

0489

BOX:

420

FOLDER:

3883

DESCRIPTION:

Maas, Henry

DATE:

12/09/90



3883

Witnesses;

Officer Nugent

#88.

Counsel,

Filed

Pleads,

9 day of Dec 18 90

THE PEOPLE

vs.

Grand Larceny, Second Degree.
[Sections 528, 53, Penal Code].

Henry Maas

John R. Fellows

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL

John R. Fellows

Foreman.

Dec 18 90

John R. Fellows

John R. Fellows

0491

Police Court

District.

Affidavit—Larceny.

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

James O'Halloran
 of No. *18 Burling Slip* Street, aged *22* years,
 occupation *Bookkeeper* being duly sworn
 deposes and says, that on the *17th* day of *February* 18*90* 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 Twenty
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* (~~here~~) for the

reasons that on said day and previous
 thereto the defendant was in the employ
 of said Johnson and on Saturday the
15th met deponent as Bookkeeper for
 said Johnson, placed said money in
 the safe and locked it. Deponent
 opened the safe on Monday morning
 the *17th* met 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

day

of

188

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 18th February, 1890 } James O'Halloran

C. J. Halloran }
Peace Justice

0493

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

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 Rivington Street. 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

John J. [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*
 18*90* at the City of New York, in the County of New York, the following article to wit:

Good and lawful money of United States
 of the value of *Seventy three* Dollars.
 the property of *E. J. Johnson and in care of James O. Halloran*
 w. *as* 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 *First* 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*, 18*90*
O. J. 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 gives such bail.

Dated *Nov 9 90* 18 *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---

1454 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James A. Halloran
18 - Burling Slip
Henry Maas

Grand Jury
Officer

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

2

3

4

Dated *Nov 19 1890*

White Magistrate.

Rugers Officer.

1 Precinct.

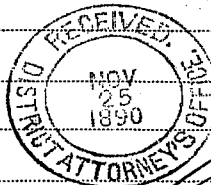
Witnesses

No. Street.

No. Street.

No. Street.

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



Can G.S. money

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

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 H. H. H.

Counsel,

Filed

day of

Pleds,

Dec 11 1890
Proquy 12/11

THE PEOPLE

vs.

Martin Madden

Burglary in the Third Degree
(Section 495, No 6, 1890)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

William H. H. H.
Foreman.

Part 2 - Dec. 23, 1890.
On motion of District
Attorney, defendant discharged
on his own recognizance.

Upon reading the
within within Panel
and affidavit of
good character of
ask that the
prisoner be
discharged on his
own recognizance
Dec 23-90
J. L. B.
A. D. A.

0500

Police Court—2 District.

City and County } ss.:
of New York.

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

deposes and says, that the premises No. 243 West 15th 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 no 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 15th Street, 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

14 December 1880

John Gorman
Police Justice.

William Hall

Police Court District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0502

CITY AND COUNTY } ss.
OF NEW YORK, }

Charlotte Throckmorton

aged *35* years, occupation *Housekeeper* of No.

245 West 15th 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

188

Charlotte Throckmorton

John J. Gorman

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*9**John J. Connelley*

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. Ennis 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

18/6 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Hall

239-th Street 12th

Charlotte Shrockmorton

Martin Madder

3.

4.

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

Magistrate.

Madder

Officer.

16 Precinct.

Witnesses

Charlotte Shrockmorton

No.

245 W. 15

Street.

No.

Street.

No.

Street.

\$

1000

to answer



W. Com

0506

New York
Dec 22nd 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 25th St
to Sir

0507

N.Y. Dec 18/91
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 Briggs
412 Washington St
N.Y.

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 N. Ave.

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
with formal
& affiant
of Prisoners
good character

05 11

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 Deuel

I 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

Wm M. Davis,

Dist.

I concur in the recom-
mendation.

Deaveny McCall

Counsel,

Filed

day of

1897

Pleas,

THE PEOPLE

vs.

CONCEALED WEAPON.

(Section 410, Penal Code).

Solomon Marks

JOHN R. FELLOWS,

District Attorney.

Jan 12 at 11 AM
Jan 15 at 11 AM

A True Bill.

William H. Hamner

Foreman.

Wm D. W. of

Deering & Ball

disch'd

Sept 14/97

05 15

Police Court, 4 District.

City and County } ss.
of New York,

of No. 18th Police Precinct Street, aged 39 years,
occupation Police officer being duly sworn, deposes and says,
that on the 9th 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 10th December, 1890

Charles Schoell

W. T. McMahon
Police Justice

Charles Schoell

Sec. 198—200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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.

Question.—How old are you?

Answer.

Question.....Where were you born?

Answer.

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

Answer.

Question.... What is your business or profession?

Answer.

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

Answer.

Solomon Islands

Taken before me this

day April 26th 1907

W. J. Richardson

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.

05 18

Mrs. Doyle
Mrs. Doherty
Mr. Wallace
Rev. Key or
John F. Hayes

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.

Police Court--- 4 District 1833

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Schoell
318 Precinct
Solomon Marks

2 _____
3 _____
4 _____

Dated Dec 10 1890
McMahon Magistrate.
Schoell Officer.
18 Precinct.

Witnesses _____

No. _____ Street.

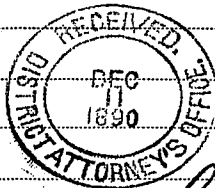
No. _____ Street.

No. _____ Street.

\$ 1000 to answer Ans.

Car Country

Bailed



05 19

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 ^{had} having nothing whatsoever to do with the same, and en-
gaged ^{in no way} 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.)

Geo 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 ^{etc} of 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.

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

City and County of New York, ss:

I, J O H N L. K A Y E S, 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
Wm Newcity
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
Notary Public
27 Jan 1891

0524

COURT OF GENERAL SESSIONS.

THE PEOPLE OF THE STATE OF NEW YORK
vs.
SOLOMON MARKS.

City and County of New York, ss:

I, EMMA TOPLITZ, 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 defendant 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 offence.

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

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

Wm. Newcity
Notary Public
N.Y.C.

0525

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.

Sworn to before me this 27th)

day of January, 1891.

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

Solomon Wallach

0526

General

Law

Summa Proceeding

of

Solomon 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 *Sol. Marks*

320-4 BROADWAY,

N. Y. City.

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

Dated 18

Attorney for

Press of F. V. Strauss, 120-122 Walker St., N. Y.

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-nine~~ 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

Witnesses;

R. J. Miller

7906
Coburn
Counsel,
Filed *19* day of *Dec* 189*0*
Pleas, *Not guilty*

THE PEOPLE

331, 2nd 1st 1890.
26
sample
Alma Martin

Grand Larceny Second degree.
[Sections 628, 629, Penal Code].

JOHN R. FELLOWS,

Part II January 9/91.
pleas guilty
District Attorney.

A True Bill.

John R. Fellows

Foreman.

Jan 9th
1891
27th 11 2nd 1st 1891
for

0530

Police Court—1 District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No. 178. East 86th Street, aged 28 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 Alma 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, missed said property from said premises, and that the said Martin admitted and confessed in deponent's presence that she had taken and carried away said property from said premises.

W. J. Miller

Sworn to before me, this
11th day of December 1887

Police Justice.

0531

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Alma Martin being duly examined before the under-
signed 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 107th 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

189

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 Algerman

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

Dated, Nov 15 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

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

#206

Police Court,

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Nicholas Miller
518 East 17th St
Alma Martin

2

3

4

Dated

1880

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

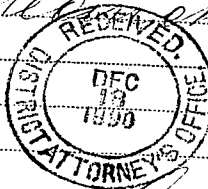
Street.

No.

Street.

\$

to answer



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. Sumner

F. Anderson

Counsel,

Filed

Pleads,

1890

Day of Dec

Notary at

THE PEOPLE

vs.

James H. Martin

Assault in the Second Degree.

(Section 218, Penal Code).

JOHN R. FELLOWS,

District Attorney.

A True BILL.

William Van Buren

Foreman.

Jan 26

Part III January 26/91 -
Trial and Acquitted

0537

SUBPOENA TO INVESTIGATE.

POLICE COURT 2 DISTRICT.

125 17th 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 17th 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

SUBPOENA TO INVESTIGATE.

POLICE COURT ² DISTRICT.

125 6th 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.

O Rully

Samuel

one of the Police Justices in the City of New York.

at the 2 District Police Court, 125 6th 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

J. C. Rully 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 1st 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 (nephew)
 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
 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 7 day of Sept 1890 } Oscar H. Emmens
mark

J. C. R. [Signature] Police Justice.

0540

2 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Jos Martin
August W. Resser
Oscar Emmons

Examination had

Before

Sept 3
Daniel O. Reilly 18890
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 *Jos Martin, August*
Oscar Resser et al

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

Dated *Sept 3* 18890

W. L. Arnold
Stenographer.

Daniel 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?

A No sir.

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

1 In front of 401 West 16th St.

2 Tell what you saw there - how you came to arrest them:

A There two and three or four others were there. I stood on the corner of 9th Avenue

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

✓ - threw him from one to the other. Emmons had a

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

✓ Resser. 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 9th Avenue

Resser stood and looked at me. I said "Get out

✓ of here" He turned around

He had the can in his hand.

2 and I knocked 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 understand what he said. I drove them - I could not understand 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 Resser
before?

A I do not know as I have.

2 Did Resser catch hold
of you?

A He made three passes at
me. He tried to get hold
of me - he got 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 Resser

Q Who arrested Emmmons?

6 A Officer Gillespie

0547

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

A Yes sir I say that.

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

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

2 How long have you been on that post?

A Since about last February I think

2 Do you know now where these men live?

A Yes

2 Where do they live?

A at 419 west 16th St

2 Where did this occur?

A In front of W 401

2 What kind of a house is W 401?

A It is a flat

By the Witness

2 How many do you say that you saw there?

7

0548

A I think there were seven
2 more than four;

A Oh yes

2 They were by themselves?

A All together

2 Right in front of Mrs. Jones.

A With a can between them.

2 They were not interfering
with any one?

A There was an old gentleman
interfered with

2 Did you see them interfering
with him?

A I saw them jostle him.

2 Did they take hold of him?

A They shoved him from
one to the other then Emmerson
shoved him and the other
shoved him off again

By the court

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

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

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 on; 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

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} ~~no~~"

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. Elliptic ran to me and
got hold of Emmons

Q. When Emmons jumped up?

Q. Then they went away?

A. All but one. He did not

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

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 mean time Officer Edler came up and separated us and pulled Emmous off.

2 How did Emmous receive his injuries?

A That I do not know - He never complained of his injuries until he got to the Station house - He said he was afraid 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 so and so. They caught hold of me and tarried me, until the officer came and told them to let me alone. The crowd scattered. I turned to go down. They followed me and jostled me, and kept alongside of me. The officer stopped them. He said "what are you interfering

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
 insolent 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-Q What did he do?

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?

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
~~manner~~ ~~manners~~

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.

17 Q Did he call you a bummer

0558

in a different language.

A W: That was plain enough.

Q Which as you understood said
bummer

A Emmons.

Q Do you know whether he was
talking to you?

A I am sure he was looking
at me.

Q Did he put his hand on you?

A W: 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 W.

Q All jostled you?

A They were standing carrying on.

Q Between them?

18 A Among themselves on the sidewalk.

0559

Q When you came up was there 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.

2 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

2 Do you know any of the men?

A One of them Emmons - I have met

2 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

2 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

passed they used monoling
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

21 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... day

of... September... 1890

Do... 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 Reuben

0563

there. The officer was on the ground and the other officer came and pulled the man away. There 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

2 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

2 Resen?

A I do not know his name.

2 All this was between 401 and 419?

A Yes, I could not keep the number -

2 Were they drinking?

A They were drinking

2 You saw the officer driving then?

A Yes Sir

2 They walked off?

A Yes

2 You saw the officer push this man?

A I saw him push him

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

24 A Yes.

0565

2 Did you see this old man
near?

A Yes

2 Did you see them attempt
to crowd around him

A I did

2 How many?

A about five

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

A No.

2 Did you see the officer
strike either of these men

A all I know was that
they pushed him

2 You saw the officer grab
hold of Resser?

A Yes

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

A No; I saw him chasing them
at the corner

2 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 W 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 if the officer

0567

Struck a man?

A Yes

Q Desseu 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 That 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?

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 9th day
 of September 1890

Do you certify
 Police Justice.

Lawrence Burke being duly
 sworn and examined as a witness
 for the people deposes and says:
 I live at 420 West 16th St
 I am janitor and housekeeper
 of No 416 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

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 then?

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

2 which was the latter of the
two - the one he had held
of

A Yes sir

2 He had held of one
and was grabbed by the other?

A Yes.

2 What did the other do?

A He tried to rescue him

2 What time did this all
take place?

A About 20 minutes past 6

2 You were sitting on a balcony?

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

2 Where was it this trouble
occurred?

A At 415 - 418 and 420

2 You were where?

A At 420

2 Directly opposite?

A Pretty nearly opposite.

- on an angle.

30 2 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 had noticed 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 - You saw them move down towards 417?

A No sir, I did not sir.

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

A Two.

Q Martin 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 ^{grab} ~~chase~~ 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
James C. Kelly
Police Justice.

John O'Neill being duly sworn
and examined as a witness for the
people deposes and says: - I live
at 139 7th 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 40 or 50 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 Simmons passed
the can to Bessen and Bessen
put it in his hand when the officer
came along and another officer

crossed the avenue.

Q Both together?

A Yes sir. When they came there Martin knocked the can 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 - Bessen - 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 got hold of him.

Q This was in front of 449?

A Yes sir.

Q Where was you?

96 A Between the stoop and the

curb - about 30 or 35 feet
 off the corner. I was
 standing by the curb at the
 time - I was there until
 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
 Resser walked away up the
 street. He grabbed him
 Officer Martin and Resser
 moved away. Emmons had
 been standing up the street
 until they came up, and
 caught hold of this Resser
 when he came up. Emmons
 was standing by the front
 of 409, or 411. Emmons

Twisted Petersen's coat and 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

testified here?

A Yes

Q Did you see anybody strike him?

A No sir

Q Were these men interfering with Jassers 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 Jassers was drinking beer when the officer came?

A Yes.

Q Had he been there?

39 A Just before it

0580

2 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

2 Did he use the club?

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

2 What did he say?

A I cannot tell you what he
said

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

A He knocked it right
around

2 Struck the beer can right
out

A Yes sir; knocked it out
in the street

2 You heard the officer
order them off?

A Yes.

40 2 What did they do?

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

2. DeSena went away?

A. DeSena walked away

2. Walked down the 407?

A. Yes.

2. To 407?

A. Yes sir

2. The officer ordered him
in the house?

A. Yes.

2. Officer Ellerby came up?

A. He ordered the crowd
away

2. What was the other officer
doing?

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

2. 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 3 day
of September 1896

J. C. Westfall
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 801 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

ccx

0585

9th Avenue. I saw what
 occurred. Part of the crowd
 walked towards 10th Avenue
 to about 411 or 413... 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.

at the station house he was
 meaning

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 -
 Zimmerman was on top.

Q Where was the officer?

A The officer laid on his side.

46 Q The three lay alongside of

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 up. 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.

Leon 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 officer did
- Officer 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 officer 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 Enmons 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 Martin order them away?

A I saw him.

Q You did not hear him?

A No.

50 Q He dispersed them?

Q And they went towards #1?

A Five towards #1 - and some towards me

Q Which went towards you?

A Emmory 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. Emmory called me a bastard and a son of a bitch in the station house

Now resumed

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 Emmory?

A No.

Q You say you did not club 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?

A Gesse, Emmons

Q Then it was knocked out

A Resseu - this was the man with the can.

Q Knocked out of this man's hand;

A Resseu. September 20

Doyle 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?

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. Osterburg 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. An Officer standing there came and struck me with

his club right on the arm.

He can run out in the street

2 Did he say anything to you

A He did not

2 He told you to go on!

A He did not say anything to me

2 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 so - after that I lost my senses when I was standing on the sidewalk

2 Did this officer knock you down.

A. They gentleman knocked me down. I did not know where I was afterwards. Newton went after August Reusser. He was going down the street. A young fellow went out in the street and brought back the can and gave it to August

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 anybody?

A. No sir

Q. Did you see this old man?

A. No sir not at all
never saw him

Subscribed before me this 3rd day
of September 1900
J. C. [Signature]
Notary Public

Frank Anderson being duly sworn
and examined as a witness
for the defendant before and
said. 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

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. Carlin 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 had hold 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
cut 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 Dessen 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

Now examined

59 Q - When they were standing

0600

Are 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 day

of September 1890

60 J. C. Reilly
Police Justice.

0601

Gustav Osterberg, being duly
 sworn as a witness for the
 Defendant Depose and say:
 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

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 stood 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 home. 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

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 stood there. I could not keep from laughing. The first thing the policeman did without saying anything he commenced to hit me and Immons.

2 - What did he hit you with
A a club. Then they all went home. The policeman 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 sister said "August go with him I do not think it is much to have a can of

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 stood there. I could not keep from laughing. The first thing the policeman did without saying anything he commenced to hit me and Immons.

2 - What did he hit you with
A a club. Then they all went home. The policeman 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 sister 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 Emmons
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

Deputy Justice

Oral B Falck being duly

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

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 State 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 picked the
can up and gave it to
the man. The officer 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 these
men were standing there
Q The People's Rest

Sept 11/90

Doyle & Bennett's Journal 2 Sept 9

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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty
and demand a
jury trial*

James H. Martin

Taken before me this
day of *Sept* 189*8*

1898
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 Gross
Dep. Assistant

0609

District Attorney's Office.

PEOPLE

vs.

James H. Martin

Assault.

The above defendant is charged with assaulting Oscar Immors 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 Immors' 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 pos-
itively that they
saw the defendant
strike the com-
plainant with

0611

GEO. P. LUDLAM,
Superintendent.

New York Hospital,

West Fifteenth Street,

New York, *Sept 1st* 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. Hilly 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. Hilly 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.

06 13

Police Court--

1370 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Oscar Eymann
419- vs. West 16th
James B. Martin

Offence Assault

2
3
4

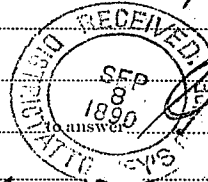
Dated Sept 7 1890
D. O. Reilly Magistrate.

Officer.

Precinct.

Witnesses August W. Resser
361 West 23rd Street.
No. 417 West 16th Street.
Frank Anderson 1844-3rd Ave.
419 West 16th Street.
William Austerman 416 West 16th Street.
Charles B. Felt 417 West 16th Street.

No. 500
\$ 500
to answer



Bailed

BAILED.

No. 1, by James Cannon
Residence 439 West 16th Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

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-nine, 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

which

in

club
he the said *James H. Martin*
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

190.

Ascertained
13 Paul Ross

Counsel,
Filed, *19 Dec* 1891
Pleads, *W. J. Kelly*

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

JOHN R. FELLOWS.
District Attorney.

A True Bill.
True Recd 14
Part I
John R. Fellows

Page 3. Dec. 14, 1891. Foreman.
One received. Ascertained.
indict. dis.
1891

Witnesses:

The defendant named in
this indictment was tried
and convicted on a similar charge
of the year 1891 and sentenced to pay a
fine which was paid.
This office has not been able to obtain
any record showing this indictment, entered
in this office, indictment could not
be procured, but the record was
obtained of this indictment.
Dec 11/91 *Wm. J. Kelly*
printed at Court House

I am in the enclosure
of M. Staples received
that was indictment.
It is received. January 1891
and 1891 11/91 *W. J. Kelly*

06 19

Police Court—

District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 25 East River Street, aged 27 years,
occupation Pracem New Harbinger 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

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

here for the reasons following
to wit: deponent who is in the
transporting business missed said
case from the Pier of the New
Harbinger Steamer Company
at Pier 25 East River and is in-
formed by Officer Michael
Healey (New Prisoner) that he
Healey found in the store
occupied by defendant a case
of shoes which case is identified
by Washington D. Wells a rep-
resentative of the firm of Nathaniel
Fisher and Company to whom

Sworn to before me, this
18 day

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 before me
this 17th day of November
1890 } William Scott

W. S. Omy

Police Justice

0621

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 5 years, occupation Police Officer of No. 5 Union 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 1882

Michael Healey

W. J. Brown
Police Justice.

0622

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

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

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 S. Weeks

W. B. [Signature]
Police Justice.

0623

POLICE COURT.....DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

On Complaint of

For

Wm Scott
John J. Lacey
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
mon

W J Bowe
.....Police Justice.

0624

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

Stephen W. Canty 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. Canty*

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. 8th St. 8th 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. Canty
W. H.

Taken before me this *26*

day of *November*

at 9:00 am

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.

BAILED.

No. 1, by John J. Papp
Residence 100 W. 4th St. Street.

Rebaild to Mr. Clark
No. 2
shoe dealer
Residence 8th Ave bet 45 & 46 St. Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Scott
Plor. 75. Li R.
Stephen M. Carthy

2

3

4

Dated

Nov 17 1890

at

Paris

Magistrate.

Healey

Officer.

5

Precinct.

Witnesses

Officer

No.

Street.

Washington P. Burke

No.

Street.

27 Murray

Franklin

No.

Street.

Miss

cont



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 McRath

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

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

The said *Stephen McRath*.

late of the City of New York, in the County of New York aforesaid, on the
thirteenth day of *November*, in the year of our Lord one thousand
eight hundred and *eighty* 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 forty cents, and
twelve pairs of shoes of the value
of one dollar each pair,

of the goods, chattels and personal property of ~~one certain corporation~~
known as the New Haven Steamship 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 McRath —

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.