

0102

BOX:

356

FOLDER:

3351

DESCRIPTION:

Eagan, Michael

DATE:

05/10/89



3351

0 103

BOX:

356

FOLDER:

3351

DESCRIPTION:

Leake, Austin

DATE:

06/10/89



3351

POOR QUALITY
ORIGINAL

0104

Counsel, 10
Filed, May of Decr 1889
Pleads, Chgo. July - 11

Violation of Sanitary Code.
[Section 210, Sanitary Code, and Section 676
of the N. Y. City Consolidation Act of 1882.]

THE PEOPLE

vs.

Michael Eagan

and

Austin Leake

JOHN R. FELLOWS,
~~RAEBROGH R. MARSH~~
~~of the City of New York~~
District Attorney.

Part 3 Nov. 26

A True Bill. sm

M L Coll.

Part 2 May 1992 Foreman.
on Motion of District Atty.
to say indictment dismissed

Witnesses:

The evidence in this case
is wholly insufficient
to warrant a conviction
as neither of the defendants
has been proved to have
or directed the work
under which the alleged
violation was committed
but on the contrary an
employee pleads the
lack of the child on
Dec and was not
advised that the child
had died of any contagious
disease; I therefore would
that this indictment be
dismissed
May 5/92
Wardman Lynn
Dist. Atty.

POOR QUALITY
ORIGINAL

0105

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

New York, May 24th 1889.

A Transcript from the Records of the Deaths Reported
to the Health Department of the City of New York.

County of New York.

STATE OF NEW YORK.
CERTIFICATE OF DEATH,
IN THE CITY OF NEW YORK.

No. of Certificate

14838

Should be Certified by the head of the family or other responsible friend.

1. Full Name of Deceased, (Write legibly and spell correctly. (If an infant not named, give parents' names.)) Maggie McCarthy
2. Age, 3 years, 6 months, 6 days. Color (Race, if other than the white.) —
3. Single, Married, Widow or Widower (Cross out the words not required in this line.) Single
4. Occupation, —
5. Birthplace, (State or Country.) N.Y. (How long in the United States, if of foreign birth.) —
6. How long Resident in this City, Life
7. Father's Birthplace, (State or Country.) Ire. Father's Name, John
8. Mother's Birthplace, (State or Country.) " Mother's Name, Mary
9. Place of Death, (Please state name of Institution.) 259 Hudson
- No. — Street, 8th Ward.
10. Residence before admission into the Institution, (Name of Street and Number of House.) —

(Signature and Residence of Reporter.)

Should be Certified by the Physician.

11. I Hereby Certify, that I attended deceased from May 4 1889 to May 6 1889 that I last saw her alive on the 6th day of May 1889, that she died on the 7th day of May 1889, about 5 o'clock, A.M. or P.M., and that, to the best of my knowledge and belief, the Cause of her death was as hereunder written :

Chief and Determining } Diphtheria
Consecutive and Contributing } —

(Write opposite each cause; if unknown, it should be so stated.) Duration of Disease in			
Years.	Months.	Days.	Hours.
		<u>3</u>	

† The duration of each disease when given, is not to be reckoned from its commencement until death.

Sanitary observations, —

Witness my hand this 7th day of May 1889

Place of Burial, Calvary
Date of Burial, May 8th 1889.
Undertaker, Cagan & Leake

(Signature.)

J. C. Halstead M. D.
Residence, 18 Spencer Place.

*By first floor is meant the floor immediately above or on a level with the grade of the street adjoining; the basement floor is below the level of the adjoining street.

A True Copy.

James C. Clark
Secretary

POOR QUALITY
ORIGINAL

0105

State of New York :
County of New York :
----- X

Michael LeStrange being duly sworn says that he is over the age of 21 years and is attached to the Division of Contagious Diseases at 309 Mulberry Street, in the Health Department of the City of New York; that on the 8th day of May 1889, Michael Eagan and Austin Leake, being Undertakers at No. 225 Spring Street in said City, did as deponent is informed and believes, willfully violate the Sanitary Code and section No. 210 thereof, then and at all the times herein mentioned in full force and operative in said City, in that they did retain and expose and assist in the retention and exposure of the dead body of a child Maggie McCarthy who had died at the tenement house No. 259 Hudson Street in said City, of Diphtheria which is a contagious disease as deponent is informed; that the said tenement house was occupied by many families of persons including many young children, and the said dead body was not put immediately in a coffin and permanently sealed but the said Eagan and Leake did unlawfully leave the said dead body exposed in an ice box, and did not take any precautions to prevent contagion from the said dead body, in violation as aforesaid of said section No. 210 of the Sanitary Code, which is as follows to wit:

Sec. 210. It shall be the duty of every undertaker having notice of the death of any person within the City of New York of Small-pox, diphtheria, scarlet fever, yellow fever, typhus fever, Asiatic cholera, measles, or any other contagious disease dangerous to the general health of the community, or of the bringing of the dead body of any person who has died of any such disease into such City, to give immediate notice thereof to this Department. And no undertaker shall retain or expose, or assist in the retention or exposure of the dead body of any such person except in a coffin or casket properly sealed; nor shall he allow any such body to be placed in any coffin or casket unless the same be immediately permanently sealed. Nor shall he assist in the public or church funeral of any such person.

Sworn to before me this 31st day
of May 1889.

John J. [Signature]
Police Justice

Michael LeStrange

POOR QUALITY
ORIGINAL

0 107

Police Court, District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael LeStrange

against

*Michael Eagan
& Austin Leake*

Affidavit, Violation of

Sec. 210 Sanitary Code

Magistrate.

Officer.

Sanitary Squad

Witnesses, *Dr. Cyrus Egan*

No. *309 Mulberry*

Dr. J. C. Walcott

18 Spencer St

No. *309 Mulberry St*

\$ to answer

POOR QUALITY
ORIGINAL

0108

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Michael Eagan

Question. How old are you?

Answer.

52 years old

Question. Where were you born?

Answer.

Ireland

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

Answer.

19 Vandam St. 25 years

Question. What is your business or profession?

Answer.

Undertaker

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

Answer.

*I am not guilty and
demand a trial by jury*

Michael Eagan

Taken before me this

day of

June

1885

William J. ...

Police Justice.

POOR QUALITY
ORIGINAL

0109

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2 District Police Court.

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

Question. What is your name?

Answer.

Austin Leake

Question. How old are you?

Answer.

55 years old

Question. Where were you born?

Answer.

New York

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

Answer.

4 E 16th St. 2 mos

Question. What is your business or profession?

Answer.

Undertaker

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

Answer.

*I am not guilty and
I demand a trial by jury
Austin Leake*

Taken before me this

day of

1889

Police Justice.

POOR QUALITY
ORIGINAL

0110

Sec. 151.

Police Court 2nd District.

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

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

of No. 309 Mulberry Street, that on the May day of May

1888 at the City of New York in the County of New York,

Michael Leary and Arthur Leary said and unlawfully violate Section 210 of the Penal Code of the State of New York and expose and assist in the detention and exposure of a dead child to wit: Maggie McCarthy at a tenement house No 209 Hudson Street who died with diphtheria which is a contagious disease as complainant is informed and believes.

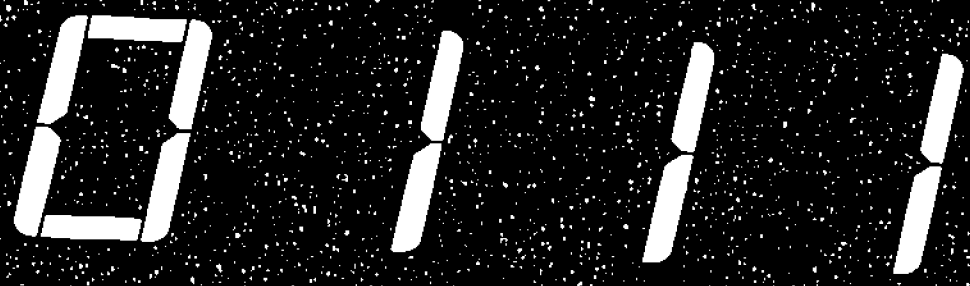
Therefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring them forthwith before me, at the 2 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 3 day of May 1888

James J. Bond POLICE JUSTICE.

POOR QUALITY ORIGINAL



9 53 A.M. 52. M Ireland Undertaker M. Mrs. 18. Vandam Street
9 53 - 56 M Mrs Undertaker M. Mrs 42. King Street

The within named

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

Dated _____ 188

Police Justice.

Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael Doxrange

vs.

Michael Langan
Austin Leake

Warrant-General.

Dated June 3 1888

Henry Ford Magistrate

Joseph A. Lardner Officer.

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

Joseph A. Lardner Officer.

Dated June 4 1888

This Warrant may be executed on Sunday or at
night.

Police Justice.

POOR QUALITY
ORIGINAL

0112

BAILED
No. 1, by W. H. Helman
Residence 224 Spring Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court--
District

THE PEOPLE &c.,
ON THE COMPLAINT OF
Michael C. O'Connell
309 Broadway
Michael C. O'Connell
Christian & Co. Inc.
Offence Vol. 100
Dated June 4 1889
Magistrate
John A. Gaudin Officer
Precinct
Witnesses
No. _____ Street.
No. _____ Street.
No. _____ Street.
to answer
David

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

Defendants

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

Dated June 4 1889 G. M. Murphy Police Justice.

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

Dated June 4 1889 G. M. Murphy Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0113

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Kagan and
Austin Seader

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

Michael Kagan and Austin Seader

of the CRIME OF VIOLATING THE SANITARY CODE OF THE BOARD OF HEALTH OF THE HEALTH DEPARTMENT OF THE CITY OF NEW YORK, committed as follows:

The said Michael Kagan and Austin Seader, both

late of the Fifteenth Ward of the City of New York, in the County of New York aforesaid, on the eighth day of May, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, being undertakers, unlawfully did retain and expose, and assist in the retention and exposure of the dead body of one Maggie McHardy who had died in the said City of New York on the seventh day of May in the year aforesaid, of diphtheria, not in a coffin or casket properly sealed, but in an unsealed ice box;

against and in violation of the Sanitary Code of the Board of Health of the Health Department of the City of New York, duly adopted and declared as such at a meeting of the said

POOR QUALITY
ORIGINAL

0114

Board of Health, held in said city on the second day of June, 1873, as amended in accordance with law, and particularly in violation of the 210th section of said code, which is as follows, to wit:

"It shall be the duty of every undertaker having notice of the death of any person within the City of New York of Small-pox, dysentery, scarlet fever, yellow fever, typhus fever, Asiatic cholera, measles, or any other contagious disease, dangerous to the ^{general} health of the community, or of the bringing of the dead body of any person who has died of any such disease into such City, to give immediate notice thereof to this Department. And no undertaker shall retain or expose, or assist in the retention or exposure of the dead body of any such person except in a coffin or casket properly sealed; nor shall he allow any such body to be placed in any coffin or casket unless the same shall be immediately permanently sealed. Nor shall he assist in the public or church funeral of any such person."

and which said Sanitary Code was then and there, at the time of the committing of the offense hereinabove alleged, in full force and operation, and was by law declared to be binding and in force in said city, and which said section above set forth was then and there in full force and virtue, having been in nowise altered, amended or annulled by said Board of Health, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN B. FELLOWS.

~~RANDOLPH D. MARTINE,~~

District Attorney.

0115

BOX:

356

FOLDER:

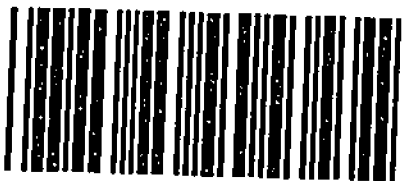
3351

DESCRIPTION:

Edmunds, Mary

DATE:

06/17/89



3351

POOR QUALITY
ORIGINAL

0116

Counsel,

Filed

188

Pleads,

17 April 1889

17 April 1889

THE PEOPLE

vs.

P

Mary Edmunds

Grand Larceny, Second Degree.
(From the Person.)
[Sections 528, 581 — Penal Code].

JOHN R. FELLOWS,

District Attorney.

Mr. Edmunds
and
Mrs. Edmunds.

A True Bill.

J. R. Fellows

Foreman.

24th 3 Mrs. Edmunds
20

Witnesses:

POOR QUALITY
ORIGINAL

0117

Police Court / District.

Affidavit—Larceny.

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

Maria Powers

of No. 45 Chryste Street, aged 30 years,
occupation Housekeeper being duly sworn

deposes and says, that on the 11th day of June 1887 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
person of deponent, in the day time, the following property, viz:

One purse containing good and
lawful money of the United States
of the value of One dollar and thirty
five cents

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Mary Edmunds (now here)

for the reasons that on said day
deponent was in the liquor saloon
at premises 21 Pell Street and had
the pocket book containing said
money, in her hand. That the
defendant snatched said pocket book
from deponent's hand

Maria Powers

Sworn to before me, this 12th day of June 1887

of
1887
Police Justice.

POOR QUALITY
ORIGINAL

0118

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK,

Mary Edmunds

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

Question. What is your name?

Answer. *Mary Edmunds*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *11 Monroe St. 1 year*

Question. What is your business or profession?

Answer. *Prostitute*

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*

Mary Edmunds

Taken before me this

day of

June

188

E. J. McNeill
Police Justice.

POOR QUALITY
ORIGINAL

0119

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court--

District.

842

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Maria Fowler
vs. Charles
Mary Adams

Offence

Larceny
from person

Dated

June 12 1889

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

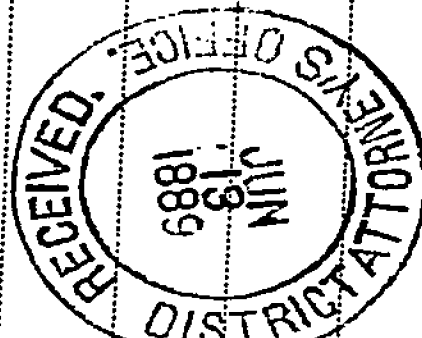
No.

Street.

\$1000 to answer

9.8.2

Committed to



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 June 12 1889

Police Justice.

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

Dated 188

Police Justice.

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

Dated 188

Police Justice.

**POOR QUALITY
ORIGINAL**

0 120

X-----X
:
: The People :
:
: vs. :
:
: Mary Edmonds. :
:
X-----X

POOR QUALITY
ORIGINAL

0121

COURT OF GENERAL SESSIONS.

-----X
The People :
v. :
Mary Edmonds, : Tried June 20th, 1889, before
Indictment filed : the Hon. Frederick Smyth and
Indicted for Grand Larce- : a Jury.
ny in the Second Degree. :
-----X

Assistant District Attorney Jerome, for the People.

M A R I A P O W E R S testified that she lived
at 45 Christie Street and she was a married woman. She
was living there on June 11th, 1889. She had not known
the defendant long. Her husband sold cigars to Patrick
Redding, keeper of the saloon at 21 Pell Street. At
about noon on the 11th of June a man came from the saloon
at 289 Bowery and said that he wanted to see her husband
and she said that her husband was at 21 Pell Street, and
that she would go and let him know that he was wanted.
She had a purse containing \$1.35 in her hand. She saw
the defendant there. The defendant said, "Ain't you
going to treat," and she the complainant, said No, and xk
the defendant said, "Why, I will treat myself," and she

**POOR QUALITY
ORIGINAL**

0122

2

snatched the complainant's pocket-book out of her hand and struck her in the face, and then a man thief who hung around the saloon kicked her and struck her in the eye and she ran out of the place. The defendant had run out with her pocket-book. The bar-keeper and the rest of the men in the saloon laughed when the defendant stole her pocket-book and struck her in the face. Her husband was not in the saloon when she entered. She, the complainant, was perfectly sober. The defendant was arrested the same day. She was with the officer when the defendant was arrested. She was arrested in the same saloon at 21 Pell Street. The man that had struck her, the complainant, and kicked her was lying on the floor drunk and the defendant was lying beside him

O F F I C E R T I M O T H Y O ' L E A R Y testified that he had arrested the defendant on the 11th of June about five o'clock in the afternoon at 21 Pell Street on the complaint of the complainant. The complaint had been lodged at the station house. The witness was on house duty and the Sergeant sent him to make the arrest. The complainant charged that the defendant had stolen her pocket-book containing \$1.35, and that the defendant's paramour stabbed her in the face. She

POOR QUALITY
ORIGINAL

0 123

3

had the mark of a stab wound under her eye. 21 Pell Street was a very low drinking place, in the witness's opinion. The complainant pointed out the defendant as the woman who stole her pocket-book. The defendant denied that she took anything from the complainant.

M A R Y E D M O N D S testified that the complainant came to 21 Pell Street at ten o'clock in the morning and not at twelve o'clock. She had twenty cents in her hand--two ten-cent pieces. The complainant asked her, the defendant to drink, and she, the defendant, said she did not feel like drinking and the ~~xx~~ complainant kicked her in her private parts and the complainant scratched her in the face with a hair pin. The ~~defendant's~~ officer saw her, the defendant's, face. Then the complainant commenced to kick at her again and ~~x~~ ~~then~~ she the defendant walked away. Then the complainant walked up to where some men were playing cards and stood and watched them and then went out. She, the defendant, saw no more of the complainant until she came in with the officer. In the Elizabeth Street Police Station the complainant said that she was robbed of \$1.50 instead of \$1.35. The complainant had perjured herself. She, the complainant had been in the Peni-

**POOR QUALITY
ORIGINAL**

0 124

4

tentiary, whereas, she, the defendant, had never been in any prison.

No Cross Examination.

The Complainant, being recalled, testified that she had never been convicted of any offense in her life, and had never been in the Penitentiary. She had two children. Her first husband was killed on a railroad in Jersey.

POOR QUALITY
ORIGINAL

0125

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Mary Edmunds

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

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

The said

Mary Edmunds

late of the City of New York, in the County of New York aforesaid, on the eleventh
day of June in the year of our Lord one thousand eight hundred and
eighty-nine, in the day - time of the said day, at the City and County
aforesaid, with force and arms,
one United States Treasury note of the
denomination and value of one dollar,
One Bank note of the denomination and value
of one dollar, one United States Gold Certificate
of the denomination and value of one
dollar, one United States Silver Certificate of
the denomination and value of one dollar,
and divers coins of a number, kind and de-
nomination to the Grand Jury aforesaid
unknown, of the value of ^{one dollar and} thirty-five cents
and one pocket purse of the value of ten
cents

of the goods, chattels and personal property of one Maria Powers -
on the person of the said Maria Powers
then and there being found, from the person of the said Maria Powers
then and there feloniously did steal, take and carry away, against the form of the statute in such
case made and provided, and against the peace of the People of the State of New York and their
dignity.

John R. Fellows,
District Attorney

0126

BOX:

356

FOLDER:

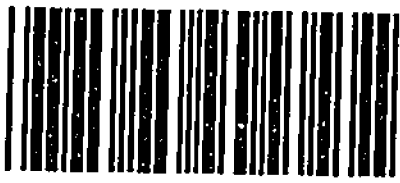
3351

DESCRIPTION:

Edwards, George

DATE:

06/13/89



3351

POOR QUALITY
ORIGINAL

0128

Police Court

District

Affidavit—Larceny.

City and County
of New York ss.:

of No.

occupation.

deposes and says, that on the

day of

Street, aged 25 years,

being duly sworn

1889 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent, in the time, the following property, viz:

One Gold Locket
of the value of fourteen
dollars ⁹⁸⁵/₁₀₀

the property of

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

George Edwards
who from the fact that
deponent had said locket
attached to his chain ~~and~~
~~and then~~ when on his person and attached
to his vest pocket and while
deponent was passing along
the street the said Edwards
snatched the above property from
his vest and ran away with
it in his possession

L Gold

Sworn to before me, this
day of
Police Justice.

POOR QUALITY
ORIGINAL

0129

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

Police Justice.

POOR QUALITY
ORIGINAL

0130

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

Police Court--

District.

835

THE PEOPLE, &c.,
ON THE COMPLAINT OF

88

1889

Lucien

Lucien

Lucien

Lucien

Lucien

Lucien

Lucien

Lucien

Lucien

Lucien

Lucien

Offence

from

from

from

from

from

from

from

from

from

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Dated

from

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from

from

from

from

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

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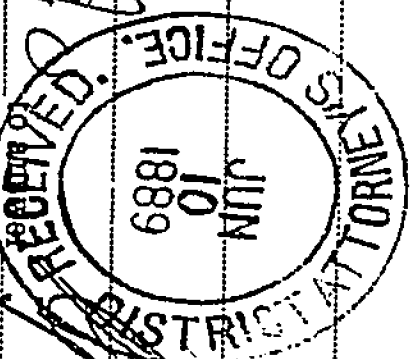
Street.

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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 _____

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0131

Grand Jury Room.

PEOPLE

vs.

Gen. Edwards

change address
of Louis Gold
to Grand
Republic Hotel
Rockaway
Hotel
~~after~~

POOR QUALITY
ORIGINAL

0132

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Edwards

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

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

The said *George Edwards*,

late of the City of New York, in the County of New York aforesaid, on the *seventh*
day of *June*, in the year of our Lord one thousand eight hundred and
eighty-*nine*, in the *day* time of the said day, at the City and County
aforesaid, with force and arms,

one pocket of the value
of twenty dollars and eighty-
five cents

of the goods, chattels and personal property of one *Samuel H. H. H.*
on the person of the said *Samuel H. H. H.*
then and there being found, from the person of the said *Samuel H. H. H.*
then and there feloniously did steal, take and carry away, against the form of the statute in such
case made and provided, and against the peace of the People of the State of New York and their
dignity.

John R. H. H.
Attorney

0133

BOX:

356

FOLDER:

3351

DESCRIPTION:

Edwards, William A.

DATE:

06/20/89



3351

POOR QUALITY
ORIGINAL

0134

714 4793 N.Y.
No. 206 698

Witnesses:

Counsel,

Filed

day of June 1889

Pleas,

Chargely 21

THE PEOPLE

vs.

13

William A. Edwards

485

Indy July 17/89 at New York

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Wm. A. Edwards

Foreman.

Charles G. Gully

Filed #10

See Report of N. Y. S. P. C. C.
for information about defendant
filed with these papers, if lost.

POOR QUALITY
ORIGINAL

0135

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK,

ss. Emanuel Duclando

of No. 100 East 23rd Street being duly sworn, deposes and says,

that on the 11th day of June 1889 at the city of

New York, in the County of New York,

at

Jacob's Third Avenue

Theatre in Third Avenue between
30th and 31st Street in said City
of New York and William A. Edwards
being the manager in whole or in
part did then and there unlawfully
and willfully neglect to restrain
a certain child called Joseph B.
Baldwin otherwise known as Baby
Asbury, the said child being actually
and apparently under the age of sixteen
years, to wit, of the age of six years
from being exhibited and dancing
at the said Theatre in violation of
Section 272 of the Penal Code of the
State of New York

Wherefore deponent prays that
the said William A. Edwards may
be arrested and dealt with
according to law

Emanuel Duclando

Sworn before me this

13th

day

1889

Police Justice.

POOR QUALITY
ORIGINAL

0136

W
Police Court 2 District

THE PEOPLE, &C.,
ON THE COMPLAINT OF

Emmanuel Burlando
N.B.
William A. Schacht
AFFIDAVIT

Dated *June 12th 1889*

Gorman Justice.

Burlando Officer.

Disposition *ES*

POOR QUALITY
ORIGINAL

0137

Sec. 198-200.

2. District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William A Edwards*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *Montreal.*

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

Answer. *495 3rd Avenue 2 1/2 years*

Question. What is your business or profession?

Answer. *Theatrical Manager.*

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

Answer. *I am not guilty and
demand a trial by jury*
W. Edwards

Taken before me this

14

day of

June

188

9

Police Justice.

POOR QUALITY
ORIGINAL

0138

Sec. 151.

Police Court 2 District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Samuel R. Rando
of No. 100 East 23rd Street, that on the 11th day of June
1889 at the City of New York, in the County of New York,

William A. Edwards
did unlawfully neglect to
restrain Baby Abury from
loitering at Jacob's Thief Haven
Theatre

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the 2nd DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 13th day of June 1889

John H. Norman POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0139

930 A.M. 33. W. N. S. Agent Mr. No 4857 2 Avenue

The within named

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

Dated 188

Police Justice.

POLICE COURT 2 DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Emmanuel Bousludo

vs.

William A. Edwards

Warrant-General.

Dated June 13 1889

John J. Harrison Magistrate.

Joseph A. Hardener Officer.

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

Joseph A. Hardener Officer.

Dated June 14 1889

This Warrant may be executed on Sunday or at
night.

Police Justice.

0140

$h_2 \rightarrow h_1 \{ \alpha_1 \} \rightarrow \alpha_2 \{ \gamma \}$
 $2 \rightarrow \alpha_2 \{ \gamma \} \rightarrow \alpha_1 \{ \gamma \}$

See Report of N. Y. S. P. C. O.
~~For information about defendant~~
 filed with them 1-17-35. If lost,
 notify the Society at once.

There being no sufficient cause to believe the within named.....
.....guilty of the offence within mentioned. I order h to be discharged.
Dated.....188.....Police Justice.

POOR QUALITY
ORIGINAL

0141

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 A. Edwards

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

Indictment accuse William A. Edwards

of the crime of a Misdemeanor,

committed as follows:

The said William A. Edwards,

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

fourth day of June, in the year of our Lord one thousand
eight hundred and eighty-nine, at the City and County aforesaid,

being the manager of a certain theatre
there situate, known as "Grand Street
Avenue Theatre", at which said theatre
one Joseph B. Baldwin, otherwise called
"Baby" was then employed, used
and exhibited as a dancer, the said
Joseph B. Baldwin, otherwise called "Baby"
being then and there a child
apparently and actually under the
age of sixteen years, to wit: of the age
of six years, did unlawfully consent
to the use and exhibition of the said

POOR QUALITY
ORIGINAL

0142

child, and neglect and refuse to restrain
such child from so engaging and
acting, as such dancer at the said
Theatre, the the said William A.
Edwards, as such manager thereof,
then and there having the control of
the said child, against the terms
of the Statute in such case made
and provided, and against the peace
of the People of the State of New
York, and their dignity

John P. Mollens,

~~Substantive~~

0143

BOX:

356

FOLDER:

3351

DESCRIPTION:

Elliker, Gustav

DATE:

06/17/89



3351

POOR QUALITY
ORIGINAL

0144

No. 143

Counsel,

Filed

Pleads,

17

day of June

1889

THE PEOPLE

vs.

Gustav Elliker

Grand Larceny (Indictment)
[Sections 528, 530 - Pennl Code]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

John R. Fellows
June 17th 1889
Foreman.
Heard by Jury
Chas. W. D.

Witnesses:

POOR QUALITY
ORIGINAL

0145

Police Court

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. 13 Prince Street, aged 22 years,
occupation Cook being duly sworn

deposes and says, that on the 9 day of April 1889 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property, viz:

Good and lawful money
of the United States of the
sum and value of One
hundred and thirty-five
dollars and a gold ring
valued at two dollars the
whole being valued at
One hundred and thirty
seven dollars

the property of

Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Gustave Olliken (now here)

for the reasons following, to wit:
on the said date the said money
was in a trunk in deponent's
room the defendant being a room-
mate of deponent's when deponent
and defendant went to bed. When
deponent awoke he found the
said trunk broken open, the
said money and defendant
missing. The defendant after
being informed of this right at-
tention and confessed to having
stolen said money.

Sworn to before me, this 6 day of April 1889
Police Justice.

POOR QUALITY
ORIGINAL

0146

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Gustave Elliker

Question. How old are you?

Answer. 21 years

Question. Where were you born?

Answer. Germany.

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

Answer. At home.

Question. What is your business or profession?

Answer. Seaman.

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 guilty.
Gustave Elliker.

Taken before me this

day of

June 1888
Police Justice.

POOR QUALITY
ORIGINAL

0148

Gustav E. Eiker
age 21

Born Switzerland

Opt Zoe Smith

Res No Home

Single

Parents Living

Res Switzerland

POOR QUALITY
ORIGINAL

0149

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Isidor Reicher

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *Isidor Reicher*

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

The said *Isidor Reicher*

late of the City of New York, in the County of New York aforesaid, on the *ninth*
day of *April*, in the year of our Lord one thousand eight hundred and
eighty-*nine*, at the City and County aforesaid, with force and arms, in the
month time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *seventy*

\$135.-

dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of
seventy
dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *seventy*

dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *seventy*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *thirty five dollars, and one*

quarter *part* of the value of *two*
dollars,

of the goods, chattels and personal property of one *Francis J. Staudacher*, in the
dwelling house of the said *Francis J. Staudacher*, there situate, then and there being found,
from the dwelling house aforesaid,
then and there feloniously did steal, take and carry away, against the form of the
statute in such case made and provided, and against the peace of the People of the State
of New York, and their dignity.

JOHN R. FELLOWS, District Attorney.

0150

BOX:

356

FOLDER:

3351

DESCRIPTION:

Emperor, Michael

DATE:

06/20/89



3351

POOR QUALITY
ORIGINAL

0151

Witnesses:

Owing to the inability
to provide evidence to
prove the Peoples case I
concur to the defts
motion to be discharged
on his own recognizance
Oct. 14th 1889

W. J. Justice
Recd. Sub

Counsel,

Filed 20 day of June 1889

Pleads,

THE PEOPLE

vs.

Michael Emperor

JOHN R. FELLOWS,

Part II District Attorney.

October 14/89

Defendant discharged on
his own recognizance

A TRUE BILL.

W. J. Justice

Judgment for the People
in the demurrer with leave
to the defendant to answer
on Oct. 15th 1889

RAC
of

POOR QUALITY
ORIGINAL

0152

N. Y. Common Pleas Part II

Michael Superior
is
The Mayor of

Before Hon. Joseph F. Daley J.
and a Jury

N. Y. June 7 1888

WITNESSES	DIRECT	GROSS
<i>Superior Michael</i>	<i>1 - 50</i>	<i>18</i>
<i>John Lewis P.</i>	<i>41</i>	<i>44</i>
<i>Nelson Frank P.</i>	<i>46</i>	
<i>Babcock David E.</i>	<i>46</i>	<i>48</i>



COTTER & STANDFAST.

LAW TELEPHONE 700
622.

STENOGRAPHERS,
Court of Common Pleas
109 Broadway, N. Y.

POOR QUALITY
ORIGINAL

0153

N.Y. Common Pleas Part II

Michael Emperor }
The Mayor &c. }

Before

Hon: Joseph F. Dale J.
and a Jury

New York. June 7th 1889.

Appearances.

Christopher Frie Esq for Plaintiff
William H Clark Esq counsel to the Corporation
Francis L. Williams Esq of counsel.

Michael Emperor the plaintiff, called in his
own behalf, having been duly sworn.
testified as follows, in answer to
Mr. Frie. Direct Examination.

- Q What is your full name?
A Michael Emperor.
Q How about how old are you?

POOR QUALITY
ORIGINAL

0154

- 2
- A I guess about 36 or 37 years.
- Q Where was you born?
- A Born in Ireland.
- Q When did you come to this country?
- A The 3rd of this month, ten years.
- Q What was your business in October 1886?
- A Well, I was laboring
- Q and ~~where~~^{that} is your business now?
- A Yes sir; when I got it, but I am not able to do any hard work.
- Q You met with some ~~accident~~ ^{injury} in October 1886?
- A Yes sir.
- Q What business had you been doing there before that injury; what was your last job?
- A I was out in Tuxedo park working for the Erie road.
- Q And upon what day was you injured?
- A The 20th of October 1886.
- Q From Tuxedo park had you come to New York before you were injured?
- A I was five or six or seven days.
- Q You had been around here?

Agree sir.

Q Tell his Honor and these gentlemen without my bothering you with any questions, where you were stopping at that time, where you was going when you got injured and how you got injured?

A I was going up to Chatham street.

Q Where was you stopping at that time?

A W Gleason's, 1060 Cherry street.

Q and is that near Catherine street?

A No sir, it is in Cherry street.

Q Don't it cross Catherine?

A It does.

Q Is it near Catherine street?

A It is about five or six blocks.

Q Where was you going at the time you got injured?

A I was going up to Chatham street to have some supper at W Tweed's.

Q Have you ever been a witness before?

A No sir.

Q Ever been in Court before?

A No sir.

Q How did you get hurt?

- 4
- A I was coming off the corner of Catherine and Cherry in Catherine and I was going uptown on the left side : there was a big hole there on the sidewalk near the curbstone and my foot- got- caught in it.
- Q and did you see the hole before you foot- got in ?
- A Now: for if I did my foot would not have got in.
- Q After your foot- got in, what happened ?
- A When my foot- got caught and the gentlemen and ladies were going home, they shoved me into this hole and my foot- got tangled and I got chucked out in the street.
- Q Much foot got in the hole ?
- A The right-foot.
- Q When you say you got "chucked" out into the street, what do you mean by that : nobody pushed you ?
- A Now: my foot- got caught in the

hole : the hole knocked me.

Q you mean your foot got fast and then you fell ?

A My foot had got down in the hole and then there was too many people going along and I was chucked —

Q (Interrupting, by Mr. Wellman.) The people chucked you out ?

A Yes sir : and I got caught by the hole and knocked down.

Q Do you mean to say that the people pushed you off ?

A No sir: the people did not push me, but I did not see the hole and I was trying to get the sidewalk and my foot caught in the hole.

Q and then you fell ?

A Yes sir.

Q Did your foot come — Did you get your foot out after you had fallen ?

A No sir: my foot got tangled down in the hole on the curbstone.

Q We want to know whether your foot got loose after you fell down

6

Q

Q

1

Q

Q

Q

a

Q

a

9

a

Q

Q

POOR QUALITY
ORIGINAL

0159

Q Did you have that big hole measured afterwards?

A Yes sir.

Q By whom?

A By a man named ^{Mr} Dore.

Q Is he in Court?

A Yes sir.

Q Mr James E. Dore?

A Yes sir.

Q And did you go with Mr James E. Dore when he measured it?

A Yes sir.

Q Do you know whether the hole that he measured was the same hole that caught your foot?

A I knew very well it was.

Q It was the same hole?

A The same hole, sir.

Q And just like it was when you caught your foot?

A Yes sir.

Q And as you saw it after you had caught your foot?

A Yes sir.

Q Now, after you got your foot out of that hole, where did you go and

how did you go there? Where did
you go?

A I went home.

Q Where was your home?

A McLeasors at Hobo Cherry.

Q Why do you call that your home?

A Well, I was paying my way there
and then I call it my home when
I am paying my way.

Q Were you lodging or boarding?

A I had a bed.

Q You had lodging?

A Yes sir.

Q Did you have any pain?

A Well, I had pain.

Q I am going back to the very day
when you were hurt. When you
got up out of that hole, got
your foot loose from the hole
and while your foot was in the
hole, did you have any pain in
the foot?

A After getting up?

Q Yes, or before?

A I had no pain before because there
was nothing the matter with ~~me~~ it.

POOR QUALITY
ORIGINAL

0151

Q After your foot got fast, did you have any pain after your foot got fast and before you was able to get it out?

A I guess I hollered when I fell.

Q Did you have any pain then?

A I had, of course.

Q How did you get from there to Mr. Gleason's?

A I walked on the tip of my heel, that way [illustrating].

Q That is, you used your left foot and walked on the heel of your right foot?

A Yes sir.

Q Did you have any pain while going from that hole, the scene of the accident, to Mr. Gleason's?

A Yes sir; and I had a bigger pain the following morning.

Q That evening after the hole accident, did you have any pain in your foot or anywhere else?

A Before I went home?

Q After you got home that night?

A Yes sir; I had a pain, of course.

POOR QUALITY
ORIGINAL

0162

10

all night

Q Next day what did you do?

A I went to the Hospital.

Q What Hospital?

A Chamber street hospital.

Q and do you know who treated you there; what doctor?

A Well, the card he gave me.

Q The doctor gave you a card?

A Yes sir.

Q Look at the paper I now show you; you don't read or write?

A No sir.

Q Is there any mark about that from which you think you could identify it?

A That is the card I got from the doctor; the doctor that took charge of me. I had to go in and they put my name in a book.

Q Did you have to show the card in going to and from the Hospital?

A Yes sir. I had to have that card all the time.

Q How long did you continue to go there to that hospital?

POOR QUALITY
ORIGINAL

0163

- 11
- A Well, I was going there for two months for two or three times a week; that is, every other day.
- Q And the doctor examined you?
- A Yes sir: Examined every day and dressed my foot.
- Q And what — how did they dress the foot? Do you know what they put on it?
- A They put a cloth and rubbed some kind of a red stuff, ointment and bandaged up my foot.
- Q How long did you say you went there?
- A Two months.
- Q During that two months were you able to work: could you use the foot?
- A No sir: I could not.
- Q Now, during that two months, did you have any pain?
- A Oh! yes.
- Q In the foot?
- A Yes sir: but I was getting better all the time but it was very slowly.
- Q After that two months, how did

POOR QUALITY
ORIGINAL

0164

12
you live during that two months;
how long was it before you could
work again?

A It was about three or four months
before I was able to earn any thing.

Q How did you live during that time?

A I had some little money in the bank
and I used to draw it out to support
myself.

Q How much money did you have in
the bank?

Objection to objection
sustained.

Q Much or little, you drew it out?
After the accident you used it?

Objection to objection
sustained.

Q When did you next go to work?

A About April.

Mr. Frie, I believe, if
your Honor please, that either
part is to be at liberty to
read an examination taken
before trial, by the Comptroller.
Mr. Williams: You
believe wrong.

13
Mr. Frie. I make
the offer to read the examina-
tion of this plaintiff taken by
the Corporation counsel and
the Examination conducted by
my friend, Mr. Millman, before
trial.

The Court. Is it
taken in this action under the
Code?

Mr. Frie. It is
taken under that general provi-
sion of the Statute of 1873,
I think, and also of 1880,
that gives the Comptroller
the right, when a claim
is put in, to examine to a
party under oath as to the
injuries and all the circum-
stances. Now, I am free to
say that the Examination
was not taken in the usual
application under the Code,
and I am equally free to
say that I am not sure that
of the counsel to the Corporation

14
objects to their own work being
exhibited to the jury, that
I have a right to insist upon
it in this form.

The Court. Does
the statute referred to contain
any provision allowing this -?

Mr. Fine. They
do not. They give the right
to the Comptroller at his leisure
or convenience and option, to
examine the complainant;
and the condition upon which
I would offer it, but will
not press it because I am not
sure on the point, is that
he would be their witness and
not ours.

The Court. Without
the provision -

Mr. Fine (interrupting)
There is no direct provision. I
do not press it then.

Q How much was you getting per day
before these injuries? immediately
before these injuries?

A A dollar and a half a day.

Q So, as a laborer, as you call yourself
so at that time, your usual wages
as a day laborer?

A Well, sometimes I would work for
thirty-five cents a day, and some-
times ~~as~~ a dollar and a quarter
and a dollar and a half. I would
work for any wages before I
would be knocking around.

Q Have you recently been examined
by a physician? I mean your
right foot?

A I was examined by the doctor.

Q By Dr. Welgovern?

Yes sir.

Q When?

A Yesterday.

Q From the time of the injury, or from
three or four months after the injury
on up to the present time, have you
ever experienced any pain from
that foot?

A Oh! yes; and it pains me very
often now and then, and it is
kind of stiff, more.

POOR QUALITY
ORIGINAL

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Q Is it still kind of stiff ?

A Oh, yes sir.

Q Do you feel ~~any~~ in laboring, in doing your daily labors do you feel any difference between your right and your left foot ?

A Not in some labor.

Q Do you in any kind of labor ?

A Yes sir. If I was doing any weighty labor or something like that, then I would.

Q What difference would there be ?

A Well, I find my foot - my foot would not have half the strength the same as the other. I don't find it very disagreeable.

Q Find any stiffness ?

A Yes sir.

Q Does it affect your walking ?

A Yes sir; walking the most, it does. When I walk a few blocks, fast or slow, lively, I find it is painful after stopping.

Q Do you find any addition to the pain, any weakness after you have walked a few blocks, in the

- foot-?
- A Yes sir. I feel my foot like
tired like.
- Q Did you ever experience any of
those feelings of weakness, or pain,
or tire before in your right-foot,
before these injuries were received?
- A No sir.
- Q What was your general health
before you were injured? What
was your health before you were
injured?
- A I was in good health.
- Q Was you ever injured before?
- A No sir: at one time in the old
country I got injured.
- Q Where did you get injured in the
old country?
- A I got injured on the left shoulder.
- Q This leg or foot was not-injured?
- A No sir.
- Q And no part of your body except
your left shoulder had ever been
injured before?
- A No sir.
- Q You have mentioned a moment

POOR QUALITY
ORIGINAL

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ago what while you were at Mr.
Gleason's you paid your way?

A I did until I was out of money.

Q How did you live there then?

A I was doing a little work for
Mr. Gleason's place, taking care of
his beds and sweeping around
and things like that for my
board and lodging.

Q That was after you had got out
of money?

A Yes sir.

Q And what was until you got other
work?

A Yes sir.

Q How long was that, before you
got other work?

A In April I went to work.

Q In April after the October?

A Yes sir.

Q April of 1887, after the October of
1886?

A Yes sir.

Cross Examined: By Mr. Williams.

Q Your name is Michael Superior?

Ayes sir.

Q Who know about this accident that occurred to you in October, excepting yourself?

A Well, I have got no witnesses that seen me fall.

Q Nobody knows about it but yourself, as far as you know?

A That is all.

Q When did you show your foot to the night of the accident after you hurt it: any one?

A No one.

Q When did you show it to at any time, any living man after your accident?

A I showed it to the doctor.

Q Is he in Court?

A He was down in Chamber Street hospital at that time.

Q Where is he now?

A I don't know.

Q He is not in Court?

A I don't know. I don't believe he is, the doctor that took care of me.

Q He is not in Court, so far as you

know?

A Not so far as I know of.

Q Then there is not a living soul, man, woman or child in New York that you know of, that knows anything about your accident; or that saw your foot after it was hurt excepting the doctor in Chamber street hospital, who is not in the Court room, is that so?

A Yes sir. He saw it afterwards and I went to the hospital and then told folks that I got injured there.

Q And whom did you tell?

A The man that measured the hole, the carpenter that measured the place.

Q Who is he?

A Mr Dore.

Q The man that measured the hole?

A Yes sir.

Q Did you show him your foot?

A I told him I got hurt there.

Q Did you show him your foot?

A No sir. I went with him and I was going lame.

POOR QUALITY
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Q Did you show it to him?

A No: I did not want to show it to any one particularly but a doctor.

Q When did you last see that doctor you speak of, at Chamber street hospital?

A I was two months going there.

Q When did you last see him?

A I did not see him pretty near three years now. I did not go there since he told me he could not do any thing more for me: I did not go back there.

Q Nearly three years ago?

A It would be three years until next October and that is the time I went to see him first.

Q At this time you say you were working somewhere?

A I had a job out there.

Q Had a job where?

A Out on the Erie Road.

Q What were you doing there?

A Well, I was working for a party there and I was breaking stone and laying stones for carriages.

Q What were you doing in New York on the 20th of October, the time you got hurt -

A I was doing nothing, only I bought a couple of shirts.

Q Doing nothing but you bought a couple of shirts -

A Yes. I came in for the purpose of buying a few clothes and then I was going back.

Q When did you come in?

A I came in about four or five days before that.

Q You had been in four or five days in the city?

A I was three or four days before the accident happened.

Q Where were you living then?

A Those three or four days I was living in Cherry Street.

Q Where?

A With Mr Gleason.

Q Does Mr Gleason keep a boarding house?

A He keeps a lodging house.

Q Did not take your meals there?

A No sir.

Q You had your bed there ?

A Yes sir.

Q It is a ten cents a night, bed-house ?

A Yes sir.

Q and you were there three or four nights at ten cents a night ?

A Yes sir.

Q Getting your meals around in New York any where ?

A Yes sir.

Q and buying a couple of shirts ?

A Yes sir.

Q That is what you came for ?

A Yes, I came in.

Q and this very time you were at work on a job on the Erie railroad ?

A That is so.

Q Or was the job through, finished ?

A I didn't go out there no more. I could not go out.

Q Was the job finished before you came to New York ?

A No sir. it was not.

Q Why did you spend three or four days here: were you on a little

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vacation?

Alps, of course I came in and I wanted other business and I was resting a few days.

Q on a spree?

A No.

Q Were you not?

A No.

Q I ask you if you were on a spree?

Objected to: ob.

fiction over ruled.

Q For those three or four days after you left your work, I ask you if you were on a spree?

A No. I was not on a spree.

Q Give me the name of one living man you saw those three or four days?

A I saw a good many men.

Q Give me the name of one?

A I could not tell you.

Q Could not tell me the name of one living man?

A I could tell you the name of, Mr. Gleason where I was stopping.

Q Can you give me another name?

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- Q I don't know. I saw a good many going across the street, but of course I don't know their name.
- Q Can you give me the name of one living soul, man, woman or child that you saw in New York when you were here those three or four days?
- Q Mr Gleason.
- Q (By Mr Fine) Where did you eat?
- A I eat up in Mr Tweed's.
- Q How many years have you lived in New York?
- A Well, I didn't live steady in New York. I had work out in the country.
- Q How many years have you lived in New York?
- A I did not live steady in New York. I stayed only a couple of months. I lived a month in the winter and then in the summer I go out in the country.
- Q How many years have you lived in New York altogether?
- A Ten years, in this country.

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Q How much of that time have you spent in New York?

A I lived ~~one~~ every winter in New York.

Q Then you have lived every winter for ten years in New York?

A Yes sir.

Q But you cannot give the name of any man, woman or child that saw you put your foot down, or that you told of your accident, except to Moore and the doctor?

A That is all.

Q You used to work for Mr Gleason once?

A No sir. I worked for him one time. I never worked but I was doing little chores around for him.

Q But you used to get your night's lodging and meals for taking care of his beds?

A Yes sir.

Q You used to make his beds in the lodging house and then he gave you your bed and your meals?

A Yes sir: I was not doing anything and I was glad to do that for it.

POOR QUALITY
ORIGINAL

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Q You were not able to do hard work
and that is why you wanted to
make _____?

A (Interrupting) I didn't trespass the
value of five cents on the city. I
pay my way every place I goes
along.

Q Then for two years and a half
you have done no work except
making beds?

A No: I did not make beds except
two or three months while I was
sick.

Q You made beds for a man for two
or three months while your foot
was sore?

A Yes sir.

Q You never told him your foot was
sore?

A I don't know whether I did. he
ought to know it himself.

Q Did you tell him?

A No: I did not tell him nothing
until the suit came on.

Q (To a man in Court) Mr. Mason stand
up: is that the man?

POOR QUALITY
ORIGINAL

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Q Yes sir.

Q Did you ever tell him you had a lame foot?

A I did not.

Q You went to his house the night of your accident?

A I did.

Q Did you tell him you had an accident?

A I did not; and I went to the hospital the following day.

Q And you went back that following day to Mr Gleason?

Q Yes sir.

Q You did not stop at the hospital?

A No sir.

Q Did you tell Mr Gleason when you went back from the hospital?

A I did not.

Q Have you told him at any time in the two and a half years from the accident, that you had an accident?

A I did tell him, of course. Didn't he know I had the ~~accident~~ City sued?

POOR QUALITY
ORIGINAL

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- Q Did you tell him you had hurt²⁹
your foot until after it was well?
- A Of course they told him I was
hurt when he wanted to attend
and wanted to make out I was
this and that.
- Q When was it?
- A That was about three years next
January, I guess.
- Q You did not tell him any thing
about it until you had brought
a suit?
- A About my foot?
- Q You did not tell the man you
were living with, Mr Gleason, any-
thing about the accident until
after you had brought the suit?
- A No. he wasn't a doctor and did
not know any thing about my foot.
- Q You did not tell him any thing
about it until you had brought a
suit?
- A No.
- Q You brought your suit on the 5th of
March 1887?
- A I brought the suit when I was two

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months going to the doctor and
then the doctor gave me up and
said he could not do anything
more for me.

Q Now, you had been perfectly well
before this accident and the
accident you had had to your
shoulder in the old country?

A That is all.

Q Otherwise than that you have been
perfectly well. I understood you
to say to Mr. Fine?

Yes sir.

Q And you had never had any other
injury?

A No.

Q You never hurt any other part of
your body before?

A No.

Q And never had any other accident?

A No: any way that I know.

Q When was it that you brought
a suit against the Second Avenue
railroad for an injury that you
received?

A I did not.

POOR QUALITY
ORIGINAL

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Q Guess at it?

A I never did any way I know

Q Do you know Frank J. Keller, an attorney-at-law?

Ans. yes.

Q You know him?

Ans.

Q Didn't he bring a suit for you against the Second Avenue Rail-Road?

A He brought no suit for me ~~opposes~~ because he didn't proceed ~~and~~ the suit.

Q Didn't proceed the suit?

A No.

Q You went and gave him a case against the Second Avenue Rail-Road?

A If I did I didn't receive anything out of it.

Q Did you take him a case against the Second Avenue Railroad?

Ans. yes. I did.

Q For what? what was the case for?

A They threw me out of the car.

Q Did they hurt you?

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- A No: they hurted my ~~and~~ ^{three} hurt: I
got a kind of _____!
- Q (Interrupting) But threw you out
of the car?
- A Yes sir.
- Q I thought you said you never
had any other accident, and
never injured any other part of
your body?
- A I don't know anything about it:
I didn't think anything about that.
- Q Brought a suit about it? Look
here: is that your mark, Michael
Superior (showing a paper to the
witness)?
- A I suppose so.
- Q You swore to that before a Notary
public, M. J. Warwick, on the
8 day of November 1884, didn't
you?
- A I could not think of the time.
- Q That is your mark [showing the
paper to the witness], sworn to
on the 8 day of November 1884,
before a Notary public?
- A Well.

- Q Let me read what this says —
Olympic to.
- Q Now you swore to this at that time
"That by reason of the carelessness
"and negligence of the defendant"
— that is the Second Avenue Rail-
road Company — "and its ser-
"vants in managing said car, the
"plaintiff was so injured, that he
"became ill and lame and was
"prevented from said day to the
"present time and still is unable
"to attend to his business, all for the
"damages of five thousand dollars"?
- A I got only hurted — I got kind of
hurted here [indicating] in the
knee.
- Q You swore to that, that you were
so injured by that injury, that
you were unable to attend to your
business and had not been from
the time of the accident until you
brought this suit, & your damage
five thousand dollars?
- A I did not think of that; I never
remembered it.

Q Injured your knee, you say. 34

A Well, that is it. It was to my knee. They threw me out in the street.

Q That is the only injury you ever received - your shoulder and your knee?

A I don't know any more about it.

Q That is the only injury you ever received, the one you spoke of to your shoulder and one to your knee, where you sued the Second Avenue Railroad? Don't you understand the question?

A You talk too high toned for me.

Q What did you think I asked you?

A I don't think. I don't know what you said.

Q You are in a Court of Justice and you listen to the question. You said first to Mr. Fine that you had never had any other injury to your body except to hurt your shoulder in the old country before this injury where you are suing the City. Now, it appears you

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brought a suit against the Second Avenue Railroad for five thousand dollars to which you swore you had injured yourself to such an extent that you were unable to do your work. Now then, is that the only injury that you have had, the ~~only~~ one that you sued the Second Avenue Railroad —

A (Interrupting) I don't know.

Q You told Mr. Fine you had had none other, what did you mean by that?

A I didn't think anything about that at all.

Q Now, think: have you had any other?

A I don't know. I don't think so. I don't know anything about it.

Q Have you thought sufficiently to tell whether you have had any other injury or not? You may as well answer the question now, because you —?

A (Interrupting) I don't know what to answer.

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Q Have you had any other injury or not?

A I don't know anything about it.

Q You don't know anything about it?

A No sir.

Q Don't you know whether you have had any other injury or not?

Mr. Frie. I submit, considering the intelligence of the witness, as your Honor has discovered, that that is an answer. He don't remember any.

A I don't know nothing about it.

The Court. He does not say he does not remember it.

Q Let me remind you: Did you ever have any injuries on the cars of the Eighth Avenue Railroad?

A The Eighth Avenue Railroad?

Q Yes.

A I didn't think of that.

Q What?

A I don't know.

Q (To a man in Court) Mr. Fawcett stand

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up: do you recognize that gentleman?

A I don't know nothing about him.

Q (To a man in Court) Mr Watson: will you stand up. Do you recognize that gentleman?

A I don't know anything about him.

Q Did you bring a suit against the Eighth Avenue Railroad, or not?

A I never did in my life. Had no suit against them.

Q Were you ever injured on their cars on the Eighth Avenue Railroad, or did you ever claim you were?

A I don't know.

Q Don't know whether you ever were injured on the Eighth Avenue cars or not? Don't know?

A No.

Q Don't know?

A No.

Q Do you know whether you ever made any claim on the Eighth Avenue Railroad for injuries you received on their cars or not?

A Not at all.

Q You don't know or you did not?

A I don't know.

Q You don't know?

A No. I didn't think of it.

Q Did you make a claim on the Eighth
avenue railroad for injuries received
on their cars on the 2nd day of
February 1886, a few months before
this injury?

A No. I didn't think of it.

Q Did you recognize your mark, here?

A My mark? I can't read or write.

Q Is that your mark "Hubert Em-
peror, his mark", showing a paper
of the witness?

A I cannot read or write.

Q Look at that mark. Is that your
mark?

A I don't know.

Q "Believed in the presence of Mr. Watson".
Mr Watson stand up. Is that the
man that witnessed your mark?

A I don't know the man at all. I
don't recognize him.

Q Do you deny that you received
money from the Eighth avenue rail-
road on account of an alleged

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injury that you received on the Eighth
avenue on the 2nd of February 1886?

A That is more than I know.

Q More than you know?

A Yes sir.

Q You mean to say you don't know
whether the Eighth Avenue Railroad
paid you any money or not?

A I don't think that — I don't
think they paid me any money. I
don't believe they did.

Q You don't believe they did?

A I don't believe they did.

Q What damages did you receive
from the Ninth Avenue for injuries
that you received on that Road?

A I received nothing.

Q Mr. Fowler, again stand up: Did
you not you recognize that man
as you have made a claim on
the Ninth Avenue Railroad for
injuries you received on that road?

A I don't think I did.

Q Do you deny it?

A Yes sir: I don't remember saying
I did.

Q Do you deny it?

Ans yes.

Q How much were you paid by the Second Avenue Railroad for settlement of your alleged claim against them?

A How much did I get?

Q How much did they pay?

A I don't know: I didn't get much, any how.

Q How much did you get?

A Forty or fifty dollars: all I know any thing about it.

Q Out of two hundred and fifty dollars you got forty or fifty?

A That is all I got.

Q And do you mean to say that you had forgotten all about that when you told your own counsel and then told me you had never had any other injury?

A I don't know: I never thought of it.

Q How much were you paid by the Eighth Avenue?

A I don't think I got a cent.

Q You got forty or fifty dollars from

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the Second Avenue Railroad and none from the Eighth Avenue Railroad?

A Yes sir.

Q How much did you get out of the Ninth Avenue Railroad?

A I got nothing there. I did not go to them.

Mr. Frie. If your Honor will permit a little change of order of proof and let my friend prove these documents.

Lewis L. Foulk, having been duly sworn, testified as follows, in answer to Mr. McManis.

Direct Examination.

Q What is your business?

A Superintendent of the Ninth Avenue Railroad Company.

Q You have been that for some years?

A Two years on the Ninth and also been connected with the Eighth Avenue Railroad twelve years previous.

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to that.

Q Do you recognize this man Michael
Emperov, the plaintiff in this action?

A I do.

Q Have you seen him before?

A I have.

Q When did you see him?

A On or about December 1st, 1887.

Q And where was that?

A At the office of the Smith Avenue
Railroad Company.

Q Did he come there for some purpose?

A He did.

Q What did he state?

A He made a claim for an injury
he received.

Q On one of your cars?

Yes sir.

Q Did you take down his statement
at that time?

A I did.

Q Have you got it with you?

A I have.

Q What injuries — refresh your
memory from that statement:
What injuries did he claim to have

POOR QUALITY
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received on a Ninth Avenue car?

A An injury to the leg.

Q And that was in December 1887?

A December 18th 1887, the time he claimed.

Q You recognise the man?

A I do. the face and in speech.

Q And what did you do about it?

A Didn't give him anything about it. Told him he was a professional because I had had something to do with him before at the Eighth Avenue, and he made a statement there and I recognised him.

Q When did you see him at the Eighth Avenue?

A I could not tell.

Q But did he make a claim against the Eighth Avenue for injuries?

Yes sir.

Q And what were the injuries then?

A To the leg, at the time.

Q The Eighth Avenue took a release, you got a release from him for the Eighth Avenue?

Yes sir.

POOR QUALITY
ORIGINAL

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Q (Handing a paper to the witness.) And
is this the release which he signed
with his mark?

A Well, the release was made by Mr.
Wasson and I was at the time —
I was the accident clerk and
Mr Wasson drew the release and
paid the money.

Cross examined; By Mr. Frie.

Q Have you any doubt whatever
that this is the gentleman that
made the claim against the
Ninth and Eighth Avenue railroad?

A Not in the least.

Q As to the Eighth Avenue road,
was anything paid to him?

A Yes sir.

Q Quite sure of it?

A Yes sir.

Q To your personal knowledge?

A Yes sir.

Q Who was his attorney?

A Had none. He came there himself.

Q Did he have any in the Ninth
Avenue claim?

A He had none.

Q Was any suit commenced on the Ninth avenue claim?

A No sir.

Q Any suit commenced on the Eighth avenue claim?

A No sir.

Q What did you pay him on the Eighth avenue?

A Ten dollars, I believe.

Frank L. Watson having been duly sworn testified as follows in answer to Mr. Williams. Direct Examination.

Q You are connected with the Eighth avenue railroad?

A I am.

Q You appear as a witness on this paper [handing a paper to the witness]?

A Yes, sir. I drew the paper.

Q What was this paper in settlement of?

A It was in settlement of injuries received by Michael Superior.

Q Is that the man [indicating the

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plaintiff?

A I believe it is.

Q And did he mark that mark there
in your presence?

A He did.

Q The Eighth Avenue Railroad?

A Yes sir.

By Mr. Tule.

Q You have no doubt about it?

A No sir: no doubt about it.

David E. Babcock having been duly
sworn, testified as follows, in
answer to Mr. Williams.

Direct Examination.

Q You are connected with the Second
Avenue Railroad?

A Yes sir.

Q And in what capacity?

A Inspector.

Q Do you recognize this man, Michael
Superior?

A No sir. I never saw him. I don't

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recognize him.

Q What did you have to do with the settlement of the suit of Michael Superior against the Railroad?

A The papers were served on the president and the president passed them over to me.

Q Are these the papers?

A These are the papers.

Q And they were served on the president and he passed them over to you?

Yes sir.

Q (By Mr. Fine.) When?

A 18th of November 1884.

Q How much was paid in that suit in settlement of that suit?

A I took down the two hundred and fifty dollars.

Q And is that the release (handing a paper to the witness)?

A That is the release.

Q Signed by Michael Superior, with his mark?

A That is the release that was returned to me for the check.

POOR QUALITY
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Cross Examined: By Mr. Fair.

Q Did you meet a lawyer in connection with that claim against the second avenue?

A I met Mr. Hutchins, the lawyer.

Q Did you meet a lawyer from Mr. Superior?

A Not.

Q Do you know who his attorney was?

A Frank J. Keller, was.

Q Appearing on this summons and complaint?

A Yes sir.

Q You drew this [referring to the release]?

A Yes sir.

Mr. Fair. If your Honor please. This is a very unpleasant position I am placed in. This man came to me an entire stranger and ~~he~~ told a story. I believed and believing it I thought he ought to have somebody represent his

POOR QUALITY
ORIGINAL

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interests; but these developments
are of a character that throw
me on the defence; and I
am free to say that with
such developments, I do not
feel that I am professionally
called upon to go on with
the case; on the contrary, I
should feel that in doing so
I was doing wrong.

I, therefore, under
the circumstances, the pro-
fession has the right to
give itself the benefit of the
doubt — under the cir-
cumstances of this character,
and, therefore, I beg to retire
from the case, and leave
your Honor to make such
disposition of it as you in
your discretion and with
the exercise of that power
which the law justly and
properly clothes you with,
to make such disposition
as you think proper. I

POOR QUALITY
ORIGINAL

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do not feel at liberty to go on
with the case. I have never
yet entered a case and stayed
in a case that I thought was
dishonest and I cannot afford
to do it, even if I had any
natural preferences that way.
I cannot persuade myself
that all these suits could
have been commenced and
the money paid and the
man not have known it.
I, therefore, place the plaintiff
in your Honor's hands

The Court. Suppose
you put the plaintiff on the
stand and see what he has
to say with respect to these
witnesses.

Michael Superior. By W. F. Frie.

Q you have heard these gentlemen
since you left the stand?

A yes sir.

Q Now, after they have testified

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and exhibiting some papers here
What have you to say about having
made a claim against the Ninth
avenue railroad?

A I didn't make no claim against
them only the Second Avenue, and
that is the only claim I made.
I didn't get any money. I guess
I rode in the car very often but
I didn't bother them.

Q Here are the facts confronting you
and these gentlemen and I
think the City would ordinarily
want to deal with you fairly, but
how is it? I asked you ~~what~~^{fully}
my office when you brought the
claim there whether you had had
other accidents and all about
your history. You never told
me you had ever made such
claims as these or brought any
suit?

A No sir.

Q Why didn't you tell me?

A I never thought of the Second Avenue
at all but as for the other party

I got nothing from them.

Q You made a claim these gentlemen have sworn, against the Eighth Avenue Railroad?

A They can say what they like but I didn't do it.

Q In this suit against the Second Avenue Railroad there was money paid Mr Keller?

A Yes, sir; but Mr. Keller didn't get any thing for me; he took the paper.

Q He commenced a suit?

A He commenced a suit but he got nothing from me — he got no money from me.

Q How much did you get from him?

A I didn't get a cent ~~the whole case~~
~~Q~~ He told you to get somebody.

Q ~~etc.~~ Did you get somebody else?

A I got another lawyer up here.

Q Who did you get?

A Mr Cook.

Q Then you got some money from that case through Mr Cook?

A Yes sir.

- 53
- Q How came you to forget that?
- A Well, I don't know. I got a few dollars. I don't know what I got - but he gave me some anyhow.

Mr. Frie. I feel just the same as I expressed myself before, I don't want to be in such a case. I will withdraw from the case, if your Honor please.

- The Court. Mr. Superior do you want another lawyer to go on with this case? Mr. Frie does not like to continue in it.
- A Well, sir, I don't know. I will have nothing to do with it if Mr. Frie will not.

- Q (By the Court.) Do you want to do any thing further in the case?

- A No, sir. I do not.

The Court. Then I will have to leave the case for the jury on the evidence as it ~~now~~ stands. [To the Jury]

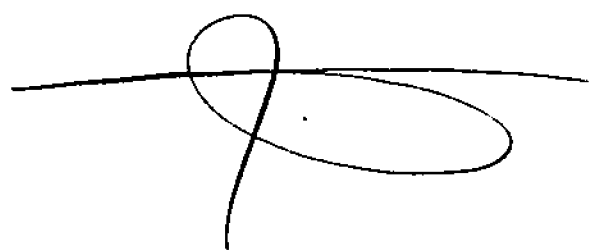
POOR QUALITY
ORIGINAL

0206

The Jury,

Gentlemen. how do you find?

We find a verdict for the
defence.



POOR QUALITY
ORIGINAL

0207

TORN PAGE

Exhibit on Hear. Jan. 11
Michael Superior
- vs -
The Mayor &c.

Stenographers' Transcript.

June 7, 1889

William H. Clark & Co.
Corporation Counsel

COTTER & STANDFAST,

Stenographers,

Court of Criminal Cases
232 Broadway, N. Y.

700
Law Telephone, 827.

POOR QUALITY
ORIGINAL

0208

—T—

Fol. 1.

Court of Common Pleas,
For the City and County of New York.

-----*

M i c h a e l E m p e r o r
 against
The Mayor, Aldermen and Commonalty
of the City of New York.

-----*

The defendants answer the complaint here-
in as follows:

F i r s t : They admit the allegations contained
in the paragraphs thereof designated "1st" and
"5th."

S e c o n d : They deny on information and belief
that the injuries alleged to have been sustained by
the plaintiff were caused without any fault or ne-
gligence on the part of the said plaintiff, or by
reason of the negligence and carelessness of the
said defendants; but they allege that the same were
caused solely through the negligence of the plain-
tiff.

T h i r d : They have no knowledge or information
sufficient to form a belief as to any of the alle-
gations contained in the paragraphs of said com-
plaint designated "2nd" and "6th," or as to those

**POOR QUALITY
ORIGINAL**

0209

2

"3

allegations contained in the paragraphs thereof designated "3d" and "4th" which are not hereinbefore specifically admitted or denied.

W h e r e f o r e , the defendants demand judgment that the complaint may be dismissed with costs.

E. Henry Lacombe,

Counsel to the Corporation.

POOR QUALITY
ORIGINAL

0210

N. Y. Common Pleas Court.

Michael Emperor,

Plaintiff,

against

THE MAYOR, ALDERMEN AND COMMONALTY OF THE
CITY OF NEW YORK,

Defendants.

City and County of New York, ss. :

RICHARD A. STORRS, the Deputy Comptroller of the City of New York, and an officer of the defendants in the above entitled action, being duly sworn, says: That the foregoing answer is true to his knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true. Deponent further says, that the reason why the verification is not made by the defendants is that they are a corporation; that this deponent is an officer of the same, to wit, Deputy Comptroller; and that the grounds of his belief as to all matters not therein stated upon his knowledge are as follows, to wit: information obtained from the books and records of the Department of Finance, or of other departments of the city government, or from statements made to him by certain officers or agents of the defendants.

Sworn to before me, this ¹⁴
day of *March* 1887 }

R. G. Jones

Notary Public

*He is Co
Clerk. filer in N.Y. Co*

Richard A. Storrs

Deputy Comptroller.

POOR QUALITY
ORIGINAL

0211

Superior Court.

329
35

Michael Emberson,
Plaintiff

against

THE MAYOR, ALDERMEN AND
COMMONALTY OF THE CITY
OF NEW YORK,
Defendants

ANSWER.

E. HENRY LACOMBE,
Counsel to the Corporation,
2 TRYON ROW, N. Y. CITY.

*Due service of the within Answer
is hereby admitted.*

NEW YORK, *March 14th* 1887.

C. Fine.
Atty. for Plaintiff

POOR QUALITY
ORIGINAL

0212

Law Department.
Office of the Counsel to the Corporation.

State's Testing Building
2 Truena Row

New York, July 9th 1889

Michael Emperor

v.

The Mayor & -

Will the District Attorney
please return to this office
the papers in this suit.
It is desired to have copy
of pleadings made - the
papers to be sent back to
District Attorney -

J. I. Campbell
Ch: Clerk

Examination of Coupl.
answers
Summons & Coupl.
Stair - Minutes
Given to Office Clerk

POOR QUALITY
ORIGINAL

0213

District Attorney's Office.

PEOPLE

vs.

Michael Emperoz

and against mayor for
personal injuries.
verguis sueing

6/21/86 Christina
hole in sidewalk at church
Catharine St.

No. 66
Bill ordered
✓

TORN PAGE

POOR QUALITY
ORIGINAL

02 14

~~Top~~

day for trial

Monday

Oct-14 at

apt. 1000
W. G.

POOR QUALITY
ORIGINAL

0215

District Attorney's Office.

PEOPLE

vs.

Emperor

Senator Landrum

W. H. Lake Corp

F. L. Wellman - Corp

J. Gilbert 4th RR

John Stewart 3rd RR

John Cotton Common Pl

Houlke 9th RR

Nelson 8th RR

Babcock 2nd RR

Low Ottenson Cherry & Co

Cohen " "

Grand Jury Room.

PEOPLE

vs.

Emperor

Francis E. Wellman
Corp Counsel

John Cotton
Attorney

Lewis Foulke
9th RR

David Babcock
2nd RR

Frank O. Watson
Favor RR

Isidore Cohen
Cherry & Co

Louis Cotton

Solomon Stone

POOR QUALITY
ORIGINAL

0216

THE PEOPLE

vs.

MICHAEL EMPEROR.

The result of an examination of this Indictment illustrates the utter folly of entering upon the argument of a demurrer in the absence of the indictment.

Defendant's counsel alleges that the perjury charged is based upon immaterial facts and if that were true, beyond a peradventure the indictment should not be sustained, but inasmuch as it is not true the demurrer must be overruled.

What is the principle fact upon which this Indictment is based. It is that in an action for damages against the Mayor and Aldermen of New York, defendant alleged in his verified complaint that on the 20th day of Oct. 1886, he caught his foot in a hole in the side walk on the west side of Catharine St. in said city and was thrown with great violence into the street and seriously injured. Now the Indictment charges that that statement is false, and how this court can hold that such an allegation in such an action is not material passeth all rational comprehension. Other immaterial facts may be alleged in other counts but this is not a demurrer to those counts but to the whole Indictment and for that reason must be overruled.

Andrew H. H. Dawson,

D. Asst. Dist. Atty.

POOR QUALITY
ORIGINAL

02 17

Mr. Kople

Michael Emperor

Prof. of Div. Hty
on demerit

filed July 15/89

POOR QUALITY
ORIGINAL

02 18

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

----- x
The People :
vs. : DEMURRER.
Michael Emperor. :
----- x

The defendant above named, Michael Emperor,
being arraigned upon an indictment presented by the last
Grand Jury on the 21st day of June 1889 charging him with
the crime of perjury and being required to plead thereto,
for plea in this behalf says that the People of the State
of New York this indictment ought not to have, and that
he demurs thereto, and for grounds of demurer specifies
the following grounds to wit:-

First:- That the indictment doesn not conform substan-
tially to the requirements of section 275, 276.

Second:- That the facts stated in the said indictment
do not constitute a crime.

WHEREFORE the said Michael Emperor prays that the
said indictment may be dismissed and that he may go
therefrom without day.

C. F. Kinsley

of counsel for defendant.

POOR QUALITY
ORIGINAL

02 19

Supreme Court

The People

AGAINST

Michael Carpenter

Defendant

C. F. KINSLEY,

ATTORNEY FOR defendant

POTTER BUILDING,

38 PARK ROW, NEW YORK CITY.

Due and timely service of copy of within is hereby
admitted.

Dated New York

Attorney for

John J. Landis

POOR QUALITY
ORIGINAL

0220

District Attorney's Office.

PEOPLE

vs.

Emerson

James S. Wellman

John Cutler, sten.

David Babcock

Wm. M. M. M.

2 and 1/2

Samuel J. Foulke

Wm. M. M. M.

Wm. M. M. M.

Frank P. Watson

8 and 1/2

Indira Cohen

Wm. M. M. M.

Wm. M. M. M.

about 1000

Louis Eltinger

same,

Solomon Stone

same.

POOR QUALITY
ORIGINAL

0221

Court of General Sessions,
for the City & County of New York.

----- x
The People :
vs. : Brief for defendaht.
MICHAEL EMPEROR. :
----- x

A false oath upon an immaterial matter is not will-
full and malicious perjury (Rasco Cr. Ev. 758; Russ. on
Crimed, 639).

The matter falsely sworn to must tend to support
and give credit to the witness in respect to the main fact
in issue or it is not perjury. (Comm. vs. Pollard 12 Mass.
220; 3 Greenl. Ev. 197; Rasco on Cr. Ev. 759).

Materiallity is an esential element of the crime
of perjury 2 R. S. 631).

To sustain a conviction for perjury, it must appear
either upon the face of the facts set forth in the indic-
tement that the matter sworn to upon which the perjury is
assigned was material. (Wood vs. People 59 N. Y. 117).

It must appear in the indictment that the evidence
on which the assignement for perjury is based was material,
to the determination of the issue. (Guston vs. Peo. 61 Barb.
35) Guston vs. Peo. 4 Lans. 487).

**POOR QUALITY
ORIGINAL**

0222

2

The facts set forth in the indictment do not constitute the crime charged. Penal Code Sec. 99).

The act constituting the crime, is not without unnecessary repetition. (Besh. Cr. Proc. Secs. 77, 325; Peo. vs. Van Pelt. 4 How. 36).

C. F. Kinsley,

of counsel for deft.

38 Park Row,

N. Y. City.

POOR QUALITY
ORIGINAL

0223

N. Y. General Sessions Court.

The People

AGAINST

Michael Superior

Brief
for
defendant.

C. F. KINSLEY,

ATTORNEY FOR *defendant*

POTTER BUILDING,

38 PARK ROW, NEW YORK CITY.

Due and timely service of copy of within is hereby
admitted.

Dated New York

Attorney for
filed July 10/89

0224

-----X
:
The People
:
vs.
:
Michael Emperor.
:
-----X- -X

Upon an indictment *for*
perjury.

District Attorney, New York Co.

You will please take notice that on Monday the 30th day of September 1889 , at Part 3 of the Court of General Session, in and for the City and County of New York, at 32 Chamber Street in said City, at 11 o'clock in the forenoon, or as soon thereafter as counsel can be heard upon all the papers heretofore filed and the proceedings heretofore had in the above entitled action, I shall move ^{the Court} that the above named defendant be discharged upon his own recognizance upon the ground that he has not been brought to trial within the time required by law.

Yours Respectfully,

C. F. Kinsley,

38 Park Row.

Dated New York, Sept. 26/89.

POOR QUALITY
ORIGINAL

0225

General Court.

The People

AGAINST

Michael Imperor.

Notice of Motion.

C. F. KINSLEY,

ATTORNEY FOR *Defendant.*

POTTER BUILDING,

38 PARK ROW, NEW YORK CITY.

Due and timely service of copy of within is hereby

admitted: 26

1889

Dated New York, *Sept. 26, 1889.*

To John R. General Esq.,

Attorney for

Defendant.

N. Y. Co.

F. H. G.

POOR QUALITY
ORIGINAL

0226

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

----- x
The People

vs.

DEMURRER.

Michael Emperor.
----- x

The defendant above named, Michael Emperor,
being arraigned upon an indictment presented by the last
Grand Jury on the 21st day of June 1889 charging him with
the crime of perjury and being required to plead thereto,
for plea in this behalf says that the People of the State
of New York this indictment ought not to have, and that
he demurrs thereto, and for grounds of demurer specifies
the following grounds to wit:-

First:- That the indictment doesn't conform substan-
tially to the requirements of section 275, 276.

Second:- That the facts stated in the said indictment
do not constitute a crime.

WHEREFORE the said Michael Emperor prays that the
said indictment may be dismissed and that he may go
therefrom without day.

C. F. Kinsley

of counsel for defendant

POOR QUALITY
ORIGINAL

0227

N.Y. General Sessions Court.

The People

AGAINST

Michael Cuppers

Copy

Demurer

C. F. KINSLEY,

ATTORNEY FOR *Defendant*

POTTER BUILDING,

38 PARK ROW, NEW YORK CITY.

Due and timely service of copy of within is hereby
admitted.

Dated New York.....

Attorney for

POOR QUALITY
ORIGINAL

0228

Court of Common Pleas
for the City and County of New York.

W. Reid Gould, Law Blank Publisher and Stationer, 165 Nassau St., N. Y.

Michael Emperor..

Plaintiff

against

The Mayor, Aldermen and
Commonality of the City of
New York.

Defendants

Summons.

To the above named Defendants

You are hereby Summoned to answer the complaint in this action, and to serve a copy of your answer on the Plaintiff's Attorney within twenty days after the service of this summons, exclusive of the day of service, and in case of your failure to appear, or answer, Judgment will be taken against you by default, for the relief demanded in the complaint.

Dated N. Y. City March 5th 1887.

Christopher Fitts - Plaintiff's Attorney

Post Office Office Address, No. 265 Broadway Street

N. Y. City

POOR QUALITY
ORIGINAL

0229

Vol 1

Court of Common Pleas
for the City and County of New York

Michael Emperor

— vs. —

The Mayor, Aldermen
and Commonalty of the
City of New York.

The above named plaintiff, complaining against the
above named defendants alleges.

Ad-
FIRST; That the said defendants are, and were, at the times
hereinafter mentioned, a body corporate, and domestic mu-
nicipal corporation, known as The Mayor, Aldermen and Com-
monalty of the City of New York, organized and existing
under the laws of the State of New York.

SECOND; That the said defendants as such municipal corpor-
ation, are clothed and invested with the power and charged
with the duty and obligation of keeping the streets and
sidewalks of the City of New York, in a safe condition to
travel, all of which streets ^{and} ~~or~~ sidewalks, are public high-
ways.

THIRD; That the said defendants notwithstanding their
said power and authority, and their said duty and obligation
and in disregard thereof, for a long time prior to the 20th
day of October 1886, unlawfully and negligently, permitted
and allowed, one of the said public high-ways, or streets or
side-walks, in the City of New York to wit; Catherine street

Daily
negligence 2

POOR QUALITY
ORIGINAL

0230

2091
FOR THE CITY AND COUNTY OF NEW YORK
COURT OF COMMON PLEAS

68
on the west side-walk thereof, and near the south west corner, of Catherine and Cherry streets, to become, be and remain in an unlawful, dangerous and uneven condition, and unfit and unsafe for travel, in that they allowed and permitted the flagging of said side-walk to be, and remain uneven, broken and full of holes,

3
FOURTH; That while this plaintiff, was lawfully passing over, and upon the side-walk, and public high-way, on the said west side-walk of the said Catherine Street, and near the south west corner of said Catherine and Cherry streets aforesaid, and without any negligence on his part, on the evening of the said 20th. day of October 1886, he the said plaintiff, by reason of the negligence and carelessness of the said defendants, and their wrongful neglect, and disregard of their duties and obligations aforesaid, caught his foot in one of the holes in the said side-walks— and was thrown with great violence out into the said Catherine Street, spraining the instep of his right foot, and greatly injuring and shocking his whole system, and causing him greatly bodily pain and mental anguish, and which incapacitated him, for a long time thereafter, from following his occupation as a laborer, and unable to do any work, whatever for his support, and has been put to expense, in endeavoring to heal himself from the said injuries, and relieve his pain and suffering so far as medical aid and treatment, will or can effect, all to his damage of five thousand dollars.

4

POOR QUALITY
ORIGINAL

0231

on the west side of the street and near the corner west corner

er

admit

FIFTH; Plaintiff further shows that heretofore to wit;
that on or about the 27th day of December 1886, he presented
in writing, to the Comptroller of the City of New York, a
claim hereinbefore set forth, upon which this action is
founded, for adjustment and payment, and that at least
thirty days have elapsed since the presentation of said
claim, for adjustment as aforesaid, but that the said Compt-
roller has wholly neglected and refused to adjust, settle
or pay in whole or in part the same.

5 SIXTH; That by reason of the premises this plaintiff has
sustained great loss and injury as aforesaid, to his damage
of five thousand dollars.

WHEREFORE plaintiff demands judgment a-
gainst the said defendants, for the said sum of Five thous-
and dollars, besides the costs of this action.

CHRISTOPHER FINE

plaintiff's attorney

office and P-O-address NO-265 Broadway-N-Y-City.

POOR QUALITY
ORIGINAL

0232

329
35
No notice of
petition to commence action
filed.

H. H. Conner Pleas.

Michael Emerson.

Puff

The Mayor Aldermen
of the
City of New York.

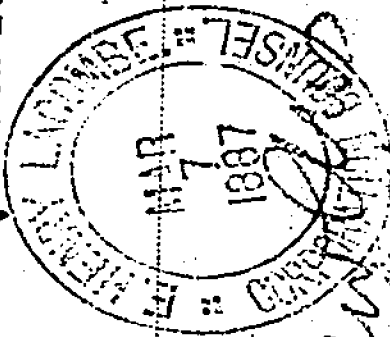
Def

Copy. Summons
and complaint.

CHRISTOPHER FINE,

Attorney for plaintiff.

No. 265 BROADWAY,
New York City.



Delivered
March 8, 1887
C. H. Conner

Take Notice that within is a copy of
this day
duly made and entered herein and filed
with the Clerk of this Court, in the

New
York City.

Dated, N. Y., 188

Yours, &c.,

CHRISTOPHER FINE,

Attorney.

Office and P. O. address,

265 BROADWAY,

N. Y. City.

To Esq.,

Attorney.

POOR QUALITY
ORIGINAL

0233

329
35
No notice of
intention to commence action
filed.
U. S. Criminal Pleas.

Michael Emerson.

Piff

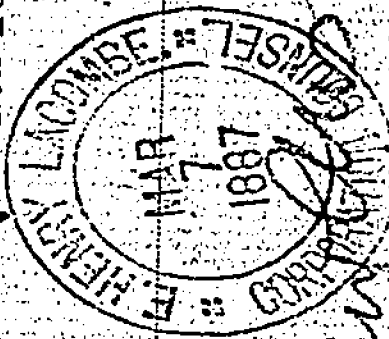
The Mayor Aldermen
of the
City of New York. Deft

Copy.
Summons
Complaint.

CHRISTOPHER FINE,

Attorney for
No. 265 BROADWAY,

New York City.



Received
March 8, 1897
Wm. G. Carruth

* Take Notice that within is a copy of
this day
duly made and entered herein and filed
with the Clerk of this Court, in the
New

York City.
Dated, N. Y., 188

Yours, &c.,
CHRISTOPHER FINE,

Attorney.
Office and P. O. address,
265 BROADWAY,
N. Y. City.

To
Esq.,
Attorney.

POOR QUALITY
ORIGINAL

0234

UNITED STATES OF AMERICA,
STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK. SS.

In the Name of the People of the State of New York, To any peace officer in
the State of New York :

Information upon oath having been this day laid before me, that
the crime of Fornication has been committed, and
accusing Michael Emerson thereof :

You are Therefore Commanded forthwith to arrest the above named Michael
Emerson and bring him before me at my chambers
in the Parsons Building in the City of New York,
or in case of my absence or inability to act, before the nearest or most accessible Magistrate
in this County.

Dated at the City of New York, in the County of New York aforesaid, this seventh day of

June 1889.

Herbert M. Smith
Justice

POOR QUALITY
ORIGINAL

0235

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

THE INFORMATION OF Francis L. Wellman,
Assistant to the Counsel to the Corporation
laid before Richard B. Rensselaer Esquire, City
Magistrate of the City of New York, and a Magistrate and Officer
having power to issue a warrant for the arrest of a person charged with a crime, the
seventh day of June in the year of our
Lord one thousand eight hundred and eighty nine who, being duly sworn, deposes,
alleges and says, as follows upon information and belief

THAT on the seventh day of June in
the year of our Lord one thousand eight hundred and eighty nine;
one Michael Karpov late of the City New York, in the County of
New York aforesaid, at the City and County aforesaid, did feloniously con-
vict and commit perjury in that he
swore as a witness in his own behalf upon
the trial of an action for personal injuries
brought by him against the City of New
York, which said action was the day
brought on for trial and tried in the Court
of Common Pleas for the City and County of
New York before the Honorable Joseph
Edy, Justice of said Court, and being duly
sworn, he did willfully and knowingly
testify, declare and say, upon his oath
aforesaid amongst other things in substance and
to the effect that before the happening of a
certain alleged accident to him for injuries
received whereby said action was brought he
had never sustained any physical injuries
in the United States, and had never had
any claim against the Second Avenue Eighth
Avenue or Ninth Avenue Railroad Company
of the City for injuries received, which
matters were then and there material to the
issue in said action, and said matters known
to him were then and there wholly false and untrue;
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.

WHEREFORE, informant prays that a warrant may issue for the arrest of the
said Michael Karpov and that he be dealt
with according to law.

Sworn to before me, this seventh day of
June in the year of our Lord, one
thousand eight hundred and eighty nine

Francis L. Wellman

Flv. May
Rec'd

POOR QUALITY
ORIGINAL

0236

Sec. 198—200.

CITY AND COUNTY }
OF NEW YORK. } ss.

District Police Court.

Michael Amerson 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. Michael Amerson

Question. How old are you?

Answer. 37 years

Question. Where were you born?

Answer, Ireland

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

Answer. 342 Water St - six months

Question. What is your business or profession?

Answer, Laborer

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

Answer. I have had claim against the Second Avenue Road through conductors Kael & received \$80 or \$90 from work on 25 Chambers St. I don't remember ever having any claim against any the Rail Road.

I still claim to have suffered the injury for which my suit tried this day in the Court of Common Pleas was brought

Michael Amerson

maury

Taken before me this

day of

March 1889

Police Justice.

POOR QUALITY
ORIGINAL

0237

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

838
Judge the Recorder
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Francis D. Williams

1 Michael Emporor

2 _____
3 _____
4 _____
Offence Perjury

Dated June 7 1889

Reverend J. H. Magistrate

George D. Smith, Officer.

Witnesses Officer DeLoe

Corporate Counsel's Office

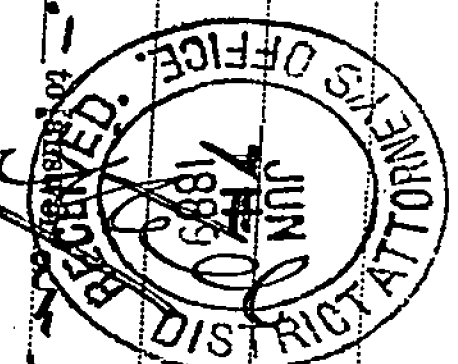
No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

\$5000.00 - to the Recorder

Signature of Recorder



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 _____

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

Dated June 7 1889 _____ Police Justice

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

Dated _____ 1889 _____ 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 _____ 1889 _____ Police Justice.

POOR QUALITY
ORIGINAL

0238

Superior Court of the
City of New York

Michael Empson

The Second Avenue Railroad
Company of the City of New York

The complaint of the plaintiff respectfully
shews to the Court.

I. That at the times hereinafter mentioned the
defendant a corporation duly incorporated under
the laws of this State, were the owners of a certain
railroad, known as The Second Avenue Railroad
Company, together with the tracks cars lines
and other appurtenances thereto belonging, and
were common carriers of passengers thereon for
hire between the places hereinafter mentioned -

II. That on the 28 day of August 1884 the
defendant received the plaintiff into one of its
passenger cars for the purpose of carrying him
thereon and upon said railroad as a passenger
from Chatham Square to 58 Street in said city

III. That when the said car of the defendant
had reached the destination of plaintiff at 58 Street
plaintiff requested the conductor, the servant of

POOR QUALITY
ORIGINAL

0239

said defendant to stop the car so that plaintiff could alight therefrom - That the said conductor the servant of said defendant gave the signal to stop said car and plaintiff in the stopping of
3 said car immediately started to alight therefrom and when plaintiff had stepped on the bumper of said car and in the act of alighting therefrom and before he had reached the ground the said conductor the servant of said defendant gave the signal to start and the said car did start and plaintiff without any negligence or contribution on his part, but through the negligence and carelessness of said defendant and its servant the said plaintiff was thrown headlong to the ground injuring one of the eyes and arms of plaintiff and he was likewise bruised and injured -

4 II. That by reason of the carelessness and negligence of the defendant and its servant in managing said car the plaintiff was so injured that he became ill and lame and was prevented from said day to the present time and still is unable to attend to his business and for a long time will be so prevented and necessarily incurred expenses in attending

POOR QUALITY
ORIGINAL

0240

to be cured to ~~defendants~~ plaintiffs damage Five
thousand Dollars -

Therefore plaintiff demands judgment
against the defendants for the sum of Five
thousand Dollars damages besides the costs and
disbursements of this action -

Francis J. Keller

Att'y for Puff

346 Broadway N.Y. City

City and County of New York

Michael Emerson being
only sum says that he is the plaintiff
above named that he has read and the foregoing
complaint and knows the contents thereof and
that the same is true of his own knowledge
except as to the matters therein stated to be
alleged on information and belief and as to
those matters he believes it to be true

Subscribed and sworn to before me this }
8 day of November 1884 } Michael Emerson
his mark

W. L. Warner

Notary Public No 69 N.Y.C.

POOR QUALITY
ORIGINAL

0241

N. Y. Superior Court

Michael Empson

Plaintiff

against

The London Assurance

Railroad Company of the
City of New York

Defendant

Copy Complaint

FRANK J. KELLER.

Attorney for Plaintiff

346 BROADWAY,

NEW YORK CITY

To Honorable J. Platt Esq.

Attorney for Defendant

Due and timely service of

is hereby admitted

Dated December 18, 1884

Attorney for

C. B. Marwin, Printer, 218 Fulton St., N. Y.

Received

The defendauts to
answer the within
complaint is hereby
extended to and including

Dec. 20, 1884

remains as of Dec. 1884

[Signature]

above being further
extended to and including

Dec. 20, 1884

Dec 20, 1884

[Signature]

POOR QUALITY
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R--P--

In the Matter of the Claim

of

Michael Emperor, presented to
the Comptroller of the City of
New York, pursuant to Section
123, Chapter 410, Laws of 1882.

Examination held, January 24th, 1887.

APPEARANCES:

W. J. Walsh, Esq., (for Christopher Fine, Esq.
For the claimant;) F.L. Wellman, Esq., for the
City.

MICHAEL EMPEROR, claimant, being duly sworn
by F. L. Wellman, Esq., testified as follows:

Examined by Mr. Wellman:

Q How old are you?

A I don't know. I can't exactly guess my age; I suppose
I am about 35.

Q Are you married?

A No sir.

Q Where do you live?

A I live all over, but I live now at 60 Cherry street; I
am living there since I got my foot sprained.

Q Who do you live with?

A Mr. Gleason; he keeps a lodging house.

Q Are you boarding with him?

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A No; I only lodge there and pay for my bedding.

Q How much do you pay for your bedding?

A Ten cents a night .

Q Where did you live before that?

A Before I got that accident I was working for the Erie road-
I was working for them.

Q Where?

A Out in Orange County in a place called Tuxedo---not in
Tuxedo Park---with the Erie Railroad Company.

Q What were you doing there?

A I was in a quarry there, breaking stone.

Q Who were you breaking stone for?

A The head boss was Starr and Morl was the working boss;
Starr is road master.

Q What were you getting a day?

A \$1.50.

Q You were a stone cutter?

A No, I was breaking the stones up with sledges.

Q What do you call yourself?

A A laboring man, sir.

Q How long had you been working there?

A I went there in May.

Q Where did you work before that?

A Before that I worked up with a farmer.

Q Who was it?

A I didn't work before that last winter---I was idle last

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winter.

Q What was the farmer's name you worked for?

A His name was Dwyer.

Q Where does he live?

A In a place called Montgomery, a small village.

Q What did you do for him?

A Working around.

Q How much did you get from him?

A \$15. a month and my grub.

Q Where did you work before?

A On Long Island, in the summer.

Q Where was it on Long Island?

A Locust Valley.

Q What was his name?

A Neal.

Q What is his first name?

A Patrick Neal.

Q Did you work all summer for him?

A Well, I did a couple of months.

Q Who did you work for before that?

A I left that place then and then I worked for this railroad here in Broadway.

Q Who did you work under in the Broadway Railroad?

A I worked for a good many bosses there.

Q What is one of them?

A One boss they called Mr. Baldwin.

Q Did you always work under the same name--Michael Emperor?

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A Oh, yes, my name.

Q Did you always work under the same name?

A Certainly.

Q When did you get hurt?

A The 20th of October, 1886.

Q Did you ever get hurt before?

A I guess not; I got my shoulder hurted once in the old country.

Q Did you hurt your shoulder this time?

A No sir.

Q Did you ever hurt yourself any where else than in your shoulder in the old country?

A No sir.

Q Where did you hurt yourself this time?

A In Catharine street.

Q What part of the body did you hurt?

A My foot sir.

Q What time of the day was it?

A 6 o'clock in the evening; the men were coming from work.

Q Where were you coming from?

A I was going up-town to have some supper.

Q Where were you going to?

A To Mr. Tweed's there in Chatham street.

Q What part of Chatham street?

A It aint half a block from here.

Q Is it a restaurant?

A Yes sir.

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Q Where were you living then?

A I was at Mr. Gleason's then.

Q You lived with him before the accident then?

A I came in to buy some shirts the day before that and I was going to go back.

Q Where had you been that day?

A No where---; I was inside the house.

Q Where did you go?

A I stopped in the house and I went to my supper.

Q Stopped in Gleason's house till you went to your supper--- stopped all day?

A Not all day.

Q Where did you go?

A Up Chatham street.

Q Where?

A I couldn't tell just where I bought the shirts---from a Jew there---any place I got the value of my money.

Q Have you any friends here?

A I have no friends here--- only one brother.

Q Where does he live?

A 12 Hamilton street.

Q Did you see him that day?

A No sir the day before.

Q You saw him the day before but not that day?

A Yes sir.

Q Who did you see that day that you knew?

A No one.

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Q Were you alone when you were hurt?

A I was going to have my supper.

Q No body was with you that you know?

A No sir.

Q Was any body there that you since have found the name of?

A When I got knocked down---it was the curb stone that knock-
ed my leg--- there is the hole---and the people were com-
ing against me; they were going down town and I was com-
ing up town.

Q Did you find the names of any one that saw you fall?

A No sir.

Q You don't know who saw you fall?

A There was a good many.

Q Which way were you going---towards what streets?

A I was going up towards Chatham street.

Q Which side?

A The left side.

Q Were you walking out near the curb stone?

A Yes sir; the sidewalk was blocked with people; I was
walking up here that way (indicating) and the curb stone
was here (indicating) .

Q Were you keeping out by the curb stone?

A I was walking in the middle of the sidewalk when there
was vacancy but in the rush of people I got caught.

Q Where did you catch your foot?

A Between the curb stone and the sidewalk.

Q How big was the hole?

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A I got the hole measured; the hole wasn't big, of course;
if it was big I would have had a bigger show.

Witness hands card to Mr. Wellman.

Q Read it?

A I can't read it. I got him to measure it.

Card reads: James E. Dore, 55 New Bowery.

Q When did he measure it?

A A little while after.

Q How long after?

A I don't know; I got it measured for fear the city might
close it up.

Q How long after?

A I don't know.

Q You know what a week is, don't you?

A I don't know whether it would be a week or longer.

Q Was it two weeks?

A No sir, it was not two weeks.

Q Did you go yourself with him when he measured it?

A I did.

Q About two weeks after?

A I don't know how long.

Q What day of the month did he go with you?

A I couldn't tell you.

Q Was it a week or two weeks?

A I couldn't answer that.

Q Was it three weeks?

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A No, I don't know; it was not three weeks; it was a while after; I know I got this man to see about it.

Q How long was it---don't you know.

A It was about 5 or 6 days.

Q What was the shape of the hole?

A If I knew the shape of the hole I would have seen it myself.

Q You went there with this man?

A He marked it there on the card.

Q You went there with the man?

A Yes.

Q What was the shape of the hole?

A It is about like that (illustrating)

Q Was it square?

A It was longwise.

Q Was the hole square?

A The hole was square, sir, it is there on the card.

Q 12 x 11 ?

A Yes sir and 3 inches in depth.

Q Do you know this man, James E. Dore?

A He will come with me to Court.

Q Do you know him?

A Certainly I do.

Q Did you know him before you went to see him?

A I did not.

Q What is that other paper you have got there?

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- A That is the doctor's paper.
- Q Let me see that?
- A I will show you the whole of them.
- Q Who picked you up?
- A Myself, sir.
- Q Did any body help you?
- A No.
- Q How did you get to Chamber s street Hospital?
- A I went there in the morning.
- Q How did you get there?
- A I walked on my heel there.
- Q Where did you go that hight?
- A Home, to Gleason's place.
- Q Where did you go next morning?
- A Went to Chambers street Hospital.

Claimant produces hospital card, viz:

"October 21st, Chambers Street Hospital, Dr. McMerny."

(Witness continuing) Got there at 9 O'clock
in the morning.

- Q You hurt your foot?
- A Yes sir.
- Q What part of the foot?
- A The instep.
- Q Right foot?
- A Yes sir.
- Q What did you do to it--how did you hurt it?
- A Sprained it--so the doctor said.
- Q Did you break anything?
- A No; he said it would take as long to come round as if it

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was broke.

Q Did you stop at Chambers Street hospital--did you stay there?

A No sir.

Q Where did you go then?

A I came home.

Q Were you doing any work at the time?

A No sir.

Q Where did you spend your days?

A In the house mostly.

Q You used to go out?

A I used to go out to have my supper or my dinner.

Q Where did you used to go to have your dinner?

A I used to go to Mrs. Ryan's somet imes; she keeps a little saloon.

Q Where is Mrs. Ryan's place?

A Near Cherry--on Roosevelt Street.

Q You used to go regularly for your dinner?

A Yes sir.

Q Did she know you?

A She knew me by eye-sight.

Q Did she know you by name?

A I don't think she did; she knew me by eye-sight.

Q Where did you get your money?

A I had \$100. in the bank and I had to get it and spend it after I met with this accident.

Q Where did you have it?

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A In the Chambers street bank.

Q Where is that?

A I think it is No 75 Chambers street.

Q Did you have it in your own name?

A Yes sir.

Q And you drew it all out?

A Well no, by degrees; only for that I should have gone to some hospital.

Q How long were you laid up with your foot?

A I was 2 months under the care of the doctor?

Q The same doctor?

A The same doctor, except one day.

Q For 2 months?

A That is, every other day.

Q Did you pay him anything?

A No sir.

Q Did you pay any doctor anything?

A No sir.

Q Did you have any other doctor except this doctor Mc. Merny?

A No; I doctored with him all along.

Q Did any policeman come to your assistance?

A No sir.

Q Where was this hole--in front of that store?

A Well, it is a Jew, he keeps in front of No 100---corner Catharine and Cherry street.

Q In front of whose store?

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A I am no scholar; I have no education .

Q What is his business?

A Clothing.

Q Corner of Catharine and Cherry?

A Yes sir.

Q Which corner--up town or down town?

A The left side going up town.

Q Is it south or north?

A I was going up town.

Q Catharine street runs north and south; Cherry street runs east and west---which side is it?

A I was going towards Chatham street.

Q Is the man's name Cohen?

A I don't know the man's name at all.

Q Is it a large clothing store?

A It is, sir, a large clothing store; there are two clothing stores on the same block.

Q Was it near the lamp post?

A I don't know whether there were any lamps near or not?

Q How near the corner was it?

A It is not very far; this house is a big house

Q How far from the corner is it?

A Not very far.

Q You know what I mean when I say how far---I don't want the inches---I want how many feet---about how many feet from the corner it was?

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A I couldn't tell you that; I will find it out if you like.

Q I want it now.

A I didn't measure it.

Q How far is it ---as far as you are to this man here (indicating about 6 feet)?

A It is further. It is as far as from here to the corner there--about 8 to 10 feet; there was 2 or 3 holes in the curbstone and there are a couple of holes in the middle of the sidewalk.

Q You didn't fall in the middle of the sidewalk?

A No sir.

Q Right out near the curbstone?

A Yes sir.

Q You saw no policemen?

A No sir, I didn't.

Q Did you fall to the ground.

A I put my right hand before me; Suppose this is the curbstone (indicating) and I was pitched right out.

Q Did you fall to the ground?

A I did, of course, but I put my right hand before me.

Q You put your right hand before you?

A Sure I am telling you the truth.

Q Did your foot stick in the hole?

A My foot was caught there and it pained me all night; I went to the hospital then and I told them what happened to me--that was the following day.

Q Did you ever pass down there before that?

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A I often passed down Catharine street but I never took any notice of that place.

By Mr. Walsh:

Q How long before the accident had you been living at Cherry street?

A About a couple of days or so.

By Mr. Wellman:

Q How much longer would your work have lasted up on the Erie Road if you hadn't got hurt?

A I suppose I might have had a job up there till Christmas.

Q Did they keep the full force of men up till Christmas?

A I don't think they did.

Q How much of the force did they keep, half of it?

A I don't know sir.

Q Is your foot all right now?

A It is all right but it is painful; the doctor gave me a little bottle and told me when I had any pain to rub it--- to rub the bottle.

Q Had you been rubbing the bottle that day at all?

A What day?

Q Had you been drinking that day?

A Oh, no; I don't drink. I drink tea and such things as that.

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By Mr Walsh:

Q You are not a drinking man?

A No sir; except I met a friend once in a while.

By Mr. Wellman:

Q Did you meet any one that day.?

A No sir.

Q Who knows about the accident besides yourself?

A No one, I suppose.

Q You don't know any one that knows about the accident except yourself.

A I don't know; there were many people passing.

Q Who did you show your foot to that night when you went home?

A No one.

Q Who did you show your foot to the next day?

A I told it to others.

Q Who did you tell it to,

A Gleason.

Q Is he the only one?

A No sir.

Q Who else?

A Michael Cronin, I told it to, and another man that was there.

Q What is his name?

A I couldn't tell you his name.

Q Who else?

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A One of them is Cronin and the other one I don't know his name.

Q Do you know his name or don't you?

A No sir, I know him by eye sight; that is all; I didn't tell them; they were no doctors; they couldn't give me no relief---they were no doctors.

Q Those are the only people you ever told about your accident?

A That is all, of course.

Q Who told you to go to law about it?

A I didn't know who was responsible for this sidewalk.

Q Who told you to go to law about it?

A Myself.

Q And who else?

A No other body.

Q You said you didn't know who was responsible.

A I knew it was either the person or the city.

Q Who told you to go to law?

A Myself, sir.

Q Who did you first speak to about it?

A I didn't speak to any body. I came to Mr Fine.

Q Did you know Mr Fine before?

A No, I was recommended to him.

Q Who recommended you to him?

A Mr Levy.

Q Who is Mr Levy?

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Objected to.

A He lives in 346 Broadway.

Q What is his business?

A I guess he is a lawyer.

Q How did you come to go to him?

A I don't know.

Q Who was it sent you to Levy?

A Some other gentleman.

Q What is his name?

A I didn't ask his name.

Q Where did you see him?

A In the street; I was walking and I asked him to get me a
good lawyer.

Q Did you stop him in the street ?

A I did sir.

Q How came you to stop him?

A I wanted to find information---to get a good lawyer's
office.

Q You stopped him in the street?

A Yes sir and he told me to go to Mr Levy; he gave me his
address No. 346 Broadway and Mr Levy sent me to Mr Fine.

Q Where did you meet this man?

A I met him around here---around the City Hall.

Q And you stopped him?

A No, I talked to him; If he didn't want to talk with me
he didn't need to stop.

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By Mr. Walsh:

Q You asked him to recommend you to a good lawyer?

A That was it.

Q You don't read or write.

A No.

Given before me *Michael J. Impero*
February 19th 1887

James M. Tatter his mark
Notary Public
N.Y. Co.

POOR QUALITY
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IN THE MATTER

OF THE

CLAIM

PRESENTED FOR SETTLEMENT

— BY —

Michael Imperia

TO THE

Comptroller of the City of New York.

EXAMINATION OF CLAIMANT,

TAKEN

January 24th, 1887.

"Original"

J. P. Rothchild

Stenographer.

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General Release.—696.

John Polhemus, Printer and Mfg Stationer, 102 Nassau St., N. Y.

To all to whom these Presents shall come or
may Concern,

Greeting: Know Ye, That *I Michael Superior*
of the City, County and State of New York

for and in consideration of the sum of *Two hundred and fifty*
Dollars

lawful money of the United States of America, to *me* in hand paid by *The Second*
Avenue Rail Road Company

the receipt whereof is hereby acknowledged, have remised, released, and forever discharged, and by
these presents do for *myself my* heirs, executors and
administrators, remise, release and forever discharge the said *The Second Avenue*
Rail Road Company its successors or
assigns

~~heirs, executors and administrators~~, of and from all, and all manner of action and actions, cause and
causes of actions, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties,
covenants, contracts, controversies, agreements, promises, variancies, trespasses, damages, judgments,
extents, executions, claims and demands whatsoever, in law or in equity, which against *The*
Second Avenue Rail Road Company *I*
my ever had, now have or which
my heirs, executors or administrators, hereafter can,
shall or may have for, upon or by reason of any matter, cause or thing whatsoever from the beginning of
the world to the day of the date of these presents.

In Witness whereof, *I* have hereunto set *my* hand and seal the
Thirty first day of *August* in the year one thousand eight hundred
and *eighty six*

Sealed and delivered in the presence of

M. E. Cook

Michael Superior
man

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State of *New York*
City and County of *New York* } ss:

On the *31st* day of *August* 18*86* before me personally
appeared *Michael Emerson*

to me known, and known to me to be the same person described in and who executed the within instru-
ment and *he* duly acknowledged to me that *he* — executed the same.

Leopold Turk
Notary Public
N.Y.C.

Michael Emerson

Es.

The Second Avenue

Rail Road Company

General Release.

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COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New York.

-----X
The People of the State of New York :
 : against :
 : Michael Emperor. :
-----X

The Grand Jury of the City and County of New York by this indictment accuse Michael Emperor of the crime of perjury, committed as follows:

Heretofore, to wit, on the seventh day of June, 1889, at the City of New York, in the County of New York aforesaid, a certain action for the recovery of damages for personal injuries was depending in the Court of Common Pleas for the City and County of New York, wherein the said Michael Emperor was plaintiff, and the Mayor, Aldermen and Commonalty of the City of New York, a municipal corporation duly organized and existing under and by virtue of the laws of this State, were defendants,^{2/3} wherein the said Michael Emperor as such plaintiff as aforesaid complained that while he was lawfully passing over and upon the sidewalk, and public highway on the west side of Catherine Street, and near the southwest corner of said Catherine and Cherry Streets in the ^{said} City of New York, and without any negligence on his part, on the evening of the twentieth day of October, 1886, he, by reason of the negligence and carelessness of the said defendants and their wrongful neglect and disregard of the duties and

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obligations imposed upon them by law, in unlawfully and negligently permitting and allowing the said Catherine Street and the portion thereof aforesaid to become, be and remain in an unlawful, dangerous and uneven condition, and ~~in fact~~ ^{unfit and} unsafe for travel, caught his foot in a hole in the said sidewalk and was thrown with great violence out into the said Catherine Street, spraining the instep of his right foot, and greatly injuring and shocking his whole system, and causing him great bodily pain and mental anguish, and which ~~xxx~~ incapacitated him for a long time thereafter from following his occupation as a laborer and unable to do any work whatever for his support, and had been thereby put to expense in endeavoring to heal himself from the said injuries and to relieve his pain and suffering so far as medical aid or treatment would or could affect, all to his damage of five thousand dollars, for which said sum of five thousand dollars, besides the costs of the said action the said plaintiff demanded judgment; and on the day and in the year aforesaid, in the City and County aforesaid, before the Honorable Joseph F. Daly, then and there and still being one of the Justices of the said Court of Common Pleas, the issues before then joined between the said plaintiff and defendants in the said action came on to be tried in due form of law and according to the form of the statute in such case made and provided, and were then and there in due form of law and according to the form of

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the statute in such case made and provided, duly tried before the said the Honorable Joseph F. Daly, such Justice as aforesaid, and by a jury of the said County in that behalf duly summoned, taken and sworn between the parties aforesaid.

And upon the said trial of the said issues in the said action, the said Michael Emperor, late of the city and county aforesaid, then and there appeared and was produced as a witness in his own behalf, and was then and there duly sworn and did take his corporal oath before the said the Honorable Joseph F. Daly, such Justice as aforesaid, that the evidence which he the said Michael Emperor should give to the said Justice and to the said jury so sworn as aforesaid, touching the matters in question between the said parties, should be the truth, the whole truth, and nothing but the truth, he the said the Honorable Joseph F. Daly, such Justice as aforesaid, then and there having sufficient and competent authority to administer the said oath to the said Michael Emperor in that behalf.

And at and upon the said trial of the said issues so joined between the said parties as aforesaid, to wit, on the day and in the year aforesaid, at the city and county aforesaid, the following questions *respectively* became and were ~~respectively~~ material thereto, that is to say, whether the said Michael Emperor, while so lawfully passing over and upon the said sidewalk and public highway on the said west side of Catherine

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Street and near the southwest corner of the said Catherine and Cherry Streets aforesaid, without any negligence on his part, on the evening of the said twentieth day of October, 1886, by reason of the negligence and carelessness of the said defendants and their wrongful neglect and disregard of their duties and obligations aforesaid, did catch his foot in ~~one of the~~ holes in the said sidewalk and was thrown with great violence out into the said Catherine Street, and did thereby sustain personal injuries; and whether before the said twentieth day of October, 1886, the said Michael Emperor had ever received any injuries in the United States or had made claim against any person or corporation for damages for injuries ~~xxxxxx~~ alleged to have been received by him by reason of their negligence.

And the said Michael Emperor, having been so sworn as aforesaid, then and there upon the trial of the said issues in the said action, upon his oath aforesaid falsely, corruptly, knowingly, willfully and feloniously did falsely swear, depose and say, before the said jurors so sworn as aforesaid to try the said issues, and before the said the Honorable Joseph F. Daly, such Justice as aforesaid (amongst other things) in substance and to the effect following, that is to say:

That on the evening of the said twentieth day of October, 1886, while he the said Michael Emperor was lawfully passing over and upon the said sidewalk and

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public highway on the said west sidewalk of the said Catherine Street, and near the southwest corner of said Catherine and Cherry Streets aforesaid, and without any negligence on his part, he, by reason of the negligence and carelessness of the said defendants and their wrongful neglect and disregard of their duties and obligations aforesaid, caught his foot in ~~one of the~~ holes in the said sidewalk and was thrown with great violence out into the said Catherine Street, spraining the instep of his right foot and greatly injuring and shocking his whole system, and causing him great bodily pain and mental anguish, and which incapacitated him for a long time thereafter from following his occupation as a laborer and rendered him unable to do any work whatever for his support, and that he was thereby put to expense in endeavoring to heal himself from the said injuries and to relieve his pain and suffering so far as medical treatment would or could effect; all to his damage of five thousand dollars; that he the said Michael Emperor had not at any time prior to the said twentieth day of October, 1886, received any injuries in the United States, and had not made any claim upon any person or corporation whatever for damages for personal injuries by him claimed to have been received by reason of their negligence.

Whereas, in truth and in fact, the said Michael Emperor, did not while he was lawfully passing over and upon the said sidewalk and highway on the said west

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sidewalk of the said Catherine Street and near the southwest corner of Catherine and Cherry Streets aforesaid, and without any negligence on his part, on the evening of the said twentieth day of October, 1886, by reason of the negligence and carelessness of the said defendants and their wrongful neglect and disregard of their duties and obligations aforesaid, catch his foot in ~~one of the~~^a holes in the said sidewalk and was not thrown with great violence out into the said Catherine Street, thereby spraining the instep of his right foot and greatly injuring and shocking his whole system, and causing him great bodily pain and mental anguish, and was not thereby incapacitated for a long time thereafter from following his occupation as a laborer, and was not rendered unable to do any work whatever for his support, and was not thereby put to expense in endeavoring to heal himself from the said injuries or to relieve his pain and suffering in any way, and was not thereby damaged to the extent of five thousand dollars, or to any extent whatever;

And whereas, in truth and in fact, the said Michael Emperor had before the said twentieth day of October, 1886, received injuries in the United States, and had made divers claims upon divers person and corporations for damages for injuries alleged to have been by him received by reason of their negligence.

And whereas, in truth and in fact, all the matters so as aforesaid by him the said Michael Emperor

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then and there, at and upon the said trial of the said issues, sworn to, deposed and said as aforesaid, was and were then and there in all things utterly false and untrue, as he the said Michael Emperor then and there well knew.

And so the Grand Jury aforesaid do say: that the said Michael Emperor ~~xxxxxxx~~ in manner and form aforesaid, feloniously, willfully, knowingly and corruptly did commit willful and corrupt perjury: against the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.