

0489

**BOX:**

420

**FOLDER:**

3883

**DESCRIPTION:**

Maas, Henry

**DATE:**

12/09/90



3883



0491

Police Court

District

Affidavit—Larceny.

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

James O'Halloran  
of No. 18 Burling Slip Street, aged 22 years,  
occupation Bookkeeper being duly sworn

deposes and says, that on the 17<sup>th</sup> day of February 1866 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Good and lawful money of the United State of the value of Seventy three dollars

the property of E. J. Johnson and in care and charge 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 Henry Maas (name here) for the reasons that on said day and previous thereto the defendant was in the employ of said Johnson and on Saturday the 15<sup>th</sup> inst deponent as bookkeeper for said Johnson, placed said money in the safe and locked it. Deponent opened the safe on Monday morning the 17<sup>th</sup> inst and went out and left the defendant alone in the office when deponent returned the defendant had left and deponent searched for said money but it was gone. The defendant had no reason for leaving said office and has not returned and

Sworn to before me, this 18<sup>th</sup> day

Police Justice.

0492

diligent efforts have been made to discover his whereabouts without avail. Wherefore deponent charges the defendant with the larceny of said money and asks that a warrant issue for his arrest.

Sworn to before me }  
this 18<sup>th</sup> February, 1890 } James O'Halloran

C. J. Halloran }  
Peace Justice

0493

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Henry Maas* 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.

*Henry Maas.*

Question. How old are you?

Answer.

*19 years.*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*5 Ringler Str. 2 mos*

Question. What is your business or profession?

Answer.

*None.*

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

Answer.

*I am guilty of  
the charge.*

*Henry Maas*

Taken before me this

day of *September* 19*19*

*[Signature]*

Police Justice.

0494

Sec. 151.

Police Court / District.

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

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 James O. Halloran of No. 18 Burgin St Street, that on the 17 day of February 1890 at the City of New York, in the County of New York, the following article to wit:

Good and lawful money of United State

of the value of Seventy three Dollars the property of E. Johnson and in care of James O. Halloran w. as Henry Maas taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Henry Maas

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 every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the Just 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 18 day of February, 1890  
James O. Halloran POLICE JUSTICE.

0495

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.....

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

Dated *Nov 9* 18 *90* ..... *A. J. White* Police Justice.

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

Dated..... 18 ..... Police Justice.

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

Dated..... 18 ..... Police Justice.

0496

Police Court---

1459 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James C. Halloran*  
*18 - Burling Slip*  
*Henry Maas*

*Handwritten signature*  
Officer

2 .....  
3 .....  
4 .....

BAILED,

No. 1, by .....  
Residence ..... Street.

No. 2, by .....  
Residence ..... Street.

No. 3, by .....  
Residence ..... Street.

No. 4, by .....  
Residence ..... Street.

Dated *Nov 19 90* 1890  
*White* Magistrate.  
*Rugert* Officer.  
Precinct.

Witnesses.....

No. .... Street.

No. .... Street.

No. .... Street.

\$ *500* to answer *G.S.*



*Can G. J. Murray*

0497

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

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Henry Maas*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by  
this indictment, accuse *Henry Maas*  
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE,  
committed as follows:

The said *Henry Maas*

late of the City of New York, in the County of New York aforesaid, on the *17th*  
day of *February* in the year of our Lord one thousand eight hundred and  
*ninety*, at the City and County aforesaid, with force and arms, in the  
*day* 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 *thirty-six*

*173.00*

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  
*thirty-six*  
dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of *thirty-six*

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

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

of the goods, chattels and personal property of one *James O'Halloran*  
then and there being found,

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

JOHN R. FELLOWS, *District Attorney.*

0498

**BOX:**

420

**FOLDER:**

3883

**DESCRIPTION:**

Madden, Martin

**DATE:**

12/11/90



3883

0499

Witnesses

*John Bull*  
*Charles Woodman*

*Upon reading the  
within without  
and affidavit of  
good character,  
ask that the  
prisoner be  
discharged on his  
own recognizance  
Dec 23-90  
J.L.B.  
A.D.C.*

Counsel,  
Filed  
Pleads,

*11 Dec 1890*  
*Proquet 12*

*Sworn to by the THIRD DEGREE*  
*(Section 495, No 65, 57, 2, 1890)*

THE PEOPLE  
vs.

*Martin Madden*

JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL

*William Hamilton*  
Foreman.

*Part 2 - Dec. 23, 1890.*  
*In Prison of District*  
*Attorney defendant discharged*  
*on his own recognizance.*

0500

Police Court— 2 District.

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

William Hall  
of No. 239 West 12 Street, aged 44 years,  
occupation Truckman

deposes and says, that the premises No. 243 West 15<sup>th</sup> Street,  
in the City, and County aforesaid, the said being a One story Frame  
Building  
and which was occupied by deponent as a Stable  
and in which there was at the time <sup>no</sup> human being, by name

were BURGLARIOUSLY entered by means of forcibly

Removing the staple on a door  
leading into said premises, with an  
iron bar  
on the 6 day of December 1889 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

One living animal (a Horse) of  
the value of Seventy five  
Dollars

\$75-00  
100

the property of Deponent

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

for the reasons following, to wit:

That deponent is informed  
by Charlotte Throckmorton of No. 245  
West 15<sup>th</sup> that she saw the said  
defendant forcibly remove the said  
staple and lead the said property  
from the said stable on the aforesaid  
date between the hours of 11:30 A.M. and  
12 M. and go away with the said

0501

property in his possession.

Sworn to before me this . . . . . day

of December . . . . . 1880

*John Glorman*  
Police Justice.

*William Hall*

[Large blank area with horizontal dotted lines for writing]

Police Court \_\_\_\_\_ District.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

Burglary  
vs.  
\_\_\_\_\_

Dated \_\_\_\_\_ 188

Magistrate.

Officer.

Clerk.

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Committed in default of \$ \_\_\_\_\_ Bail.

Bailed by \_\_\_\_\_

No. \_\_\_\_\_ Street.

0502

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charlotte Brockmorton*

aged 35 years, occupation Housekeeper of No.

245 West 15<sup>th</sup> Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of William Hall

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

Sworn to before me, this

day of December 1889

*Charlotte Brockmorton*

*John J. ...*  
Police Justice.

0503

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK.

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

Question. What is your name?

Answer.

*Martin Madden*

Question. How old are you?

Answer.

*28 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*337 West 21 Street - 11 years*

Question. What is your business or profession?

Answer.

*Dancer*

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*

*Martin Madden*

Taken before me this

day of *March* 188*8*

*John J. Conroy*

Police Justice.

0504

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 December 7 1899 John J. Leonard Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

0505

Police Court--- 2 1876 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Hall  
239 - vs. Street 12<sup>th</sup>  
Charlotte Shrockmorton  
Martin Madden

Offence. Burglary

BAILED,

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

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

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

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

Dated December 7 1890  
Gorman Magistrate.  
Madden Officer.  
16 Precinct.

Witnesses Charlotte Shrockmorton  
No. 245 W. 15 Street.



No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 1000 to answer

of Court [Signature]

0506

New York  
Dec 22<sup>nd</sup> 1890

Hon Judge of  
General Session

This is to certify  
that I have known  
Martin Madden for  
the last "Ten" Years never  
knew him to do anything  
wrong. Know him to be  
a hard working Young  
Man, Sober, and honest.

Most respectfully

Yours  
W. P. Stack

347 W 25<sup>th</sup> St  
to Sir

0507

Ms. Dec 1891  
To whom it may concern  
This is to certify  
that Martin Madden has  
been in my employ and  
that while so I always  
found him to be an  
honest sober and upright  
young man and only let  
him go from my employ  
for want of business  
and would employ him  
if I was in need of any  
help.

Resp.

Ed Riggs  
412 Washington St  
Ms.

0508

N. Y. Dec. 22 1890

To whom it may concern, I have known Martin Madden for the last 7 years and have always found him honest and industrious and have never known him to commit any criminal offence.

Donald Sam

126 W. Ave.

0509

## New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Martin Madden

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. My reasons for wishing to withdraw this complaint are that the defendant's father who is a very respectable man, stables his horses in the same building as mine, and the defendant was employed by him as a driver. I have been informed that the defendant had been drinking very heavy for two weeks before this offense was committed, and as he has always borne a good character up to the time of his arrest. I now feel that he did not intend to keep my horse, and that he was not in a condition to understand what he was doing at the time the offense was committed.

William Hall

05 10

Compliments  
withdrawal  
& affidavit  
of Pin marks  
good character

0511

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Martin Madden*

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

*Martin Madden*

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

The said

*Martin Madden*

late of the *Sixteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *sixth* day of *December* in the year of our Lord one  
thousand eight hundred and ~~eighty~~ *ninety*, with force and arms, in the  
*day* - time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one *a certain Building, to wit:*

*the stable of one William Hall*

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

05 12

SECOND COUNT—

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

*Martin Madden*

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

The said *Martin Madden*

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

*one horse of the value of seventy-five dollars*

of the goods, chattels, and personal property of one *William Hall*

in the ~~dwelling-house~~ *stable* of the said *William Hall*

*in the stable*

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.*

05 13

**BOX:**

420

**FOLDER:**

3883

**DESCRIPTION:**

Marks, Solomon

**DATE:**

12/22/90



3883

0514

Witnesses:

Officer DeWitt

In my opinion the evidence in this case does not show any Criminal intent on part of defendant. The knife found on him was of the kind in use by workmen in his trade.

I therefore recommend the dismissal of this indictment.

Sept 13/97  
Mumford Jones,  
Clerk  
of course by the record  
accusation.  
DeWayne Scott

Wm C. Macintosh

Counsel,

Filed: 22 day of Dec 1897  
Plends, *Atty*

THE PEOPLE

vs.

Solomon Marks

CONCEALED WEAPON.  
(Section 410, Penal Code).

JOHN R. FELLOWS,

District Attorney.

Jan 12 11-11-97  
Compt. at City Recy. 1112

A True Bill.

William K. Hamblin

Foreman.

Wm D. Mc of  
Deery & Dale

Atty City  
Sept 14/97

0515

Police Court, 4 District.

City and County } ss.  
of New York,

of No. 18<sup>th</sup> Police Precinct Street, aged 39 years,  
occupation Police officer being duly sworn, deposes and says,  
that on the 9<sup>th</sup> day of December 1890, at the City of New  
York, in the County of New York, Solomon Marks

(now here) did with intent to use  
carried, concealed, or possessed  
of a weapon of the kind commonly  
known as a dagger, dirk or  
dangerous knife in violation  
of section 410 of the Penal Code.  
Deponent arrested the defendant  
on First Avenue and found  
the dagger, dirk, or dangerous  
knife here shown concealed  
upon his person.

Sworn to before me  
this 10<sup>th</sup> December, 1890

Charles Schoell

W. T. Madson  
Police Justice

Charles Schoell

05 16

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*Solomon Marks* 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. *Solomon Marks*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *240 East 123<sup>rd</sup> St. 7 Months*

Question. What is your business or profession?

Answer. *Clothing cutter*

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.*

*Solomon Marks*

Taken before me this

day of *December* 188*6*

*H. M. ...*

Police Justice.

05 17

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 Dec 10 1890 R. D. McMahon Police Justice.

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

Dated Dec 10 - 1890 R. D. McMahon Police Justice.

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

Dated..... 18..... Police Justice.

0518

Mrs. S. Kelly  
Mrs. Soballe  
Mr. Wallace  
Gov. Key or  
John F. Kary

Police Court--- 4 / 1833 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Schell  
318<sup>th</sup> Precinct  
Solomon Marks

Carrying  
concealed weapon

BAILED,

No. 1, by Aurelia Schwarz  
Residence 324 E. 125 Street.

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

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

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

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated Dec 10 1890

McMahon Magistrate.

Schell Officer.  
18 Precinct.

Witnesses \_\_\_\_\_  
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 1000 to answer h.s.

Car Country  
Bailed



COURT OF GENERAL SESSIONS.

\*\*\*\*\*

THE PEOPLE OF THE STATE OF NEW YORK

VS.

S O L O M O N M A R K S .

\*\*\*\*\*2

City and County of New York, ss:-

I, GEORGE E. THAYER, residing at No. 503 East 116th Street, in the City of New York, depose and say, that on the 9th day of December, 1890, I was present when the defendant above named was arrested; the defendant, in no way or manner exposed a knife and was arrested while on his way home. I met him at the Corner of Houston Street and the Bowery, and we proceeded together to Fourteenth Street and Third Avenue, in the Elevated Railway Cars, when we alighted from the car and proceeded East to Fourteenth Street and First Avenue. At the time we reached said First Avenue there was ~~quite~~ some sort of a disturbance and the defendant proceeded ahead of me and we thereupon became separated, for a moment. A wagon was being driven across the street and the defendant proceeded rapidly in advance thereof, and hence for a moment we became separated.

As I reached the defendant, an officer was about to arrest him, but I state positively that no knife or weapon was in any way or manner exposed by the defendant; I saw no knife at said time and did not know that a knife was about the person or in the possession of the defendant at the time of his arrest. I did see a knife after the defendant was arrested at the Police Station.

The defendant, in no way or manner, participated in.

0520

the disturbance which occurred at First Avenue, the defend-  
ant <sup>had</sup> having nothing whatsoever to do with the same, and en-  
gaged <sup>in no way</sup> in any conversation with any one at said time, but  
was simply attracted there by the crowd of people which had  
gathered at the Corner. I do not, at this time, know  
the occasion of the disturbance, or what caused the multi-  
tude to gather at said Corner. I have known the de-  
fendant for about eight or nine years; have known him to be  
of good character and to my knowledge has at no time in  
any way or manner been accused of any offence or been  
called upon to explain or excuse any accusation or charge  
against him.

Sworn to before me this 27th )  
day of January, 1891. )

G. E. Thayer

Wm. Newcity  
Notary Public  
N.Y.C.

COURT OF GENERAL SESSIONS.

\*\*\*\*\*

THE PEOPLE OF THE STATE OF NEW YORK

vs.

SOLOMON MARKS.

\*\*\*\*\*

City and County of New York, ss:

I, BETTY DONALE, residing at No. 309 West 128th Street in the City of New York, being duly sworn, depose and say, that I know the defendant above named, and state that at no time has he been accused of <sup>the</sup> commission of any offence and that he has at no time been charged in any way or manner with any crime or offence. That he is of good character and, has at no time been called upon to explain any charge with regard to his past life.

Sworn to before me this 27th )  
day of January, 1891. )

Betty Donale.

Wm Newcity  
Notary Public  
N.Y.C.

COURT OF GENERAL SESSIONS.

THE PEOPLE OF THE STATE OF NEW YORK.

VS.

SOLOMON MARKS.

City and County of New York, ss:

I, JOHN L. KAYES, residing at No. 550 East 150th Street in the City of New York, being duly sworn, depose and say, that I know the defendant above named for the past five years; that I have worked with him in the same shop at Meyers & Wallach, at No. 597 Broadway, for the past three years,

I have not seen the knife which it is charged the defendant carried with him on December 9th, 1890, but the defendant informs me that it was a Cutter's Splitting Knife. The knife taken from the defendant, it is exceedingly difficult to close, owing to the inability to easily handle the spring of the knife. I know it to be a fact that Cutters frequently carry these knives in their pockets opened, owing to the difficulty in closing these knives.

I know the defendant to be of good character and that he has worked continuously for the said firm and has at no time, to my knowledge, in any way or manner, been accused of any offence and has at no time been called upon to explain or excuse any accusation or charge because of none being preferred against him.

Sworn to before me this 27th )  
day of January, 1891.

John L. Stages

New City  
Notary Public  
N.Y.C.

0523

COURT OF GENERAL SESSIONS.

\*\*\*\*\*  
" THE PEOPLE OF THE STATE OF NEW YORK \*  
" VS. \*  
" S O L O M O N M A R K S. \*  
" \*\*\*\*\*

City and County of New York, ss:-

I, A D O L P H S W A R T Z, residing at No. 524 E. 125th Street in the City of New York, being duly sworn, depose and say, that I have known the defendant for about ten years last past, and that I know him to be of good character; that defendant has, at no time, been arrested or charged with the commission of any offence, and has never, to my knowledge, either directly or indirectly, been accused of any crime or offence. During the past ten years, I have seen a great deal of defendant, and know him to be of good habits and can state that defendant, in all respects, leads an exemplary life.

Sworn to before me this 27th )  
day of January, 1891. ;

*Adolph Schwarz*

*M. King*  
*Nolan Dublin*  
*1891*

COURT OF GENERAL SESSIONS.

\*\*\*\*\*  
 " THE PEOPLE OF THE STATE OF NEW YORK "  
 " vs. "  
 " S O L O M O N M A R K S. "  
 \*\*\*\*\*

City and County of New York, ss:

I, E M M A T O P L I T Z, residing at No. 47  
 East 68th Street, in the City of New York, being duly sworn,  
 do depose and say; that I have been acquainted with the de-  
 fendant above named for more than ten years last past;  
 I have known the defendant intimately during said period of  
 time, and have frequently seen him; defendant has, at no  
 time in any way or manner, been involved in the commission  
 of any crime, or accused of any offence, and has invariably  
 pursued a quiet life, never having been accused of any of-  
 fence.

I further state that the defendant is of excellent character and is possessed of exemplary habits.

Sworn to before me this 27th ) *Emma Topitz*  
 day of January, 1891. )

*Wm Newcity*  
*Notary Public*  
*N.Y.C.*

*100 West 11th St*  
*New York City*  
*Jan 27 1891*

0525

COURT OF GENERAL SESSIONS.

COURT OF GENERAL SESSIONS.

THE PEOPLE OF THE STATE OF NEW YORK

VS.

S O L O M O N M A R K S.

City and County of New York, ss:-

I, S O L O M O N W A L L A C H, being duly sworn depose and say that I am engaged in the manufacture of Clothing, at No. 597 Broadway, New York City. That I know the defendant above named; that he has been in the employ of my firm for five years. During said time, he has worked faithfully and continuously, excepting such period of time for which there was no work for Cutters. During this time defendant worked as a Cutter in my firm, and owing to his skill and workmanship, has been able to earn a substantial salary.

I know the defendant to be of good character, wholly free from all bad vices, and has, at no time, been away from my place of business or lost any time *Except as above stated.*

I can state that the defendant is possessed of exemplary habits, and that a Clasp Splitting Knife was taken from the possession of the defendant on December 9th, 1890, said knife is such a knife as is actually used by the Cutters in my employ.

*Solomon Wallach*

Sworn to before me this 27th )

day of January, 1891.

*Maurice Green  
(149) Notary Public  
N.Y. County*

0526

*General*

*Law*

*Summons*

*of*

*Salomon M. Marks*

Please take notice that the within is a true copy of this day duly filed and entered in the office of the Clerk of in the within entitled action.

Dated N. Y., 18

Yours, &c.

LEONARD BRONNER,

Attorney for

320-4 Broadway,

N. Y. City.

LEONARD BRONNER,

Attorney for *Sal. Marks*

320-4 BROADWAY,

N. Y. City.

Due and timely service of a true copy of the within is admitted.

Dated 18

Attorney for

0527

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Solomon Marks*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Solomon Marks*  
of a FELONY, committed as follows:

The said *Solomon Marks* late of the City of New York, in the County of New York aforesaid, on the *ninth* day of *December* in the year of our Lord one thousand eight hundred and ~~eighty-ninety~~ at the City and County aforesaid, with force and arms, feloniously did furtively carry, concealed on his person, a certain ~~instrument and weapon of the kind commonly known as~~ *dirk, dagger and dangerous knife* with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*Solomon Marks*  
of a FELONY, committed as follows:

The said *Solomon Marks* late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, feloniously did possess a certain ~~instrument and weapon of the kind commonly known as~~ *dirk, dagger and dangerous knife* by him then and there concealed, and furtively carried on his person, with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,  
District Attorney.

0528

**BOX:**

420

**FOLDER:**

3883

**DESCRIPTION:**

Martin, Alma

**DATE:**

12/19/90



3883

7706

Counsel, *Coburn*  
Filed, *19* day of *Dec* 189*0*  
Pleas, *Not guilty*

Witnesses:  
*N. J. Miller*

THE PEOPLE  
*331, 21<sup>st</sup> 1890.*  
*26*  
*Alma Martin*  
Grand Larceny *Second degree.*  
[Sections 628, 629, Penal Code].

JOHN R. FELLOWS,  
District Attorney.  
*Part II January 9/91 -*  
*Pleas Guilty*

A True Bill.

*Abraham Lincoln*

Foreman.  
*Jan 9th*  
*1891*  
*27th 11 Wood St. N. York*

0530

Police Court 1 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 178 East 86<sup>th</sup> Street, aged 48 years,  
occupation Book Keeper, being duly sworn

deposes and says, that on the 11 day of December 1887, at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Three pairs of Pantaloons Iron Cloth  
Over Coats Three Coats Iron Vests  
together of the value of One hundred  
and fifty Dollars.

the property of deponent, John Miller & Joseph  
Miller and in deponent's care and  
charge

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 Alvin Martin (nowhere)

from the fact that on said date the said Martin was employed in said premises as a domestic. That on said date deponent, missus saw for said from said premises and that the said Martin admitted and confessed in deponent's presence that she had taken and carry away said property from said premises.

v. M. J. Miller

Sworn to before me, this 11 day of December 1887  
[Signature]  
Police Justice.

0531

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Alma Martin*

Question. How old are you?

Answer. *39 Years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *166 East 107<sup>th</sup> St. 1 Month*

Question. What is your business or profession?

Answer. *Domestic*

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

Answer. *I am guilty*

*Alma Martin*

Taken before me this

day of *December* 189*9*

*W. J. McCall*

Police Justice.

0532

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 Algermiss

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

Dated, Nov 11 1890 Comrad Police Justice

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0533

#206

Police Court,

N 1858

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Nicholas Miller  
518 East 78th  
Alma Martin

Offense *Carrying*

2  
3  
4

Dated

December 15 1890

Magistrate.

Officer.

Precinct.

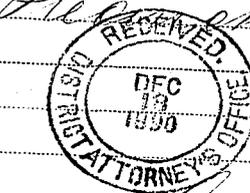
Witnesses

No.

No.

No.

\$



to answer *1.00*

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0534

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Alma Martin*

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

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

The said *Alma Martin*

late of the City of New York, in the County of New York aforesaid, on the *eleventh*  
day of *December* in the year of our Lord one thousand eight hundred and *ninety*;  
*\_\_\_\_\_*, at the City and County aforesaid, with force and arms,

*three pair of trousers of the value  
of nine dollars each pair, two overcoats  
of the value of twenty five dollars  
each, three coats of the value of eighteen  
dollars each, and two vests of the  
value of nine dollars each*

of the goods, chattels and personal property of one

*Nicholas J. Miller*

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

*John R. Galloway  
District Attorney*

0535

**BOX:**

420

**FOLDER:**

3883

**DESCRIPTION:**

Martin, James H.

**DATE:**

12/23/90



3883

POOR QUALITY ORIGINAL

0536

Witnesses:

Wm. Summers  
F. Anderson

*John L. ...*  
Counsel,  
Filed *23* day of *Dec* 189*0*  
Pleads, *Not guilty*

THE PEOPLE

vs.

*B*  
*James H. Martin*

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

JOHN R. FELLOWS,

*District Attorney.*

A TRUE BILL.

*William Van ...*

Foreman.

*Jan 26*

*Part II January 26/91 -*  
*True and Acquitted*

0537

SUBPENA TO INVESTIGATE.

POLICE COURT 2 DISTRICT.

125 4th Avenue

CITY AND COUNTY OF NEW YORK, } ss.

In the name of the People of the State of New York,

To Oscar Emmons  
No. 419 West 16th St Street.

Having reason to suppose an offense has been committed, and for the purpose of investigating whether it has ~~been~~ committed, YOU ARE COMMANDED to appear before me Daniel

O'Reilly one of the Police Justices in the City of New York,  
at the 2 District Police Court, 125 4th Avenue

in the said City, on the Sunday 7 day of September 1890 at 9 o'clock in the fore noon of that day, as a witness for that purpose.

And for a Failure to attend you will be deemed guilty of a Criminal Contempt, and liable to a Fine of Two Hundred and Fifty Dollars, and Imprisonment for thirty days.

Dated at the City of New York, this 6 day of September 1890

Daniel O'Reilly Police Justice.

0538

SUBPENA TO INVESTIGATE.

POLICE COURT 2 DISTRICT.

125 4th Avenue

CITY AND COUNTY OF NEW YORK, } ss.

In the name of the People of the State of New York,

To August W. Resser

No. 417 West 16 St Street.

Having reason to suppose an offense has been committed, and for the purpose of investigating whether it has been committed, YOU ARE COMMANDED to appear before me Samuel

O'Reilly one of the Police Justices in the City of New York.

at the 2 District Police Court, 125 4th Avenue

in the said City, on the 7 day of September 1890 at 9 o'clock in

the fore noon of that day, as a witness for that purpose.

And for a Failure to attend you will be deemed guilty of a Criminal Contempt, and liable to a Fine of Two Hundred and Fifty Dollars, and Imprisonment for thirty days.

Dated at the City of New York, this 6 day of September 1890

Samuel O'Reilly Police Justice.

0539

Police Court— 2 District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Oscar Emmens

of No. 419 W 16 Street, aged 28 years,  
occupation Dock Builder being duly sworn, deposes and says, that  
on the 7<sup>th</sup> day of September 1890 at the City of New York,  
in the County of New York,

he was violently ASSAULTED and BEATEN by James H. Martin (narrow)  
who struck deponent several blows  
on the head, face, arm, and back,  
with a club then and there held  
in his hand ~~and~~ fracturing radius  
of arm and injuring him on other said  
places without any justification on the part of the said assailant.

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

Sworn to before me, this

day of

Sept

1890

Oscar Emmens  
mark

J. C. Kelly Police Justice.

0540

2 DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

*Jess Martin*  
*August W. Resser*  
*Oscar Emmons*

Examination had *Sept 3*

188*90*

Before *Daniel O. Reilly* Police Justice.

I, *W. L. Arnold* Stenographer of the *2* District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of *Jama Martin, August*  
*Oscar Resser et al*

as taken by me on the above examination before said Justice.

Dated *Sept 3* 188*90*

*W. L. Arnold*  
Stenographer.

*D. O. Reilly*  
Police Justice.

0541

Police Court  
Second Dist

The People vs

August W. Ressen

Oscar Emmore

Examination Before Justice O'Reilly

September 3 1890

For the defendant - Thomas F. Wagner  
26 Court St Providence

James Martin the complaining witness  
being duly sworn, and cross examined  
on his affidavit by Mr Wagner  
deposes, and says:-

Q How long do you know these  
defendants?

A I do not know them at all.

Q You never met them before

A I have seen them - I never  
met them

Q How long have you seen them?

A Once a week

Q Did you ever know them  
to be guilty of any murder  
except on this occasion?

0542

A No sir.

Q Where were they when you first met them on this occasion?

A In front of 401 West 16<sup>th</sup> St.

Q Tell what you saw there - how you came to arrest them?

A There two and three or four other men there. I stood on the corner of 9<sup>th</sup> Avenue

I saw an old man pass them and they jostled him.

They threw him from one to the other. Emmons had a

can. He drank out of it and handed it over to

Bessen. I walked over and told them to get out -

that it was no place to drink beer in the street - three

or four went towards 9<sup>th</sup> Avenue Bessen stood and looked

at me. I said "Get out of here" He turned around

He had the can in his hand and I snatched the can

0543

✓ out of his hand.

2 Who had the cam?

A Bessen. After I knocked  
the cam down they started  
down towards the house, and  
kept looking around. I followed  
them down. I said "Go or  
get in the house or I will  
lock you up. They turned  
around. I could not under-  
stand what he said. I drove  
them - I could not under-  
stand the language. I

grabbed Bessen and Emmons.  
I grabbed me. Bessen made  
three or four passes at me,  
and the three of us got jostled  
together. There was another  
party that I could not  
get. The three of us fell  
together. Officer Edlrope  
came up in a minute and  
dragged Emmons off. I  
still hung on to Bessen  
and locked him up.

0544

Q Did you strike Emmons?

A I did not strike him at all.

✓ Q You did not strike Emmons?

A No sir. I did not touch him up.

Q Who struck him with a club?

A I did not see anybody strike him.

Q Who punched him?

A I did not see anybody punch him.

Q Did you hit him across the head with a club?

A I did not.

Q Did you hit him on any part of his arm with a club?

A No sir.

Q Did you punch him?

A I did not. I did not arrest him. I did not leave him.

Q What called your attention to this man?

✓ A Himself. He attracted my

0545

attention

2 Did anybody else attract your attention?

A No

2 You saw these men drinking beer?

A Yes

2 In front of No 401

A Yes

2 That is where they live?

A No they live at 419

2 You knew they lived there?

A No; I did not then - now I do.

2 You had seen them at 419?

A I had seen Emmons

2 Did you ever see Ressen before?

A I do not know as I have.

2 Did Ressen catch hold of you?

A He made three passes at me. He tried to get hold of me - to get away.

5-2 You are positive that you

0546

did not strike this man?

A No

Q You had your club with you?

A Yes

Q What kind of a club?

A A night stick.

Q A long stick?

A Yes

Q When this man was on top of you as you claim - you did not use your club.

A I could not use it

Q Why could you not use it?

A We were all so close together

Q How long have you been on the police force?

A Four years.

Q Which one of these men did you arrest?

A Pessen.

Q Who arrested Emmous?

6 A Officer Gillespie

0547

Q You say you did not strike either of these men with your club?

A Yes sir I say that.

Q (By the court) Do you know where this man lives?

A I do now. I did not at that time.

Q How long have you been on that post?

A Since about last February I think

Q Do you know now where these men live?

A Yes

Q Where do they live?

A At 419 west 16th St

Q Where did this occur?

A In front of No 401

Q What kind of a house is No 401?

A It is a flat

By the Witness

Q How many do you say that you saw there?

7

0548

A I think there were seven  
Q more than four;

A Oh yes

Q They were by themselves?

A All together

Q Right in front of Mrs. Jones?

A With a car between them

Q They were not interfering  
with any one?

A There was an old gentleman  
interfered with

Q Did you see them interfering  
with him?

A I saw them jostle him

Q Did they take hold of him?

A They shoved him from  
one to the other Mrs. Emmons  
shoved him and the other  
shoved him off again

By the court

Q At the time you requested  
them to leave what did either  
one do?

A Two or three went towards 9th  
& Avenue. The rest started

0549

down.

Q What did these two defendants do if anything?

A Bessen did not want to go at all. Emmons stood by them. They thought I had no right to ask them to go.

Q Do you know whether he understood what you were saying?

A No sir; I do not.

Q What did they do when you took hold of them and shoved them?

A He turned back and would not go.

Q Then what occurred?

A I shoved them on further to go down to the door -

I did not want to take them. I thought it was labor day; that they had been out in the labor parade and had got intoxicated. This man walked away when I

9

0550

told them I would look  
him up if he did not  
go away.

By the Court

Q. What did they say to you  
when you ordered them  
away?

A. They refused to go. This  
fellow when I went to  
follow - he grabbed hold  
of me and said "No ~~no~~<sup>no</sup>"

Q. Did you fall down?

A. I put this man Resser  
under arrest. He would not  
go. He refused to move.  
I caught him by the shoulder

Q. You got hold of him?

A. Ellistic ran to me and  
got hold of Emmons

Q. When Emmons jumped up?

Q. When they went away?

A. All but one. He did not

go  
Q. You stated that they were  
drinking beer from a can that

0551

you requested him to leave when these two defendants, Bessen and Emmors caught hold of you - you did not say before that you should then mean or anything of the kind - you say you caught hold of them?

A Yes - after they went down all together

Q Did anyone of them get hold of you previous to the arrest being made?

A Bessen is the man I arrested

Q What did he do?

A He refused to go - I turned him around. Emmors jumped in to keep him at the time.

Q Did he strike you?

A Bessen struck at me.

Q You had hold of him?

A Yes

Q He did not strike you?

A No.

Q What did Emmors do?

0552

A - He jumped and caught hold of me and got his hand around my neck and we went down together the three of us. In the meantime Officer Edlespie came up and separated us and pulled Emmous off.

Q How did Emmous receive his injuries?

A That I do not know - He never complained of his injuries until I got to the station house - He said no word about it before?

Sworn to before me this 9 day  
of September 1890

*Doyle C. Reilly*  
Police Justice.

Michael Clifford being duly sworn and examined as a witness for the people deposes and says: - I live at 429 West 26th St. I am not in any business at present. I am

12

0553

not able to work

2 You were present at the time of this occurrence:

A I will tell you. I came out of the butcher's in 9th Avenue. It must have been a quarter or twenty minutes

to six. There was four or five. I do not know which this man Emmons was one of the leading men. They caught hold of me. This man was in the middle of the sidewalk drinking. They

called me an old ~~or~~ and ~~or~~. They caught hold of me and tormented me, until the officer came and told them to let me alone. The

crowd scattered. I turned the ~~for~~ down. They followed me and jostled me, and kept alongside of me. The officer stopped them. He said "what are you interfering

0554

with the old man for? Why  
don't you go home about your  
business. This man kept  
talking all the time. The  
Officer said "If you do not  
let him alone I will lock  
you up. He made some  
molest answer. He said  
the Officer could not take  
them in. I left them to go  
up stairs. That is all I  
know

Leon examined by the Magistrate -

Q You have been in this  
country how long?

A 39 years

Q Where do you live

A 429 West 16th St.

Q Do you live with your wife?

A Yes

Q What were you doing

A I had been to the Butchers

Q Did any of these men  
catch hold of you?

14 A I did not say they did - one

0555

of them jostled me.  
Q Put his hand on you?  
A He jostled me with his  
shoulder.  
Q Four or five altogether?  
A There were altogether four  
or five.

By the court

Q Which jostled you?  
A I am not certain  
Q Who was one?  
A One of the crowd  
Q Can you swear that either  
one of these defendants  
knocked against you?  
A That is in  
Q Can you swear that?  
A It was one of them  
Q Which one?  
A There was one of them  
Q Do you know whether it  
was either of them?  
A I know Emmons was  
the leader  
15-2 What did he do?

0556

A Mocking talk

Q Did he jostle or pull you  
in any way?

A Called me out of my name

Q Did he take hold of you  
in any way?

A No.

Q Neither one of these defendants?

A No.

By Mr. Wagner

Q What did he say?

A It would take an interpreter  
to tell

Q You did not understand?

A No.

Q You heard but did not  
know what they were saying?

A I only know that they  
called this old man an  
old bummer.

Q You heard him say "bummer"?

A I did

Q Was he not speaking in  
Swedish?

16

0557

A I heard him say "bummer"  
Q It might have been something  
~~else~~ else?

Q Oh I understand this  
man

Q Why did he call you  
an old bummer?

A Because he had no better  
~~names~~ names

Q You were passing?

A Yes

Q What did he call you?

A He might have called me  
no things and I would not  
understand him

Q What else did he call you?

A I do not know what else

Q Did he call you anything  
else?

A He might have called me  
no names

Q You do not know?

A I do not know - he spoke  
a different language

117 Q Did he call you a bummer

0558

in a different language.

A No; that was plain enough.

Q Which as you understand said  
bummer

A Emmons.

Q Do you know whether he was  
talking to you?

A I saw some he was looking  
at me.

Q Did he put his hand on you?

A No; he did not.

Q He did not touch you?

A I came down 16th St - I  
live in 16th St.

Q They were all together?

A They were.

Q Had you gone between them?

A Yes.

Q They were all striking you  
together?

A No.

Q All jostled you?

A They were standing carrying on.

Q Between them?

A Among themselves on the sidewalk.

0559

Q when you came up was  
the room to pass?

A I had as much room as  
I wanted

Q why did you not pass?

A Because when I got there  
they called me back

Q what name did they call you?

A I have told you before

Q Tell me again

A I have told you three times. -

How many times do you want  
me to tell you - I said I  
did not understand what  
they called me

Q you do not know what they  
called you?

A No.

Q Did you say anything to  
them?

A I said they were a pack  
of loafers; that they would  
not let an old man alone -  
that they would be sorry if  
they did not let me pass.

0560

Q Did you ask the officer to come to your help?

A No sir, when they were jostling me I looked and saw the officer coming. He told them to let me alone; that I was going about my business and was not interfering with them.

By the Court

Q Do you know any of the men?

A One of them Emmons - I have met

Q You live near to him?

A I do not know where they live. I never knew one of them except Emmons - I have seen him

Q How did you come to come here as a witness

A I did not make any complaint. I did not think it was worth while. They did not strike me when I

0561

passed they used monolingual  
language

By Mr. Wagner

Q Who asked you to come here?

A Mr. Hogan and the officer

Q When did he ask you?

A The day, and a court officer  
came after me

Q What officer?

A I do not know

Q When did you see him?

A This day.

Q Whereabouts?

A Across the street

Q This morning?

A Yes sir

Q What message did you  
get?

A That I was wanted here  
to tell what I have seen.

Q What officer?

A I do not know his name

Q Did you ever see him before?

A Not to my knowledge

Q What did Officer Martin say?

0562

A - only told me to come down  
and tell what I have  
seen.

Q Nothing else?

A Not a word.

Sworn to before me this 3 day  
of September 1890  
Doyle C. Kelly  
Police Justice.

Edward Hogan being duly  
sworn and examined as a  
witness for the People deposes  
and says: I live at 429  
west 16th St I am in the  
liquor business.

Q Were you present at the  
time of this occurrence?

A I was standing in the door

Q What did you see?

A I saw five on the corner  
drinking beer. I stood in  
my own door. I saw an old  
man raising his stick. The  
officer came along and shoved  
them to the house. I saw Resner

22

0563

there. The officer was on the ground and the other officer came and pulled the man away. They were five men around the officer. They fell together - I could not see any more.

By the Court

Q You saw them jump to strike the officer?

A Yes sir - I could not see any more.

Q Did you see the officer have a cane?

A No your honor. I did not.

Q Did you see the officer strike the man?

A - Knocked it out of his hand with a club.

By Mr. Wagner

Q How far away were you?

A Seven houses.

Q Near the corner?

A In the middle of the block.

23 A I live at 429

0564

Q Did you see them before the officer came &?

A The first you saw was what;

A He wanted to put this man away and the man would not go

Q Reason?

A I do not know his name.

Q All this was between 401 and 417?

A Yes; I could not keep the number -

Q Were they drinking?

A They were drinking

Q You saw the officer driving then?

A Yes sir

Q They walked off?

A Yes

Q You saw the officer push this man?

A I saw him push him

Q That was before any man put his hand on the officer

Q A Yes.

0565

Q Did you see this old man  
near?

A Yes

Q Did you see them attempt  
to crowd around him

A I did

Q How many?

A about five.

Q Did you see any of them  
take hold of him?

A No.

Q Did you see the officer  
strike either of these men

A all I know was that  
they pushed him

Q You saw the officer grab  
hold of Resser?

A Yes

Q That was the first thing  
you saw the officer do?

A No; I saw him chasing them  
at the corner

Q Did you see the officer  
hit this man Emmons?

25-A No

0566

Q Did you see anybody hit  
Emmons with a club?

A I did not

Q Did you see the Officer hit  
anybody?

A They all gathered around -  
I could not tell

Q You are sure that the Officer  
never hit anybody until he  
got to No 417?

A Not to my knowledge

Q You watched them?

A I was watching them

Q You could see them distinctly?

A - The crowd got together - The  
mob gathered - I could not  
see

Q You could see distinctly?

A Yes

Q You never lost sight of them?

A I did not

Q Could the Officer club people  
until you came there?

A No

26 Q You could see of the Officer

0567

Struck a man:

A Yes

Q DeSessa did what?

A He wanted to show fight.

Q How

A Wanted to hit him with a can.

Q Refused to go?

A Yes - to go in the house.

Q Not was before 417?

A Yes

Q Before that time there was nobody arrested at all?

A No

Q It was only when they came to 417 that this man was arrested?

A Yes.

Q The officer pushed him?

A He wanted to hit the officer with a can.

Q Because the officer wanted to put him in the house?

A Yes. They tumbled on the officer.

Q How do you mean tumbled on him?

0568

A That I could not tell  
Q Did you see the officer  
hold this man and club  
him?

A No sir.

Q On account of the crowd?

A On account of the crowd.

Sworn to before me this 9<sup>th</sup> day  
of September 1880

J. J. Kelly  
Police Justice.

Lawrence Burke being duly  
sworn and examined as a witness  
for the people depose and say:  
I live at 420 West 16th St  
I am janitor and housekeeper  
of No 418 and 420

Q Were you present on the  
occasion of this alleged disorderly  
conduct?

A No sir. I was out on the  
balcony sitting on a chair  
I saw the officer come down the  
street. He came up and  
spoke to three or four men  
that were standing there

28

0569

He spoke to one who turned around towards the officer.

Q Did you see defendant there?

A I could not say - you see the officer put his hand on his shoulder one turns on him.

Q Do you know them?

A I do not - I never saw them before. When the officer put his hand on the man they came at the officer.

Q How do you mean came at the officer?

A He put his hand on his shoulder and wanted him to go.

Q The officer?

A The officer put his hand on the man's shoulder. Then the man put his hand over and grabbed the officer.

Q Which man did that?

29 A The latterst of the two or

0570

Q which was the tallest of the two - the one he had hold of

A Yes sir

Q He had hold of one and was grabbed by the other?

A Yes.

Q what did the other do?

A He tried to rescue him

Q what time did this all take place?

A About 20 minutes past 6

Q You were sitting on a balcony?

A Yes on a chair. They were out in the middle of the street from our place.

Q where was it this trouble occurred?

A At 415 - 418 and 420

Q You were where?

A at 420

Q Directly opposite?

A Pretty nearly opposite.

on an angle.

30 Q Did you see these men before

0571

the officer came?

A Yes, standing in a group.

Q Did you see this man running with any person in the street before the officer came down?

A I did not.

Q Did you see the officer drive these men away from the corner?

A I did not.

Q Standing before the officer came?

A Standing there - but I paid no attention until I saw the officer in the tussle.

Q What were they doing?

A Standing together.

Q Doing nothing previous to the time the officer came down?

A I did not see them doing anything.

Q They were simply standing around?

A Yes.

Q Did you see the pitcher of beer?

31 A I was not noticing

0572

Q You did not see the officer  
before he got near them?

A Yes sir.

Q You did not see the officer  
with anything in his hands?

A No I did not

Q If he had anything in his  
hands would you have seen  
it?

A I do not know

Q Where were you at the  
balcony?

A The second floor.

Q You staid there?

A I did

Q You took a position where  
you could see what occurred.

A Yes sir

Q You could see these men  
distinctly?

A Plain

Q You did not see the officer  
have anything in his hands?

A I did not sir

Q Did you see the old man there?

0573

A-I did not see him.

Cross Examined

Q You were up stairs?

A Yes.

Q You were looking down?

A Yes.

Q What was the first thing that attracted your attention?

A The first thing was the officer.

Q Did you see the men there before the officer came?

A Yes.

Q Were they acting in a disorderly manner?

A I did not see them, they might be carrying on.

Q You did not observe what they were doing?

A No.

Q You know what occurred?

A I know there was some noise

Q What did you see them doing?

0574

A I did not see them doing  
anything

Q When the officer came did you  
see the officer push this man?

A The officer told them to  
move on

Q Did you see them move down  
towards 417?

A No sir, I did not see.

Q Did you see how many were  
with the officer there were?

A Two.

Q Main and another officer?

A Yes sir

Q Do you know anything of the  
trouble?

A There was no trouble

Q Did you see them strike the  
officer?

A I saw the tall man going  
after him trying to <sup>grab</sup> hold him

Q That was the time the officer led  
him?

A By the shoulder

34 Q He reached out to grab the

0575

Officer?  
A Yes, that's it.

Sworn to before me this 3 day  
of September 1890  
D. J. Kelly  
Police Justice.

John O'Neill being duly sworn  
and examined as a witness for the  
people deposes and says: - I live  
at 139 9th Avenue, I am 25  
years old, I am a machinist. I  
have been employed at the Brooklyn  
Navy Yard within 5 weeks.

Q Were you present at the time of  
this alleged disorderly conduct?

A Yes sir.

Q When did it occur?

A About 400 West 30th St. There  
was 7 or 8 of them standing around  
drinking - pushing against people  
Then the officer came along, after  
the officer came Emmerson passed  
the can to Bessen and Bessen  
put it in his hand when the officer  
came along and another officer

0576

crossed the avenue.

Q Both together?

A Yes sir. When they came there Martin knuckled the car out into the street.

Q With his club?

A With his club.

Q That was the first thing done?

A The first thing done. He ordered them away - dispersed them, and one did not want to go away - Resser - He walked down the street and the officer

ordered him to go away.

He turned around to the officer all the time. I do not know what he said.

When I got to the doorway

the officer ordered him into the house. The officer put hold of him

Q This was in front of 449?

A Yes sir

Q Where was you?

96 A Between the stoop and the

0577

curb - about 30 or 35 feet  
off the corner. I was  
standing by the curb at the  
time - I was there while  
the officer crossed and ordered  
them away. Another officer  
followed the first officer  
and ran down the street  
and dispersed the crowd.  
When Martin came up, this  
man would not want  
to go. He turned and would  
not go. Emmons was standing  
near 401. As soon as he  
saw the officer he and  
Ressen walked away up the  
street. He grabbed him  
officer Martin and Ressen  
moved away. Emmons had  
been standing up the street  
until they came up, and  
caught hold of this Ressen  
when he came up. Emmons  
was standing by the front  
of 409, or 411. Emmons

knelt Pessen's coat out on  
arm

Q What occurred?

A meantime the officer had  
come up. Emmons was  
nearest the railing

Q The three fell together?

A Yes Sir

Q Did you see anybody clubbed?

A No Sir. I saw the club  
lifted. The other officer came  
up and caught this man  
by the collar.

Cross examined

Q Where were you when the  
altercation first opened?

A Standing on the corner at  
401 - about 30 feet off  
when the officer stepped up  
These men were. I was  
about 20 feet away.

Q These men were drinking  
beer?

A Yes

38 Q Did you see this old man that

0579

testified here?

A. Yes

Q. Did you see anybody strike him?

A. No sir

Q. Were these men interfering with Jussers by?

A. No sir

Q. Were there any disorder there? fighting?

A. No sir

Q. You do not believe they were fighting?

A. No sir

Q. You know they were not fighting?

A. Yes.

Q. What were they doing when the officer came up?

A. Drinking beer

Q. Pessen was drinking beer when the officer came?

A. Yes.

Q. Had he been there?

39

A. Just before it

0580

Q The first thing you saw was  
the officer coming and striking  
the beer can.

A The officer knocked the beer  
can out in the street.

Q Did he use the club?

A I do not know if he  
had a club - he knocked  
it in the gutter.

Q What did he say?

A I cannot tell you what he  
said.

Q You say he came up and  
struck it out of his hand.  
Knocked the beer can.

A He knocked it right  
around.

Q Struck the beer can right  
out.

A Yes sir; knocked it out  
in the street.

Q You heard the officer  
order them off?

A Yes.

40 Q What did they do?

0581

Q - He turned around talking  
The officer kept talking him  
to go away

Q - DeSalle went away?

A - DeSalle walked away

Q - Walked down to 407?

A - Yes.

Q - To 407?

A - Yes sir

Q - The officer ordered him  
in the house?

A - Yes.

Q - Officer Ellsworth came up?

A - He ordered the crowd  
away

Q - What was the other officer  
doing?

A - The officer had hold of  
him trying to arrest  
him

Q - Because he would not  
go in the house?

A - I do not know what  
he said

41 Q - How do you know then?

0582

A I could see when they  
walked down. He walked  
down right to the door.

Q Did you see the officer  
strike him?

A No sir.

Q The officer held him  
trying to put him in?

A Yes.

Q You saw the officer strike  
the can of beer?

A Yes.

Q You saw the can of beer  
go?

A Yes.

Q Did you see him hit the  
can with his club?

A No; I could not say that.

Q You saw the can fly off?

A Yes.

Q You saw the officer strike  
it?

A I saw him knock the can  
I do not know whether it was  
with his hand or club - I

0583

do not know

Q You know the officer struck the can of beer?

A Yes.

Q You saw his hand go to it?

A Yes.

Q Can you swear positively whether the officer struck the man's arm with his club at that time?

A He did not.

Q Yet you are positive he had the club in his hand

A He had the club at the time whether he struck with his club I am not positive.

Q You saw the can as it went off?

A After he had hit it.

Q You are positive that he did not hit him on the arm?

A I know the man did not make any outcry

43 Q Is that the only reason?

0584

A Yes Sir

Q You saw he had a club when he struck the man away?

A Yes Sir

Sworn to before me this 9 day of September 1896

J. C. Russell  
Police Justice

David A. Gillespie being

truly sworn and examined as a witness for the People deposes and says: I am an officer of the 16th Precinct. I was present at the time of this occurrence.

Q State what occurred?

A At 401 West 16th St. I saw a crowd - eight or ten. Officer Martin went down to disperse the crowd. He ordered them to move on. I stood at the corner waiting to see the result. I could see distinctly from the corner of 16th St. and

444

0585

9th Avenue. I saw what  
occurred. Part of the crowd  
walked towards 10th Avenue  
to about 411 or 412. Two or  
three walked towards me. Officer  
Martin knocked the can  
and it went in the street.  
Three or four growled  
about it. Two or three of them  
walked away, others were  
inclined to stand around.  
I saw the crowd run down.  
I ran down with the officer.  
I saw Officer Martin down  
on the sidewalk, and I  
pulled the man Emerson  
off. Officer Martin held  
on to his prisoner. Emerson  
broke away. I ran and  
grabbed him. I brought him  
to the station house. On the  
way to the station he offered  
me two dollars to let him  
go. I told him he would  
have to go to the station house.

0586

at the station house he was  
onearing

Q What was his language?

A He said "God damned son of  
a bitch; bastard, and all  
that sort of talk; that he  
would get square

Q That was after he was  
clubbed?

A After he got to the  
station.

Q Did you see these three down  
on the sidewalk?

A Yes sir. They fell - they  
were all in a heap. This  
man fell

Q who?

A Dessen

Q Was the officer on top of  
Dessen

A Dessen was on his side -  
Zimmors was on top.

Q Where was the officer?

A The officer laid on the side.

46 Q The three lay alongside of

0587

each other?

A all in a heap.

Q One under the other?

A Yes. Emmons was on top  
of the officer

Q Was Desser on the officer  
under?

A Desser was under

Q The officer on top of him?

A Yes sir

Q Emmons on top of the  
officer?

A Yes sir. I grabbed him  
and pulled him off

Q Where did you grab him?

A By the neck. I pulled him  
off to give the officer a chance  
to arrest him. He got to  
Emmons broke away. I grabbed  
Emmons and held on to  
him. He was surrounded  
by the crowd - I do not  
know how many of his  
friends were there. It is  
a bad neighborhood

0588

Levon examined

Q How long have you been an  
officer?

A Five or six years

Q You are familiar with this  
neighborhood?

A Yes.

Q Have you met these two men  
before?

A Not to know them.

Q You do not recollect ever  
seeing these people before?

A No sir

Q You were with Officer Martin  
passing on his post?

A Yes

Q Did you hear what Officer  
Martin said the first thing?

A I could not say that.

Q You saw what he did?

A Yes sir

Q Did you see Officer Martin  
take his club and strike  
this man; that he had a club  
and knocked the beer can

in the street before he said  
a word

A He did not take a club.  
I saw him take his hand  
and knock the can out of  
this man's hand.

Q He did not have a club  
in his hand?

A No; I could not see it.

Q You saw him knock the  
can out?

A I saw him knock the can  
out of this man's hand.

Q The first thing the Speer did  
- Speer Martin - was to knock  
the can out of the man's  
hand?

A That was the first thing I  
saw I do not know  
what was said.

Q You saw them before  
the Speer approached?

A Yes Sir

Q All together - four or five?

49 A Seven - eight or ten.

0590

Q You saw the car before?

A Yes

Q They were standing there drinking beer.

A Yes.

Q How far were they away when you first saw them?

A About 200 feet. I saw him walk down and order them away.

A I did

Q You did not hear?

A Numerous said something to the officer.

Q Some of it?

A Pretty sure of it

Q You heard the testimony of the officer?

A No sir

Q Did you hear officer mention order them away?

A I saw him

Q You did not hear him?

A No.

50 Q He dispersed them?

0591

Q And they went towards 417?

A Five towards 417 - and some towards me

Q Which went towards you?

A Emmerson started towards me first. He came along with two or three others. I told him to go on - then he moved along down the street. Emmerson called me a bastard and a son of a bitch in the station house

Crow returned

Q Was it before or after he was clubbed he called you a son of a bitch?

A It was after

Q Why did you not arrest him

A It was in the station house

Q Did you club Emmerson?

A No.

Q You say you did not club  
57 him?

0592

A Yes sir

Q You did not use your stick, and ordered this man Simmons to walk?

A In the station house

Q Did you see Officer Martin strike Simmons or club him?

A No sir

Q How far were you off?

A About 150 feet

Q When the first collision was?

A That was the first

Q Did you see when he was struck?

A No sir

Q You could see?

A I could see that was a club in his hand.

Q You saw the car knocked?

A Yes sir

Q It was the same man who was struck?

A Yes sir

52 Q Which one had the beer?

0593

A Oeson Emmons

Q Then it was knocked out

A Resser - this was the man  
with the can.

Q Knocked out of this mans  
hand:

A Resser's <sup>9</sup> September 20

Deice Kelly

Counsel for defendant moves to  
dismiss the complaint and  
discharge the defendants.

Oscar Emmons being duly sworn  
and examined as a witness in  
his own behalf deposes and  
says: I live at 419 west  
16th St

Q How long have you been in  
this country?

A Five years next month.

Q What do you do?

A I am a dock builder - I  
work for the Ellen

Q Were you at work last  
Monday?

0594

A I was not. It was a holiday.

Q Do you remember how this thing occurred?

A Yes Sir

Q Tell the circumstances

A I was coming up the street and met these two fellows - Frank Anderson and Mr. Osterberg and another man I do not know his name. We were coming up the street and met this Resser and the other man coming from the saloon with a can of beer. I said "Hallo - will you come home?" We stood there a few minutes talking. I said let us have a drink. Where, he said - we can have a drink. So I took hold of the can and lifted it up to my mouth. The other man then came and struck me with

0595

his club right on the arm.

He ran out in the street

Q Did he say anything to you

A He did not

Q He told you to go on?

A He did not say anything  
to me

Q What did you do?

A I did ~~not~~ stay there. Then

he sent go away. I stood

there any way. He gave me

another blow and knocked

my hand in - after that I

lost my senses when I was

standing on the sidewalk

Q Did this officer knock  
you down.

A. They gentleman knocked me  
down. I did not know where

I was afterwards. Menton

went after August Desser.

He was going down the street.

A young fellow went out in the

street and brought back the

can and gave it to August

0596

Martin caught hold of the  
can.

Q Then what more happened?  
A I went up the street —  
further up. I was standing  
there one side when the  
policeman had August  
underneath, and I said that  
is bad. I went and got  
hold of August, at the  
same time the policeman  
grabbed me and took me  
along, and I did not say  
anything to him.

Q Did you curse and swear?

A No sir not at all sir.

Q Did you call the officer  
a son of a bitch?

A I never did, because I  
don't swear.

Q How many were standing  
around when the officer came  
up?

A Five.

56 Q How many?

0597

A. Fine

Q. What were you doing?

A. Nothing at all

Q. How long had you been there?

A. Two minutes - we were standing there.

Q. Were you moving anything?

A. No sir

Q. Did you see this old man?

A. No sir not at all. I never saw him.

Subscribed before me this 3<sup>rd</sup> day of September 1950  
By John R. [Signature]  
Notary Public

Frank Anderson being duly sworn and examined as a witness for the defendant before and says. I live at 419 West 16th St. I am a dock builder I was present at the time of this trouble. I was standing right close to this man that was struck

0598

2. State what occurred;

A. There were four of us, came down from the house and met Emmons and two more Augustus Osterberg and John L. Ceulin and Frank Anderson. We came from 419 and met Dessen at 401. He came out with a can of beer, came right across the street, we went and spoke to him, I knew him. Emmons said "Give us a drink of beer. He handed the can to Emmons and he was going to take a drink when this old man came along and said "Go on." We stood laughing at the old man. When the officer came along they all ran away further down the street. Emmons still held of the can of beer. I stood right alongside of him and the officer by me.

0599

and the officer struck him  
on the arm - I saw the  
can of beer fall down  
the street

Q. Had his club?

A. With his club.

Q. On the arm?

A. Right on the arm.

Q. He struck him?

A. Yes sir - afterwards he  
told Pessen to go away  
he went toward W 414  
He was standing there when  
the officer tried to put him  
in the house. Then officer  
Marten took hold of him  
and struck him a few  
times with his club - I  
do not think he hurt  
him. Then Officer Edliskie  
took hold of him and  
pulled him up to the  
station house

Can examined

59 Q - when they were standing

0600

Were men they drinking?

A Yes Sir.

Q How many had drunk?

A I had not drunk anything. He was going to drink when the policeman knocked it out of his hand.

Q Did you not slap and knock the old man in the stomach?

A No Sir. I have got a dozen witnesses to that.

Q Did you not shove against him?

A No Sir.

Q Or laugh at him?

A We laughed at him. When the officer came up he ran up the street.

The Court. The old man ran away?

A Walked up the street.

Sworn to before me this 9<sup>th</sup> day

of September 1890

J. C. Beatty  
Police Justice.

0601

Gustav Osterberg, being duly sworn as a witness for the Defendant Depose and says: I live at 416 West 16th St. I was present at the time of this trouble. This man was sitting on a stoop when I came down. He said I will take a walk up the street. I said all right. I went up on the street, we came to 411 - I am not sure of the number. I know a man at 417. He came with a can of beer in his hand. Emmons said Halloo John lets have a drink with you. That man said I wont give you a drink. I dont want to drink on the street. Emmons took the can in his hand. Then came the old man there. He had a stick in his hand. He was talking about living 20 years in that street. Some of those

0602

fellows were laughing at him.  
I did not speak to anybody.  
Then I saw the policeman.  
He came to the old man  
and commenced to talk  
to him. I staid there. I could  
not keep from laughing. The  
first thing the policeman  
did without saying anything  
he commenced to hit me and  
Emmons.

2 - What did he hit you with  
A a club. Then they all went  
down. The policemen drove  
them. Some went another way.  
Before they went a boy took  
up the can and ran over  
to August and gave him a  
can. The policeman commenced  
to talk take hold of him  
in the neck. wanted to  
take him in. Then his  
mother said "August go  
with him I do not think  
it is much to have a can of

0602

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I did not speak to anybody.  
Then I saw the policeman.  
He came to the old man  
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to him. I staid there. I could  
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up the can and ran over  
to August and gave him a  
can. The policeman commenced  
to talk take hold of him  
in the neck. wanted to  
take him in. Then his  
mother said "August go  
with him I do not think  
it is much to have a can of

0603

fellowis were laughing at him  
I did not speak to anybody  
Then I saw the policeman.  
He came to the old man  
and commenced to talk  
to him. I staid there. I could  
not keep from laughing. The  
first thing the policeman  
did without saying anything  
he commenced to hit me and  
Emmons.

2 - What did he hit you with  
A a club. Then they all went  
down. The policemen drove  
then. some went another way.  
Before they went a boy took  
up the can and ran over  
to August and gave him a  
can. The policeman commenced  
to talk take hold of him  
in the neck. wanted to  
take him in. Then his  
mother said "August go  
with him I do not think  
it is much to have a can of

0604

been in the street. That was  
all I saw. The policeman  
caught hold of Emmours  
and hit him four or five  
times on the neck with his  
club.

Q Before he struck the man  
did he strike him?

A Struck him right on the  
arm

Q with his club

A Yes

Q What did he say?

A I did not hear him  
say anything.

Q Did they refuse to go from  
the sidewalk?

A Not what I saw

Sworn to before me this 3 day

of Sept. 1890

*[Signature]*  
Justice

Oral B Falck being duly

sworn and examined as a  
witness for the people deposes  
and says: - I live at 417 west

0605

16th St. I am a dock builder  
I was present at the time of  
this trouble I was sitting up  
by the window and afterwards  
went out

Q Still what you saw.

A I saw them talking on  
16th St. Dessen and others  
were talking with Emmons.  
I saw Emmons talking. I  
saw Dessen hand the  
beer to Emmons. Then the  
officer knicked the can of  
beer out of Emmons hand.

Q What was it he knicked  
it with?

A With a club - on his arm  
This man walked away - one  
of the men picked the  
can up - a boy kicked the  
can up and gave it to  
the man. He then came  
after Dessen.

Q Were you in the crowd?

69 A No Sir

0606

Q How many people were there?  
A. I could not say. The  
officer came there and there  
men were standing there  
of the People's Rest

Sept 11<sup>th</sup>  
D. J. C. B. Journal 2 Sept 4

Sept 4 - Defendants Discharged

0607

Sec. 198-200.

District Police Court

CITY AND COUNTY } ss.  
OF NEW YORK, }

*James H. Martin* 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.

*James H. Martin*

Question. How old are you?

Answer.

*34 years*

Question. Where were you born?

Answer.

*N. Y.*

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

Answer.

*404 W 36. 6 mos*

Question. What is your business or profession?

Answer.

*Police officer*

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  
jury trial*

*James H. Martin*

Taken before me this  
day of *Sept* 191*8*

*[Signature]*  
Police Justice

0608

his club:

There is a conflict  
of evidence here-  
in, which ought  
to be settled by  
a jury. If the  
defendant did  
actually strike  
the complainant  
with his club,  
he did it without  
good cause.

Dated Sept. 26, 1890

Edward Cross  
Dep. Assistant

0609

District Attorney's Office.

PEOPLE

vs.

James H. Martin

Assault.

The above defendant is charged with assaulting Oscar Lunnors by beating him with his club and fracturing his left arm. It is admitted by the defendant that he knocked a beer can out of Lunnors hand, but he

06 10

claims that he did it with his hand and that he did not make use of his club.

His witnesses say that they did not see him use the club; but they do not say that they would have seen it, if he had used the club. Other witnesses have sworn positively that they saw the defendant strike the complainant with

0611

GEO. P. LUDLAM,  
Superintendent.

New York Hospital,

West Fifteenth Street,

New York, *Sept 1<sup>st</sup>* 1890

*Oscar Emmons has a  
simple fracture of  
left radius-*

*John McGrath M.D.,  
Amb. Surgeon*

06 12

POOR QUALITY ORIGINAL

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

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

Dated Sept 7 1890 To J. C. [Signature] Police Justice.

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

Dated Sept 7 1890 To J. C. [Signature] Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0613

Police Court-- District. 1370

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Oscar Eymons  
419- vs. West 16<sup>th</sup>  
James B. Martin

Offence Assault

2  
3  
4

Dated Sept 7 1890  
D. O. Reilly Magistrate.

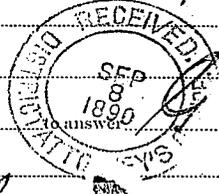
Officer.

Precinct.

Witnesses August W. Resser  
361 West 23<sup>rd</sup>

No. 417 West 16<sup>th</sup> Street.  
Frank Anderson 1844-3<sup>rd</sup> Ave.  
419 West 16<sup>th</sup> St  
William Austerman 416 W 16 St  
Charles B. Frate 417 West 16<sup>th</sup> Street.

No. 500  
\$ 500  
Answered



Bailed

BAILED

No. 1, by James Cannon  
Residence 439 West 61<sup>st</sup> Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

Street.

1370

06 14

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*James N. Martin*

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

*James N. Martin*

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

The said *James N. Martin*

late of the City and County of New York, on the *first* day of *September*, in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety*, with force and arms, at the City and County aforesaid, in and upon one

*Oscar Emmons*  
in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said *James N. Martin*

with a certain *club* which *he* the said *James N. Martin* in *his* right hand then and there had and held, the same being then and there a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm, *him*, the said *Oscar Emmons* then and there feloniously did wilfully and wrongfully strike, beat, bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

06 15

SECOND COUNT—

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

*James H. Martin*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *James H. Martin*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Oscar Emmons*

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said *James H. Martin*  
the said *Oscar Emmons*  
with a certain *club*

which *he* the said *James H. Martin*  
in *his* right hand then and there had held, in and upon the  
*head, face, arm and back* of *him* the said *Oscar Emmons*

then and there feloniously did wilfully and wrongfully strike, beat, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *Oscar Emmons* to the great damage of the said *Oscar Emmons* 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.*

06 16

**BOX:**

420

**FOLDER:**

3883

**DESCRIPTION:**

McCarthy, Stephen

**DATE:**

12/19/90



3883

0618

170.

*As Sentent*  
13 Paul Row

Counsel,  
Filed, *Dec 1889*  
Pleads, *W. G. Kelly*

THE PEOPLE,  
vs.  
*B*  
Stephen McCarthy  
RECEIVING STOLEN GOODS.  
(Section 550, Penal Code.)

JOHN R. FELLOWS,  
District Attorney.  
A True Bill.  
*Nov 1889 14*  
*Part I*

*John R. Fellows*  
*Page 3, Dec. 1889, Foreman.*  
*One receive. of dist. at*  
*indict. dist. 1889*

Witnesses:

The defendant named in  
the within indictment was tried  
and convicted on a similar charge  
in the year 1887 and sentenced to  
prison which was paid.  
The office has not been able to obtain  
any record showing how the indictment related  
to in the within indictment could be  
the provisions of the law recommending  
the dismissal of this indictment.  
Dec 11 1889 *Wm. H. [unclear]*  
*Printed at [unclear]*

I am in the enclosure  
PM Staples received  
that the indictment  
is returned. Secretary  
and [unclear] 11/91  
*Smith*

0619

Police Court— District: 1st

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 125 William Scott Street, aged 27 years,  
occupational Traveller for Harrington Steamship Co. being duly sworn

deposes and says, that on the 13 day of November 1890 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One case of shoes  
valued at forty 60  
dollars 100  
\$ 60  
100

the property of Messrs Nathaniel Fisher & Company  
and in the care and custody  
of deponent

Sworn to before me, this  
18 day

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 Stephen McCarty

herein for the reasons following to wit: deponent who is in the transportation business missed said case from the pier of the Harrington Steamship Company at 125 East River and is informed by Officer Michael Healey (New York) that he found in the store occupied by deponent a case of shoes which case is identified by Washington D. Wells a representative of the firm of Nathaniel Fisher and Company to whom

Police Justice.

0620

said case was consigned, as being  
a case which was consigned to said  
firm and which case was not  
received by them.

Given to refer me }  
this 17<sup>th</sup> day of November } William Scott  
1890 }

W. S. Omy

Police Justice

0621

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Michael Healey*  
*Police Officer*

aged *5* years, occupation *Police Officer* of No. *5* *Truman* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *William Scott*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this  
day of *March* 18*85*

*Michael Healey*

*W. J. Brown*

Police Justice.

0622

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

aged 46 years, occupation Washington J. Weeks  
Receiving Clerk of No.

27 Murray Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of William Scott  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 17 day of November 1888 } Washington J. Weeks

W. J. Weeks  
Police Justice.

0623

POLICE COURT ..... DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

On Complaint of

*Wm Scott*

For

*Paul Ramsey*

*Stephen W. Carthy*

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated *March 26* 18*90*

*Stephen W. Carthy*  
his name

*W. J. Cowley*

Police Justice.

0624

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Stephen W. Conarty*, 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. *Stephen W. Conarty*

Question. How old are you?

Answer. *42 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *406. 804 8<sup>th</sup> av.*

Question. What is your business or profession?

Answer. *Shoemaker*

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.

*By advice of Counsel I waive further examination in this case*  
*Stephen W. Conarty*  
*W. C.*

Taken before me this

*26*

day of

*November 1935*

Police Justice.

0625

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.....

*Rependant*

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

Dated *Nov 17* 18 *90* *see above* Police Justice.

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

*Rependant*

Dated *Nov 16* 18 *90* *see above* Police Justice.

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

Dated..... 18..... Police Justice.

0626

Nov 24 - 10. a.m.  
deft paroled  
having given bail.  
in \$200 in a similar  
Case. which was intended  
should cover that also.

1843  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Scott  
Plon. 75. St. R.  
Stephen M. Carthy

Offence: Receiving stolen goods  
J. J. [Signature]

BAILED.

No. 1, by [Signature]  
Residence [Signature] Street.

Rebaild to Mrs Clark  
No. 2, by Mrs Clark  
shoe dealer  
Residence 8<sup>th</sup> Ave bet 45<sup>th</sup> & 46<sup>th</sup> St.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Dated Nov 17 1890

Paris Magistrate.

Healey Officer.  
5 Precinct.

Witnesses Officer

No. Washington St.

Washington P. Burke

No. 27 Murray Street.

Francis J. Gen

No. 100 [Signature] Street.

containing [Signature]



[Signature]

0627

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Stephen McPartland*

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

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

The said *Stephen McPartland*

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

*one case of shoes of the value of*  
*twelve dollars and sixty cents, one*  
*case of the value of twenty cents, and*  
*twelve pairs of shoes of the value*  
*of one dollar each pair,*

of the goods, chattels and personal property of ~~one~~ *a certain corporation*  
*known as the New York Standard Company,*  
by ~~a~~ *certain person or persons* to the Grand Jury aforesaid unknown, then lately  
before feloniously stolen, taken and carried away from the said *corporation.*

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

*Stephen McPartland*

then and there well knowing the said goods, chattels and personal property to have been  
feloniously stolen, taken and carried away; against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York and their  
dignity.

JOHN R. FELLOWS,  
District Attorney.