air of large size?

A. There was a big noise and a pushing and we were sitting behind the crowd looking on; we did not know what was the matter and did not see anything.

By District Attorney. Q. You did not hear the girl say anything at all?

A. NO.

Q. Did not hear anybody say, "we are all brothers."

A. I did not hear it.

By the Court. Q. Did not he see a young lady stand up on a chair and make a speech there that night? A. No, I did not see it.

Q. Did not he see or hear anything of that sort at all?

A. NO.

Q. And he was there all the time? A. I did not see the police till he came up to us, I did not see anything.

Q. Ask him now if he did not see a young woman stand up on a chair and make a speech there that night?

A. I did not notice it.

By a Juror. Q. Ask him whether he was sitting next to one of the defendants there all the evening, all the time that he was in the Hall during the evening? A. I was in the Hall about an hour and a half maybe two hours, I do not know exactly the time. Right after I came into the Hall I sat with this man and another man and we were talking about business together.

By the court. Q. And he sat there for a whole hour and a half talking business? A. After the crowd commenced to move on and to squeeze I was afraid to get up from my seat.

Q. He sat there for an hour and a half all the time?

A. Yes sir.



ISRAEL SUMMER, sworn and examined by Counsel  
through the Interpreter.

Q. What is your business? A. At present I am a manufacturer of caps.

Q. What were you on April 17, 1890?

A. At that time I was an ironer in a knee pants factory.

Q. Now were you at the American Hall on the night of April 17, 1890?

A. Yes sir.

Q. Did you see ~~see~~ either of these defendants there that evening?

A. I came about half past five or six o'clock there, I was sitting with Max Speresheroski.

Q. With this man (pointing to him)?

A. Yes sir, I was

sitting with him.

Q. Where?

A. The other man when I arrived at the Hall I saw him sitting in the hall not far from the door when I arrived.

By the Court. Q. Who was the other man?

A. Pincus Levene,

he does not know the name.

By Counsel Q. Were you acquainted with either of these two prisoners before that night?

A. I knew Levene before that evening and I got acquainted the same evening in the meeting with Speresheroski.

Q. Do you remember the officers coming in that night?

A. I was deep into the Hall near the platform, and I saw that in the front of the hall near to the door all at once a disturbance took place there and I did not know what the disturbance was. Then the people got quiet, then policemen came in and when everything was quiet and they went through the Hall everywhere around looking at one and another and took Max Speresheroski.

0270

Q. I will ask you again where were you when the police first came in? A. I was in the Hall, in the big Hall.

Q. Did you see the row? A. I saw there was a disturbance and ever, one stepped on a chair and wanted to see, I could not see what was going on.

Q. At the time of this disturbance did you see ~~any~~ either of these defendants, Levene or Spersheroski?

A. I saw Spersheroski, he was sitting next to me.

Q. Did he sit there during all this row? A. He remained sitting, he did not get back.

Q. Did you see when he was arrested, did you see him arrested?

A. I saw that.

Q. Did he sit quiet there during the whole time till he was arrested? A. Yes sir.

Q. Did you sit there also? A. I was sitting also.

Q. How far away was that where you were sitting from the place where the row occurred? A. I was sitting about two or three steps from the corner, the Hall was a very big one.

Q. Can you tell how far away was that from where the row was?

A. I think the hall is bigger than this room and it was more than from here to the wall where the disturbance was.

Q. Was anybody else arrested around at the time when this Spersheroski was arrested? A. I did not see the other arrests.

Q. Did you see a lady or woman stand on any chair that night saying that you must resist the police or some words to that effect?

By the Court. Q. Did he see a woman on a chair making a speech that night? A. I saw that.

0271

By Counsel. Q. You did see it?

A. Yes sir.

Q. Did you hear what she said?

A. No, I did not.

Q. Did you see the other defendant, Levene, during the evening?

A. About six o'clock when I went into the Hall I saw Levene when I arrived.

Q. Did you see Levene during this row?

A. No, I did not

see him during the disturbance.

Q. Did you see any mat on the floor near the entrance to the small room or in the small room?

A. I do not recollect any mat.

Q. Did you during the evening see this defendant Soererheroski strike any officer?

A. No sir.

Q. Will you swear positively that he did not?

A. I did not see it.

SOLOMON SHIMBERG, sworn and examined by  
Counsel through the Interpreter.

Q. What was your business on April 17, 1890?

A. I was in business knee pants making.

Q. Were you in the Hall on that night, American Hall?

A. Yes sir.

Q. Did you see ~~them~~ either of these defendants there that night?

A. Yes sir, I saw them, I was sitting with Levene the whole of the evening on the same bench.

Q. Where were you when the officers came in that night?

A. There was a long bench and we were sitting not far from the door, sideways on the bench.

Q. Levene and you?

A. Yes sir.



0272

Q. Was Levene sitting there all the evening?

A. I was sitting there next to him and another man and he was the third person sitting on the same bench, Levene was.

By the court Q. Ask him how long he sat there on that bench?

A. About an hour.

By Counsel. Q. Did you see a row going on there?

A. Whilst I was sitting on the bench I saw there was a row, a policeman came in as we were sitting next to the door and the policeman entered further into the Hall and the people all got up, I could not see what was going on.

Q. Did Levene still sit down? A. He remained sitting; then the policeman came out of the crowd from inside the Hall and went out and there were people around the policeman I could not see if he went alone or if he had somebody arrested.

By the court. Q. Ask him if these people were not shoving the policeman? A. I could not see, there were a great many people around them in the Hall.

By Counsel. Q. Did you see a woman standing on a chair and saying anything that night? A. I could not say because there was so big a crowd there and I could not see through the crowd.

Q. During all this row where was Levene? A. He remained sitting and when the policeman went out of the Hall he was sitting still.

Q. Were you there when Levene was arrested? A. When the policeman went out of the Hall I got up and Levene got up and we went to the people and we said, "what is the matter, what is all this about?" And told them to sit down. Then a

working lady she got sick and she asked for water and Levene went for water to give to the lady and as he went out to get water for the lady into the front room he was arrested, he was taken.

By the Court. Q. Ask him if Levene was not arrested while he was sitting on the bench? A. No sir; when he was going down the steps from the big Hall into the little room he was taken, there was only two steps to go into the little room and he was taken there.

By Counsel.

Q. Did you see Speresheroski arrested? A. I saw when the policeman went up to the bench where he was sitting and got hold of him and took him away.

Q. As I understand Speresheroski was arrested when he was sitting on the bench and Levene was arrested as he was going toward the stairs. A. Yes sir, I was going with Le-

vene together but I was behind and he was going out and he was taken and I remained standing.

Q. Did you see Levene that night raise a mat and fire it at the officer? A. No sir.

Q. Did you see a mat thrown at all that night?

A. I did not see because there was so many persons, I did not see the mat thrown.

Q. And you did not see Levene then strike any officer that night did you? A. No sir, he did not.

By District Attorney. Q. Do you belong to the same labor organization Levene does? A. Yes sir, I belong to the knee pants makers Union.

Q. Do all the witnesses who have testified here to-day belong to the same Union? A. The other are bosses, they belong to the Union but at present the bosses do not belong to the UNION.

Q. Have you had a talk about this case; with Levene since the trouble occurred that night?

No answer.

By a Juror. Q. He says Levene was sitting near the door?

A. Not far from the door.

Q. And he saw the other man arrested at the other end of the Hall did he not, sitting down? A. Not near the door, the door is on this side and we were sitting on the other side near the wall.

Q. How far were you from Sperosheroski? A. I was sitting on this side of the Hall and he was sitting opposite on the other side but further up in the Hall.

By the Court. Q. How wide is the Hall? A. A little bit narrower than this court room is the Hall.

Q. How many people were there in the Hall? A. About six hundred must have been.

Counsel: We rest.



0275

REBUTTING EVIDENCE.

JOHN CALHOUN, sworn and examined by District Attorney.

Q. Officer Calhoun, what precinct are you connected with?

A. The seventh.

Q. Were you connected with that precinct on April 17, 1890?

A. Yes sir.

Q. Were you at the American Star Hall on that day?

A. Yes sir.

Q. What time were you there?

A. Between eight and nine

in the evening I should judge.

By the court. Q. Were you one of the reserves? A. I was on

post, I was standing about half a block away from the Hall, I saw the excitement, Officers Cohen and Henry were chasing a man across the square, a man that assaulted another; I ran down to the Hall and I saw Officer Cohen.

Q. Did the man run into the Hall that you saw?

A. He did, sir, I saw the excitement and went in, Officers Henry and Cohen were in a fight in the middle of the Hall; there was a large number of people, about three or four hundred I guess, I went in among them and the first thing I know I was struck and thrown down and kicked by somebody, I did not know who, and the next thing when I got up this mat was fired at us, my hat was broken. We arrested those men as the ring leaders.

Q. You arrested those men?

A. Yes sir, Mr. Levene is

the man that I took myself.

Q. Did you see him throw the mat?

A. No sir, I did not

I had my back turned to him.

Q. You were struck with the mat and your hat broken?

A. Yes sir, I was thrown down and kicked in the side several times.

By District Attorney. Q. What did you see the other defendant do?

A. I do not know, one of the other officers arrested him.

Q. Did you see him there at all? A. O yes, I recognized him.

Q. How near was he to the other officer? A. They were all in a bunch together..

Q. How large a mat was this? A. About half the length of this table.

# CROSS EXAMINED.

By Counsel. Q. How broad was the mat? A. About that width.

By the court. Q. A rope mat, I suppose? A. Yes sir.

By Counsel. Q. How many would it take to throw that? A. One man could handle it, it weighed about twenty pounds.

By the court. Q. Exclusive of dirt? A. Inclusive of dirt.

By Counsel. Q. Do you remember the time that this mat was thrown where Officer Cohen was or did you see him at that time?

A. O yes, he went in there first.

Q. I mean just exactly the moment the mat was thrown where was Officer Cohen standing? A. He was right inside the entrance to the door having this man whom he pursued in there, that was the time they took him away from him.

Q. Was he facing the direction of the mat? A. I could not swear positively, I do not know whether he faced it.

Q. Do you know whether he was hit with the mat? A. O yes, all three were hit.



0277

- Q. Did any of you fall? A. I was thrown down in the Hall previous to that.
- Q. Did you see either of these two defendants during that melee? A. Yes sir, they stood right in the middle of it.
- Q. Were there many others around? A. O yes.
- Q. How many? A. I should judge about four hundred altogether in the Hall, we were surrounded by them.
- Q. Do you remember how many were arrested? A. I believe there were three men and one woman ---- those two, another man and this woman .
- Q. At what time were they arrested, after the mat was thrown or sometime afterward? A. I guess it was about five minutes after, after we got the crowd quieted down we just picked those men out.
- Q. How many arrests were made if you know, that is whether there was any identification? A. We went and picked out the men that did the assaulting.
- Q. Who picked them out? A. We three officers, Cohen, Henry and I. I had this man for a mark because he was the one that kicked me when I was down, Levene.
- Q. Levene kicked you? A. Yes sir.
- Q. Did this other man kick or hit you? A. No sir, I do not think he did, I am not sure about that, I was struck several times by different people.
- Q. Did you see Speresheroski strike Officer Cohen?  
A. No sir.
- Q. Did you see this man Peresheroski at any time during this fight? A. O yes, I saw him in the middle of the



0278

fight punching.

Q. What did he appear to be doing?  
with us.

A. ~~He~~ Fighting

Q. Did he strike you?

A. I could not tell, I was hit by  
half a dozen of people.

Q. You really could not see what was going on?

A. I could see a good deal, I was on the floor, this is  
the man (Levene) that kicked me, I took him for a mark,  
I could only arrest one.

District Attorney: That is my case.

The Jury rendered a verdict of guilty of assault  
in the second degree.

0279

5/90

THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs.

SOLOMON LUBITZ.

BEFORE RECORDER SMYTH.

Friday, September 26, 1890.

Jointly indicted with Max SHERESHEROSKI and  
PINCUS LEVINE for assault in the second degree.

MAURICE COHEN, sworn and examined by MR. JEROME.

Q. You are an officer of the municipal police of this city,  
Cohen? A. Yes sir.

Q. And do you recollect the 18th of April of this year?  
A. Yes sir.

Q. Were you on duty at that time? A. I was.

Q. In citizen's clothing or in uniform? A. In uniform.

Q. Did this man Rubinsky come to you on that day?  
A. Yes sir.

Q. Where were you when he came to you? A. I was on Or-  
chard Street between Hester and Canal Streets.

Q. What was his condition, Rubinsky's? A. He was cov-  
ered with blood from a cut on the forehead.

Q. Did he make complaint to you against somebody?  
A. Yes sir.

By the Court. Q. Who came to you? A. A man named Rubinsky.

Q. That is not the defendant. A. No sir.

By Mr Jerome. Q. Lewis Rubinsky? A. Yes sir.

Q. He made a complaint against some one of assaulting him?

A. Yes sir, he came to me and told me.

Q. He made a complaint? A. Yes sir, he made a com-  
plaint of having been assaulted and he pointed out the man  
whom he said committed the assault.

0280

Q. What time of day was this? A. It was in the night time about a little after seven o'clock, between seven and eight I think.

Q. What portion of the city? A. The east side the lower portion of the city, Orchard Street between Canal and Hester nearer to Canal.

Q. He pointed out somebody to you? A. Yes sir.

Q. Who was the man? A. I do not know the man.

Q. How far off was he from you when Rubinsky pointed him out? A. I should judge from here almost, about where you are.

Q. What did you do then? A. As he pointed out the man I immediately started in pursuit of this man.

Q. Did the man follow? A. Yes sir, he started down Orchard towards Canal and down Canal Street after him putting in running raps.

Counsel: Objected to because it was not the defendant.

The Court: If it is not legitimate evidence after I hear it I will strike it out, after I heard it I will be able to determine whether it is or not.

By the Court. Q. He says a man came to him, as I understood, Rubinsky, and complained that an assault had been made upon him and there was blood on his face, is that right?

A. Yes sir.

Q. And he pointed out the man to this police officer who had crossed over or gone after the man for the purpose of arresting him on that complaint, is that right? A. Yes sir.

Q. Where was this defendant at the time? A. He was right along side of me ---- no, not this defendant, he was in the Hall.



0281

Q. Of what?

A. Of the American Star Hall, East Broadway, I chased this man rappin for assistance.

By Mr. Jerome. Q. The man ran into the American Star Hall?

A. Yes sir, it is on East Broadway, about two doors from the corner of Rutgers Street. As I chased this man in there there was a large crowd of people there, I understood it was a meeting.

Q. It was on the ground floor, was it?

A. Up a slight stoop.

Q. He went up the stoop and went in, and you went up and went in after him?

A. Yes sir, after him.

Q. When you got in there tell us what happened?

A. Officer Henry was following us, we were both detailed to go that night; as I chased him round in there I got hold of him and held him, the crowd got around me and Rubinsky meanwhile came in and said in the Jewish Hebrew language, "this is the man."

Q. You are a Hebrew yourself?

A. Yes sir--- "this is the man that struck me." So I held on to him and I saw someone else, he turned around and said, "there is the other fellow was with him", and I grabbed hold of him. With that I had a prisoner in each hand, the crowd in the Hall came around me, I should say three or four hundred in the Hall, they got around me there and said I could not take him out, what was the matter? So I explained to them in the Jewish language, thinking it was the best way, that they would understand me, for what I had arrested this man, thinking it was the easiest way to let him out; he said that he had not done anything of the sort, and they would not let me out.

I said, "if he has not done anything he is all right." As I

0282

started to go out some girl there jumps up on a chair and she said in the Jewish language, "he is our brother, don't let the officers take them out, kill them." With that the defendant and two others and the crowd in the Hall set on us and one prisoner was dragged out of my right hand that time, and the crowd got on me pushing and punching at me. I backed up to the wall and got up on a bench still holding this prisoner who had been charged by Rubinsky with committing the assault. They went for me, I put my hand in the pocket and pulled out a revolver and told them if they did not let me take this man out I would shoot one of them. When they seen the revolver they fell back and meanwhile Officer Henry came running in there. as I seen him facing up towards me I put the revolver in my pocket. Henry fought his way through the crowd and we started out with this prisoner; they attacked both of us, this girl jumped up and scratched Henry in the face and started the crowd on and they struck us, Lubitz struck me on the face and body.

By the Court. Q. With his fist?

A. Yes sir.

By Mr. Jerome. Q. They got the prisoner away?

A. Yes sir, and

had him as far as the door, just getting out they fired a mat, it was full of dirt and mud and it blinded us and hit me across the nose, I don't know who done that.

Q. When did you see these men?

A. There was reserve

officers that identified them as being the ones that punched me; they sent out reserves.

Q. You positively identify these three men?

A. Yes sir.

Q. You are sure they were in the crowd that were claspings around about you and assisted in taking away this prisoner?

4

A. Yes sir, they took him away.

0283

CROSS EXAMINED by Counsel.

Q. How long have you been on the police force? A. A little over two years.

Q. And have you been at the same precinct all the time?

A. No sir.

Q. What other precincts? A. The 27th.

Q. Any other? A. No sir.

Q. How long had you been in this precinct previous to the time of this alleged assault, A. About fifteen or sixteen months.

Q. And were you previous to that time acquainted with the defendant Lubitz? A. No sir, not to my knowledge.

Q. Had you ever seen him before that time? A. Not that I recollect.

Q. You speak of going into this Hall, was that a Hall of some particular organization? A. It is a hall that anybody can hire and occupy it.

Q. Do you know who had possession of it that day?

A. As I have understood since, it was the Knee Pants strikers employees.

Q. You followed somebody in there? A. Yes sir.

Q. Do you know to-day who that somebody was? A. No sir.

Q. You have not learned his name? A. No sir.

Q. You have not seen him since? A. No sir.

Q. Have you made an effort to find that same party?

A. Yes sir, I went around and tried to get a description of this man so as to arrest him.

Q. Would you know the man if you saw him? A. I do not think I would, I had hold of him.



0284

Q But you do not think you would know him if you would see him?  
A. No, I had not much time to study his features in that crowd.

Q. Had you ever seen him before?  
A. Not to my knowledge.

Q. You say there were two or three hundred in there?  
A. Yes sir.

Q. They attempted to prevent you taking a prisoner out?  
A. They did.

Q. Or rather, you took two prisoners?  
A. Two prisoners.

Q. All these people gathered around you, did they?  
A. Yes sir.

Q. First they asked for an explanation and you gave it to them?

A. They did not ask for an explanation at all, they jumped right on to me as quick as I got hold of the man, I explained to them in Hebrew, thinking that the easiest way was the best.

Q. You gave an explanation?  
A. Yes sir.

Q. At the time you gave this explanation did you see the defendant?  
A. Not at that time.

Q. When was the first you saw of this defendant Lubitz?

A. When I started to go out with my prisoners.

Q. Were you outside the Hall?  
A. No sir.

Q. Whereabouts were you?  
A. I was about the center of the Hall.

Q. Was the crowd all around you at that time?  
A. They kept pushing me right in, closing in on me.

Q. The crowd surrounded you at that time, did it?

A. Yes sir.

Q. Were all these people, the two or three hundred you speak of,

0285

about you then?

A. As near as they could get, all in sort of ring.

Q. You still hung on to your two prisoners?

A. One was taken away immediately, they got hold of me, I only held on to one.

Q. When you first saw the defendant did you have hold of one of the prisoners?

A. One prisoner.

Q. What was the defendant doing?

A. The defendant and the others, some of the others were pushing and hitting at me.

Q. Do you mean to swear that this defendant hit you?

A. Yes sir, I do not recollect what part of the body.

Q. You never had seen that man before that day?

A. No sir.

Q. Where did he hit you?

A. He struck me on the body or the face, I am not positive which.

Q. What did he strike you with?

A. With his hand.

Q. With his open hand or clinched fist?

A. That is pretty hard for me to recollect in a crowd of that kind; they struck me to take the prisoner away from me.

Q. Did this defendant strike you hard enough to make you relax your hold?

A. Yes sir.

Q. You do not know whether he struck you with his open hand or fist?

A. I had not time to look, I could not help looking at him when he was in front of me.

Q. Were not you looking at him when he struck you?

A. I was trying to ward off all their blows, I was not paying any particular attention to him.

Q. How many people struck you at that time?

A. I could not

count them.

0286

Q. Five or six? A. Yes, more than that, I am not afraid of five or six ordinarily.

Q. A dozen of them? A. Every one of them that could get at us.

Q. Struck you? A. Yes sir, they were all anxious to get well at us because this girl incited them on.

Q. I suppose that girl was Kinsburg? A. Yes sir, she shouted in Newbrow, "kill them, they are our brothers, do not let the officers take them out." When Officer Henry tried to get at me she jumped at him.

Q. Did you see this defendant before he struck you?

A. I do not know that I paid particular attention to him before he struck me.

Q. Were not you somewhat excited by all these people pushing upon you? A. I was not excited, but I done the best to save myself from getting hurt, I was not severely hurt but Officer Henry was.

Q. You did not have any black eyes or bruises? A. I only had my hat knocked off and blows on the body and face but Officer Henry had his face scarred up.

Q. Had you any black eyes, was your face cut at all?

A. No sir.

Q. When did you first identify this defendant as one of the parties who had assaulted you? A. As quick as assistance came, before I left the Hall.

Q. How many others did you identify as parties who assaulted you? A. Only two others.

Q. Were you able to select those out of the crowd? A. I selected those three whom I was positive assaulted



0287

me; there was others that assaulted me, we could have arrested fifty there.

Q. Could you have identified fifty?

A. No sir, that is why we did not make the arrests, I was not positive as to the ones assaulted me except these three.

Q. How long a time elapsed from the time you saw this defendant strike you until the reserves came?

A. The reserves came afterwards; there was Officer Calhoun, he came rushing in quick as he heard the trouble, it was on his post, alarm raps were given, Detective Stapleton was there in citizen's clothes, Officer Henry came right in after because we were both detailed together that night.

Q. How long after you saw this defendant strike you before he was arrested?

A. I should judge ten or fifteen minutes; he could not get out of the Hall but he was in with the crowd, I was not standing guard, we were trying to get out ourselves with the prisoner, we had him as far as the door leading out into the hallway.

Q. At the time you saw this defendant strike you did you still have hold of your prisoner?

A. Yes sir.

Q. Was there anybody else at the same time striking you?

A. I was receiving blows from all directions and I was doing the best I could, I cannot answer, there was so many striking me.

Q. Isn't it a fact that there was so many striking you that you do not know who struck you?

A. I do not know who struck me with the exception of those three that I positively identified when assistance came.

Q. Did you charge this man at the time that you arrested him

0288

with having assaulted you?  
him with it.

A. Certainly I charged

Q. What did you say to him?

A. I said, "that is one of  
them that struck me"; he was turned over to one of the other  
officers, I picked out the other two co-defendants and the girl

Q. Did the defendant strike you more than once?

A. I am not positive as to that.

Q. You do not know whether he struck you in the face or on the  
body?

A. How could I tell?

Q. You say that you know the defendant struck you?

A. I am positive he struck me.

Q. Don't you know where he struck you?

A. No sir, I am  
positive he struck me, the other officer might know.

By Mr. Jerome. Q. Where were those people arrested, in the Hall?

A. Yes sir.

Q. After the reserves came?

A. Officer Calhoun, Sta-  
pleton and myself were in there and some other officers had  
come there, Officer Calhoun was knocked down too.

Q. These defendants were arrested in the Hall and the reserves  
came afterwards?

A. Yes sir.

0289

Monday, September 29, 1890.

MAURICE COHEN recalled by Counsel for the Defendant.

Q. Officer Cohen, did you draw a revolver that day during the  
melée in the Hall?

A. Yes sir.

Q. Did you threaten to shoot?  
if they would not desist.

A. I threatened to shoot

Q. And did you cock the revolver?  
pouch.

A. No, I had it in my

Q. In a pouch?  
A. Yes sir, a black rubber pouch.

Q. Did you have it out of the pouch?  
A. No sir.

Q. Did you use a club upon that occasion?  
A. Yes sir.

Q. Was that before or after the defendant assaulted you?

A. After they assaulted me, after I put my revolver  
away, when Officers Calhoun and Henry came up I used my club  
the best I knew how.

Q. You struck the defendant and Levene?  
A. Yes sir.

Q. And a man named Sheresheroski?  
A. I do not know whom I  
did strike, I know I struck Levene.

Q. You did not strike this man, the defendant,  
tell, I struck so many of them there, as much as I could to  
protect myself, I am positive about Levene.

By the Court. Q. Have you any recollection of striking the defend-  
ant?

A. No sir, I might have.

By Counsel. Q. Who took this defendant to the station house?

A. One of the other officers.

Q. You took Ida Kinsburg?  
A. Yes sir.

Q. When you got to the Station House what charge did you make  
against this defendant?  
A. The charge of assaulting an  
officer and rescuing a prisoner.



0290

Q. Did you make that charge at that time. A. Yes sir.

Q. Do you know Louis Levine? A. Yes sir.

Q. Was he at the station house? A. Yes sir, I think he was.

Q. He went to the station house? A. Yes sir.

Q. Did you see him at the time you had the revolver in your hand? A. No sir.

Q. Did you see him in the room at all during the trouble? A. No sir.

Q. You are pretty quick tempered, are you not, Officer? A. No sir.

Q. Have not you been complained of a great many times for the free use of your club?

Objected to. Objection sustained.

Q. Were you charged with shooting a man once?

Objected to. Objection sustained.

Q. Did you or any of the officers close the door and keep the crowd in from the time that you were assaulted up to the time of the rescue? A. Officer Henry and I were at the door with the prisoner when the mat was fired by Levine and struck us, we had to release our hold, we allowed nobody to go out until assistance came.

Q. Then from the time that thi defendant struck you as you say up to the time that the reserves came, he did not go out of the room, did he? A. No sir, he could not get out.

Q. You know that he did not get out of the room? A. He could not get out.

0290

Q. Did you make that charge at that time. A. Yes sir.

Q. Do you know Louis Levine? A. Yes sir.

Q. Was he at the station house? A. Yes sir, I think he was.

Q. He went to the station house? A. Yes sir.

Q. Did you see him at the time you had the revolver in your hand? A. No sir.

Q. Did you see him in the room at all during the trouble? A. No sir.

Q. You are pretty quick tempered, are you not, Officer? A. No sir.

Q. Have not you been complained of a great many times for the free use of your club?

Objected to. Objection sustained.

Q. Were you charged with shooting a man once?

Objected to. Objection sustained.

Q. Did you or any of the officers close the door and keep the crowd in from the time that you were assaulted up to the time of the rescue? A. Officer Henry and I were at the door with the prisoner when the mat was fired by Levine and struck us, we had to release our hold, we allowed nobody to go out until assistance came.

Q. Then from the time that thi defendant struck you as you say up to the time that the reserves came, he did not go out of the room, did he? A. No sir, he could not get out.

Q. You know that he did not get out of the room? A. He could not get out.

0291

Q. Did you make that charge at that time. A. Yes sir.

Q. Do you know Louis Levine? A. Yes sir.

Q. Was he at the station house? A. Yes sir, I think he was.

Q. He went to the station house? A. Yes sir.

Q. Did you see him at the time you had the revolver in your hand? A. No sir.

Q. Did you see him in the room at all during the trouble? A. No sir.

Q. You are pretty quick tempered, are you not, Officer? A. No sir.

Q. Have not you been complained of a great many times for the free use of your club?

Objected to. Objection sustained.

Q. Were you charged with shooting a man once?

Objected to. Objection sustained.

Q. Did you or any of the officers close the door and keep the crowd in from the time that you were assaulted up to the time of the rescue? A. Officer Henry and I were at the door with the prisoner when the mat was fired by Levine and struck us, we had to release our hold, we allowed nobody to go out until assistance came.

Q. Then from the time that this defendant struck you as you say up to the time that the reserves came, he did not go out of the room, did he? A. No sir, he could not get out.

Q. You know that he did not get out of the room? A. He could not get out.



MAURICE COHEN, recalled by Mr. Jerome.

Q. What man after this prisoner whom you had in custody escaped from you ---- whom did you arrest after that? A. Lubitz.

By Counsel. Q. Did you arrest him? A. I got hold of him first and turned him over to the other officers, I turned him over to Calhoun or Henry, I don't recollect which officer, I had several others there with me.

By the Court. Q. Let us have the exact situation of the Hall, commence at the outside? A. It is about three or four steps leading up into an entry like from the street and in the rear of that entry, not quite in the rear, there is a side door leads into a sort of ante-room and adjoining that anti-room and fronting the street is another room and the Hall proper is about two or three steps up and leads right into the main Hall.

Q. There is a way of entrance into that big hall from the two rooms you described? A. Yes sir.

By Mr. Jerome. Q. Is there an entrance from this place where you first came in? A. Yes sir, there is an entrance from the saloon underneath coming out through the private room which takes part of that ante-room away.

By the Court. Q. Where was Lubitz when you arrested him? A. Lubitz was right on the steps of the Hall when I arrested him leading into the main Hall.

By a Juror. Q. From the anti-room into the main Hall? A. Yes sir.

By Mr. Jerome. Q. Was he in the main Hall or the ante-room? A. He was midway on the stairs between them when I got him; there was nobody could get out or get in, the balance

0293

of the reserves, the officers that came to our assistance  
barred the door so as nobody could get out.

By Counsel. Q. Did not they club them all out? A. I do not  
know what took place after we went away.

Q. Did not the reserves come in and club the people out of the  
Hall? A. No sir, they assisted me in making the  
arrest.

Q. There was no clubs drawn? A. No sir, not while I was  
there.

Q. Are there any steps from this small room leading into the  
main hall? A. Steps going forward, going up from this  
ante-room into the main Hall.

By the Court. Q. The floor of the ante-room is three steps below  
the floor of the main Hall, is that right? A. Yes sir,  
about three steps.

By Counsel. Q. And the large Hall is higher? A. Yes sir,  
higher.

Q. And the small room is about three steps lower?  
A. Yes sir.



0294

Testimony in the Case of  
Miss Spershewski and  
Francis Leverick

filed June  
1890

1300A



0295

Police Court—3 District.

CITY AND COUNTY } ss,  
OF NEW YORK,

Morris Cohen  
of No. 9th Precinct Police Street, aged 28 years,  
occupation Police officer — being duly sworn, deposes and says, that  
on the 17th day of April 1890 at the City of New York,  
in the County of New York,

he was violently ASSAULTED and BEATEN by

Solomon Lubitz  
Morris Shosarsky and Pincus Levine all  
(nowhere) who each struck deponent on the  
head and body with their clenched hands while  
deponent was in the discharge of duty as a  
Police Officer and each of said defendants assisted  
in resisting a person from deponent  
without any justification on the part of the said assailant.

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

Sworn to before me, this 18th

day of April 1890

Morris Cohen  
Police Justice.

0296

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

3 District Police Court.

Solomon Lubitz 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.

Taken before me this

day of March 1897

Police Justice



0297

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss.

3 District Police Court.

*Morris Shersky* 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~~ *him*; that the statement is designed to  
enable ~~him~~ *him* if he see fit to answer the charge and explain the facts alleged against ~~him~~ *him*  
that ~~he~~ *he* is at liberty to waive making a statement, and that ~~his~~ *his* waiver cannot be used  
against ~~him~~ *him* on the trial.

Question. What is your name?

Answer. *Morris Shersky*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *65 Mott St. 4 months*

Question. What is your business or profession?

Answer. *Labourer*

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*  
*max Shersky*

Taken before me this

day of *March* 189*2*

Police Justice.



0298

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK, ss.

3 District Police Court.

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

Question. What is your name?

Answer. *Pinous Levine*

Question. How old are you?

Answer. *24 Years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *77 Henry St. 15 Months*

Question. What is your business or profession?

Answer. *Tailor*

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*

*Pinous Levine*

Taken before me this

day of *March*

1890

*John W. [Signature]*

Police Justice

0299

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 Defendants

guilty thereof, I order that He be held to answer the same and He be admitted to bail in the sum of \$100 Hundred Dollars, Each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until He give such bail.

Dated April 7 1892 J. M. Patterson Police Justice.

I have admitted the above-named Defendants Prisoners Reving and Volacrow Subby & Morris Shawsky to bail to answer by the undertaking hereto annexed.

Dated Apr 18th 1892 J. M. Patterson Police Justice.

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

Dated.....18..... Police Justice.



0300

BAILED.

No. 3 by Stuedeman  
Residence 145 Livingston Street.

No. 1 Morris Moskowitz  
Residence 38 Essex Street.

No. 2 by John E. Green  
Residence 105 Delancey Street.

No. 2 by Victor Steiner  
Residence 105 Delancey Street.

B.O. #35 609  
Police Court District

THE PEOPLE &c.  
ON THE COMPLAINT OF

Morris Cohen

William L. L. L.  
Morris Shyrock  
Lincoln Avenue

Dated April 18 1890  
Paterson Magistrate.

John Officer.  
8th Precinct.

Witnesses Robert Henry  
No. 11th Precinct Street.

John Calhoun  
No. 7th Precinct Street.

Levis Rubinsky  
No. 24 Orchard Street.

100 E. 1st to answer  
Apr. 14 1890

No. 37 Dailist  
No. 2 Bailed



0301

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Solomon Dubitzky, and  
Max Shereshevskian  
Pinus Severe*

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

*Solomon Dubitzky, Max Shereshevskian, Pinus Severe*

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

The said *Solomon Dubitzky, Max Shereshevskian*

*and Pinus Severe, all*

late of the City of New York, in the County of New York, aforesaid, on the *14th*  
day of *April*, in the year of our Lord one thousand eight hundred and  
*ninety*, at the City and County aforesaid, with force and arms, feloniously made  
an assault in and upon one *Morris Cohen*.

then and there being, a *patrolman* of the Municipal Police of the City of  
New York, and as such *patrolman* being then and there engaged in the lawful  
*apprehension* of a man whose name is  
*to the Grand Jury aforesaid as yet*  
*unknown, for an assault,*

and the said *Solomon Dubitzky, Max Shereshevskian*  
*and Pinus Severe, him,* the said *Morris Cohen,*

then and there feloniously did beat, strike, wound and otherwise ill-treat, with intent  
then and there and thereby to prevent and resist the lawful *apprehension*  
of *the said man*, as aforesaid,  
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.

0302

**BOX:**

400

**FOLDER:**

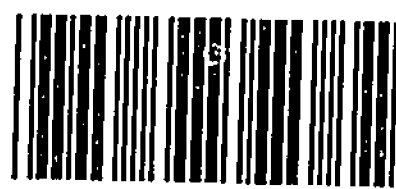
3713

**DESCRIPTION:**

Lynch, Mary

**DATE:**

06/04/90



3713

0303

Witnesses:

Jane Holmes

Counsel,

Filed

Pleads,

C. H. Steffen & Co.  
H. June 1890

THE PEOPLE

vs.

I

Mary Lynch

ATTEMPTING SUICIDE.  
(Section 174, Penal Code).

JOHN R. FELLOWS,

District Attorney.

A True Bill.

James H. Quinn Foreman.

June 1890

Please Guilty

Sentence suspended  
P.B.M.



0304

Sec. 198-200.

4

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name.

Answer.

*Mary Lynch*

Question. How old are you?

Answer.

*38 years*

Question. Where were you born?

Answer.

*Massachusetts*

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

Answer.

*No 127 East 52 Street & about 1 week*

Question. What is your business or profession?

Answer.

*Domestic*

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

Answer.

*I was intoxicated*

*and did not know what*

*I was doing*

*Mary Lynch*  
*Mark*

Taken before me this

day of

1890

Police Justice.

0305

CITY AND COUNTY  
OF NEW YORK, ss.

POLICE COURT, 4<sup>th</sup> DISTRICT.

of the 23<sup>rd</sup> Precinct Police, aged 46 years,  
occupation... Woman being duly sworn deposes and says

that on the 24<sup>th</sup> day of May 1889

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

(now here) did with intent to  
take her own life, commit upon herself  
an act dangerous to human life,  
in that she, while confined in a  
cell, in said 21<sup>st</sup> Precinct Station House,  
took a chemise and securely fastened  
the one end of the same around her  
neck and fastened the other end around  
an iron bar on the cell door and  
so attempted to strangle and hang  
herself, and deponent did cut and

Sworn to by me, this

of 1889 day

Police Justice.



0306

Police Court--

District.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness,

Disposition,

infanter said chemise in time to  
save her life, said Mary being then  
unconscious from ~~said~~ strangulation  
deponent therefore charges her, Mary  
with violation of Section 174 of the  
Penal Code of the State of New York and  
asks that she may be dealt with according  
to Law.

Jeremiah Holmes

Sworn and Subscribed  
Police New York City

Sworn before me  
this 22<sup>nd</sup> day of June 1880  
by ~~Jeremiah Holmes~~  
Police Justice



0307

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

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

Dated May 30 1889 Henry B. B. 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.

0300

BAILED.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

Police Court

850 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Jeremiah Reel*

vs.

*Mary Lynch*

2

3

4

Offence

*Unlawful  
Suicide*

Dated

*May 30*

18

*90*

Magistrate

Officer.

123 Precinct.

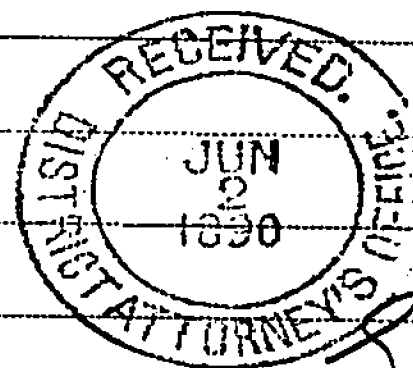
Witnesses

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *500* to answer



0309

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Mary Sugden*

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

*Mary Sugden*

of the CRIME OF ATTEMPTING SUICIDE, committed as follows:

The said *Mary Sugden*,

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

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

with intent to take *her* own life, did feloniously a certain chemise

*belonging*  
about her neck did *put* and *there forcibly*

*fix*, *put* and *fasten*, and her neck

with the chemise aforesaid did *put* and

*there feloniously press & squeeze*, and

*herself thereby did put* and *there feloniously*

*attempt to choke, suffocate and strangle*,

the same being an act dangerous to human life, 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.



0310

**BOX:**

400

**FOLDER:**

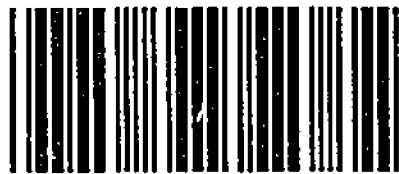
3713

**DESCRIPTION:**

Lynn, Harry J.

**DATE:**

06/17/90



3713

Army Norton

off Fidan

**Counsel,**

**Filed**

Pleads.

DAY OF 1881

Pleas. *De*

Assault in the First Degree, Etc.  
(*Firearm*).  
(Sections 217 and 218, Penal Code).

~~THE PEOPLE~~

vs.

Harry J. Lynn

JOHN R. FELLOWS,  
*District Attorney.*

# A True Bill.

Wm. H. Haggens  
Foreman.

Part 2 - June 24/90  
Fried and Corrupted  
Account 2<sup>nd</sup> deg. with norm.  
to Bremer  
2 yoo 3 mos June 1900

0311

0312

Police Court— District.

City and County { ss.:  
of New York,

of No. 105 Greenwich Street, aged 42 years,  
occupation Shoemaker being duly sworn  
deposes and says, that on the 11 day of June 1887 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Harry Lynn  
(Nouhere) who seized him by the  
arm and discharged one  
shot from a revolving pistol at  
deponent's body, and that the  
said Lynn threatened to kill  
deponent.

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

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

Sworn to before me, this 12 day  
of June 1887

H. J. O'Hertogh  
Police Justice.



0313

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer. *Harry Lynn*

Question. How old are you?

Answer. *27 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *17 Rector Street 7 months*

Question. What is your business or profession?

Answer. *Driver*

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*

*✓ Harry J. Lynn*

Taken before me this

day of

1897

Police Justice.

03 14

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 Algerman

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

Dated June 17 1890 Amherst Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.



0315

BAILED,

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

Police Court---

925 District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Henry Montross*  
*1105 E. 2nd St*  
*Harry Lepin*

2

3

4

Dated

*June 12 1890* Magistrate.

*Titian* Officer.

*Susie Fourn* Precinct.

Witness

No. *109 Greenwich* Street.

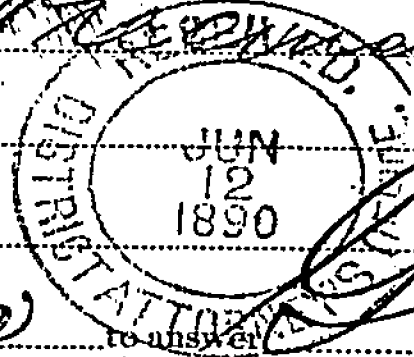
*William Titian*

No. *4* Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000* to answer.



*Abel*  
*master*



03 16

COURT OF GENERAL SESSIONS.

The People

against

Harry J. Lynn.

Before

Hon. James Fitzgerald

and a Jury.

Indictment filed June 17, 1890.

Indicted for assault in the first degree.

Tried June 24th, 1890.

APPEARANCES:

Assistant District Attorney Bedford, for the People.

Messrs. LeBarbier & Brewster, for the Defense.

HENRY MARTEN, the complainant, testified that he lived at 105 Greenwich Street, and had been housekeeper there for about five months. His occupation was that of a shoe-maker, and his shop was in the basement of 105. He lived up stairs. At about eleven o'clock on the night of June 11th he, Marten, went out of his shop, and saw the defendant standing on the sidewalk, in front of 105, leaning against a wagon, with his hands in his pockets. Lynn was the only person then in sight. Lynn had his right hand in his outside coat pocket. Nothing passed between Lynn and himself, Marten, he, the complainant, went to the saloon at 113 Green-

03 17

2

wich Street and had a glass of beer with a friend. While he, Marten, was drinking the beer, he heard a pistol shot. He, Marten, went to his home and he, Marten, saw the defendant standing in the same position as before. While he, complainant, was standing at his door, a tenant who lived on the second floor of 105 -- Benjamin Ruloff, came up and he, the complainant, tried to open the door for Ruloff. He, the complainant, could not get his key into the lock, and he lit a match and stooped down to see what was in the key-hole, and as he, complainant, stooped down, the defendant fired and the ball passed by his head and lodged in the door. As he, the complainant, turned, the defendant pointed the revolver at him, the complainant, and said, "You are not worthy to live, and I will put all these bullets into your body." Then the defendant retreated towards the wagon and he, the complainant, followed him up step by step, intending to catch hold of the defendant's hands, and a police officer came up and caught the defendant by the shoulder and the defendant dropped the revolver. Before he, the complainant, stooped down to see if there was anything in the keyhole, he saw the revolver in the defendant's hand. He, the complainant, had seen the defendant, in his shop, about seven weeks before.

Under cross-examination the complainant testified that he was a German by birth, and had lived in the United

0318

3

States for about twelve years. He had travelled all over the world nearly, and had served in the German Army. He was in the habit of drinking a glass of beer occasionally, but he never drank to excess, and was sober on the evening in question. He had sold a pair of shoes to the defendant, and had charged him a dollar, and the defendant said that he would pay him, the complainant, on the following Saturday. But the defendant still owed him, the complainant, fifty cents for the shoes. So, when he, the complainant, left his shop, on the night in question he, the complainant, knew I Lynn by sight, but did not know his name. Lynn had given him, the complainant, his name and address when he, the defendant bought the shoes, but he, the complainant, had not made a memorandum of it and had forgotten Lynn's name.

S U S A N B O R N, testified that she was a married woman and that she lived at 109 Greenwich Street. She kept a saloon there. At about a quarter past eleven o'clock on the night of June 11th, 1890, she heard a pistol shot, and went to her door, and saw the defendant in the custody of an officer. She saw the complainant standing in front of 105 Greenwich Street.

OFFICER WILLIAM FILAN, testified that he belonged to the Second Precinct and that he was on duty on the night of June



0319

4

11th, 1890. He was standing in front of 125 Greenwich Street, at about a quarter past eleven o'clock on that night, when he heard a pistol shot. He heard another pistol shot, following almost instantly after the first shot. He ran down to 105 and saw Lynn, the defendant, standing by the curbstone, and he, Lynn, dropped a pistol behind him into the street. He, the witness, asked Lynn what he fired the shots for and Lynn said that he did not fire them, and Marten, the complainant, said that Lynn had fired at him, Marten, when he, Marten, was putting his key into his door, to let in a tenant of the house. Marten also said that, after he had fired, Lynn had aimed the pistol at him, Marten, and had threatened to blow off his, Marten's, head. Then he, the witness, arrested Lynn. He, witness, distinctly saw the pistol in Lynn's hand, and saw him, Lynn, drop it behind him, Lynn, and he, the witness, picked the pistol up. In the police station he, the witness, examined the pistol and found that there were 3 empty cartridges in the cylinder and four loaded cartridges. Lynn denied that he ever had the pistol in his possession:

Under cross-examination, the witness, testified that he ran as rapidly as possible after he heard the first shot. As he, witness, ran he saw the complainant advancing towards the defendant, and he saw the defendant retreating slightly

0320

5

towards the curb.

H A R R Y J. L Y N N, the defendant, testified that he lived at 17 Rector Street, boarding with John Powers. He had known the complainant by sight, from passing his shop. He, the defendant, drove a wagon for Mr. Powers. On the 11th of June he carted ashes from Pier 9, North River, and knocked off work about half past five or six o'clock, and fed his horse and fixed him for the night. He went to the stable, according to his habit, on the night of June 11th, to water his horse before he went to bed. He had the keys of the stable in his pocket when he was arrested. As he was coming out of the stable he heard a pistol shot. He was then smoking a cigar. As he, the defendant, reached 109 Greenwich Street, he saw the complainant swinging his arms around, and heard him say, "Here comes an officer." When the complainant said that two men ran down from behind the wagon, and at that moment he, the defendant, saw the officer walking down Greenwich Street. He, the defendant, stood still, because he believed that the two men had robbed the complainant, and he was afraid that, if he ran away, he would be arrested upon that charge. He was still smoking his cigar, when the officer came up to him, and struck him in the face with his fist, and knocked the cigar out of his

0321

6

mouth, and took him to the station house. He, the defendant, never carried a pistol in his life, and did not shoot at the complainant, on the night of June 11th, or at any other time. He had no reason to do so, because he had never spoken to the complainant in his life more than a few words. He had spoken to the complainant in reference to a pair of shoes. He gave the complainant fifty cents on account of the shoes, and told the complainant that he would pay him fifty cents more, on the following Saturday night, if the shoes were all right, but they burst open, and he did not pay the complainant the fifty cents. He had not seen the complainant, after the transaction about the shoes, until the night of June 11th. As he approached the complainant, the complainant ran down into the basement, got his hat and returned to the sidewalk. Then he swung his arms around, and cried out, "Now I'll fix you. Here comes an officer." Then the two men ran from behind the truck.

Under cross-examination the defendant testified that he was not convicted, in the Court of Special Sessions, before Justice Kilbreth, on April 4th, 1890, of stealing \$17. worth of clothing.

J O H N P O W E R S testified that he lived at 17 Rector Street, and had lived in the City of New York over thirty-



0322

7

five years. He, witness, was a contractor. The defendant Lynn was in his, witness's employ, at the time of his, Lynn's arrest. Lynn's character was excellent. Lynn had been working for him about six months when he was arrested. He had never seen a pistol in Lynn's possession.

0323

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Harry J. Lynn*

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

*Harry J. Lynn*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

*Harry J. Lynn*

late of the City of New York, in the County of New York aforesaid, on the *eleventh* day of *June*, in the year of our Lord one thousand eight hundred and eighty ~~eighty~~ *eighty*, with force and arms, at the City and County aforesaid, in and upon the body of one *Henry Merten* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Henry Merten* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Harry J. Lynn* 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 *Henry Merten* 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 *Harry J. Lynn* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Harry J. Lynn*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Henry Merten* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said

*Henry Merten*  
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said

*Harry J. Lynn*  
in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0324

**BOX:**

400

**FOLDER:**

3713

**DESCRIPTION:**

Lytle, George W.

**DATE:**

06/23/90



3713



0325

Wak 373

Counsel,  
filed 23 day of June 1890  
Pleads, *Not guilty* of

THE PEOPLE  
George W. Syble  
52 1/2 19/90.  
MURDER IN THE FIRST DEGREE,  
(Section 188, Penal Code.)

Witnesses:  
*Wm W. Spencer*  
*Matthew Sparker*

JOHN R. FELLOWS,

*Ordered to be*  
*Prison and Prisoner for*  
*July 16/90*

A TRUE BILL.  
*June 25/90*  
*Handwritten*  
*Elmira Ref.*  
*Church*

Ordered to the Court of Sessions  
Division of the City and County  
of New York for said May 11, 1890  
Put on in Court  
25<sup>th</sup> of June

0326

## TESTIMONY.

Autopsy

Roosevelt Hospital

May 16<sup>th</sup> 1890.

9.30 pm

Tura Maura, Colored; aged 17; single; West Indian.

Body well nourished; prior marks well marked.

Two penetrating bullet wounds of the left side.

No. 1. The anterior wound is in the posterior axillary line and passed through the 10<sup>th</sup> rib. Direction: downwards, forwards and inwards, passing through the diaphragm, spleen, and anterior surface of the kidney, wounding the mesentery and intestines, entering the anterior abdominal wall  $\frac{1}{2}$  inch to the right of the median line and just above the umbilicus, passing downward, and is lodged in the anterior ~~abdominal~~ abdominal wall midway between the superior iliac spine and pubes, under Poupart's ligament. No. 2. The second bullet wound was  $1\frac{1}{2}$  inches posterior to the posterior axillary line and about on the same level as wound No. 1. It passed through the 10<sup>th</sup> intercostal space and pursued a general direction inward and slightly downwards and forward, passed through the spleen, kidneys, stomach and anterior border of liver and lodged in the anterior abdominal wall.

Heart normal; valves competent. Lungs normal. A bullet wound in left pleural cavity. The left pleural cavity contained about one quart of blood. The left kidney had two wounds on the anterior surface, one passing slightly downwards and the other horizontal. Both kidneys otherwise normal. There were two bullet wounds of the spleen, three perforations of small intestines, two perforations of stomach, one of the anterior and one of the posterior surface. The missing bullet is said to have been found lodged in the rectus muscle of the right side near the median line, about 3 inches above the navel. Laparotomy had been performed. All abdominal organs showed blood stain. See Diagram 182.

Cause of Death: Penetrating pistol shot wounds above described.

Sworn to before me,

this

16

day of

May

1890

J. L. Jenkins, M.D.

Friedman &amp; Levy

CORONER.



0327

HOTEL GLADSTONE,  
BROADWAY FACING CENTRAL PARK.  
W. M. HAIGHT & CO., Proprietors.

New York, Oct 7 1890

Dear Sir

Mr Grosse

I want to  
give you the address of  
William Proctor  
you know the witness  
in that Colored Boys case  
George Jackson

his address is  
280. 6<sup>th</sup> Street

Jersey City

Yours truly  
Matt Spaulds

The Kid  
Thompson



0328

Oct 10<sup>th</sup> 1890

Edward Grosser Deputy Assis-  
tant District Attorney.

Dear Sir

I have found out  
that the undertaker who  
buried Inara Muraw is  
Jas. H. Matthews of 48.6<sup>th</sup> ave  
The House Surgeon in Roose-  
velt Hospital at the time  
of Inara's death was Dr.  
Tousey. The certificate of  
death is attached to an  
affidavit in your possession

0329

I cannot ascertain the  
whereabouts of William  
Provost but will do my  
best to locate him

Yours Truly

John McGinley 22<sup>nd</sup> Prec

0330

Court of General Sessions

The People  
against  
George W. Lytle

Trial Memorandum.

Indictment:

Murder 1st degree  
§ 183 P.C.

for having on the 15th of May, 1890,  
killed Inra Marra by two pistol  
shots.

Re indictment

" Minutes of Coroner's Inquests  
The following notes are  
merely supplementary thereto.

John McGinley, patrolman  
22d precinct.

The Gladstone Hotel is on 58th  
Street, between Broadway and  
Eighth Avenue. Arrested the  
defendant at about seven  
o'clock in the morning of May



0331

the 15th last. The defendant admitted to me that he had shot the deceased. He surrendered ~~at~~ his pistol to me. It is now at the Station House, together with the stick, with which the deceased assaulted the defendant.

Mathew Sparks,

Gladstone Hotel.

Night Clerk of said hotel. The room of the basement, in which I was ~~sitting~~ <sup>taking my breakfast</sup> where the defendant fired the shots, adjoins the kitchen of the hotel and faces towards 59th Street. The hotel covers the whole block between Broadway and Eighth Avenue, 58th and 59th Street. The said room is used as the dining room for the help of the hotel. The defendant took his breakfast at the same time when I took mine. The deceased came into the said room from a hallway leading to

0332

a water closet. He approached the defendant from behind with a stick of about ~~two~~ feet length and hit him <sup>once</sup> across the shoulder. The defendant jumped up and clinched with the deceased. I tried to separate them, but I had scarcely laid my hands on them, that I heard the report of a pistol shot and felt the flash on my left hand. I withdrew from them to go upstairs, but before I had left the room I saw the defendant fire two more shots. I had a conversation with the defendant at the Toronto Police Court. He said that when the deceased came up to him from behind, he did not know what he had in his hand; it might have been a knife; that he was afraid of him.

James H. Matthews, 48 Fifth Avenue. Undertaker. On the 18<sup>th</sup> of May, 1890, I attended to the funeral of Fura Manra at

0333

Cypress Hill Cemetery. I received his body at Roosevelt Hospital. Walter Fountain, the uncle of the deceased, was present at the funeral. His residence is at ~~359 W~~ 359 West 26<sup>th</sup> St.

Walter Fountain, 359 West 26<sup>th</sup> Street. Messenger in Mutual Life Insurance Co's Building. I am the uncle of Fura Thawra, the deceased. I saw his corpse in the Morgue of the Roosevelt Hospital and also in the coffin immediately previous to his burial.



0334

William Provost, 280 Proth Street,  
Jersey City. When the deceased  
had struck the defendant over  
the shoulder, the two men clinch-  
ed. The deceased put his left arm  
over the deceased's shoulder and  
with the right hand he drew  
his revolver and fired two  
shots in succession at the de-  
fendant, and in about a  
second thereafter he fired a  
third shot. After the second  
shot, the ~~defendant~~<sup>deceased</sup> broke  
away from the defendant  
and ran towards the door of  
the alley. He was away from  
the defendant six or eight  
feet, when the third shot fell.

Dr. Robert H. Pardo, House  
Surgeon, Roosevelt Hospital  
Nature of the wounds.

Dr. Wm. L. Jenkins, Deputy  
Coroner  
Autopsy

0335

COURT OF GENERAL SESSIONS

THE PEOPLE, &c.

vs.

George W. Lytle

BRIEF OF FACTS.

For the District Attorney.

Dated October 30 1890

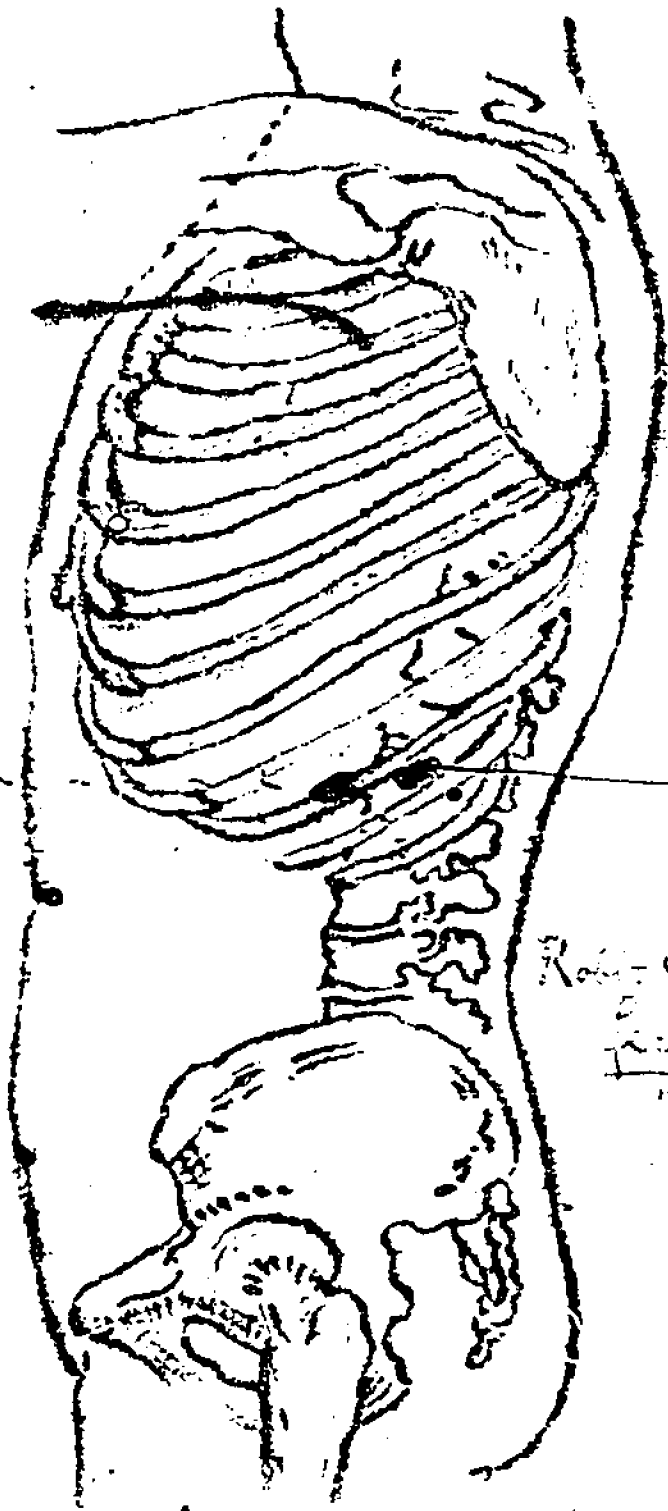
Edward Groves

Deputy Assistant.

0336

(1)

• Entrance of Bullet (2)  
which went  
downwards.



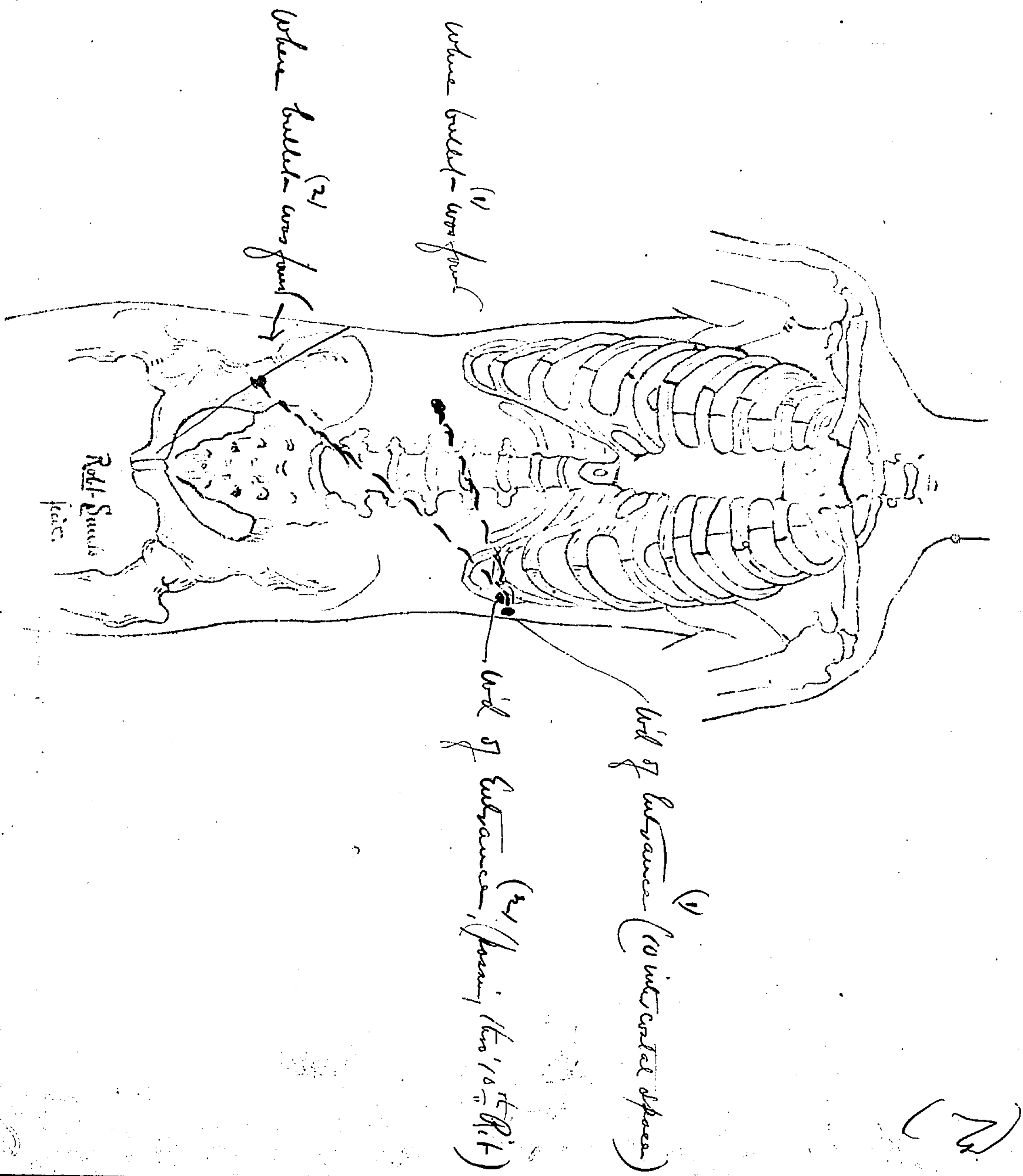
Entrance of Bullet (1) This  
bullet went across

Right Lung.

Heart



LEED



0338

## 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 4<sup>th</sup> Ward of the City of  
New York, in the County of New York, this 21<sup>st</sup> day of May  
in the year of our Lord one thousand eight hundred and 90 before

Ferdinand Levy <sup>Coroner,</sup>  
of the City and County aforesaid, on view of the Body of *Mura Maura*  
lying dead at

*Eleven* 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

*Mura Maura* came to his death, do  
upon their Oaths and Affirmations, say: That the said *Mura Maura*  
came to his death by

Pistol shotwounds of chest, lung, diaphragm,  
stomach, intestines, lower spleen, inflicted  
with a pistol in the hands of George Lytle,  
at the Gladstone Hotel, corner of 59<sup>th</sup> Street  
and 8<sup>th</sup> Avenue, May 15<sup>th</sup> 1890.

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. Barnham 629 2<sup>nd</sup> Ave. Louis Meyer 438 2<sup>nd</sup> Ave.  
J. D. Witte 226 E 25<sup>th</sup> St. Adom Protocol 875-2 St  
Chas. L. Lauer 240 E 38 Edward Puell 821 Ave.  
John G. Gerdes 235 E 5<sup>th</sup> John H. Feldhaus 238 E 47  
Frank C. Morris 349 E 5<sup>th</sup> Aug. Priege 869 2<sup>nd</sup> Ave.  
John Tiedemann 967 2<sup>nd</sup> Ave.

Ferdinand Levy  
CORONER, E. S.

0339

-STATE OF NEW YORK-

CITY AND COUNTY OF NEW YORK, ss.

AN ANTE-MORTEM INQUISITION,

Taken at *Roosevelt Hospital*  
*414 10th Avenue + 59<sup>th</sup> Street*, in the *Ward of the City of*  
*New York*, in the County of *New York*, this *15<sup>th</sup>* day of *May*  
 in the year of our Lord one thousand eight hundred and *90* before  
*Ferdinand Henry* Coroner,  
 of the City and County aforesaid, on view of the body of *Lura Maura*  
 now lying at  
*Roosevelt Hospital* Upon the Oaths and Affirmations of  
*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 *Lura Maura* was injured, do upon  
 their Oaths and Affirmations, say: That the said *Lura Maura*  
 is suffering from pistol shot wounds  
 of chest, inflicted with a pistol in the  
 hands of *George Lyle* at the *Flatstone*  
*Hotel, 59<sup>th</sup> Street + 8<sup>th</sup> Avenue* *May 15<sup>th</sup> 1890*

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.

<i>Sinclair Jolley</i>	<i>M.D.</i>
<i>H.H. Alexander</i>	<i>388 Manhattan Ave</i>
<i>Henry Watson</i>	<i>31 Park Row</i>
<i>John Sadler</i>	<i>Roosevelt Hosp</i>
<i>J.H. Mills</i>	<i>"</i>
<i>Richard Keating</i>	<i>"</i>

*Ferdinand Henry*  
 CORONER, &c.



City and County of New York, ss.

Teste Maria

dangerously wounded at Roosevelt Hospital in the

of said City and County, on the 15th day of May 1890

Question—What is your name?

Answer—Maria

Question—Where do you live?

Answer—St. John's Hotel

Question—Do you now believe that you are about to die?

Answer—I believe I am dangerously wounded & cannot

Question—Have you any hope of recovery from the effects of the injury you have received?

Answer—I cannot pay for it.

Question—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering?

Answer—I think Tuesday night last I and my  
brother George were playing baseball at the Rice  
Gardens, after we went off water and we  
got a scuffling ahead of each other. We  
struck me across the shoulder and I  
struck him back. Yesterday afternoon I  
wrote him if he intended to give me  
the 30¢; he said "no," and I told him  
if I don't hear from him and I will have to  
fight about it. I showed him and he  
gave me with a stick in my hand and  
the nurse's fear. I didn't know him  
any more until this morning, and I got a  
little sick about 2 weeks ago and  
he told him across the shoulder. That  
was about that bad even this  
morning in the room where the help  
eat. (The doctor's name was) I was afraid

034-1

hit me. The night-clerk, Mat, was present.  
That is all I saw, unless somebody saw it  
outside. George is a bell-boy at the Gladstone.  
I am 17 yrs old. I don't know how old  
he is, but he is just as large as I  
am, about my age. I was born in the  
West Indies. I have been working at  
the Hotel Gladstone about a month.  
My uncle lives 359 West 26<sup>th</sup> st, where  
I lived before I went to work at the  
Gladstone. I have been in this city  
two years. Came from Nassau.  
I had no words with George before I struck  
him this morning.

His  
Eura X Maura  
Maurice

Sworn to before me  
May 15<sup>th</sup> 1890

Fredrick Henry  
Coroner  
City & Co.  
of N.Y.

0342

# MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND
17 Years	Months	Days	Nassau Bahamas	Rosemont Hosp.

Qued. 593. 1890

*On the VIEW of the BODY of*

Mrs. Moore

whereby it is found that he was injured by

protol shot around  
of unknown

May 11

at seven on the 7th instant day  
of May 1890  
before me

*Nedrian Perry* Coroner:

*Committed*

*Bailed*

Dischagerl



0343

Ind. 523. 1890  
AN ANTE-MORTEM INQUISITION

On the VIEW of the BODY of

Tura Maura

whereby it is found that he was  
injured by

pistol shot wounds  
of abdomen

May 11

Taken on the High birth day  
of May 1890

before  
Jerdian & Levy Coroner.

Committed 11-2-6  
Bailed  
Discharged

✓

AGE		PLACE OF NATIVITY		WHERE FOUND	
Years	Months	Days	Maura	St. Louis	Assessment

MEMORANDA.

0344

ABSTRACT OF TESTIMONY.

INQUEST IN THE MATTER OF THE DEATH OF

TURA MAURA.

Before Hon. Ferdinand Levy, Coroner and a Jury.

NEW YORK, WEDNESDAY, MAY 21ST, 1890.

OFFICER JOHN MCGINLEY, 22nd Precinct, having been sworn states: It was on dog-watch, last Thursday, first tour duty, from 6 to 8 o'clock, I was standing on the ~~XXXXXX~~ corner of 58th Street and 8th Avenue, about 10 minutes to 8 and a colored man ran across the Street and told me to hurry up to the Gladstone Hotel, that there was a colored man there that had shot another. I ran over as quick as I could and some colored man said that this boy here, the prisoner, was the man that done the deed. When I got down stairs the prisoner was held by two other men and they said he was the man that done the shooting and I caught hold of him and placed him under arrest and brought him before the man who was shot for identification and he positively identified him as the boy that shot him. He offered no resistance. The pistol was in his pocket. It is at the station house. It was a common 38 calibre bulldog revolver. I asked him where was his pistol and he put his hand in his pocket and pulled it out that way (illustrating) and says "There it is," and I took it and brought him to the station house.

-----OXO-----

MATTHEW SPARKS, night clerk at the Gladstone Hotel, being sworn states I was down in the basement sitting down to my breakfast and George Lytle, the prisoner, was sitting across the table and Tura Maura came up behind him with a stick, or club, or whatever it was, and he hit him across the shoulders, I thought and the prisoner stood up and they clinched and I jumped over and tried to separate them. They scuffled there for a little while and I heard the shot and I broke away from them then, I thought it was a dangerous place for me, and in a little while afterwards I heard another shot---three shots in all. At that I ran up and told Mr. Haight about it and he came down. At the time of the shooting William Provost the storeroom man was standing in the door. William Miller, the hall boy, wasn't there at all. I ran up and told Mr. Haight and he came down with me and went in and I heard him holler and I came away then and went upstairs. When I came down stairs I saw the officer there. He went up and asked for the revolver and I didn't pay much attention to it. I went right on with Mr. Haight to show him where Tura Maura was.

-----OXO-----

0345

WILLIAM PROVOST having been sworn states: I am store-room man at the Gladstone Hotel. On the morning of the 15th of this month I was in my store room at my occupation and I saw the deceased standing at my door outside for about two or three minutes. Then the next thing, I saw him go back in the alley where we keep our wood and I went in to get my breakfast to where the cooks are and as I got in I seen this deceased, Tura Maura, have a stick up to strike the prisoner. He struck him over the shoulder. The stick looked to be about two feet long. It was a piece of scantling. It looked to be about two inches wide on one end and one inch at the other. It was a kind of a split off stick. Then I saw Mr. Sparks jump up to separate them and he got over there and just as he got over there trying to separate them the deceased was shot. The prisoner fired one shot and in about two or three seconds he fired another shot, just as quick as he could, I reckon. I heard three shots. The next thing I saw the deceased broke away and tried to run and the prisoner shot again, which was the third shot. After that I went back and saw where the man was lying, and then I went back to my room. I was there when the officer came down and seen him go up and ask the prisoner for his pistol and the prisoner handed it right to him. The officer took his stick then and hit him on the head and the prisoner dropped to his knees. He wasn't bleeding until he got up and then he had some blood coming down his forehead. It wasn't much, it was just enough so a person could notice it. The officer took the prisoner upstairs and went to the sidewalk and said he wanted an ambulance. I guess he had to go across the Street. I don't know where he went. I saw him go outside the building.

-----OXO-----

WILLIAM MILLER, (Colored), 21 years of age, bell boy at the Hotel Gladstone, being sworn states: I did not see the shooting. On Wednesday, the 14th, I came in the house and the prisoner came to me and says "Miller, Tura Maura has an ice pick in his pocket," and he went off and I went to Tura Maura and says, "Please give me that ice pick," and he ran his hand in his waistcoat pocket and handed me the ice pick, and then he ran his hand in his hip pocket and took out a large black bottle and put it down by him and I went off. After he was shot I ran down stairs and when I got down stairs the prisoner was standing up against the carving table this way (illustrating) and the policeman ran down and asked "Where is the man that done the shooting?" and the prisoner stepped up to him and says "I am the man," and the policeman says "Where is the pistol," and just in that time I saw George do that way (illustrating) and I went off to see where the dead man was. I went to the deceased and he was on his elbows and knees. That is all I saw of it.

-----OXO-----



0346

DR. WILLIAM T. JENKINS, coroner's physician, being called and sworn read his minutes of the autopsy.

BY A JUROR:

Q. How long after the shooting did the deceased die? A. He died May 15th at 4.20 P.M. He was admitted to the hospital at 8 A.M., and he died at 4.20 P.M., that was six hours and ten minutes from the time he was admitted into the hospital. How long prior to that the shooting took place I do not know.

THE CORONER: The shooting took place about half past seven o'clock.

-----OXO-----

The coroner here charged the Jury.

VERDICT.

We, the Jury, find that Tura Maura came to his death by pistol shot wounds inflicted by George Lytle at the Hotel Gladstone, corner of 59th Street and 8th Avenue, on May 15th, 1890.

ADJOURNED.

0347

From Knickerbocker Hospital.

New York, May 15 1880

To Coroner.....

Sir:

Please hold an Inquest on the body of

Name: Lucy Mura Residence: Hotel Gladstone

Age: 17 years..... months..... days. Admitted Thurs + day, May

Father Wes. India 15<sup>th</sup> 1880, at 8<sup>10</sup> o'clock A. M.

Nativity, West India, of Mother..... By Ambulance A

174 in U. S., 174 in City. From Hotel Gladstone B

Civil Bond: 1 Occup Hallway Examined by Dr. Robt. A. Sands, C

Suffering from symptoms of Perforating Bullet-Wounds of Left Lung  
Liver, Stomach and Intestines, Diaphragm & Kidney D

Said Injuries said to have been received Said to have been shot  
by George Lytle about 7<sup>40</sup> this A. M. at the  
Hotel Gladstone 59<sup>th</sup> St and 8<sup>th</sup> Ave. with a pistol or  
revolver (35 caliber) E

Death took place Thurs + day, May 15 th 1880 at 4<sup>20</sup> o'clock P. M. F

The Autopsy revealed.....

Remarks: Please serve Subpoenas on Dr. Tourey, Senior Asst.  
Surgeon, as I was called away soon after patient-entered  
Hospital & had no further management of the Case. G

Robt. A. Sands M. D.  
HOUSE SURGEON PHYSICIAN.

- 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 runover 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.

0348

Coroner's Office,

CITY AND COUNTY  
OF NEW YORK } ss.

*George Lytle* 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—

*George W. Lytle*

Question—How old are you?

Answer—

*46 years old*

Question—Where were you born?

Answer—

*Ashfieldville N.C.*

Question—Where do you live?

Answer—

*Gladstone Hotel*

Question—What is your occupation?

Answer—

*Ball boy*

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

*Have nothing to say at present*

*Geo. W. Lytle*

Taken before me, this *21<sup>st</sup>* day of *May* 188*9*0

*Fredman Levy*

CORONER.



0349

MEMORANDA.

AGE		PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
<i>abt</i> <i>17</i>	Years Months	<i>West Indies</i>	<i>Roosevelt Hoop.</i>	<i>May 16/90</i>

*William Miller is at West  
End Hotel, Long Branch.*

*June 2nd 1890*

HOMICIDE.

AN INQUISITION. 959

On the VIEW of the BODY of

*Juan Manuel*

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

*George Lytle*

*Inquest taken on the 20th day*

*1 May - 1890*

*before*

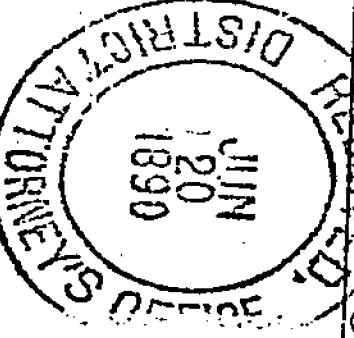
*Heald* CORONER.

*Committed*

*Bound*

*Discharged*

*Date of death*



0350

2nd Quar 543 1890

HOMICIDE.

AN INQUISITION. 959

On the VIEW of the BODY of

Sura Maura

whereby it is found that he came to

his Death by the hands of

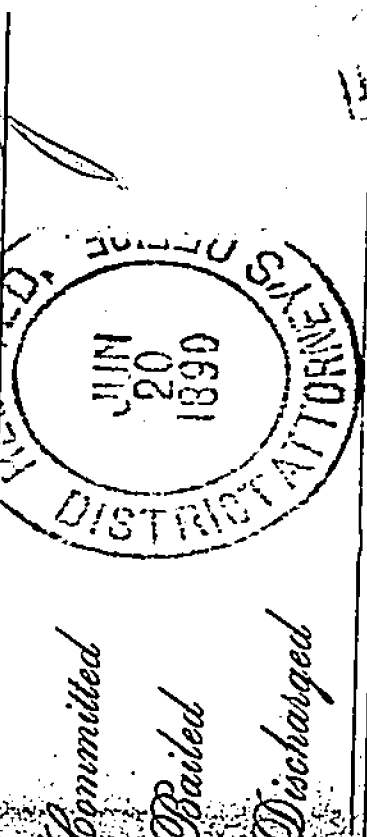
George Lytle

Inquest taken on the 20<sup>th</sup> day

of May - 1890

before

W. J. Lytle, Coroner.



Committed

Bailed

Discharged

Date of death

William Heller is at West  
End Hotel, Long Branch.

MEMORANDA.

AGE	17 Years
PLACE OF NATIVITY	New Jersey
WHERE FOUND	Reservoir at top.
DATE When Reported	May 16/90

0351

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George W. Snyke

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

accuse George W. Snyke —

of the CRIME OF Murder in the First Degree, committed as follows:

The said George W. Snyke,

late of the City of New York, in the County of New York aforesaid, on the ~~15th~~ <sup>16th</sup> day of ~~May~~ <sup>May</sup> in the year of our Lord one thousand eight hundred and ~~eighty~~ <sup>eighty</sup>, at the City and County aforesaid, with force and arms, in and upon one ~~Sura maura~~ <sup>Sura maura</sup>, in the peace of the said People then and there being, wilfully, feloniously, and of ~~his~~ <sup>his</sup> malice aforethought, did make an assault, and the said ~~George W. Snyke~~ <sup>George W. Snyke</sup>, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said ~~George W. Snyke~~ <sup>George W. Snyke</sup> in ~~his~~ <sup>his</sup> right hand then and there had and held, to, at, against, and upon the said ~~Sura maura~~ <sup>Sura maura</sup>, then and there feloniously, wilfully, and of ~~his~~ <sup>his</sup> malice aforethought, did shoot off and discharge, and the said ~~George W. Snyke~~ <sup>George W. Snyke</sup>, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, ~~him~~ <sup>him</sup> the said ~~Sura maura~~ <sup>Sura maura</sup>, in and upon the ~~abdomen~~ <sup>abdomen</sup> of ~~him~~ <sup>him</sup> the said ~~Sura maura~~ <sup>Sura maura</sup>, then and there feloniously, wilfully, and of ~~his~~ <sup>his</sup> malice aforethought, did strike, penetrate and wound, giving to ~~him~~ <sup>him</sup> the said ~~Sura maura~~ <sup>Sura maura</sup>, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the



0352

said *George W. Snythe* in and upon the *person* of  
the said *Sura Manna*, one mortal wound of the breadth of  
one inch, and of the depth of six inches, of which said mortal wound *she* the  
said *Sura Manna*, at the City and County aforesaid,  
~~from the said~~ day of ~~in the~~  
~~year aforesaid, until the~~ day of ~~in the same year~~  
~~aforesaid, did languish, and languishing did live, on which said~~  
~~day of~~ in the year aforesaid, the said  
at the City and County aforesaid, of the said mortal wound did die.

*Then and there died.*

And so the Grand Jury aforesaid do say: That the said

*George W. Snythe, Junr.*

the said *Sura Manna*, in the manner and form, and by  
the means aforesaid, wilfully, feloniously, and of *his* malice aforethought, did kill  
and murder, 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 *George W. Snythe*

of the same CRIME OF Murder in the First Degree, committed as follows:

The said *George W. Snythe*:

late of the City and County aforesaid, afterwards, to wit: on the said *fifteenth*  
day of *May*, in the year of our Lord one thousand eight hundred and  
*eighty-ninth*, at the City and County aforesaid, with force and arms, in and upon the  
said *Sura Manna*, in the peace of the said People then and there  
being, wilfully, feloniously, and with a deliberate and premeditated design to effect  
the death of the said *Sura Manna*, did make an assault, and the said

## N.Y. General Sessions

People

against

George W. Lytle

Indicted June 23, 1890

Murder in the First Degree

In this case the testimony taken before the Coroner, and the ante-mortem statement of deceased, which, however, would probably not be admissible upon the trial, show the following state of facts:

On May 13, 1890, defendant and deceased had a quarrel over a game of cards and came to blows. On May 14, 1890, deceased demanded of defendant fifty cents which he claimed to be due him and, upon defendant's refusing payment, told him they would have to fight about it and they again came to blows and defendant struck deceased with a pitcher.

The next morning deceased procured a stick about two inches wide and struck defendant on the shoulder with it, whereupon they clinched, defendant drew a pistol and fired three shots, two taking effect.

Ante mortem statement of deceased.

It appears by the other testimony taken at the Coroner's Inquest, that deceased approached defendant from behind and that the first

District Attorney.

said George W. Dyke in and upon the breast of  
the said Tina Manna, one mortal wound of the breadth of

shot was not fired until after they had been scuffling for some time.

Testimony of Matthew Sparks

It also appears that on the day before the shooting, at the request of the defendant, another bell-boy in the Hotel took from the deceased an ice-pick.

Testimony of William Miller

One witness testifies however that the third shot was fired by the defendant while deceased was running away in an effort to escape.

Testimony of William Provost.

The defendant is only about seventeen years old and in view of his youth and the fact that the deceased on the morning of the crime, without additional provocation, assaulted defendant, who then shot him during the struggle immediately following such assault, I am of opinion, although the case does not come within the strict definition of self-defense, that there is great danger of a disagreement or compromise verdict, if not an acquittal, and the case approaches so closely to homicide committed "in the heat of passion" that the plea of manslaughter in the First Degree, which is offered by defendant's counsel, should be accepted.

Respectfully Submitted



0355

Jan 29. 1891  
 To  
 Hon. DeLaney Nicoll  
 District Attorney

In this case Mr. Weeks was in error when  
 he reported that the accused had offered  
 to plead to the crime of manslaughter in  
 the 1<sup>st</sup> Degree; the offer was to that of  
 manslaughter in the 2<sup>nd</sup> Degree and under  
 all the circumstances of this case and  
 for the reasons set forth by Mr. Weeks I  
 am of the opinion that the plea of Man-  
 slaughter in the 2<sup>nd</sup> Degree ~~be~~ ought  
 to be accepted.

Wm. F. McDougall

I am of the opinion that  
 the plea of man slaughter  
 in the second degree  
 should be accepted.

DeLaney Nicoll  
 District Atty

District Attorney.

0356

Mr. General Sessions

People

against

George W. Lytle

Report

GLUED PAGE

0357

*George W. Lytle*, a certain pistol loaded with gunpowder and one leaden bullet, which said pistol the said *George W. Lytle* in his right hand then and there had and held to, at, against, and upon the said *Sura Maura*, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said *Sura Maura*, did shoot off and discharge, and the said *George W. Lytle*, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, *him* the said *Sura Maura*, in and upon the abdomen of *him* the said *Sura Maura*, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said *Sura Maura*, did strike, penetrate, and wound, giving to *him* the said *Sura Maura*, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said *George W. Lytle* in and upon the abdomen of the said *Sura Maura*, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound *she* the said *Sura Maura* at the City and County aforesaid, from the said ~~day of~~ in the year aforesaid, until the ~~day of~~ in the same year aforesaid, did languish, and languishing did live, on which said day of ~~in the year aforesaid, the said~~ at the City and County aforesaid, of the said mortal wound did die. *Then and there died.*

And so the Grand Jury aforesaid do say: That the said *George W. Lytle*, *him*, the said *Sura Maura*, in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said *Sura Maura*, did kill, and murder, against the form of the Statute in such made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,  
District Attorney.