

0920

BOX:

499

FOLDER:

4558

DESCRIPTION:

Taylor, Sarah

DATE:

10/24/92



4558

POOR QUALITY ORIGINAL

0921

107 a. b. 127
W. B. Freeman
Attorney

Counsel,

Filed

189

Pleads,

W. B. Freeman
Attorney

THE PEOPLE

vs.

Sarah Taylor

Assault in the Second Degree.
(Section 218, Penn Code.)

DE LANCEY NICOLL,
District Attorney.

Sarah Taylor

A TRUE BILL.

B. Lovell

Subscribed and sworn to before me
this 2nd day of Oct. 1892
Foreman.

W. B. Freeman

Witnesses:

June Jared

My Beoria

My Hawking

both at 230 West

2nd St 2nd floor

Police Court - 2 District.

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

of No. 230 West 2nd St Street, aged 34 years,
occupation Housekeeper being duly sworn

deposes and says, that on the 26 day of August 1887 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Sarah Taylor

(now he) who cut deponent on the left hand and hip, inflicting slight wounds with a razor then held in her hand by the 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 27 day }
of August 1887 } Jane E. Parrotte

John Ryan Police Justice.

POOR QUALITY ORIGINAL

0923

(1835)

Sec. 198-200.

CITY AND COUNTY OF NEW YORK.

District Police Court.

Saul Taylor

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

Question. What is your name?

Answer.

Saul Taylor

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

N.Y.

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

Answer.

230 West 27th St

Question. What is your business or profession?

Answer.

Housewife

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

Answer.

I am not guilty

James J. Taylor
Saul Taylor
(Ment)

Taken before me this

Day of

27

189

Police Justice.

POOR QUALITY ORIGINAL

0924

BATED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court
District

127
1070

THE PEOPLE, etc.,
ON THE COMPLAINT OF

James Bennett
Charles Taylor

1
2
3
4

Offense *Assault*
felony

Dated, *Aug 27*
189

Magistrate
John Ryan

Officer
William

Precinct
20

Witness
James Bennett

No. *234*
Street

No. *234*
Street



No. *234*
Street

No. *234*
Street

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

Charles Taylor
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, *Aug 27* 189 *John Ryan* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK, against

Sarah Taylor

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

Sarah Taylor

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

The said

Sarah Taylor

late of the City and County of New York, on the twenty sixth day of August in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, in and upon one

James Garrett in the peace of the said People then and there being, feloniously did wilfully and wrongfully did make an assault; and the said

Sarah Taylor

with a certain razor which she the said

Sarah Taylor

in her right hand then and there had and held, the same being then and there a weapon and an instrument likely to produce grievous bodily harm, she the said James Garrett then and there feloniously did wilfully and wrongfully strike, beat, cut, stab, bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

0926

SECOND COUNT—

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

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

The said

Sarah Taylor

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, in and upon the said

James Garrett

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said *Sarah Taylor* the said *James Garrett* with a certain *knife*

which *she* the said

Sarah Taylor

in *her* right hand then and there had and held, in and upon the *hand and face* of *her* the said *James Garrett* then and there feloniously did wilfully and wrongfully strike, beat, *cut, stab,* bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *James Garrett* to the great damage of the said *James Garrett* 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.

DE LANCEY NICOLL, District Attorney.

0927

BOX:

499

FOLDER:

4558

DESCRIPTION:

Texter, William

DATE:

10/24/92



4558

0928

BOX:

499

FOLDER:

4558

DESCRIPTION:

Mussot, Libbie

DATE:

10/24/92



4558

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

THE PEOPLE

VS

BRIEF FOR THE PEOPLE.

WILLIAM TEXTOR.

STATEMENT OF CASE.

The Defendant, William Textor, has been indicted for the crime of Abandonment, in aiding, abetting and causing one Libbie Missot, his sister, to leave a certain male child, called Charles Textor, Defendant's own son, aged 2 years, on October 5th, 1902, in the place known as Central Park, in the City of New York, with intent of wholly abandoning the said child.

WITNESSES:

Mrs. Libbie Missot,
Officer James Fitzpatrick,
Mrs. Laura Textor,
Frederick McFarland,
Officer Hugo Schmittes,
Officer Frederick Schmitt,
Mr. Sam Van Dine.

MRS. LIBBIE MISSOT, will state (or at least, she has already admitted to Witness OFF. SCHMITTES) that she abandoned the above named child, Charles Textor, aged 2 years, on Oct. 5th, 1902, in the certain place, known as Central Park, in the City of New York, at the instigation of her brother, with intent of wholly abandoning the said child.

OFFICER JAMES FITZPATRICK of the Park Police will testify:

That on October 5th, at about 1-30 P. M., while on duty in the big summer-house in Central Park, he found the child called Charles Textor, aged 2 years, shivering with the cold. That finding no one to whom the child apparently belonged, he took him to the Police Station at the Arsenal and later child was returned to Police Headquarters.

MRS. LAURA TEXTOR, of 207 Wyckoff Street, Brooklyn, will testify:

That her husband, the Defendant, William Textor, brought to her a child, whom he called Ollie Swartz, aged 2 years, about three weeks prior to Oct. 5th, stating that Mrs. Swartz, who lived with husband at 696 Charlton Avenue, had been taken seriously ill and been removed to a hospital and requesting that Witness take care of him until Mrs. Swartz's recovery. That the child was filthy, when brought to her, and that her husband gave her money wherewith to purchase clothing and other necessaries for it. That, after a while, she became tired of caring for the child and notified her husband to find someone else with whom to board it. That, on the afternoon of the same day, Witness's sister-in-law, Libbie Missot,

POOR QUALITY ORIGINAL

0931

called at her house and informed Witness that her (Mrs. Misset's) brother (the defendant, William Textor) had asked her to take the child to its mother, Mrs. Swartz. That the child was given to Mrs. Misset, who removed him and returned the next day saying that Mrs. Swartz was highly delighted with the clean condition of the child.

FREDERICK McCARTHY, of 207 Wyckoff Street, Brooklyn, will corroborate Mrs. Textor in part, having seen the child when it was brought in and also when it was taken out of the house.

HUGO SCHMIDT, an officer of the N. Y. S. P. C. B., who has had charge of the case from the beginning, will testify as to the result of his investigation, also as to the arrest of the Defendant and further as to his confession that he (Defendant) directed his sister to take the child to New York and see his mother.

CHARLES SCHMIDT, of the N. Y. S. P. C. B., will testify to having arrested the Defendant, William Textor, and to having delivered him before the Police Justice.

MRS. SARAH BIRCH, in charge of the Italian' Cottage, near the Singer-house, where the child was found, will testify to having seen a lady and the child Charles Textor in her cottage. She will identify the child by the coat it wore, and things seen, and also identify the woman in question.

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**POOR QUALITY
ORIGINAL**

0932

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

WILLIAM TEXTOR.

PENAL CODE, §

BRIEF FOR THE PEOPLE.

City

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

THE PEOPLE

VS

BRIEF FOR THE PEOPLE.

WILLIAM TEXTOR.

STATEMENT OF CASE.

The Defendant, William Textor, has been indicted for the crime of Abandonment, in aiding, abetting and causing one Libbie Mussot, his sister, to leave a certain male child, called Charles Textor, Defendant's own son, aged 2 years, on October 5th, 1892, in the place known as Central Park, in the City of New York, with intent of wholly abandoning the said child.

WITNESSES:

Mrs. Libbie Mussot,
Officer James Fitzpatrick,
Mrs. Laura Textor,
Frederick McCarthy,
Officer Hugo Schultes,
Officer Frederick Schmitt,
Mrs. Van Der Linden.

MRS. LIBBIE MUSSOT, will state (or at least, she has already admitted to Witness Off. Schultes) that she abandoned the above named child, Charles Textor, aged 2 years, on Oct. 5th, 1892, in the certain place, known as Central Park, in the City of New York, at the instigation of her brother, with intent of wholly abandoning the said child.

OFFICER JAMES FITZPATRICK of the Park Police will testify: That on October 5th, at about 1-30 P. M., while on duty in the big summer-house in Central Park, he found the child called Charles Textor, aged 2 years, shivering with the cold. That finding no one to whom the child apparently belonged, he took him to the Police Station at the Arsenal and later child was removed to Police Headquarters.

MRS. LAURA TEXTOR, of 207 Wyckoff Street, Brooklyn, will testify:

That her husband, the Defendant, William Textor, brought to her a child, whom he called Ollie Swartz, aged 2 years, about three weeks prior to Oct. 5th, stating that Mrs. Swartz, who lived with husband at 696 Charlton Avenue, had been taken seriously ill and been removed to a hospital and requesting that Witness take care of him until Mrs. Swartz's recovery. That the child was filthy when brought to her, and that her husband gave her money wherewith to purchase clothing and other necessaries for it. That, after a while, she became tired of caring for the child and notified her husband to find someone else with whom to board it. That, on the afternoon of the same day, Witness's sister-in-law, Libbie Mussot,

POOR QUALITY ORIGINAL

0935

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

WILLIAM TEXTOR.

PENAL CODE, §

BRIEF FOR THE PEOPLE.

**POOR QUALITY
ORIGINAL**

0936

*The New York Society for the
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, *October 24th 1892*

*Court of General Sessions of the Peace in and for the
City and County of New York.*

*The People
against
William Dexter*

Notice of Prosecution.

*To the District Attorney of the
City and County of New York,*

*Sir: This Society is interested in the prosecution of
the above defendant, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to the Grand Jury, fixing the day of trial, consenting to
any postponement thereof, or to any reduction of bail, or
final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1886, Chapter 30, Section 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

*Elbridge T. Gerry,
President, &c.*

POOR QUALITY ORIGINAL

0937

N. Y. GENERAL SESSIONS

CRUELTY TO CHILDREN

THE PEOPLE



NOTICE OF PROSECUTION
BY THE SOCIETY.

ELBRIDGE T. GERRY,
President, &c.

**POOR QUALITY
ORIGINAL**

0938

*The New York Society for the
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, October 24th 1892

*Court of General Sessions of the Peace in and for the
City and County of New York.*

*The People
against*

Libbie Messot

Notice of Prosecution.

*To the District Attorney of the
City and County of New York,*

*Sir: This Society is interested in the prosecution of
the above defendant, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to the Grand Jury, fixing the day of trial, consenting to
any postponement thereof, or to any reduction of bail, or
final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1886, Chapter 30, Section 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

*Elbridge T. Gerry,
President, &c.*

**POOR QUALITY
ORIGINAL**

0939

*The New York Society for the
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, October 24th 1892

*Court of General Sessions of the Peace in and for the
City and County of New York.*

*The People
against
Libbie Messot*

Notice of Prosecution.

*To the District Attorney of the
City and County of New York,*

*Sir: This Society is interested in the prosecution of
the above defendant, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to the Grand Jury, fixing the day of trial, consenting to
any postponement thereof, or to any reduction of bail, or
final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1886, Chapter 30, Section 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

*Elbridge T. Gerry,
President, &c.*

POOR QUALITY ORIGINAL

0940

N. Y. GENERAL SESSIONS

CRUELTY TO CHILDREN

THE PEOPLE



NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

New York General Sessions.

-----x
 THE PEOPLE x
 vs x
 William J. Texter. 9 x
another
 -----x

City and County of New York, ss:

I, LIBBIE MUSSOT, being duly sworn, do depose and say:

I am a married woman and reside with my husband at No. 1 Duffield Street in the City of Brooklyn. I am the sister of William J. Texter above named.

I took the little child to Central Park at the request of my brother who asked me to leave it there. While in Central Park in this city at the time I left the child near the arch in the park, I tied around its neck a tag with the initials A. H. S. on it. I did that because my brother asked me to do so telling me that if some one had found the child or if it was afterwards placed in an institution, it would serve to inform him where the child could be found.

I did not go near any Police Station nor to any Police Headquarters either in this city or Brooklyn at any time on the day that I left the child in the park, or before or after.

Sworn to before me this
17th day of November, 1892.

Reynoldsman

Libbie Mussot

*Commissioner of Deeds
in and for the City and
County of New York*

POOR QUALITY ORIGINAL

0942

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

.....being duly sworn, says that he resides at No.Street, in the City of New York; that he is years of age; that on the.....day of 189 , at Number.....in the City of New York, he served the within.....on. the.....by leaving a copy thereof with.....

Sworn to before me this
day of 189 }

A. Edward Stevens

The People

Plaintiff,

against

William J. Taylor
Law

Defendant.

affidavit of
Lebbe Muesch
Defendant

HOWE & HUMMEL,

Attorneys for *ALP*

87 & 89 Centre St., New York City.

Due and timely service of copy of the within hereby admitted

this day of 189

Attorney.

To.....

POOR QUALITY ORIGINAL

0943

New York General Sessions.

-----x
THE PEOPLE ETC., x

-vs- x

William Texter and ano. x
-----x

City and County of New York, ss:

I, WILLIAM G. JUGHARDT, being duly sworn, do depose and say:-

I am a member of the firm of William G. Jughardt & Co. carrying on the Steam Laundry business at Nos. 324 to 328 Myrtle Avenue in the City of Brooklyn, and have been carrying on such business for over seven years past.

The defendant William Texter has been in our employ for the past seven years as driver and collector. He has always been an honest, faithful, sober, industrious and hard working young man. His reputation for general good ^{conduct} ~~character~~ is ~~unmixed~~. *Excellent*

He has been so faithful and honest in the discharge of his duties that we consider him, out of fifty employees, one of the best and most faithful of our servants.

Our firm cannot recommend him too highly to the consideration of the Court, and we are willing, at any time, to take him back in our employ.

I have never heard of his being arrested or in any trouble whatever before the present.

Sworn to before me this
15th day of November, 1892.

Reynold Orman
Commissioner of the Court
NY City Co

Wm Jughardt

POOR QUALITY ORIGINAL

0944

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

.....being duly sworn, says that he resides at No.Street, in the City of New York; that he is years of age; that on the.....day of 189 , at Number.....in the City of New York, he served the within..... on..... the.....by leaving a copy thereof with.....

Sworn to before me this
day of 189)

M. General Services

The People vs

Plaintiff,

against

William J. Foster

Defendant.

*Affidavit of
good character*

HOWE & HUMMEL,

Attorneys for *kept*

87 & 89 Centre St., New York City.

Due and timely service of copy of the within
hereby admitted

this day of 189

Attorney.

To.....

POOR QUALITY ORIGINAL

0945

2nd District Police Court.

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

Hugo Schuller
of Number *108 East 93rd Street* being duly sworn,
deposes and says, that on the *5th* day of *October* 189*2* at the
City of New York, in the County of New York, *In the Central*
Carr in said city of New York *live*
Libbie Mussot now here then and
there being the person having the care
and custody for nurture of a certain
male child now present, called *Charles Lester*
said child then and there being under
the age of six years to wit of the age
of *two* years. *did* unlawfully desert
said child in said place with in-
tent wholly to abandon said child in
violation of the statute in such case
made and provided and especially
of *Section 28th* of the Penal Code
of the State of New York.

Wherefore the complainant prays that the said

Libbie Mussot

may be ~~apprehended, arrested and~~ dealt with according to law.

Sworn to before me, this *10th* day of *October* 189*2* } *Hugo Schuller*
John Ryan
Police Justice.

POOR QUALITY ORIGINAL

0946

Sec. 198-200.

2nd District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

Libbie Mussot

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. *Libbie Mussot.*

Question. How old are you?

Answer. *24 years.*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *1. Duffield St Brooklyn. And 1 month*

Question. What is your business or profession?

Answer. *Housekeeper.*

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

Answer. *All I did, was at the investigation of my brother.
Libbie Mussot.*

Taken before me this *16* day of *April* 18*92*
John R. Ryan

Police Justice.

POOR QUALITY ORIGINAL

0947

Police Court... 2nd District, 1902

THE PEOPLE, Ec.,
ON THE COMPLAINT OF

Alfred Schuttler

vs. Libbie Murrat

indictas pending with

William T. Jackson

Offense: Abandonment

Date: October 10 1892

Magistrate: J. Ryan

Officer: J. Ryan

Witnesses: J. Ryan

No. 108 5th St. N.Y.C.

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

Libbie Murrat

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

Dated, October 10 1892 John Ryan Police Justice.

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

Dated, October 17 1892 John Ryan Police Justice.

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

Dated, 1892 Police Justice.

POOR QUALITY ORIGINAL

0948

2^d District Police Court.

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

of Number 108 Court St being duly sworn,
deposes and says, that on the 23^d day of October 1893 at the
City of New York, in the County of New York. Chas. William

Ector now here then and there being the
father and having the care and custody of
a certain male child called Charles Ector
now here said child then and there being
under one year of age to wit of the
age of two years did unlawfully and
willfully did and a bet one arrest
arrest now here in unlawfully abducting
said child in Central Park in said
City of New York with intent with
to abandon said child in said place
in violation of the Child Labor of
the State of New York.

Wherefore the complainant prays that the said
William Ector

may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 10th day of October 1893
John Ryan Police Justice.

POOR QUALITY ORIGINAL

0949

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

William Lester

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

Question. What is your name?

Answer. *William Lester*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *N. S.*

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

Answer. *207 Myrtle St Brooklyn - 27 years*

Question. What is your business or profession?

Answer. *Collector*

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,
Wm J Lester*

Taken before me this 16 day of Sept 1937
[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0950

BAILLED,
 No. 1, by _____
 Residence _____ Street _____
 No. 2, by _____
 Residence _____ Street _____
 No. 3, by _____
 Residence _____ Street _____
 No. 4, by _____
 Residence _____ Street _____
 No. 5, by _____
 Residence _____ Street _____



Police Court... 2nd District
 1899

THE PEOPLE, Ec.,
 ON THE COMPLAINT OF

John Schmitt
 108 E 23rd
 William Lester
 214th St
 with
 4
 8
 4

Offense: Riding and abetting
 Abandonment

Dated, October 16th 1899

Magistrate:
 J. Schmitt - Officer

Witnesses:
 J. Schmitt

No. 118 E. 23rd
 Street

No. _____
 Street

No. _____
 Street
 to answer

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

Defendant

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

Dated, October 16th 1899 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY ORIGINAL

0951

(522)

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

THE PEOPLE OF THE STATE OF NEW YORK,

against
William T. Taylor
and Lillie Conant

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse *William T. Taylor and Lillie Conant*

of the crime of *possessing a child with intent unlawfully to abandon it,* committed as follows:

The said *William T. Taylor,*

late of the City of New York, in the County of New York aforesaid, on the *22nd* day of *October*, in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid,

being the father of Frederick Taylor, a child under the age of six years, he int. of the age of two years, and then and there having the care and custody of the said child for

POOR QUALITY ORIGINAL

0952

intending his said child to desert and wholly abandon
 nurture and education, said defendant and
 willfully cause and procure, counsel, advise,
 instigate, incite and induce the said child,
 counsel, take, on the same day, then and
 there willfully and feloniously to desert the
 said child in a public place, to wit: in the
 place then known as Central Park, with
 intent thereby to abandon it. And the
 said child counsel, by reason of and in
 consequence of being so caused, procured,
 counselled, advised, instigated, incited, and
 induced by the said William J. Sexton,
 afterwards the wife on the day and in the
 year aforesaid, of the Peter and Paul
 aforesaid, did feloniously and willfully
 desert the said child in the public place
 aforesaid, with intent thereby to abandon
 it; against the form of the Statute in such case made
 and provided, and against the peace of the County of
 the State of New York, and Queen's County.

James C. McNeill, District Attorney

0953

BOX:

499

FOLDER:

4558

DESCRIPTION:

Thomson, Adam

DATE:

10/06/92



4558

Witnesses:

L. Foulson

Barclay

[Signature]

Counsel,

Filed

Pleads,

by

THE PEOPLE

vs.

Adam Thomson

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

B. Lockwood

Sept 2 - Oct. 10, 1892
Foreman.

Pleads Guilty

10 Yrs or P

Robbery, Second Degree. (Sections 224 and 229, Penal Code.)

1892

day of

October

Wm. J. Coffey

np

Police Court 4 District.

CITY AND COUNTY }
OF NEW YORK, } ss

Erzanne Foulfoin
of No. 141 West 171 Street, Aged 19 Years
Occupation governess being duly sworn, deposes and says, that on the
28 day of September 1888 at the Central Park Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without her consent and against her will, the following property, viz:

A pocketbook containing sixteen
dollars, good and lawful money of
the United States,

\$ 16⁰⁰/₁₀₀

\$ 16⁰⁰/₁₀₀

of the value of _____ DOLLARS,
the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was
feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Adam Thompson (now here)
from the fact, that, at about 7.25
P.M. on the above date, whilst deponent
was walking in Central Park, having said
pocketbook containing said money in her
hand, ~~when~~ the defendant did then and
then seize hold of deponent's arms and
placed one hand around her throat
and threatened to kill her if she made
an outcry and seized said pocketbook and
ran away with it. That deponent is in-
formed by Officer Dobson of the Park
Police that when his attention was

1888
Police District
Erzanne Foulfoin

attracted by deponent's outcry he saw the defendant running away and also saw deponent throw something out of his hand into the grass, therefore deponent accuses defendant of robbery and prays that he may be dealt with as the law directs

Sworn before me this 29th day of September 1892

Charles N. Luntz
Police Justice

Dated 1892 Police Justice

guilty of the offence within mentioned, I order he to be discharged.

There being no sufficient cause to believe the within named

Dated 1892 Police Justice

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

Dated 1892 Police Justice

of the City of New York, until he give such bail.

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, District, _____

THE PEOPLE, &c.,
on the complaint of

vs.

1. _____
2. _____
3. _____
4. _____

Offence—ROBBERY.

Dated 1892 _____
Magistrate. _____
Officer. _____
Clerk. _____

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

§ _____ to answer General Sessions.

POOR QUALITY
ORIGINAL

0957

VI.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

Mr. G. W. ...
37 Combs ...
Sept 11, 1894

Sir:

Application for Executive clemency having been made on behalf of *Adam Thomson* who was convicted of *robbery 2 deg* in the county of *New York* and sentenced *October 10, 1892* to imprisonment in the *State prison* for the term of *10 years*

I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, you will forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

J. S. Williams
Private Secretary.

Hon. John R. Fellows
New York

**POOR QUALITY
ORIGINAL**

0958

Johnson

POOR QUALITY ORIGINAL

0959

District Attorneys Office
City & County of
New York

Mason

Provenance with Mayor's Office 189

Handwritten notes, possibly a list or ledger, with various numbers and illegible text.

Handwritten notes at the bottom of the page, including the word "Mayor's Office" and other illegible text.

District Attorney's Office, Park Police
CITY AND COUNTY OF NEW YORK.

Sept. 21" 1894.

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see Officer Dobson
attached to your command in
Sept. 18, 92 in relation to the case of
Adam Thomson
sentenced Oct. 10" 92 to 10
years and months imprisonment by
Recorder Smyth

Please ask the officer to bring such information in relation to the case, and as to the previous record of the prisoner, as he may be enabled to obtain.

Yours truly,

HENRY W. UNGER,

Deputy Assistant and Secretary to the District Attorney.

POOR QUALITY ORIGINAL

0961

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Isaac Dobson

aged _____ years, occupation *police-officer* of No. *Penn Department Police* Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of *Raymond Furlong* and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this *30* day of *Sept* 189*7*

Isaac Dobson

Charles M. Faintor
Police Justice.

Sec. 198-200.

4

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Adam Thompson

being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he sees 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. Adam Thompson

Question. How old are you?

Answer. 31 years

Question. Where were you born?

Answer. Scotland

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

Answer. 301 E. 7th St. 4 years

Question. What is your business or profession?

Answer. Cabman - maker

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

Answer. I am not guilty.

Adam Thompson

Taken before me this 24

day of August 1897

Charles W. Stanton

Police Justice

POOR QUALITY ORIGINAL

0963

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

Police Court-- District

1286

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Sydney Franklin
161 W 23 St

William Thompson

Offence *Robbery*

Dated *Sept 29* 1892

Pauli Magistrate

Robert Officer

Paul Precinct

Witnesses _____

No. _____ Street

No. _____ Street

No. _____ Street

James P. H. District

James P. H. District

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

Dated *Sept 29* 1892 *Charles K. Hunter* 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.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Adam Thomson

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

Adam Thomson

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

The said Adam Thomson

late of the City of New York, in the County of New York aforesaid, on the 28th day of September in the year of our Lord one thousand eight hundred and ninety-two, in the night time of the said day, at the City and County aforesaid, with force and arms, in and upon one Suzanne Foulfouin in the peace of the said People then and there being, feloniously did make an assault; and

the sum of sixteen dollars in money, lawful money of the United States of America, and of the value of sixteen dollars and one pocketbook of the value of one dollar

of the goods, chattels and personal property of the said Suzanne Foulfouin from the person of the said Suzanne Foulfouin against the will and by violence to the person of the said Suzanne Foulfouin then and there violently and feloniously did rob, steal, take and carry away,

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll, District Attorney.

0965

BOX:

499

FOLDER:

4558

DESCRIPTION:

Toohy, Richard

DATE:

10/31/92



4558

POOR QUALITY ORIGINAL

0966

Witnesses:

Amos Eunis

John Brennan

Thos C Kellogg

7/2

Counsel,

Filed *31*

day of

189

Pleads,

THE PEOPLE

vs.

Richard Doherty

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

A. Lockwood

Just 2 Nov. 19, 1892 Foreman.

Pleads Pleading 3rd Degree

E. Min. Ref

Burglary in the Third Degree

Section 498.50 of the Penal Law

POOR QUALITY ORIGINAL

0967

Police Court - 2nd District.

City and County }
of New York } ss.:

of No. 69. 2^d Avenue - Andrew Ennis Street, aged 36 years,
occupation Machinery being duly sworn

deposes and says, that the premises No 455. West Street,
in the City and County aforesaid, the said being a three story brick
Building
and which was occupied by deponent as a Machine Shop
and in which there was at the time a lunch room being by name

were BURGLARIOUSLY entered by means of forcibly breaking and
opening a door leading from premises
No 453 West Street into deponent's place
of business at the above mentioned address

name 2^d day of November 1889 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of Brass, of the
Amount and value of Three
hundred dollars \$ 300 and Metal

the property of Deponent

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

Richard Lohrey (now here) & John Kernan (not
yet arrested) and while acting in concert with both others
for the reasons following, to wit: That about the hour of six o'clock
P.M. of the 20th day of November 1891, deponent was at
the aforesaid premises, and at that time deponent
saw the said door securely closed and fastened
and said premises securely closed and fastened.
And that about the hour of 9 o'clock A.M. of
the 22nd day of November 1891, deponent returned
to said premises, and discovered the said door
broken in, and the aforesaid property missing from

POOR QUALITY ORIGINAL

0969

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas C Kellogg

aged *38* years, occupation *Lumber Yard* of No.

746 Washington Street being duly sworn deposes and says, that he has heard read the foregoing affidavit of *Andrew Ennis*

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

Sworn to before me, this *11th* day of *March* 1890, *T. C. Kellogg*

John Ryan
Police Justice.

POOR QUALITY ORIGINAL

0970

Sec. 105-200.

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Richard Torky

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

Question. What is your name?

Answer. *Richard Torky*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *325 W 21 St - 1 year*

Question. What is your business or profession?

Answer. *Labr*

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
Richard Torky

Taken before me this _____ day of _____ 19__
[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0977

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court... District. 1378

THE PEOPLE vs. ON THE COMPLAINT OF

Richard James
Richard James

Offense: Burglary

Dated: October 15 1892

Magistrate: John Ryan

Officer: Edmund W. Bradner

Precinct: 119

Warden: August Doyle

No. 3, by: John L. Brennan

No. 4, by: J. Gallagher

No. 1, by: 746 Broadway

\$ 1000 to answer

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 1000 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, October 15 1892 John Ryan Police Justice.

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

Dated, 1892 Police Justice.

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

Dated, 1892 Police Justice.

POOR QUALITY
ORIGINAL

0972

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

483

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard Toohy

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

Richard Toohy

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

The said

Richard Toohy

late of the *9th* Ward of the City of New York, in the County of New York aforesaid, on the
21st day of *November* in the year of our Lord one
thousand eight hundred and ninety-*one* in the *day* -time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *shop* of
one *Andrew Jones*

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Andrew
Jones*
Jones in the said *shop*
then and there being, then and there feloniously and burglariously to steal, take and carry away,
against the form of the statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

POOR QUALITY
ORIGINAL

0973

483

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard Toohy

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

Richard Toohy

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

The said

Richard Toohy

late of the *9th* Ward of the City of New York, in the County of New York aforesaid, on the
21st day of *November* in the year of our Lord one
thousand eight hundred and ninety-*one* in the *day* -time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *shop* of
one *Andrew James*

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Andrew*
James in the said *shop*
then and there being, then and there feloniously and burglariously to steal, take and carry away,
against the form of the statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

SECOND COUNT—

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

Richard Toohy

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

The said *Richard Toohy*

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

four hundred pounds of brass of the value of fifty cents each pound, and four hundred pounds of other metal of the value of fifty cents each pound

of the goods, chattels and personal property of one

Andrew Jones

in the

shop

of the said

Andrew Jones

there situate, then and there being found, in the

shop

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

**POOR QUALITY
ORIGINAL**

0975

THIRD COUNT:

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

Richard Toohy
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Richard Toohy*

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

*four hundred pounds of brass
of the value of fifty cents each
pound, and four hundred
pounds of other metal of the
value of fifty cents each pound*

of the goods, chattels and personal property of

Andrew Innes

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

Andrew Innes

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

Richard Toohy

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, 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.

DE LANCEY NICOLL,

District Attorney.

0976

BOX:

499

FOLDER:

4558

DESCRIPTION:

Tracy, Joseph

DATE:

10/14/92



4558

POOR QUALITY ORIGINAL

0977

Witnesses:

Emily Tracy

It appears from state
ment by Tracy by ~~the~~ ^{the}
-er in charge of that case that
it is preferable to
find the complainant
without whom state may
a conviction cannot be
had. Diligent efforts
have been made to find
her without success.

Recommend the dis-
charge of the defendant on
his own recognizance
Nov 9/92 Jas W. Osborne
Deputy

Counsel,

Filed

day of

1892

Pleas,

Myself

THE PEOPLE

vs.

Joseph Tracy

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

DR LANCEY NICOLL,

District Attorney.

A TRUE BILL.

B. J. Stokewood

Foreman.

[Signature]
I have in recognition

POOR QUALITY ORIGINAL

0978

Police Court ✓ District.

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

of No. 414 First Avenue Street, aged 40 years,
occupation Keep Shop being duly sworn
deposes and says, that on 3 day of Oct 1887 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Joseph Tracy
(nephew) who did unlawfully
and feloniously cut and stab
deponent in the right hand
with a knife thru and
thru held in the hand
of said defendant.
Emily Tracy

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

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

Sworn before me, this 3 day }
of Oct 1887 } Emily Tracy

J. J. [Signature] Police Justice.

POOR QUALITY ORIGINAL

0979

Sec. 198-200.

✓
.....District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss:

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

Question. What is your name?

Answer *Joseph Tracy*

Question. How old are you?

Answer *23 Years*

Question. Where were you born?

Answer *Italy*

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

Answer *144 1/2 Avenue. 2 weeks*

Question. What is your business or profession?

Answer *Barber*

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

Answer. *I am not guilty*
Joseph Tracy
Barber

Taken before me this
day of *Nov* 189*7*

J. P. ...
Police Justice

POOR QUALITY ORIGINAL

0980

Police Court District

1244

THE PEOPLE, Ac.,
ON THE COMPLAINT OF

Grady - Tracy
with 1st wife
Joseph Tracy

Offence Felonious Assault

Dated Oct 4 1892

McWilliams Magistrate

Witness Ernest Wynn

Witness George Moore

No. 434 1st Avenue

No. 414 1st Avenue

No. 540 to Justice

34th St. at 110

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 Grady Tracy

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 5 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated Oct 4 1892 McWilliams Police Justice.

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

Dated 1892 McWilliams Police Justice.

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

Dated 1892 McWilliams Police Justice.

POOR QUALITY ORIGINAL

0981

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Joseph Tracy

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

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

The said *Joseph Tracy*

late of the City of New York, in the County of New York aforesaid, on the *third* day of *October* in the year of our Lord one thousand eight hundred and ninety-*two*, with force and arms, at the City and County aforesaid, in and upon the body of one *Emily Tracy* in the peace of the said People then and there being, feloniously did make an assault and *beat* the said *Emily Tracy* with a certain *knife*

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

with intent *beat* the said *Emily Tracy* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

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

The said *Joseph Tracy*

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 *Emily Tracy* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *beat* the said *Emily Tracy* with a certain *knife*

which the said *Joseph Tracy* 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 strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

0982

THIRD COUNT—

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

Joseph Tracy —

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

The said *Joseph Tracy* —

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 said *Emily Tracy* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault and *her* the said with a certain *knife* *Emily Tracy* —

which *he* the said *Joseph Tracy* — in *his* right hand then and there had and held, in and upon the *hand* — of *her* the said

then and there feloniously did wilfully and wrongfully strike, beat, *stab*, cut *bruise* and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *Emily Tracy*

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. *Emily Tracy* —

DE LANCEY NICOLL, District Attorney.

0983

BOX:

499

FOLDER:

4558

DESCRIPTION:

Turk, Emil

DATE:

10/24/92



4558

POOR QUALITY ORIGINAL

0984

Weyman
189

Counsel,
Filed *11* day of *Oct* 189 *2*

Pleas
in *the* *name* *of* *the* *people*
vs.
P

Grand Jurors
Doct
David L. ...

S.P. ...
BY *LANCEN NICOLL*
District Attorney.

A TRUE BILL
B. ...
... ..

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

Witnesses:
Eme ...

...
...

THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs

BEFORE JUDGE FITZGERALD.

EMIL TURK.

Wednesday, November 30, 1892.

Indictment for assault in the first degree.

Assistant District Attorney Osborne, for the People.

Mr. Hyman, counsel for the defendant.

A Jury was empanelled and sworn.

EMIL WEHDE, sworn, and examined by Mr. Osborne:

Q. Do you speak English? A. Not much.

Q. What do you speak, what language? A. German.

By the Court: Q. Did you understand the oath? A. Yes, sir.

By Mr. Osborne: Q. Do you know the defendant, Emil Turk, this man here? A. No, I do not know him.

By the Court: Q. Do you know him by sight?

A. No, I never saw him before.

Q. You saw him once, didn't you? A. Yes, sir.

By Mr. Osborne: Q. Did you see him on the 17th of October, 1892?

A. Yes, sir.

Q. Where did you see him? A. In our house.

Q. No. 518 East 83th street, New York city? A. Yes, sir.

Q. What is your business? A. Pastry cook.

Q. Whereabouts? A. Jaeger's.

Q. In the city of New York, Jaeger's? A. Yes, sir.

Q. What time of day was it that you saw him?

A. It was about eight o'clock in the night.

Q. And where was he when you saw him?

A. He was on the step.

Q. On the steps of your house? A. Yes, sir.

- Q. No. 518 East 88th street? A. Yes, sir.
- Q. Now, did you have any talk with him?
A. Yes, sir, I asked him what he wanted.
- Q. You asked him "what do you want," is it? A. Yes, sir.
- Q. What did he say? A. He says he wanted to see this girl
- Q. What girl? A. He means there was a girl in our house.
- Q. He said, "I want to see Mary?"
A. Yes, sir, I told him she was not in our house.
- Q. You said, "she is not here?" A. Yes, sir.
- Q. What did he say? A. He says he knew she was there.
- Q. How did he speak, low, loud, or how? A. Oh, loud.
- Q. What did you say? A. I told him again she was not there and then he talked so loud.
- Q. What else did you tell him beside she was not there?
A. He asked me nothing.
- Q. Did you tell him to go away? A. Yes, sir.
- Q. What did you say to him, say what you said? A. I said, "Get out of here;" then he would not go and then I pushed him down the step.
- Q. And then what did he do? A. He was ten or eleven steps down and then he says, "Wait, I will shoot you," and he took the revolver out of his pocket and he shot.
- Q. Shot at you? A. Yes, sir.
- Q. Is that the revolver? (Showing pistol to the witness).
A. Yes, sir.
- Q. He took that revolver out of his pocket and shot at you?
A. Yes, sir, and I ran away.
- Q. Where did you run to? A. I ran in the kitchen.
- Q. Did you shut the door when you got in the kitchen?

A. Yes, sir.

Q. What did you do after that, after you were behind the door did you hold the door on the inside? A. Yes, sir, I held onto the door with my hand and he comes up and kicked on the door and says, "Open the door or I will shoot you."

Q. I suppose you did not open the door?

A. No, I did not open the door.

Q. Did you open the door? A. No, I did not.

Q. What did the defendant do then?

A. Then he shot three times through the door.

Q. He shot three times through the door? A. Yes, sir.

Q. And how many times did he kick on the door?

A. I do not know that, two or three times, I do not know.

By the Court: Q. Did he make holes in the door with the shots?

A. Yes, sir, three holes.

Q. And what did you do then, you went to the window and shouted out of the window?

Objected to.

A. A. Yes, sir, I went to the front, I did not hear him more and I ran to the front and called out of the window for a policeman.

Q. And the defendant was arrested, was he? A. Yes, sir.

CROSS EXAMINATION, by Counsel:

Q. How old are you? A. Nineteen years.

Q. How long have you been in this country?

A. Thirteen or fourteen months.

Q. And during all that time, up to the 17th of October, you never saw this defendant? A. No, I never seen him before.

Q. Did you ever see the Mary that he spoke of?

A. Yes, sir.

By the Court: Q. You know Mary, do you?

A. Yes, sir, she is a friend of my sister.

By Counsel: Q. A friend of your sister?

A. Yes, sir.

Q. Where was Mary on that night?

A. I do not know.

Q. Where was she the night before?

A. I do not know.

Q. Was she ever at your house?

A. Yes, sir.

Q. When was she last at your house?

A. The same day.

Q. That same day?

A. Yes, sir.

Q. How long before he came there was she there?

A. Oh, he was there twice; between the first and the second time Mary was in our house.

By the Court: Q. What time did he come first?

A. About four o'clock but I was not there at the time.

By Counsel: Q. You had heard about him before, hadn't you?

A. Yes, sir, I did not see him.

Q. You had heard about him?

A. Yes, sir.

Q. You had him described to you before you saw him?

No answer.

By the Court: Q. Were you told what kind of a looking man he was?

A. Yes, sir.

By Counsel: Q. Did Mary ever speak to you about Mr. Turk?

No answer.

By the Court: Q. Did Mary talk to you about Turk, the prisoner?

A. No.

Q. Never, at any time?

A. Oh, yes, once before.

Q. Once before?

A. Yes, sir; I lived in 119th street at that time; all the time he was after Mary.

By Counsel: Q. Did she talk to you about him on the day that he was there?

A. No.

By The Court: Q. On the day of the shooting did Mary talk to you?

A. No, I did not see Mary on that day.

By Counsel: Q. Who did see Mary that day? A. My father.

Q. Anybody else that you know of?

A. My brother I guess.

Q. Did your mother see her on that day? A. I do not know.

Q. Did your mother tell you she had seen her on that day?

A. No.

Q. When did your father tell you that he had seen her?

No answer.

By the Court: Q. What time in the day? A. In the night
time when I came home.

Q. What time was it when you got home? A. Seven o'clock.

By Counsel: Q. And he told you that he expected Turk back there,
didn't he? A. Yes, sir.

Q. And then you waited for Turk to come? A. Yes, sir.

Q. And when Turk did come you went to the door? A. No.

Q. Who went to the door? A. My sister came up and told
me that Turk was there again, and then I go out.

Q. Your sister came up from where?

A. She was on the street.

Q. She came up stairs and told you that Turk was down stairs?

A. Yes, sir, Turk was there.

Q. How high up do you live, what floor do you live on?

A. The fifth floor.

Q. That is the top floor? A. Yes, sir.

Q. And your sister came in and told you that Turk was down
stairs? A. Yes, sir.

Q. And then you went to the door? A. No, I was in the
hall on the top floor.

Q. You waited for him to come up? A. Yes, sir.

Q. And when he came up you pushed him down?

A. No, I asked him -----

Q. He asked you for Mary and you told him Mary was not there?

A. Yes, sir.

Q. And he insisted he wanted to see Mary and then you pushed him away, pushed him down?

A. Yes, sir.

Q. Pushed him down ten or eleven steps?

A. Yes, sir.

Q. In any of the conversations in which Turk was spoken of were you told that Turk had a broken leg, did anybody ever tell you that Turk's leg was broken?

A. No.

Q. Didn't Mary tell you that one day when she was out riding with him the carriage upset?

A. She did not tell me that.

Q. You knew it, didn't you?

A. No, I did not know it.

Q. You say after he shot four or five times he then came right up stairs, you had the door closed, did you?

A. He shot only once.

Q. After he shot once you closed the door, didn't you?

A. Yes, sir.

Q. You ran in and closed the door, did you open the door at any time between the first shot and the next three shots?

A. No.

Q. Did you see the defendant after he shot the first shot?

A. Yes, sir, I saw him.

Q. Where did you see him next?

A. When I ran into the

kitchen he was behind me.

Q. Did you see him shoot three shots?

A. No, I did not see him.

Counsel: At this stage we move to strike out all this testimony as to the three shots.

The Court: Motion denied.

Counsel: We except.

By Counsel: Q. How was he standing when you pushed him down the eleven steps, facing you or with his back to you?

A. He was a few steps down, about two or three steps down

Q. And then you pushed him?

A. I pushed him more down.

Q. He had his back towards you before he was going down the steps?

A. Yes, sir.

Q. Before that time did you ever have any word with him?

A. No, I never seen him before.

Q. Did he ever threaten to shoot you before that time?

A. No, sir.

Q. Do I understand you correctly when you say that the first time you saw the pistol was when he shot the one shot?

A. Yes, sir.

Q. Where did that shot lodge, what did it hit?

A. The bullet went into the ceiling.

Q. In the ceiling?

A. In the ceiling.

Q. How many steps are there running from the fourth to the fifth floor?

A. Sixteen or seventeen, I do not

know for sure.

Q. Will you swear that it is more than eleven?

A. Oh, yes, it is more than eleven.

Q. Was he halfway down?

A. Yes, sir, he was about halfway

Q. When did you go into the room first, when he fell down or after he shot the shots?

No answer.

By the Court: Q. When did you go into the kitchen?

A. The first time he was shooting.

By Mr. Osborne: Q. Where was the defendant, Turk, standing when he

fired the first shot?

A. I put him down.

Q. Where was the defendant ---- you say you saw the defendant fire one shot at you, now where was he standing?

Objected to.

Q. He fired a shot, tell me where the defendant was standing when he fired that shot, where Emil Turk was standing?

A. About ten or eleven steps down.

Q. You were on the steps above?

A. Yes, I was in the hall.

Q. In the hall, just above?

A. Yes, sir.

Q. You were in sight of the defendant were you, he could see you?

A. Yes, sir, he can see me.

By the Court: Q. How did he hold the pistol, do you know?

A. I pushed him down and then he put his hand in his pocket of the over-coat and then he says, "Wait, I will shoot," and he took the pistol, I saw the pistol and I ran away, the bullet got in the ceiling.

Q. Where were you when the next shot was fired?

A. Then I

ran in the kitchen and he after me, I shut the door.

Q. Did you see him before you closed the kitchen door?

A. No, I did not see him then.

Q. Where was he standing the last time you saw him?

A. When I ran away?

Q. Where was he then?

A. He was coming up the step.

Q. Did you see him come up?

A. Yes, sir.

Q. Did he have a pistol?

A. I did not see that.

Q. When you got into the kitchen, is that it?

A. Yes, sir.

Q. How soon was the door closed when you heard the next shot?

A. And then he kicked on the door and he said, "Open the door or I will shoot."

Q. What did you say?

A. I said nothing.

Q. You said nothing? A. No; he kicked on the door and then he shot three times.

Q. Then you went to the window, did you?

A. Yes, sir, the front room.

Q. What did you do with the door you were holding?

A. I did not hear him no more.

Q. Then you went to the window and you shouted what, "Police?"

A. I called, "Police!"

Q. Did the policeman come? A. The policeman came.

Q. Where was he found, after the policeman came was he there, Turk?

A. Turk was the e.

Q. Where was he when the policeman came? A. He was on the steps I guess, I did not see him that time.

Q. You saw the policeman? A. No, I did not.

Q. After you got in the kitchen, then did you see Turk after that?

A. I seen him when the policeman got him.

Q. How long was that after the shooting, how many minutes?

A. About five minutes.

Q. Did you say anything to him then? A. No.

By Mr. Osborne: Q. Did you say something to the policeman in his presence?

A. No, I did not.

By Counsel: Q. Didn't you run right into the room after you pushed him?

A. No, first he shot.

ABRAHAM JOSEPHS, sworn, and examined by Mr. Osborne:

Q. You live in this city? A. Yes, sir.

Q. What is your business? A. Clothing cutter.

Q. Whereabouts? A. On Broadway.

Q. Do you remember the 17th day of October, 1893, when this shooting business that has been described here occurred?

A. I remember, not exactly the date.

Q. But you remember when it happened? A. Yes, sir.

Q. Did you see the defendant on that day, Turk?

A. That evening.

Q. What time? A. It was about half past seven.

Q. Where was he standing when you saw him?

A. I was standing between the banisters and the floor.

By the Court: Q. You were in the house, were you?

A. In the house, No. 518 East 88th street.

By Mr. Osborne: Q. Were you in the house? A. I live there.

Q. Was it before or after the shooting you saw him?

A. After the shooting.

Q. Did you ever see that pistol before? A. Yes, sir.

Q. Were you in your rooms that night, in your house?

A. Yes, sir.

Q. Did you hear anything? A. Yes, sir.

Q. What did you hear? A. I heard a man hallooing up stairs, "Go away or I will shoot."

Q. Did you hear any more? A. After this I heard a pistol go off.

Q. How many times? A. Four times.

Q. When you heard that did you go out to see what was the matter? A. I go out to see what was the matter.

By Mr. Osborne: Q. You went out to see what was the matter?

A. Yes, sir.

Q. Did you see the defendant then going down stairs?

A. Going down stairs.

Q. Did you see him drop anything? A. Not on the floor.

Q. Where did you see him drop it? A. I saw the defendant go down stairs, I stopped him in the hallway up stairs in my

hall, and he was excited; and I told him, what is the matter? He says he has not done anything, I shall leave him go. I stopped him for a few minutes and then I left him going down, then I followed him down right before on the stoop and on the stoop I had hold of his left arm, he was standing with his back against the iron railing and then he put his hand in his pocket and drew something up and dropped it.

Q. What was it? A. After the boys commenced to hulloa he dropped the revolver; I looked after him and I saw the revolver lying on the floor.

Q. Was this the revolver? (Showing pistol).

A. That I could not tell you, it was something like that.

Q. Did you pick it up? A. No, sir.

Q. Who picked it up? A. The officer.

Q. This gentleman here? (Pointing to the officer.)

A. Yes, sir.

Q. And this man here picked it up? A. Picked it up.

Q. He picked up the revolver that was on that stoop?

A. On that stoop.

Q. That is all you know about it? A. That is all I know about it excepting I saw him go in the station house and went up with him.

Q. You went up to the station? A. Yes, sir.

CROSS EXAMINATION, by Counsel:

Q. When was your attention first drawn to the defendant, when did you first see the defendant? A. That is the first time I saw him.

Q. When did you first notice him, was it when you heard somebody shout, "Go away or I will shoot?" A. I heard his noise.

Q. Then you went right outside? A. Then I went outside.

Q. Immediately upon your going outside you heard the pistol shot?
A. When I went out I heard the pistol shot

Q. What floor are you on?
A. On the third.

Q. When did you first see the defendant?

A. When he came down stairs.

Q. He was going from the fourth to the third?

A. From the fourth to the third.

Q. What language were the words in "Go away or I will shoot you?"
A. In German.

Q. Had you ever seen the defendant in that house before?

A. No.

Q. Do you know Mary Poeppel?
A. No.

Q. Did you ever see her before?
A. She lives in that house, I never saw her.

Q. Have you ever seen her in the house?
A. No.

By the Court: Q. Do you know what floor the complainant, Emil Wehde, lives on?
A. The top floor.

Q. You live on the third?
A. I live on the third.

Q. How many stories altogether?
A. It is a five story house

By Counsel: Q. When did you next see Wehde?
A. I did not see the man at all until that night I saw him in the station house.

FREDERICK WENDE, sworn and examined:

By the Court: Q. Do you speak English, do you understand me?
A. Yes, sir, I understand what you say.

Q. Where do you live?
A. No. 518 East 88th street.

By Mr. Osborne: Q. You have seen this man in your life, have you, Emil Turk, the defendant?
A. Yes, sir.

Q. You saw him on the night of the shooting, did you?

A. Yes, sir, the afternoon.

Q. About what time? A. I think it was half past three or four o'clock, I do not know.

Q. Did he come to your house? A. Yes, sir.

Q. What did he say when he came there, did he speak to you?

A. Yes, sir, I went on the floor to the stairs; when he came up stairs I asked him what he wanted, do you understand?

Q. You asked him what he wanted? A. Yes, sir, and then he wanted to see Miss. Mary Poeppel and I told him this girl is not with us in our rooms, I told him that.

Q. You said "this girl is not with us now?" A. Yes, sir.

Q. Go on? A. I then entered our kitchen and then my father was there; my father told him to go home because my father -----

Objected to.

Q. He told him to go? A. Yes, sir, because my father--
Objected to.

Q. And did he go after he was told? A. No.

Q. He refused to go? A. Yes, sir, he refused to go, he would not go.

Q. And then what did your father do? A. Then my father told him several times, three or four times, to go.

Q. He would not go? A. He would not go.

Q. Then what did your father do?

A. Then my father went to the station house.

Q. And did he bring a policeman with him? A. It took too long a time when the policeman came and during this time ----

By the Court: Q. Your father went to the police station?

A. Yes, sir.

Q. What did he do then? A. Then he (the defendant) in-

sulted my mother and me.

By Mr. Osborne: Q. He insulted your mother and you?

A. Yes, sir; and then I asked him several times to go but he said, "No, I do not go, I lie on the floor before I go," he would not go.

Q. What did you do? Then as he insulted my mother and me I wanted to put him out, I wanted to make a note of this.

Q. What did you do? A. I took his arms and opened the door.

Q. To shove him out? A. Yes, sir.

Q. Did you shove him out? A. No.

Q. Did he go then? A. No.

Q. What did he do?

(The witness was now examined through the interpreter.)

A. When I got hold of his arm in order to lead him out he opened his overcoat and he made a motion with his arm so as to put his hand into his pocket.

Counsel: I move to strike that out.

The Court: It may stand.

Counsel: Note an exception.

By Mr. Osborne: Q. What did the defendant do with his hands?

A. I prevented him from putting his hand into his pocket.

By the Court: Strike that out. Q. Ask him what he did?

A. Then I got hold of both his arms when he tried to put his hand -----

By Mr. Osborne: Q. Where did the defendant then go?

A. He remained standing there.

By the Court: Q. How long did he stay there? A. Not long.

By Mr. Osborne: Q. Then where did he go? A. I held him the

whole time so he had to stay there.

By the Court: Q. How long was that? A. About a minute or two I held on to him.

Q. What did you do after that? A. Then my mother said, "let him go;" then I said to my mother in his hearing that I would not let him go because I think if I let him go he will pull out a weapon, he has a weapon. He said, "I have no revolver." Then I let him go.

Q. Did he go away then? A. Then he went out.

Q. When did this man next see him after that? A. Then he went to the stairs.

Q. Did he go away? A. He went away, he said, "Wait, I will come back again," in a threatening way.

Q. He said he would come back again, strike out threatening manner ---- when did he next see him after that? A. That happened along about half past three it happened first; in about half past seven or eight o'clock in the evening he came again.

By Mr. Osborne: Q. Did you see him when he came then? A. No, my brother saw him.

Q. Strike that out ---- when did you next see him? A. I saw him when he came, half past seven or eight o'clock.

Q. Where did you see him at half past seven? A. On the top floor, nearly where we live.

Q. Who was there at the time he saw this man, the prisoner, who else was there? A. My brother, my father, my mother, and two little girls were there.

Q. His brother, Emil Wehde, was there? A. Yes, sir.

Q. Did you see the defendant do anything at that time?

A. Yes, sir.

Q. What did you see him do?

A. I saw when my brother went up to him, when he came to the top floor, and said, "What do you want here?" That I saw. Then he commenced to hullo, crying out, saying, "What I want here?" My brother said, "Go quick away." He did not want to go; then my brother pushed him, he resisted and tried to get into our rooms by force, my brother pushed him back and when he came to the stairs then he fell down the stairs, he staggered and fell down the stairs.

Q. What was the next thing you saw?

A. Then that is all I saw.

Q. You saw nothing more?

A. He did not fall down the whole stairs, some steps.

Q. After that did you hear anything?

A. Then I heard a report, four or five reports.

Q. Reports of what?

A. Of a pistol.

Q. You heard that?

A. Yes, sir, I heard that; then we went for the police, the whole family cried out "Police!"

Q. After you heard these four or five pistol shots, when did you next see the prisoner after that?

A. Then the policeman had him in custody.

Q. How long was that after the shots?

A. Ten or fifteen minutes, I saw him in the custody of the policeman up stairs in our dwelling place.

CROSSEXAMINATION, by counsel:

Q. What business are you in?

A. I am an office clerk.

Q. Where?

A. 22 Beaver street, we have a business in Milwaukee and New York.

Q. Where were you working on that day of the shooting?

A. I had no work.

By the Court: Q. You were not working that day? A. No.

By Counsel: Q. And when were you working last before that?

A. I Couldn't tell how long.

Q. Was it a year before? A. A few weeks before.

Q. Did you ever see Turk before the time he came up and spoke to you? A. No, sir.

Q. And the only occasions upon which you did see him were when he spoke to you in the afternoon between three and four, and in the evening of the same day between seven and eight?

A. Those two times, not before.

Q. When he came up in the afternoon where were you?

A. At first when he came up I was in the kitchen.

Q. He knocked at the door and came in? A. No, when the bell was rung then I went to the stairs to see who is coming up.

Q. And then he came up; what was said? A. I asked him when he came up stairs, "What do you want?"

Q. What did he say? A. He asked for Mary Poeppel.

Q. What did you say? A. I knew who he meant and I said, "She does not live with us."

Q. And when did she live with you last? A. I can't tell because I am not always home.

Q. When was the last that you know that she lived with you?

A. I think in June or July I saw her last in our place.

Q. Do you know where she lived after she lived with you?

A. I was told where she is but I do not know where she is.

Q. What were you told?

Objected to as irrelevant and immaterial.

By the Court: Q. Tell him to tell what he knows about her?

A. She is a friend of my sisters this Mary Poeppel and sometimes she came on a visit to us. I never took much interest in her only I saw that she is somewhere in a situation, or that she is sewing somewhere.

Q. How long before the day of the shooting did you learn she

left? A. I can't tell, sometimes every day there was talk about Mary Poeppel and sometimes her name was not mentioned, I can't tell how long ago.

By Counsel: Q. In these talks that you speak of did you ever hear that Mary Poeppel was in the ~~XXXXX~~ hospital or under a doctor's

treatment? A. I did not hear that.

Q. Did you know that Mary Poeppel was in a family way when she was at your house?

Objected to. Objection sustained. Exception.

Q. Didn't you go to the drug store nearest your house for medicines for Mary Poeppel while she lived at your house?

Objected to. Objection sustained. Exception.

Q. Didn't you know that Mary Poeppel was an unmarried woman?

Objected to. Objection sustained. Exception.

Q. Coming back to the first conversation between you and the defendant, Turk, in the afternoon between three and four o'clock, do you remember whether or not the defendant said to you that he had broken a leg on the day of the shooting?

Objected to. Objection overruled.

A. I can't remember very well, it seems to me that he said something about it.

Q. And that was before you took hold of him? A. Yes, sir, if he said it he must have said it before I got hold of him.

- Q. Did you see Mary Poeppel on that day? A. No.
- Q. Were you home all day? A. NO.
- Q. Did you go away after four o'clock? A. Possible
that I left, I cannot remember what I did after he came
the first time.
- Q. Do you know whether Mary Poeppel was there after four o'clock
on that day? A. I cannot recollect, I do not know.
- Q. Did anybody tell you that she was there on that day?
A. Yes, sir.
- Q. Who was it that told you? A. My father or my mother,
I don't know who.
- Q. What time was it when they told you? A. I can't
recollect when it was, what time.
- Q. Was it between four and seven? A. Yes, sir; between
four and half past seven.
- Q. You are sure it was not before the defendant came in the
evening? A. Yes, sir, before he came the second
time I was told.
- Q. You say the defendant insulted you and your mother?
A. Yes, sir.
- Q. Did he insult your father too? A. My father was
not there.
- Q. Where was your father? A. My father went to the
police station.
- Q. Did your father go to the police station before he insulted
you and your mother? A. I think that he went away
before he commenced to insult.
- Q. Do you know when he went to the police station?
A. I can't tell exactly, only my father went away.
- Q. You say he insulted you, now tell the Court and Jury exactly

what he said? A. He said they were very nice people those who sent their daughters out to solicit men in the street. That he said to my mother. I could not listen to that and then he commenced to insult me.

Q. How did he insult you? A. He said, "You are a stupid boy."

Q. You regarded that as an insult? A. Yes, sir.

Q. Is that all that he said to your mother? A. He said more. He was talking more a out that kind of thing and then he commenced to reason with my mother that it is not right my sister is in a situation and that she keeps company with that Mary Poeppel and commenced to argue with my mother about it.

Q. Ask him again, Mr. Interpreter, what he said, I did not exactly understand it? A. I do not remember exactly all the words but the substance was that he said that my sister should not keep company with Mary Poeppel because this Mary Poeppel stole a jacket of my sister.

By the Court: Q. The defendant said that? A. The defendant said that to my mother.

By Counsel: Q. Did he not say to your mother that your sister was aiding Mary Poeppel in causing a mis-carriage?

A. No, he did not say anything about this.

Q. Will you swear he did not say so?

A. I did not hear it, he did not speak about an abortion.

Q. Did he say anything at all relating to the pregnancy of Mary Poeppel?

Objected to as immaterial.

Objection sustained.

Exception.

Q. You say he came back at eight o'clock that evening?

A. Yes, sir; at eight or half-pastseven.

Q. Where were you when he came?

A. I was eating my meal in the kitchen.

Q. Who else was eating a meal with you, if anybody?

A. The whole family, all were at the table, only my sister was not home, my sister she was not at the table because she was not home.

Q. What sister do you speak of?

A. I am speaking about the one that has a situation, the big one.

Q. All the others were sitting down eating supper?

A. Yes, sir.

Q. Do you remember your testimony a few moments ago, when in answer to the District Attorney's question you said that one of your sisters came up and told you Turk was down stairs coming up?

A. It was my little sister, twelve years old.

Q. In answer to my question, just previous to the one I put to you, you said you were all at the table ---- which of those two answers is correct?

A. The little sister was sent out to fetch some beer; she came up and said that Turk was coming; she was at the table and was sent away to fetch some beer.

Q. Do you remember my question, you were all sitting at the supper table?

The Court: He says he does, he gave an explanation of it -----
proceed to another question.

Counsel: We except.

By Counsel: Q. Who was the first to go out of the door when you heard that Turk was coming up?

A. My brother was the first.

- Q. Who was immediately behind him, if anybody? A. I.
- Q. Was your father behind you? A. I do not know, I did not see him.
- Q. Who else stood at the head of the stairs when Turk came up you or your brother?
- A. When I came up he was standing next to my brother.
- Q. And that was on the small platform at the bottom of the stairs?
- A. I do not know if it was at the head of the stairs; about two paces away from it.
- Q. Did he come up any higher after you came out?
- A. He was up already on the floor when I came out.
- Q. Was the door open or shut, the door leading to your apartments?
- A. The kitchen door remained open.
- Q. Did you see the defendant shoot? A. I only heard the report but I heard his voice when he halloped and when he shot.
- Q. Did you go into the room before your brother pushed him down the steps or after?
- A. When he fell down the stairs then I went into the room, my brother pushed him to the stairs.
- Q. What did your brother do after he pushed him?
- A. I do not know, probably he looked what happened to him.
- Q. Didn't he go into the room? A. He came into the room but I do not know how long after this man fell down some steps.
- Q. Did he go in before the shot was fired or after?
- A. I do not know because I was in the room.
- Q. How many shots did you say you heard in all?
- A. If I am not mistaken five, I was waiting, I counted five and I thought that there may be six, that he will fire six but he did not fire more than five; then I went out.

Q. You were waiting to see him shoot six, were you?

A. Yes, sir, I thought he had a six-shooter and I waited in the room to hear him, waited for the sixth so that he has no more to shoot.

Q. How did you know he had any revolver with him at all?

A. I do not know that he had a revolver.

Q. And how was it you waited to hear the six shots, not knowing he had the revolver?

A. I never saw a revolver with less than six shots, six chambers, barrels; so when he commenced to shoot I thought he must have a six-shooter.

Counsel: I move to strike out the answer as not responsive.

The Court: I will allow the answer to stand.

Counsel: We except.

By Counsel: Q. Did you see any revolver in the hands of this defendant or in his possession?

A. I did not see a revolver with him.

Q. Then how did you know he had a revolver?

A. Because it could not be nobody else.

Counsel: I move to strike out so much of the answer "could not be anybody else" as a mere conclusion.

The Court: I would strike it out if the question did not admit of it; you asked him how he knew it.

Counsel: We except.

By Counsel: Q. Did you see where these shots struck?

A. Afterwards, yes, sir, we saw it.

Q. Did those shots come in rapid succession one after the other?

A. Some little halt between one shot and the other.

Q. But there was not an equal halt between all the shots?

A. Between the first and the second shot there was a longer space of time than between the second and third.

Q. Did you look at the wall at the head of the stairs at any time since the shooting?

A. One is in the ceiling there.

Q. Where were the others? A. Three in the kitchen door and one in the parlor door of a neighbor of ours ----- none in the wall.

Q. Were there any dents in the wall?

Objected to as immaterial.

By the Court: Q. Did you see any dents in the wall?

A. On the wall I did not see any, one on the door of the kitchen and the closet of the kitchen.

By Counsel: Q. ~~What closet?~~ What closet? A. It went

through the door and went into the closet in the kitchen.

ALBERT WENDE, sworn, and examined by Mr. Osborne:

Q. What is your business?

A. I am working for a factory as a packer.

Q. Where do you live? A. 580 East 88th street.

Q. Were you living there on the 17th of October?

A. Yes, sir.

Q. Do you remember in the afternoon, about four o'clock, hearing a knock at the door of your apartments?

A. Yes, sir.

Q. And when you went there who did you see?

A. When I opened the door he came in.

Q. Turk came in? A. I opened the door and he came in.

Q. What did you tell him to do when he came in?

A. I first looked at him, examined if he is the same man that was once before in the room, and then I told him to go.

Q. Had you ever told him to go away before in your life?

Objected to.

Objection sustained.

Q. What did he say at four o'clock?

Counsel: I object to any interview other than the interview had at eight o'clock.

Objection overruled.

Exception.

A. He did not want to go away when I told him to go. I did not want to have any talk with him because I knew all about him.

The Court: Strike out that answer.

By Mr. Osborne: Q. Did he say anything to you about the girl?

A. I knew that he was looking for that girl.

The Court: Mr. Osborne asked what he said to this man? Tell the witness to give answers to the questions.

Witness: He said, "I will not go away;" then I said, "I will have to go for a policeman." It is possible that he said something about the girl but I do not recollect.

By Mr. Osborne: Q. Did you go for a policeman?

A. Yes, sir.

Q. When you got back there was Turk gone?

A. Yes, sir, he was gone.

Q. Did you see him any more that day or night?

A. After he was arrested, when he was down stairs ---- he was arrested in the street and I looked down from the window and called for police, then I saw him.

Q. Did you hear the shots fired?

A. Yes, sir.

Q. How many shots did you hear fired?

A. Five shots.

Q. Did you see the marks on the door?

A. Yes, sir.

Q. What door was it?

A. One shot on the ceiling in the hall, three in the kitchen door, near the kitchen door.

Q. Near your kitchen door?

A. Yes, sir, and the last

shot was in the front room of our neighbor.

Q. Where was your son when these shots were being fired, your son Emil, if you know? A. I do not know because I was not there.

Q. Where were you when they were being fired? A. My neighbors took me away because I wanted -----
Objected to.

Q. Answer the question? A. I was in my neighbor's room; they took me away when I heard the shots fired.

By the Court: Q. In that same house? A. Yes, sir, on the same floor.

Q. How many families live on that floor? A. Two .

Q. You were in the rooms of the other family? A. Yes, sir.

By Mr. Osborne: Q. Did you see ~~NAME~~ the officer take something out of the defendant's pockets in the station house?

Objected to. Question withdrawn.

CROSS EXAMINATION, by Counsel:

Q. You say in the afternoon, between three and four, when he came there he knocked at the door and you admitted him into the kitchen room? A. Yes, sir, it was so.

Q. Did you hear your son's testimony when on the witness-stand? A. I did not hear, no, because he spoke English.

Q. If he said he did not go in the room was he mistaken?

A. If he said he did not enter the room then he was mistaken, my son entered the room.

Q. You saw when he came in? A. He entered the kitchen, he was in the kitchen.

Q. Who was in the kitchen? A. The first time in the afternoon when he came between three and four o'clock he

entered the kitchen and remained in the kitchen standing there.

Q. Who was in the room at that time? A. My wife and I.

Q. Only you two? A. Yes, sir.

Q. Where was your son? A. My oldest son he was in the front room?

Q. And he did not go out at all when Turk was there?

A. When I decided to go for a policeman I did not want to leave my wife alone and I called my son to come out.

Q. And he did not come out until you did call him?

A. Yes, sir.

Q. And before you went away Turk had insulted your wife and that was one of the reasons you were going to get a policeman?

A. He did not speak to my wife, did not call her any names, did not say anything to her; I did not hear him talk to my wife when I went for a policeman.

Q. You were near enough to hear all that was said, weren't you? A. I would have heard if he had spoken to my wife.

Q. How long before this time was it that Mary Poeppel lived at your house? A. She lived with us until the end of May.

Q. Coming down to the evening of that, about eight o'clock somebody told you that Turk was coming up? A. Yes, sir, my little daughter said so.

Q. And you were all sitting at the dinner table?

A. Yes, sir.

Q. And the little girl went out for beer? A. Yes, sir, she went out for beer.

Q. She told you that she had seen Turk down stairs and that he was coming up? A. She came up and halloped and

cried and said, "Turk is coming up again."

Q. When you say she cried do you mean she had tears in her eyes?

A. Yes, sir, because she was so frightened.

Q. Turk came up then after you heard from the girl that he was coming up?

A. I did not see him but I heard his voice; my sons they went to meet him.

Q. Both of them together?

A. The one was in the front room and the other went out first, the one went out first and the other after.

Q. Where did the one in the front room go to?

A. They all went in the hall when they heard the shouting.

Q. What was the shouting that you speak of now?

A. My children were crying and Turk was shouting also.

Q. Where were your children then?

A. They were in the kitchen.

Q. Your youngest son went out through the kitchen door and the older one went out of the front door, both came to the head of the stairs where Turk was, is that it?

A. As much as I can remember because I got excited very much at that time ---- and the other son he went through the front door because there were visitors there sitting in the front room.

Q. What visitors were sitting in the front room?

Objected to as immaterial.

A. I friend was sitting in the front room.

By the Court: Q. What was the name?

A. It was a country-man of ours, Rehoid, he is not here in the city now.

Q. What time was that, four or seven o'clock?

A. It was in the evening between seven and eight.

Q. You were sitting in the kitchen with your whole family and your friend was in the front room, is that it?

A. I understood it is so.

Q. Did you leave your room at any time after this noise and shouting took place as you testified? A. Yes, sir, I went out from the kitchen into the hall to meet him.

Q. Did you go before your sons or behind your sons? A. After my sons; I remember that the young son was already in the hall when I came out but I cannot remember if the older son was there already.

Q. Then where did you go from the hall? A. I went into the room of my neighbor.

Q. At that time did you see a pistol in the hands of anybody? A. No, I did not.

Q. What room were you in in the neighbor's apartments? A. I went first into the kitchen of my neighbor and from the kitchen I went into their front room.

Q. When the door is closed of your neighbor's apartments can anybody see into those rooms? A. No, sir, when the doors are closed they cannot look.

Q. Did the defendant knock at the door in the evening when he came up there? A. He did not come to the door in the evening.

Q. You say you shouted for police did you? A. Ye, sir, from the window.

Q. Was there anybody else shouting when you were there?

A. My little children called police too.

Q. And that was all? A. And my wife also.

Q. And they were all? A. I do not know if others called, I did not count one by one who called police.

Q. Do you know whether the oldest son shouted police?

A. I do not know that.

- Q. Did he? A. I do not know if he did or not.
- Q. Did your young son shout police? A. I can't tell, I was not in one room with them, I only heard the shouts.
- Q. How do you know the little children shouted police?
Objected to. Objection sustained. Exception.

MICHAEL BRADY, sworn, and examined by Mr. Osborne:

- Q. Officer, you are connected with the Police Department of this city? A. Yes, sir.
- Q. Do you remember the date upon which this shooting affair occurred? A. Yes, sir.
- Q. Now, in consequence of certain remarks that were made to you by two young men, you went down to 518 East 63th street? A. Yes, sir.
- Q. While there did you see the defendant, Turk? A. Yes, sir.
- Q. What time of day was it? A. It was between eight and half-past eight o'clock in the evening.
- Q. On the day in question? A. The 17th of October.
- Q. Now, Turk was surrounded by a number of people? A. Yes, sir; I met him on the sidewalk in front of ^{about} 514 and some one called to me, "Look out for him, that is the man who shot a man;" I caught him by the arm and asked him, "Where is the pistol?" He said, "Me got no pistol, me no shoot." I then took him back to 518 to ascertain if any person had been shot, and when I got near 518 some person called out, "Officer," in his presence, I had him by the arm, "Here is the pistol, he dropped it here." There were a number called out that.
- Q. Did you pick up the pistol? A. Yes, sir.
- Q. Is this the pistol? (Pistol shown.) A. Yes, sir.

- Q. Where did you pick it up? A. It was on the side-walk, close up to the first step going up in the door of 518 East 33th street.
- Q. That is the premises where Wehde lives? A. Yes, sir.
- Q. Did you examine the pistol? A. Yes, sir.
- By the Court: Q. How many chambers? A. Five chambers, 44 calibre.
- By Mr. Osborne: Q. When you first examined the pistol how many cartridges were there? A. It is a self-cocker, there were five shells.
- Q. Five empty shells? A. Five empty shells.
- Q. This is one of the shells? (Showing.) A. Yes, sir.
- Q. Here are these five? A. Yes, those are the five.
- Q. What did you do with the defendant then? A. I took him to the station house and searched him.
- Q. What did you find? A. I found pawn-tickets and some papers and five cartridges.
- Q. Are these the cartridges you found on him? (Showing.) A. Yes, sir, of the same calibre.
- Q. You found these whereabouts on him? A. In his vest pocket.
- Q. And the others are exactly the same size? A. The same size shell as the empty shell I found in the pistol, they fit in the pistol, I fitted them in the pistol and the bullets were given to me by young Wehde, who said he picked them up on the floor.
- Q. Which one, Emil? A. Yes, sir, the first witness that was called yesterday.
- Q. These bullets I suppose are exactly the same? A. They fit in the shell that was in the pistol, that is, any of them

that is not disfigured, some of the shells are split but where the shell is intact and the bullet is intact, they fit in the shell. I noticed also the pistol had been recently cleaned and oiled.

Q. Go on and tell what was the conversation that took place?

A. The Sergeant asked him, in my presence, as I had previously asked him, why he did the shooting and he said, "Me do no shooting, me no shoot at all." I asked him while searching him why he went there? He did not appear to understand me and then when I found the cartridges in his pocket I said, "What are you doing with these if you had no pistol?" He shrugged his shoulders, he did not make any answer.

Q. Go on? Then on the way to the court the next morning I again asked him about the shooting and he still denied it, but he says, "How much me get, how many years?"

Q. Did he use the word "years?" A. "Howmany years?" and I said to him, "Well, you do no shooting you get no years, you get away if you do no shooting." I says, "Have you no friends?" He said, "Yes, you do tell my friends?" I said, "Yes, I will tell them, I will tell your friends." So he asked me for some paper and I gave him a slip of paper and he wrote a note to Mr. Stohl, 212 Sixth street. After writing the note he asked me, he says, "Where he find me?" I took that to that he took the address of the person where he was, I took the paper from him and wrote the address at the bottom of the note. He wrote a second note to Mr. Glander, corner of Eldridge and Broome streets, and he copied the address that I had written on the first note on the second note himself.

Q. Did he make any remarks about Mr. Wende at all? A. He asked me if I thought Mr. Wende go to court; that was all.

CROSS EXAMINATION, by Counsel:

Q. You say Emil Wende gave you the bullets? A. Yes, sir, the younger, those that were fired through the door.

Q. When did he give them to you? A. He gave me three of them that night and the fourth one the next day.

By the Court: Q. The three at the time of the arrest? A. Well, possibly half an hour afterwards, I went back after he was locked up to 518 to see what damage had been done and then I got them. I saw there were three bullet holes in the lower right panel of the kitchen door.

Q. Did it go through the door? A. In the lower right panel, the top floor, the kitchen door, they went through and struck against the dresser, it was indented.

Q. The hole was through there? A. Yes, sir.

By Mr. Osborne: Q. You found dents where did you say? A. In the bottom of the dresser immediately opposite the door.

Q. What was the nature of the wood, an ordinary pine door? A. An ordinary pine door.

Q. About how thick? A. I should judge possibly may be a little more than half an inch thick, about that, I am not sure as to the thickness, and there was also a hole in the ceiling and a hole in the front door of the apartments on the opposite side of the hall.

By Counsel: Q. Did you notice the wall at the head of the stairs? A. Yes, sir.

Q. Did you notice whether or not any bullets had struck that? No, not the wall, the roof, the ceiling.

Q. I mean the wall, did you notice that? A. Yes, sir.

- Q. Did you notice whether any bullets struck that? A. No, sir.
- Q. Look at the bullet I now show you and say what the substance on that bullet is, if you can tell?
- A. It looks to me white-wash or lime.
- Q. The coating is made out of white-wash and lime?
- A. Yes, sir.
- Q. Look at these two bullets I show you and say whether they are in the same condition now as when delivered to you by Wehde? A. Certainly they are, they have been in my possession since, all the time, never been out until I delivered them to the District Attorney.
- Q. From your testimony I take it that you understand much about ~~the~~ shooting and the use of pistols? A. Oh, yes, I shoot considerably with a pistol and gun.
- Q. What kind of wood do you say this panel was? A. I rather think it was pine; it was painted of course.
- Q. And when the bullets are discharged from the pistol they shoot with this end I now point towards you from the pistol?
- A. The round end is pressed out.
- Q. Will you take these two bullets and show us which end comes out of the pistol first? A. This end comes out first, the round end, and the other is set into the shell.
- Q. And the round end will strike the substance against which it forces? A. Yes, I presume it goes straight.
- Q. If it turns at all it will turn in a circular way, rolling from left to right rather than the other way? A. I do not understand exactly what you mean by turning from right to left.
- Q. If it turns at all? A. I do not know that it turns before it strikes some object.
- Q. If it does not turn before it strikes any object, would that

same end which came first from the pistol be the end to strike that object? A. No, it struck the door, struck the dresser.

By the Court: Q. If the end that came out of the pistol would be the end that would strike the first object ---- that is only a matter of opinion? A. Yes, sir.

By Counsel: Q. Would it require much force to propel a ball through that panel? A. Yes, sir, it would require considerable force, it would depend upon the distance the person who fired the shot stood away from the door, if he stood a distance away the force of the ball might be spent before it reached the door.

Q. How long and wide was the panel into which these bullets were fired? A. I presume it is probably eighteen by ten, I am only presuming that.

Q. Is it as wide as one of the panels against that desk? A. It is wider than that, the bullets went one after the other, probably three inches apart, almost a straight line.

Q. And how high from the floor was the topmost end of that panel, the top end? A. I presume it was five or six feet.

Q. The base on which the panel rested? A. The base was about eighteen inches.

Q. The height of the panel and the height of the base would make twenty-six inches the topmost end would be?

A. About that, I did not measure it.

Q. How high from the topmost end was the highest bullet hole that you saw on the panel, how high from the floor?

A. It was possibly eight inches from the top of the panel

By the Court: Q. And how high from the floor? A. It was

- probably four or four and one-half feet from the floor.
- By Counsel: Q. You say the panel was not higher than eighteen inches? A. The panel was about that, then there was the base of the panel set in a portion of the door.
- Q. You said the base of the door eight inches and the panel stood eighteen inches above that? A. I said about eighteen inches.
- Q. You say the bullet was about four or four and a half feet above the floor, the topmost bullet hole? A. Yes, sir, the topmost bullet.
- Q. Will you bear in mind you have testified that your best judgment is the panel was eighteen inches and that the base was eighteen, making in all thirty-six inches, making about three feet? A. The panel is larger than eighteen inches, the panel must be I think three feet, it is a large panel, it is a little wider than that, considerably wider.
- Q. Get up and look at this door and say whether the base was any higher than that base? A. Yes, sir, it is higher.
- Q. Will you now tell us what your best judgement is as to the height of the bullet highest from the floor? A. It was about four and a half feet I think.
- Q. Now, how much lower than that was the other bullet? A. They were three or four inches apart, more or less, I did not measure them, I did not measure the distance.
- Q. The lower would be about four feet from the floor? A. About that.
- Q. The next would be about three inches and the next about four to six inches? A. Yes, sir, there was a space between the last bullet and the top of the panel.
- Q. I understand you to say that was about eight inches?

A. Yes, sir.

Q. You say there appeared to be a dent upon some dressing case?

A. Yes, sir.

Q. Where was that dressing case? A. Directly opposite the door on the opposite side of the room.

Q. How far from the wall was the dressing case, was the door through which you saw these holes? A. Possibly six to eight feet, more or less.

Q. You say the room was but six or eight feet wide? A. The dresser takes up a portion of the space.

Q. I am asking about the wall against which the dresser rested?

A. That is possibly ten and a half or eleven feet, it is a narrow room.

Q. And the dresser is about three feet? A. No, possibly two feet.

Q. How many dents did you find in that dresser? A. Three.

Q. Where were the dents on that dresser? A. There was one of them within possibly eight inches of the floor and there was another to the right of that, about six inches higher, and the other was away to the right of that again and about on a line with the second one; that third dent was very slight, the other two you can see, the print of the bullet was in the dresser.

Q. Now, assuming this is the flight of steps leading up to that floor and that wall is the wall in which the door is, at the head of the flight of steps there is a small platform and then the wall? A. Yes, sir, some distance back.

Q. Then the angle from that wall is the door leading into Wehdes apartments? A. Immediately in front of the landing do you mean the door is? You go up the steps, you walk straight

ahead for probably a distance of six or eight feet and then you find a door to your right, the apartments run from front to rear.

Q. Then that door is on an angle from the wall which faces you as you go up the steps, isn't thatso? A. Yes, sir.

Q. How far from that wall is that door? A. Oh, I could not say, it is probably eight or ten feet, may be more than that, twelve feet, I did not look.

Q. Was that dresser in the corner of the room?

A. It was in the corner of the kitchen, yes, sir.

Q. And that is the right hand furthest corner as you enter the room?

A. As you enter the room, it is directly in front as you open the door.

Q. And the door is somewhat to the left?

A. The door opens to the right.

Q. I understand you that the dresser is in the corner?

A. Yes, sir.

Q. Now, assuming that is the corner, I am facing the dresser, the right hand corner of this room, and I enter that room --- you say I will face squarely that dresser? A. Yes, sir, the moment you enter the room.

Q. Then the dresser is up against the farthest right hand wall as you enter? A. Yes, sir; you go up the stairs, here is the landing, and you walk along here a few feet, you come to the door, you open the door to the right, and immediately in front of you stands the dresser, in that corner.

By Mr. Osborne: Q. That is the door the shots came in?

A. Yes, sir, that is the door.

Mr. Osborne: That is the case for the People.

The Case For the Defence.

Counsel: I move, your Honor, to strike from the record all the testimony relating to any shot more than one.

The Court: Motion denied.

Counsel: We except. We now ask your Honor to take from the consideration of the Jury the first count in the indictment charging assault with intent to kill.

The Court: Motion denied.

Counsel: Note an exception. We now move your Honor to direct the Jury to acquit upon the ground that there is a failure of proof to show that any pistol was aimed at any person ---- that the assault was committed upon any person or directed against any person, the only evidence in the case being that there were some shots fired and one shot lodged in the ceiling, three shots in one door and one shot in another, directed against no person.

The Court: On the grounds stated?

Counsel: On the grounds stated.

The Court: Motion denied.

Counsel: I take an exception.

The Court: Yes, an exception to every ruling.

Counsel opened the case for the Defence.

EMIL TURK, sworn, and examined by Counsel, through the Interpreter:

Q. How long have you been in this country?

A. Three years and ten months.

Q. What is your business or profession? A. Sculptor.

Q. Do you know the witnesses who have appeared against you here on this trial, the Wehdes? A. Yes, 'sir', I saw them

before.

Q. And do you know the premises in which they live?

A. Yes, sir.

Q. On the 17th of October did you call at the premises 518 East 88th street?

A. Yes, sir.

Q. And upon that occasion did you have any conversation with any persons who were here upon the witness-stand ---- the first occasion?

A. With Mr. Wehde I had a talk.

Q. You went there twice on that day?

A. Yes, sir.

Q. And upon the first occasion who did you see? A. The old gentleman Mr. Wehde and another man, and old man that I did not know and the two sons and the lady.

Q. Did you have a conversation with any of those persons at that time?

A. Yes, sir.

Q. Tell us the conversation you had with any or all of them at that time? A. I came up in a decent manner and begged them to listen to me and I asked after Mary Poeppel and then Mr. Wehde came up to me and another old gentleman whom I do not know, and those all came up to me and said, "Get away from here." Then I begged them to listen to me and I asked if I could speak to Miss. Mary. Then those gentlemen they came up to me and got hold of me and said, "Get away from here." I begged them again to listen to me, telling that that I talked to the daughter of Mr. Wehde at four o'clock night time, in the morning at four o'clock.

Q. What else? A. And I asked them again how is Mary, where is she now? Then Wehde's daughter said to me, then the daughter told me that she does not know where Mary lives, that since the time that they were together in the same situation she has not seen her since.

Q. Proceed with the conversation? A. And they are not friends any more together. She told me that Mary Poeppel had missed a jacket which she had accused Wehde's of having taken it and so they -----

Q. Didn't he say that he had given the jacket to Mary?

A. The jacket I gave to her.

Q. Proceed? A. And then she told me, Wehde's daughter told me, that Mary worked in Stanton street in a coffee house, Cafe Hamburg.

Q. I am asking for the conversation had at the house of Wehde on the day of the 17th at four o'clock? A. Then I said to Mr. Wehde, "I want to know something about this missing jacket." Then the other gentleman said to me that this is a very bold lie of mine and that their daughter never worked in that coffee house, she is not out nighttime in the streets, and I told him that is the truth and I told him so. Then they seized me and they shoved me out into the hall.

Q. And then did you go away? A. I told him, "Don't touch me because I have a broken leg and I am not very safe with my leg;" then I went away.

Q. Did you come back again? A. Yes, sir.

Q. What time was that? A. About eight o'clock.

Q. Now tell us what happened at eight o'clock?

A. When I left the first time Wehde's house I went to the police station asking for protection and so to inform the police about it also.

Q. What thing do you speak of? A. After he left the first time he went to the station house asking for protection and also to inform the police about it.

Q. I want to know what he was going to inform the police about?

Objected to.

The Court: What is the defence, self-defence, or what?

Counsel: It is not self-defence in its true sense. We intend to show the full facts.

The Court: What do you wish to show?

Counsel: I desire to show by this witness that he came there not for the purpose of shooting ---- the intent was not in his mind to shoot any one.

The Court: The easiest way to get at that is to ask him that question.

Counsel: I want to show why he did go there first.

The Court: Ask him why he went there at seven o'clock. It is not admissible why he went to the police station. You can ask him why he went to this place at seven o'clock, what his intent was ---- anything of that kind.

Counsel: Your Honor will rule out my question?

The Court: I have given you my idea of what my ruling will be. You state the defence is not self-defence, do I understand you to say that?

Counsel: Yes, sir, not self-defence.

The Court: Is it excusable assault.

Counsel: We deny the assault, our defence is not self-defence, we deny that we shot at anybody with intent to injure him.

The Court: Put your question and that will bring that answer out. Why he went to the police station is ruled out.

Counsel: Give me an exception.

By Counsel: Q. You came back then at eight o'clock, did you?

A. Yes, sir.

Q. And when you got there at eight o'clock what happened?

A. When I came there in the evening I knocked at the

at the door, the door was opened and I begged them again to listen to me. Then the young Mr. Wehde he got hold of me and pushed me down the stairs. When I was lying down in the stairs I got up again, then I looked up and I saw that he had something in his hands in the act of throwing it at me; then I pulled out my revolver and I said, "Go away or I will shoot;" then I shot.

Q. Did you shoot at him?

A. No, sir.

Q. Did you shoot at Albert Wehde?

Mr. Osborne: I object to that as immaterial. We do not claim that he shot at Albert, he shot at Emil, the man who met him at the door.

By the Court: Q. Did you shoot at Albert Wehde?

No answer.

By Counsel: Q. The old gentleman I am speaking of?

A. I do not know the younger one, I did not shoot at any one, no one was there.

Q. The old gentleman today, Mr. Wehde the father of Emil, has testified that he went into a neighbor's room and that the bullet struck the neighbor's door; did you shoot at him when he was in that room?

A. I was shooting against the wall, higher against the wall.

By Mr. Osborne: Q. Mary Poeppel is in court, is she not?

A. Yes, sir.

Counsel: We had a witness under subpoena who was here all day.

I received a telegram in the course of the trial, he being a doctor, that he was called away, I have no other witness.

I ask your Honor to adjourn the case until to-morrow to have an opportunity to get that witness.

The Court: In order to do that you will have to show the materiality of that witness's evidence.

Counsel: We want to show by that witness, to corroborate the defendant, that he had a broken leg and that he had not got recovered as yet.

Mr. Osborne: I will admit that.

The Court: How did he get up these five pair of stairs?

Counsel: We want to prove further by this witness that Mary Poeppel, the person in whose search this defendant went, called upon him in the presence and with this defendant and told him her condition and that it was then stated to him in her presence, and in the presence of this defendant, that a criminal operation was about to be performed on her advised by Wehde, that is all.

Mr. Osborne: That evidence will be absolutely immaterial, it will be heresay, Mary Poeppel is here in court.

The Court: Is that all you wish me to adjourn the case for?

Counsel: Yes, sir.

The Court: I will not adjourn it.

Counsel: We move for a direction, that is that your Honor direct the Jury to acquit upon the ground that there is a failure of proof to show that this defendant did with intent to kill another aim at such person the pistol proven to have been discharged. Another motion is to take from the consideration of the jury assault in the first degree.

The Court: Both motions are denied and an exception given to each ruling.

THE PEOPLE

vs

EMIL TURK.

THE JUDGE'S CHARGE:

Judge Fitzgerald charged the Jury as follows:

Gentlemen of the Jury: The first count in this indictment charges the defendant with assaulting the complainant ~~in the case~~ with intent to kill. The Statute reads: ^A ~~Any~~ person who with intent to kill a human being assaults another with a loaded fire-arm is guilty of assault in the first degree." Two things have to be established ---- first, the fact of the assault, and second, the fact of the intent at the time ^{of} the assault. ~~was committed.~~ ~~There is no~~ *only* rule by which it is possible for human tribunals to get at the intent with which a specific act is done ^{is} ~~except~~ the one that the law lays down to govern us under such circumstances; and *it* ~~the rule of intent~~ is this, that a person is presumed to intend, not the consequences of his act but the natural and probable consequences of his act. A person is presumed to

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~~have intended at the time he does a given act, to have in-~~
~~tended what~~ the natural and probable consequences of ^{his} ~~that~~ act.
~~would be.~~

It appears that on the day in question the defendant went ~~around~~ to the house of the complainant. He met some of ^{complainant's} the family about four o'clock in the afternoon and there was some talk there in relation to a girl whose name has appeared on the record five or six times. He went to their house ^{with some persons there} and spoke ~~with them~~ about this matter and acted at the time in a way that caused them to tell him to leave, and the father, ~~the eldest witness that was here to day,~~ ^(the father) stated that ~~at that time he~~ left the house for the purpose of going after a policeman. According to the ^{evidence} ~~story of the complain-~~
~~ant~~ the defendant then left the house, and it is admitted that about eight o'clock he came back there again. When he came back it appears that he was seen coming towards the house or entering the building by some young girl in the family and she told her relatives about it, ~~and then you~~
~~learned what happened.~~ Then the defendant had a ~~subsequent~~ conversation with the complainant and he (the complainant) stated to us that he shoved or ^{pushed} ~~led~~ him down stairs. A per-

son has a right to guard ^{his} ~~their~~ house against intrusion. No one has a right to enter your house or mine against our wish, and no person has a right to conduct themselves in a way there either calculated to offend the feelings or injure any person within that household; and if ^{any one} ~~they do~~ we have a right to use all necessary force to put ^{him} ~~that person~~ out. Then the complainant says that he did shove the defendant, "led him," I think was the language that he used ---that is immaterial however because there is no self-defence claimed here---the complainant says that he did push him down stairs and that after the defendant was about eleven steps down, there being a number of other steps upon that flight of stairs, that the defendant fired a pistol and that he (the complainant) immediately ran into the room and closed the door and then that these other shots banged in ^{immediately} ~~afterwards~~. ~~That is his story in relation to the matter.~~ The next evidence that appears to be material in this case is the evidence of the officer. It was given with a great deal of elaboration and clearness and in a manner that impressed the Court, and I presume that it impressed the Jury with the idea

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more than ordinary
that the officer was a man of ~~extra~~ intelligence. He told
so far as he knew, *in the light of*
of the occurrence, in a very fair manner, and ~~so far as~~ our ex-
perience with witnesses here during the past few days *his*
clearness
~~concerned~~ it was agreeably surprising. The officer states
that when he heard about this shooting he went around to
these premises, ~~and~~ that he got there about half past eight
o'clock. *that* He ~~said~~ somebody shouted ~~that~~ that the pistol had
that
been dropped and he picked it up. He says that the pistol
produced here is the one, that it is a five chamber revolver
revolver *when*
~~of~~ forty-four caliber and that ~~at the time~~ he picked it up
it contained five exploded empty shells. He says that he
(the defendant)
spoke to the defendant about it and that he then said some-
thing about not shooting, he did not shoot. The officer said
that he searched him at the station house and that he found
in his pocket five ball cartridges corresponding with the
size of the pistol and similar to the exploded *cartridges* ~~shells that~~
therein found.
~~were in the empty chambers.~~ He says that on another occasion
while talking with this defendant that the defendant asked
him something about what he would get. The officer then de-
scribed to us the position of the door in which he claimed

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these bullet holes were. In cross-examination he stated that there were marks upon the wall, upon the other end of the room showing where the bullets finally struck, and he produces here in the court-room what are conceded to be the bullets that were fired out of the pistol.

Now, did the defendant assault the complainant with a loaded fire-~~arm~~ and was his intent at the time he did so to take life? If so, he is guilty of the charge laid in the indictment. Self-defence is not claimed here and therefore it is unnecessary for me to state the rules governing that kind of defence.

The defendant's story ^{about} is as follows: He states that he called at the house of the complainant twice on that day and that on the second time he went there he was pushed down stairs by the complainant. He says that he turned round; this is his own language, "I said," speaking ~~to~~ the complainant, "go away or I will shoot." Then he says that he fired the pistol but that he did not fire it ^{at} the complainant, that he did not fire it with intent to hurt him or to hurt any one else; that is his statement in relation

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to it, gentlemen, but you are to determine under the rule ^{his intent} to which I have directed your attention ~~that I have endeavored to convey to you how you are to get~~ at his ~~intent~~. Bad marksmanship is no excuse. If a man fires with intent to kill and fails to kill it would be absurd to say that he could not be convicted of assault ---- that he could not be convicted of assault with intent to kill except it was followed by murder, followed by the actual killing. The defendant may be convicted of assault in the first or of assault in the second degree. If you believe that he assaulted the complainant with a loaded firearm but that at the time he committed the assault he did not intend to kill, then he may be convicted under this indictment of assault in the second degree. It is for you in determining that ^{question} to take into consideration all the circumstances allowing for any possible aggravation that might prompt him to hasty acts. If you entertain a doubt as to what his intent was, then you have a right to convict him of assault in the second degree. If you believe that he fired ^{He is entitled to the benefit of a reasonable doubt} it without any unlawful intent he may be acquitted. [^] He is entitled to the benefit of a reasonable doubt as between

**POOR QUALITY
ORIGINAL**

1035

the two degrees of assault. Your verdict will be either
guilty of assault in the first degree, guilty of assault in
the second degree or not guilty.

Counsel: I ask your Honor to charge the Jury that if the Jury believe that he did not aim the pistol at the person of the complainant, Emil Wehde, they must acquit.

The Court: Further than I have charged I decline to charge.

Counsel: We except.

The Jury rendered a verdict of Guilty of Assault in the First Degree.

Counsel: I move to set aside the verdict on the ground of a variance between the proof and the indictment, the charge in the indictment being the shooting of but one shot and the evidence showed the shooting of more than one none of which were directed against the complaining witness, Emil Wehde; and secondly, ~~xxx~~ upon the ground that the verdict was against the evidence and the weight of evidence.

The Court: The motion is denied.

Counsel: We make our motion for a new trial upon the same grounds.

The Court: Motion denied.

Counsel: Note an exception.

The defendant was remanded for sentence.

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**POOR QUALITY
ORIGINAL**

1037

testimony in the
 case of
 Mil Turk
 filed
 Oct. 1892

135-68

POOR QUALITY ORIGINAL

1038

Police Court— 5 District.

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

of No. S 18 E. 8 St. Street, aged 18 years,

occupation Pastery Cook being duly sworn

deposes and says, that on the 17th day of October 1892 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Emil Turk (Crim here) who wilfully and maliciously pointed a gun and discharged five shots at deponent. From a revolving pistol loaded with powder and ball which he then and there held in his hand. Deponent further says that such an act was committed

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 18 day }
of Oct 1892 }

Emil Werde

[Signature] Police Justice

POOR QUALITY ORIGINAL

1039

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

 District Police Court.

Emil Turk

being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he sees 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. *Emil Turk*

Question. How old are you?

Answer. *40 years old*

Question. Where were you born?

Answer. *Germany*

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

Answer. *212. Sixth St. 6 Mos*

Question. What is your business or profession?

Answer. *Sculptor*

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
E. Turk*

Taken before me this *18* day of *Dec* 189*4*
W. J. ...
Police Justice

POOR QUALITY ORIGINAL

1040

Police Court... 5 District. 1306 1894

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Cecil W. Black
578 E 88th
Cecil J. Surf

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3
4

Offense Account

Dated, Oct 18 189 2

Magistrate

Officer

Witnesses

No. 1. Street
No. 2. Street
No. 3. Street
No. 4. Street

No. 1. Street
No. 2. Street
No. 3. Street
No. 4. Street

No. 1. Street
No. 2. Street
No. 3. Street
No. 4. Street

No. 1. Street
No. 2. Street
No. 3. Street
No. 4. Street

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

C. J. Surf

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

Dated, Oct 18 189 *C. J. Surf* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

New York City

Dec 6th 92.

Hon James Fitzgerald.

Judge Court of - G. S.

Sir,

In compliance with your orders.
I have carefully investigated the
Character of Emil Turk, with
the following result.

Mary Doffle of no 400.
East 78th St. Says she knows him about
one year. Says he was arrested in Feb-92.
for being found under her bed in an
Patio no 67. 7th Street this city - for whom
she worked. Mr Pate was the Complainant
and Turk was fined \$10. in Essex market
Police Court.

In April 92. She had
him arrested for the larceny of a trunk.
He returned it to her and was discharged.

Again in April 92. She
was walking with him on 3rd Ave
near 12th St. this city. When he requested
her to go to his room with him. She
refused, whereupon he drew a pistol
and said he would shoot her. If she did
not do as requested. She ran away from
him and he did not shoot.

Says she tried to shoot him after this, but
he kept running after her whenever she
went. Officer James of the 27th Prec.
Says the statement as to Jack Curtis
is correct.

A trial on last Saturday
to find Jack's lawyer, or his office but
was unable to find either. I therefore
went to the City Prison and obtained
the names of six persons from Jack
himself whom he said would testify
to his good character. I give their
different statements as made to me.

Chas Reppenhagen, Saloon Keeper
321. Broome St. knows him about
3 years. When sober he is a nice man,
when under the influence of drink is
inclined to quarrel, once he saw him
slap a man's face because the man
said something to him.

Miss Fisher 202. 6th St.
knows him about 1 year. Says he is
a respectable man, never knew him
to fight with anyone. Said he
worked some at times.

Mr Louis Stahl, Saloon Keeper
212. 6th St. knows him about 9 months,
never knew him to fight, worked
pretty steady, respectable man, born of
a respectable family, and says it
was the People's Home who got him
in trouble.

Dr Miller of 347 284th St.
was called to attend him professionally
on Nov. 12-91, at which time he was
suffering from a broken leg. He found
to be a German, and never knew
of him to fight or be connected with
any fight. Although he has met him
many times since their first
acquaintance.

Mr John Gander of
Broome and Eledge Sts - Painter.
Knows him a long time. Says he
is a good workman, but will not
work, that he is a worthless
fellow whose chief concern is
men and women, tried to reform
him but could not do so.

Mr. Gustave Muller, Houston and
Allen Sts. Saloon Keeper.

Knows him

About 4 years. Character good. Suffered
he worked, never knew him to fight
with any person.

Mr. J. G. Nabra.

No 393 Bowery. Manufacturer of Brass
Supporters.

Knows him for some time.

Says his Character is not very good.
He is not fond of work, and has
known him to be arrested, and in
trouble with women.

Very Resp.
Off. Michael Brady
2nd Police Precinct.

**POOR QUALITY
ORIGINAL**

1045

Walt Lamb

**POOR QUALITY
ORIGINAL**

1046

Duck Case

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Emil Jurks

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

Emil Jurks

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

The said

Emil Jurks

late of the City of New York, in the County of New York aforesaid, on the seventeenth day of October in the year of our Lord one thousand eight hundred and ninety-two, with force and arms, at the City and County aforesaid, in and upon the body of one Emil Wehde in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said Emil Wehde a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Emil Jurks 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 Emil Wehde 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

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

The said

Emil Jurks

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 Emil Wehde 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

Emil Wehde a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said

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.

DE LANCEY NICOLL,

District Attorney.

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**END OF
BOX**