

0160

**BOX:**

158

**FOLDER:**

1619

**DESCRIPTION:**

Wade, John

**DATE:**

11/11/84



1619

0161

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

4 District Police Court.

*John Wade* 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. *John Wade*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *565-11 Avenue J years*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer.

*I am not guilty*

*John Wade*  
*mark*

Taken before me this

day of *March* 188*4*

*See City*

Police Justice.

0162

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 John W. H. H.

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 November 9 188 4 Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0163

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

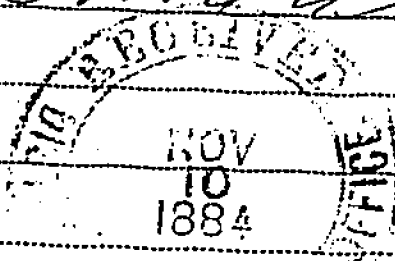
Residence \_\_\_\_\_ Street.

Police Court

1726  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1  
2  
3  
4



*Offence 202nd Precinct  
and Battery  
22nd Precinct*

Dated *Nov 9* 1884

*Parker* Magistrate.

*Lawrence* Officer.

*22nd* Precinct.

Witnesses *Off Leades*

No. *22nd Precinct* Street.

*Off Walton*  
No. *22 Precinct* Street.

*David Buckley*  
No. *W. 46 St* Street.  
*near Rea*

\$ *1000* to answer *S. S.* Sessions.

*LM*



0164

Police Court—4 District.

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

Richard C. Conklin in  
of No the 22<sup>d</sup> Precinct Police Street,  
being duly sworn, deposes and says, that  
on Sunday the 3<sup>d</sup> day of November  
in the year 1884, at the City of New York, in the County of New York,

he was violently **ASSAULTED** and **BEATEN** by John Macdonald (new here)  
who struck this deponent several  
violent blows on the head with  
his fist.

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 November 1884

Richard C. Conklin  
City Clerk Police Justice.

0165

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Wade*

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

*John Wade*

of the CRIME OF ASSAULT IN THE THIRD DEGREE, committed as follows;

The said *John Wade*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *Second* day of *January* in the year of our Lord one thousand eight hundred and eighty-*four* at the Ward, City and County aforesaid, in and upon the body of *Richard C. Condit* in the peace of the said people then and there being, with force and arms, unlawfully did make an assault and *him* the said *Richard C. Condit* did then and there unlawfully beat, wound and illtreat, to the great damage of the said *Richard C. Condit* 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.

PETER B. OLNEY,  
~~JOHN McKEON~~ District Attorney.

0166

**BOX:**

158

**FOLDER:**

1619

**DESCRIPTION:**

Wagner, Charles

**DATE:**

11/21/83



1619



Nov 30 1884.

The Defendant is dead and  
Certificate from that to be  
filed. He was shown. I mean  
that Court he dismissed.

J. H. Adams  
Attorney at Law.

#162-13

Day of Trial,

Counsel,

Filed 21 day of Nov 188 3

Pleads

W. H. Adams

THE PEOPLE

vs.

JB

Charles

Wagner

Violation of Excise Law.  
Selling without License.

JOHN MCKEON,

District Attorney.

Ind. dismissed & bail denied.

A TRUE BILL.

W. H. Adams

Foreman.

0167

0168

Sec. 198-200

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Carl Wagner* 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. *Carl Wagner*

Question. How old are you?

Answer. *44 years 7 days*

Question. Where were you born?

Answer. *Germany*

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

Answer. *184 Ludlow St. 14 days*

Question. What is your business or profession?

Answer. *Saloon Keeper*

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. I have a license for No. 515-5th Street, and thought I had a right to sell under that license. Carl Wagner*

Taken before me this

*15*

day of

188

*John J. McQuinn*

Police Justice.

0169

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 \_\_\_\_\_

\_\_\_\_\_ *Carl Wagner* \_\_\_\_\_  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *one*  
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 *November 15* 188 . *J. M. Patterson* Police Justice.

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

Dated *Nov. 15* 188 . *J. M. Patterson* Police Justice.

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

Dated \_\_\_\_\_ 188 . \_\_\_\_\_ Police Justice.



0170

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wietrich W. Wokel

Carl Wagner

2

3

4

Office of  
Circulation  
of  
Hepburn & Co.

Dated

November 15 1883

Patterson

Magistrate.

Wokel

Officer.

10

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

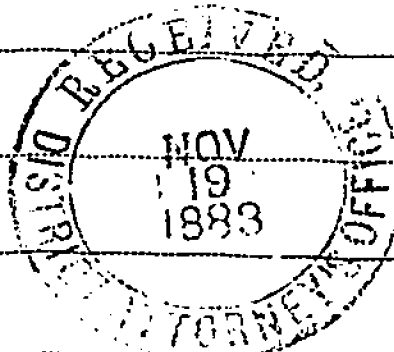
Street.

\$

140

to answer

Bailed



0171

Form 77, 1883

## Office of the Department of Health,

ROOM 21,

MUNICIPAL BUILDING,

Brooklyn, November 26<sup>th</sup> 1884A Transcript from the Record of Deaths  
IN THE CITY OF BROOKLYN.

NAME OF DECEASED.		AGE.		DATE OF DEATH.	
Charles Wagner		Years.	Months.	Days.	
		45	8	18	September 15 1884
OCCUPATION.	CONDITION.		BIRTHPLACE.		
Laborer	Married		Germany		
HOW LONG RESIDENT IN CITY.	FATHER'S BIRTHPLACE.		MOTHER'S BIRTHPLACE.		
6 Months	Germany		Germany		
PLACE OF DEATH.	CAUSE OF DEATH.		TIME FROM ATTACK TILL DEATH.		
No. 44. Leaven St.	Pneumonia Pulmonalis		1 1/2 Years		
18. WARD.					
PLACE OF BURIAL.	UNDERTAKER.		MEDICAL ATTENDANT.		
Lutheran	Jacob [redacted]		[redacted]		

I hereby certify the foregoing to be a true  
copy of the record.

R. M. Wyckoff, M.D.  
Secretary.



0172

EXCISE VIOLATION—WITHOUT LICENSE.

Police Court—3 District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

of No. 10 St. Precinct Police Victor W. Bokel

of the City of New York, being duly sworn, deposes and says, that on the 14 day  
of November 1883 in the City of New York, in the County of New York, at

No. 184 Ludlow Street,

Carl Wagner, merchant  
did then and there sell, and caused, suffered and permitted to be sold, under his direction and authority, strong and  
spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than five gallons at a time, to be  
drunk in the house or premises aforesaid without having a proper license therefor contrary to and in violation of law.

That he then and there sold deponent  
a glass of beer to be drunk on  
the said premises, he not having  
a license for said premises

WHEREFORE, deponent prays that said Carl Wagner  
may be ~~arrested~~ and dealt with according to law.

Sworn to before me, this 15 day  
of November 1883 Victor W. Bokel

A. W. Patterson POLICE JUSTICE.



0173

City and County of New York, ss.:

Police Court 3 District.

THE PEOPLE,

vs

Carl Wagner

On Complaint of

For

Victor W. Wokke  
Violation of Excise  
Law

demand

After being informed of my rights under the law, I hereby ~~waive~~ <sup>reserve</sup> a trial, by Jury, on this complaint, and my right to make a statement in relation to it, and demand a trial at the COURT OF ~~SESSIO~~ <sup>General</sup> SESSIONS OF THE PEACE, to be holden in and for the City and County of New York

Dated November 15 188 3

Carl Wagner

W. H. Patterson

Police Justice.

0174

**Court of General Sessions of the Peace**  
*and County*  
OF THE CITY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*Charles Wagner*

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

of the CRIME of *Selling Spirituous Liquors without a License*,  
committed as follows:

The said *Charles Wagner*

late of the *First* Ward of the City of New York, in the County of  
New York aforesaid, on the *fourteenth* day of *November* in the year  
of our Lord one thousand eight hundred and eighty *three*, at the Ward,  
City and County aforesaid, certain strong and spirituous liquors, and certain wines, to  
wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of  
whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill  
of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor  
to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons  
at one time, to *one Dietrich W. Doherty*

and to certain other persons whose names are to the Grand Jury aforesaid unknown, without  
having a license therefor, as required by law, contrary to the form of the statute in such case  
made and provided, and against the peace and dignity of the People of the State of New  
York.

**JOHN McKEON, District Attorney.**

0175

BOX:

158

FOLDER:

1619

DESCRIPTION:

Wallace, Mary

DATE:

11/28/84



1619



0176

Witnesses:

Agnes K. Mason  
Wm. B. Wright

Bail \$1000.

Wm. B. Wright

Bailed by  
William Bennett,  
533 Sixth Avenue  
Corner 32nd Street

Counsel,

Filed 28 day of Nov 1884

Pleads Not Guilty. Deeds

THE PEOPLE

Assault in the First Degree, etc.  
[Sections 217 and 218 Penal Code]

vs.

Mary B. Wallace

*[Signature]*

PETER B. OLNEY,

District Attorney.

A True Bill.

*[Signature]*  
Have found a Foreman  
\$1000. \$750  
supplied to him in  
\$1000 in coin action  
of

0177

2<sup>d</sup> Dist Police Court.

Agnes J. Mason

Mary B. Wallcut

BEFORE HON.

Daniel O'Reilly

Police Justice

Dec 14 188

STENOGRAPHER'S MINUTES.

INDEX.

WITNESSES.	Direct Ex.	Cross Ex.	Recalled.
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Mary Reilly	50	52	
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Ellen Buck	75		
Chas A. Wallace	76		

DAVID C. SELTMAN,

Stenographer.

0178

Benjamin F. Vashburg called on  
behalf of the people being duly sworn  
deposes <sup>and says</sup>.

Q Where do you reside  
A 267 West 11th St.

Q What is your business?  
A Physician

Q Doctor did you ever attend Agnes J.  
Mason (now present)?

A Yes sir

Q Where <sup>and</sup> when was it?

A At 260 West 11th Street last July.

Q Will you please inform the Court  
in what condition you found  
her, what the injuries were?

A I found several injuries upon  
her head, scalp cut laying bare  
the bone, <sup>and</sup> bleeding very profusely

<sup>and</sup> faint from the loss of blood. <sup>and</sup> ~~that~~

<sup>and</sup> there were two very deep long cuts  
on the scalp that exposed the bone

<sup>and</sup> three or four other bruises upon  
the posterior of the scalp, not breaking

the scalp; but blood tumors that  
were raised under them; she was

sick for several weeks, resulting  
from this injury <sup>and</sup> shock.



0179

Q. How long since?

A. He had been sick some months, before you attended for these injuries.

Q. How long since, did attend for these injuries to the brain?

A. And about the time that these injuries occurred were you then attending to him?

Q. How long since?

A. Some months since.

Q. What was the matter with him when you attended to him professionally?

A. I have forgotten exactly now, but I think inflammation of the brain.

Q. What was the matter with the head?

A. I believe it was inflammation of the brain.

Q. Can you describe it any more distinctly than you have?

A. It was on the anterior posterior of the head. Just here about the left of the eye there were cuts a couple of inches long.

Q. Which way did they run across the head this way (showing or that)?

A. No vertically.

Q. Can you judge how these two wounds

that you now describe, how they were probably made with what kind of an instrument.

A Yes, I should say some instrument that would divide the tissue, a sharp or blunt instrument would here affect the same purpose.

Q And those two wounds were about how long?

A 2 inches or more.

Q About how deep?

A Down as far as the bone an inch and a half or  $\frac{3}{4}$  of an inch.

Q What do you mean by suggesting that it must be an inch or inch and a half.

A I should say it was about  $\frac{3}{4}$  of an inch.

Q How where else was the wound?

A At the posterior portion of the head.

Q What was the nature and character of that wound?

A Contusions.

Q How many?

A Three ones. And one near the back of the neck. That was small.

Q When you say large ones, what do

Q How large as the top of the ink stand  
 of this you judge what caused the 5  
 A I should judge violence  
 of motion a fall hitting the head against  
 the bed or some substance occasioned  
 those wounds.

Q Now are fall wounds not occasioned  
 fall of them the wound thro fallen  
 several times

Q What danger think would cause the  
 others?

A A Repetition of a severe fall  
 of danger think it cannot be occasioned  
 by any other way than by a fall?  
 Answer

Q With what sort of an instrument.  
 A An instrument that doesn't divide  
 the tissues a club or stick.

Q Would you think it would require  
 some blunt instrument to make  
 the wounds on the back of the  
 head?

A Yes in an instrument that would  
 not cut.

Q And these two wounds on the top of the  
 head would be wounds occasioned



0 182

by some direction and for direct cut  
10/1000

From the same } Aug 7. 1822  
the 8th day of Oct 1822

Samuel A. Bell & John Jones

0183

6

India Walford passed on behalf  
of the people being duly sworn  
deposed and says.

Direct Examination

Q Where do you reside?

A 260 West 11th Street.

Q What is your age?

A 42 years.

Q Do you remember the 31st of July this  
year?

A I remember the date.

Q Were you in the company of Bertha  
M. Hall-ell. now present. and Mrs Agnes  
Mason?

A I was in the room when she came  
in. 260 W 11th Street it was between  
6 o'clock in the evening dinner  
hour.

Q Who was in that room?

A The bell rang and Mrs Mason was in  
the kitchen eating her dinner and she  
went to the door to open it the hall  
door.

Q What happened?

A She was gone some few minutes and  
she a little boy down stairs for me  
and I went up stairs in the front parlor

6

0184

7.

Q I didn't know what she wanted.

Q When did you see?

A Mrs Mason and this lady Mrs Wallace

Q Where were they?

A They were standing between the fall

ding bed and the door.

Q Was anybody present then save these

two?

A Mrs Mason and myself.

Q Mrs Mason stood behind the door

and what happened?

A Mrs Wallace was having some words

and she was talking very loud and asked

her if she would not be kind enough to

sit down and I would talk to her. And

I asked her what was the matter with

her I had never met the lady before.

and she said no and she was talking very loud.

and the boarders were at dinner and

I asked her if she would sit down. and

Mrs Wallace struck her first she

caught her by the ears and hit her

head against the door. and then she

took up the metal pitcher it was

standing on the little table behind

the door. (this is <sup>the</sup> one showing it.)

I think the pitcher weighs about 4 pounds.

7



8.

Q Did you see her strike her on the head?  
 A She took the pitcher and hit her on the head she grabbed it by the handle  
 Q She followed her up and hit her on the head.

Q What kind of blows were they?

A All that I could tell was that she took the pitcher by the handle and hit her about the head and the blood flowed freely. She had her between the doors.

Q When the blows were given did you see any blood flow?

A Yes sir freely.

Q What happened after that?

A I got Mrs. Mason out of the room and Mrs. Wallace went home.

Cross Examined

Q Have you any idea what occasioned Mrs. Wallace to hit the lady?

A No sir, the slightest.

Q Did you hear anything said between Mrs. Mason and Mrs. Wallace that led to this occasion when you were there that led to this assault.

A I knew that I was very much excited she said she was going to beat her

8

9

and moved back; I heard that  
and I don't know what it was for.  
Was that Mrs Wallace's language?  
Kyes: Those were the words she  
used.

Q Can you remember anything else that  
Mrs Wallace said?

A I cannot tell what the exact words are.

Q Can you tell anything else that was  
said by Mrs Wallace while you  
were present on that occasion if  
you don't know the exact words give  
me the substance?

A No Sir I <sup>can</sup> not.

Q Now can you remember any thing that  
was said by Mrs Mason on that  
occasion?

A Mrs Mason didn't say a word. only  
let me alone Mrs Wallace or some-  
thing to that effect.

Q I understand you to say on your  
direct Examination that you were  
in the room when they quarrelled?

A Yes Sir they were having words.

Q You may say you heard words now?  
Want you to tell us what you heard  
Mrs Mason say?

A I cannot remember any thing that she

9

0187

10

Q Did she speak in any way before saying  
let me alone.

Q The blows didn't agree until after  
you got in the room?

A Yes sir I was not in the room more  
than a minute before the blows occurred.

Q You say that all you remember Mrs  
Mason said was let me alone?

A Yes sir

Q Did Mrs Mason say let me alone before  
she was struck?

A Yes sir

Q Can you tell the jury what occasioned  
Mrs Mason had to say to Mrs Wallace  
let me alone before she was struck?

A No sir I cannot tell you

Q How many times did you hear her  
say let me alone before she was  
struck?

A She might have said ten times or twice  
Q Is it your judgement that she told her  
to let her alone twice before she  
struck her?

A Yes and think it is.

Q You said on your direct examination  
that Mrs Mason was standing  
behind the door?

10



0188

Q Between the folding bed & the door I cannot tell you how far the bed is from the door. it is a folding bed behind the door. there is a little table behind the door. & she was as close to the table as she could get. This rice pitcher was on the table & Mrs. Wallace stood right besides Mrs. Mason near the folding bed. They were both standing and both were talking.

Q Now what was the last thing said before you saw Mrs. Wallace strike Mrs. Mason?

A She was talking in an abusive way she said something I don't know what it was, I was very much excited at the time.

Q Do you know the language that was used when Mrs. Wallace struck Mrs. Mason.

A No sir I do not.

Q Did you see Mrs. Mason at any time have hold of this pitcher?

A No sir I did not.

Q Was she standing right by the pitcher when Mrs. Wallace struck her

Ans. yes.

Q Did Mrs. Wallace strike her with the pitcher first?

A She got her by the ~~ears~~ <sup>head</sup> and beat her head against the door, at the time she got her by the ~~ears~~ <sup>head</sup> Mrs. Mason was standing perfectly still & could see what Mrs. Mason was doing.

Q Could you see what she was doing with her hands at that time?

Ans. in both of them.

Q What was she doing?

A One hand was on her head like that <sup>and</sup> the other was down near the door.

Q And she was standing in that position when Mrs. Wallace struck her?

Ans. yes.

Q And did Mrs. Mason do after she got her by the ears?

A She tried to get away. As she was running away behind the door <sup>and</sup> Mrs. Wallace grabbed the pitcher.

Q How far did she run?

A She got up to the folding doors <sup>and</sup> Mrs. Wallace had her in that corner?

A She had her in the folding doors against the corner there is a closet

0190

look side of the door.

Q How far did she get before Mrs Wallace got to her?

A She had only got a few feet away.

Q How did Mrs Wallace stop her if she stopped her at all?

A She fallowed her with a pitch.

Q Did she commence to beat her before or after she got her in the corner?

A After she got into the corner.

Q What were you doing?

A I was begging of Mrs Wallace to stop.

Q Did you have hold of Mrs Wallace?

A Yes sir I tried to get them by talking to her.

Q Did you try any other manner than by talking?

A Yes sir.

Q Did Mrs Mason fall down?

A Yes sir.

Q Were you between Mrs Mason & Wallace at the time she fell down?

A Yes sir.

Q Did you pull Mrs Mason away from Mrs Wallace?

A Yes sir.



0191

Q At the time they fell down did you  
pull her away?

A No sir

Q Did you not push Mrs Mason and  
was not that the occasion of the fall  
of her hitting her head against the  
wall?

A Yes sir

Q And you remember with particularity  
everything that occurred from the  
time that Mrs Wallace first com-  
menced to beat Mrs Mason until  
she ceased, but you do not remember  
with any distinctness anything  
that was said by Mrs Mason?

A I cannot give you the general con-  
versation I know that I heard indeed  
talk

Q My question was this; you remember  
with minuteness and particularity  
everything that was done by Mrs Wallace  
from the commencement until the  
end of that assault is that correct?

A Yes sir

Q And if I understood you do not remember  
any of the conversation that was  
uttered by Mrs Mason during this

0192

affray?

A I said she said very little

Q Now madame do you know how Mrs Wallace happened to come to your house on that occasion?

A Yes sir

Q Did you have any conversation with Mrs Mason that day in regard to Mrs Wallace, prior to the time she came to your house?

A No sir

Q You never knew Mrs Wallace before?

A No sir never saw her before that day.

Q Did you undertake to lock Mrs Wallace in that room?

A No sir

Q Did you tell her she could not leave the house?

A Yes sir

Q Did not Mrs Wallace tell you she must leave the house and asked you for her umbrella?

A Yes sir

Q What did she say to you previous to asking you for her umbrella?

A Nothing

107 Q What did Mrs Wallace say to you

0193

16

if anything after Mrs Wallace Mason  
left the room?

A. She merely asked for her umbrellas. I  
asked her to keep quiet on my account.  
Q. And that was all she said to you?

A. Yes sir

Q. Where did Mrs Mason go when she left  
the room?

A. Down stairs

Q. Did you catch Lord of Mrs Wallace  
during any time of this affair?

A. Only in a mannerly, kindly way.

Q. Where did you take Lord after?

A. I didn't take Lord after at all.

Q. Did you pull her hair?

A. O no sir

Q. When she went down to leave the house  
didn't you come to her and tell her she  
could not leave the room?

A. No sir

Q. Did you lock the door?

A. No sir

Q. How you chose Mrs Wallace?

A. No sir

Sworn to before me this } Julia Volford  
8th day of October 1894 }  
Samuel O'Reilly }  
Deputy Justice

16



0194

October 20<sup>th</sup>, 1884

All parties present.  
Examination Resumed.

Agnes J. Maxwell, called by the  
defendants counsel for cross  
examination

Q Where do you reside?

A 161 24<sup>th</sup> Street.

Q How long have you lived there?

A Since Saturday

Q Where did you live previous to that?

A 260 West 11<sup>th</sup> Street

Q With whom?

A Mrs. Halford.

Q What room did you occupy?

A Front parlor.

Q How long had you lived with her?

A For 8 weeks I cannot say how  
long.

Q And where did you live previous  
to the time you went to live with  
Mrs. Halford?

A At Mrs. Wallace's - 136 West 46<sup>th</sup> Street

Q The defendant in this action?

A Yes sir.

Q How long did you live with her?

A I should state 12 or 13 weeks.

0195

Q How did you happen to go to Mrs Wallace  
to live?

A Through answering an advertisement.  
Q You did not know her previous to  
the time that you noticed her ad-  
vertisement in the paper?

A I did not.

Q What caused you to leave the  
house of Mrs Wallace when you  
did?

A Because I thought I could be suited  
elsewhere better.

Q Did Mrs Wallace tell you she could  
not accommodate you any longer?

A She did not; she asked me to remain.

Q Did you come to the house of Mrs.  
Wallace a short time previous to  
the time you left there in a state  
of intoxication and addressed your-  
self in the reception room and  
didn't Mrs Wallace tell you a day  
or two after that occurrence tell  
you under the circumstances  
you could not remain there any  
longer.

A Yes, mean after I left the house  
of her before.

0196

A No Sir she did not.

Q Did you go into that house or room  
interested?

A No Sir.

Q Did you immerse yourself in the re-  
ception room of that house on any  
occasion?

A I did not.

Q Did the scene which I have narrated  
or the circumstance that I have  
spoken of, did that take place at  
any time in a bed room of that  
house?

Objected to as Incompetent,  
Immaterial & Irrelevant.

By the Court Sustained

Q "Now Sir how long had you  
left the house of Mrs Wallace  
when this assault took place?"

A I think about 7 weeks.

Q Do you know John H Walsh?

A Yes.

Q While at the house of Mrs Wallace  
did you & Mr Walsh pass off as  
uncle & niece?

A I did not.

19 Q Did you represent him to be your



0197

uncle at any time?

A I did not.

Q Did you ever call him uncle in the presence of anybody?

A I did not.

Q Did he represent himself to be your uncle to any person while in that house?

A He did not.

Q Are you familiar with the handwriting of Mr. Walsh?

A I am.

Q Is that Mr. Walsh handwriting? (showing witness)

A It is.

Marked Expts. Ex 1 for identification

Q Is that the handwriting of Mr. Walsh?

A It is.

Marked Exhibit 2 Expts for identification

Q Is that the handwriting of Mr. Walsh? (showing)

A It looks something like it.

Q Will you give me your best judgment if it is or is not?

A I don't think it is.

Expts Ex 3 for identification

Q Does the fact that Mr. Walsh name

0198

does not appear at the bottom of it  
make you think it not his hand-  
writing?

A No sir, but I think if he writes a letter  
he would put his name to it

Q Look at that paper and say if that is  
our Natch handwriting?

A It is

Q Depts Exhibit 4 for Identification

Q On the occasion that Mrs Wallace  
visited your house did you send  
for her?

A I did not.

Q Do you know Mrs Buck?

A I do not.

Q Is she present?

A She is

Q Did you send that lady to Mrs Wallace  
A Do you mean on the day that  
Mrs Wallace came to my house.

Q No madame, did you send Mrs  
Buck to Mrs Wallaces house that  
you desired to see her on any other  
day?

A No sir

Q Did you send Mrs Buck to Mrs  
Wallaces house at all?

0199

6

A I said

Q State and tell us what you sent her there for?

A I left a sheet at Mrs Wallace's when I came away and I asked Mrs Buck to get my sheet for me

Q Did she get it?

A She did and brought it to me

Q How long before this assault?

A I didn't get the sheet until after I was hurt.

Q You sent for it before you was hurt?

A Yes I told her to get it before I was hurt.

Q Do you know whether she went for it before you were hurt or not?

A I don't know when she went for it I didn't ask her

Q Is it your best impression that she went for it before you were hurt?

A I don't know whether she went before or after.

Q When Mrs Wallace came to your house on the evening of the 31<sup>st</sup>. who let her in?

A The colored girl



0200

Q How do you know?

A Because the door bell rang. And I was eating my dinner and I didn't see the girl down stairs and I ran up to open the door and as I got to the hall the colored girl was there.

Q And I went into my room. And as the colored girl opened the door I saw Mrs Wallace and I shut my door.

Q What did you shut the door for?

A Because I didn't wish to see Mrs Wallace.

Q Did you know if Mrs Wallace knew anybody else in your house or in that house besides yourself?

A I did not.

Q Did you assume she came to see you?

A I assumed she did.

Q You assumed so and that is the reason you shut the door and kept her out?

A Yes sir I didn't wish to see her.

Q How did she get into your room?

A She opened the door and went in.

Q Did she knock?

A She did not.

23 Q What did she say when she got in

0201

8

Q she said she wanted to see me.

Q what did you say?

A I told her I had no business with her  
and I didn't want to see her and I didn't  
send for her; and I didn't want her there

Q and what did she say?

A she swore and cursed.

Q state the language you heard and just  
as she used it?

A she said I was a damn bitch and a whore  
and a prostitute. And that I was not  
respectable that I was a thief and that  
I stole things from her house and then  
she looked around the room to see  
if she could find anything that was  
hers,

Q you took me up to the time you told  
her to go out of the room; what  
did she say in reply to that?

A she said she would not leave the  
house for me and that she would  
let people know in the house just  
what I was and then she commenced to  
call me a whore and a bitch and that  
I was a thief and that I was not respec-  
table and didn't live respectable

24 Q Is that all you remember what

0202

9

she said?

A That is all

Q Do you remember anything she said?  
A She said she intended to mark my face and disfigure it for life so that no man would ever look at me again and she was going to hurt up my piece of business and bore me out of there. And that she would make a show of me

Q Did you ever make any memorandums of these conversations at the time she uttered them?

A No sir just from recollection

Q And you are giving the exact words?  
A Yes sir

Q And you are giving them in the order in which she uttered them?

A Yes sir

Q What did you say then?

A I told her to leave the room and that this was a respectable house and I didn't want any show made before Mrs Dralford and the boarders who were at dinner

Q What else did you see if anything?  
A I didn't say anything else.

25



0203

Q Did she speak again after you said that?

A No she stood still for a few minutes and then there was a knock at the door. And a little boy came up to bring me a lamp. And I took it and asked the boy to tell Mrs. Walford to come up right away.

Q What did the boy do?

A He went down stairs and I supposed he told her for she came up.

Q Did Mrs. Wallace say anything more before the boy left?

A She did not.

Q And you say anything to him?

A I did not.

Q How long was the boy gone?

A Long enough to get down stairs about 2 or 3 minutes.

Q You heard Mrs. Walford's testimony the other day?

A I did.

Q He testified she was at dinner when the boy came down?

A I don't remember what she said.

Q After Mrs. Walford came up what happened; what was said after Mrs.

0204

Wolford entered the room?

A Mrs Wolford asked her to keep still  
And not be so noisy

Q What happened first after Mrs Wolford  
came up?

A She asked her to keep still

Q You said a minute ago from the  
time the boy came up until he  
went down stairs neither you nor  
Mrs Wallace said anything?

A Yes sir

Q So that all Mrs Wolford said?

A Yes sir

Q Who next spoke?

A Then Mrs Wallace began to talk to  
Mrs Wolford And she repeated the same  
words over again.

Q In the same order?

A I cannot say if it was in the same  
order but that was the language  
she used.

Q State the language that occurred  
after she came up?

A She asked her if she knew what kind  
of a woman she had in her house  
And she said yes that I lived there on and  
off And Mrs Wallace said said no

0205

she didn't know, that I was a whoar  
and a bitch and that I had been running  
after me; I could not remember all  
she said to her. And then Mrs. Walford  
asked her to please keep quiet. And that  
she didn't wish the boarders to hear  
it.

Q. What did Mrs. Wallace say?

A. She didn't say anything.

Q. What did you say?

A. I told Mrs. Walford I wished Mrs. Wallace  
to leave my room at once. And she was  
standing next to the sofa with an  
umbrella in her hands.

Q. Where was the sofa situated?

A. It was between the folding doors, there  
are closets between the folding doors  
that leaves a passage way. The folding  
doors are between the front and back  
porches (showing the situation) And the  
sofa stood there (showing) and then  
there is a passage way (showing)  
and there was a folding bed in the  
room; the head of the sofa rests  
near the window, east cornered.

Q. Where was the folding bed?

A. Towards the hall.



0206

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Q was it between the sofa & the wall?  
A No, it was right near the door as you go  
out in the hall. And there is a little table  
that comes between the bed and the  
door that goes in the hall. The sofa  
was near the folding door and near  
the end of it is a little table, the  
bed sets up against the wall between  
the front window and the door that  
leads into the hall.

Q Is your bureau on the north or south  
side of the street?

A South side

Q was the passageway at the head  
or foot of the sofa?

A At the head. And the bed is towards the  
window

Q You say she threw down her umbrella  
I don't know if she threw it down or  
laid it down.

Q Where did she put it?

A She laid it on the sofa.

Q Did anybody speak after she laid the  
umbrella down on the sofa?

A I asked her to please leave the room.

Q What was the next thing done?

A She then made a rush for me and

0207

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grabbed me by the earrings and pulled my ears down. both of them.

Q Can you describe how she took hold of <sup>your</sup> ears?

A Just like that (showing) first at the top of the ears and then at the bottom.

Q Did she pull them both at once?

A She did she kept her hands on them two or three minutes until I could get them loose.

Q You are sure it was two or 3 minutes?

A I am positive

Q During the 1, 2 or 3 minutes she had hold of your ears what was she doing?

A She was trying to pull the earrings out of my ears.

Q Did she succeed?

A She didn't pull them out entirely but she pulled on them until the blood flowed.

Q What necessitated her to let go of your earrings?

A Because I got her hands away.

Q How did you get them away?

A I pulled them off, I grabbed hold of her wrist and tried to pull her hands off of my ears.

0208

Q Did you succeed in pulling her hands off of your ears?

A I did.

Q How long were you engaged in those efforts?

A I cannot exactly tell the time, about 1 or 2 minutes.

Q What did you do when you succeeded in freeing her hands?

A She grabbed me by the <sup>throat and arms</sup> body, and beat my head up against the door.

Q Where were you standing at this time?

A By the door.

Q Where was Mrs. Walford standing?

A By Mrs. Wallace and myself.

Q While Mrs. Wallace was pulling your earring this way for 2 or 3 minutes what was Mrs. Walford doing?

A She was trying to get Mrs. Wallace away from me.

Q How did she try?

A She tried to get her hands off of my ears.

Q How did she try?

A She took hold of her hands.

Q Both of them?

A I cannot tell you.



0209

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Q Which one did she take hold of?  
A I cannot tell you.

Q Did she take hold of one hand or two?

A I cannot tell you. That.

Q Did she do anything else except to take hold of her hands?

A Nothing.

Q When Mrs Wallace grabbed you by the throat?

A Yes sir.

Q And you say she beat your head up against the wall how many times?

A I cannot say how many times it was.

Q Can you give any idea of it?  
A Yes sir.

Q Did she bruise your head at all?

A I had a lump on the back of the head here (showing).

Q Did you have any more than one lump on your head?  
A No sir.

Q Either at that time or at any other time?

A No sir.

Q How did you escape from her?

02 10

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Y

Y

1

Y

A I didn't escape, she pushed me <sup>and</sup>  
let go of me <sup>and</sup> pushed me up  
against the window <sup>and</sup> before she  
pushed me she took the pitcher  
from the table <sup>and</sup> held me by the  
throat <sup>and</sup> hit me this way (showing)  
Q where Mrs Wallace had hold of  
your throat where was Mrs Walford  
A She was still by me trying to get  
her away

Q How trying to get her away?  
A She had hold after hand <sup>and</sup> tried  
to get her away

Q And you were trying to get Mrs Wal-  
lace's hands from your throat at  
the same time?

Answer

Q <sup>and</sup> she grabbed up the pitcher?  
Answer

Q Did you or Mrs Walford try to get  
the after hand away when she  
stopped?

A She did, but she got right hold of  
my throat arm <sup>and</sup> kept me right  
there.

Q And that was when you were standing  
against the wall? door?

0211

18

Q Yes sir and she said you damn bitch  
I intend to kill you and she choked  
me along and then gave me a shove  
and threw me down by the cheffonoir  
between the sofa.

Q Then between the time that she got  
hold of your arm and the time  
she struck you with the pitcher she  
held on to you all the time?

A She did.

Q Did you stand near the table where  
the pitcher was at any time?

A I did.

Q Close by it?

A I stood between the bed and the door  
and the table was between the bed  
and the door and I stood about one  
foot from the table. And I stood there  
all the time and when she first grabbed  
me. And when she grabbed me by the  
door. I was standing at the door  
through all her conversation with  
me.

Q I understood you now that when  
she took hold of your arm, she  
stood by the table where the water  
pitcher was?



0212

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Y

h

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Answer: the table is right along side of the door, where I stood.

Q How far is that table from the door?  
A Right close to it (showing)

Q With which hand did Mrs Wallace have hold of your arm with at the time she grabbed the pitcher?

A With the left hand Q grabbed the pitcher with the right

Q With which arm did she have hold of?

A The one next to the table

Q With her left hand?

A She said

Q And she was facing you?

Answer:

Q Will you describe to the Court how she got hold of you and the pitcher  
A (Witness describing)

Q You and she were facing each other and she got hold of you by the left arm?

Answer:

Q Then she picked up the pitcher with the right hand?

Answer:

35- Q On which side of the room is the door

0213

30

that leads into the hallway? is it on the east or west side of the room?

A It's on the same side the bed is on East side

Q When she said to you she wanted to kill you did you make any reply to her?

A No sir

Q Did you ask her to let you alone?

A Yes sir I said that 2 or 3 times to her

Q When she picked up the pitcher did you say anything to her?

A No sir

Q If you didn't tell her to let you alone for stop?

A I didn't tell her until she threw me on the floor. I said nothing when she picked up the pitcher

Q When she picked up the pitcher she said you damn bitch I intend to kill you?

Q Did you make any reply to her?

A I didn't

Q Then what did Mrs Wallace do?

A She threw me on the floor between the sofa and Cheffonier and began

0214

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beating me with the pitcher <sup>and</sup> then  
threw me on the floor.

Q Did she strike you with the pitcher  
before she threw you on the floor.

A After she threw me on the floor  
she struck me.

Q <sup>And</sup> she had the pitcher in her hand  
all this time?

A Yes sir

Q Then she changed the pitcher from  
one hand to the other?

A Yes sir

Q <sup>And</sup> after changing the pitcher she threw  
you on the floor?

A Yes sir

Q Had she let go of your arm with  
the left hand?

A Yes.

Q How did she do it

A She took me by the arm <sup>and</sup> threw  
me right down

Q Which arm did she take your by?

A By the right arm.

Q <sup>And</sup> which hand was it that she  
had of your right arm with?

A Her left hand. She had hold of me  
right here (showing)



0215

Q And by the twist of her hand in that manner she threw you on the floor. A She did.

Q She didn't use any other force to throw you on the floor except the force of her hands did she?

A Yes.

Q And after you had been thrown down on the floor what did she next do?

A She beat me over the head with the pitcher and struck me here (showing) Q Was Mrs Wallace standing up when she struck you with the pitcher?

A Yes.

Q Was this the first blow she struck you here (showing)?

A Yes here on this side (showing) Q Was she standing up when she struck you the second time with the pitcher?

A She was.

Q Did she strike you anywhere else with the pitcher?

A Yes 3 different places on the top of the head.

38 Q Are there any marks there?

02 16

23

A Yes there were.

Q Do you know what sort of the pitcher made this blow?

A The rim of it (showing)

Q Then if I understand when she hit you the first blow you were ~~starting~~ lying down? And when she hit you the second blow you were standing up?

A Yes I had fainting away.

Q Then between the first and second blow you received you got up on your feet?

A I got up after she hit me the first blow.

Q And then she hit you again?

A Yes

Q Then what happened?

A Then I fainted and fell on the floor

Q Did your faint clear away?

A Yes I didn't remember anything for about five minutes

Q Then it was while you were lying down on the floor and after you fainted that she hit you the 3 blows on the top of the head?

A Yes

0217

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Q. Were you uncautions from the blow  
anyessin

Q. Did Mrs Wallace hit you anywhere  
else at that time?

A. She did

Q. Where?

A. She hit me here and on my shoulder  
with the pitcher this was while I was  
standing up. That was before I got  
the first blow. (Witness describing)

Q. Now while Mrs Wallace was striking  
you upon the floor where was Mrs  
Walford?

A. Right by us. by both Mrs Wallace  
and myself. She was trying to get  
Mrs Wallace away from me she  
took hold of her arms and hands.

Q. Did she take hold of the arm that  
had the pitcher?

A. I can't tell you that.

Q. You say that Mrs Walford had  
hold of her while she was striking  
you with the pitcher?

A. When I was laying down I don't  
know what she did.

Q. Did Mrs Walford have hold of Mrs  
Wallace after you got up?



0218

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Answer

Q where was she then?

A she was standing by me.

Q And when you got up and Mrs Wallace struck you in the breast what did Mrs Wallace do then?

A I tried to get her away?

Q How?

A She took hold after, where I cannot say.

Q During all this time what were you doing to protect yourself against Mrs Wallace?

A I was trying to get her off of me trying to get out of the room.

Q After you got up and Mrs Wallace struck you on the breast & arm what did you do to protect yourself?

A I tried to grab the pitcher and keep Mrs Wallace off of me. And I started to crawl along the floor to get out and she said you damn bitch you are not dead yet I will give you more of it that will settle you.

Q Then if I understand you between this entire time and the assault

02 19

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you never said anything to her except  
to leave the room and let you alone  
Answered

Q what is your business?

A I was a lady in a drug house. I was  
there for 8 years. I left last August.

Q And what business have you been  
engaged in since?

A as a model in a cloak house in  
Greene Street.

Q were you engaged there for more  
than two weeks while you lived  
at Mrs Wallace's house?

A I was.

Q are you engaged in business any-  
where now?

A no. And not since the time that I  
was hurt.

Direct Examination

Q Mrs Wallace is a very large woman  
is she not?

Answered

Q She is a strong muscular woman?

Answered

Q And almost twice your weight?

Answered

Q She weighs 180 pounds. She says?

42

0220

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appear

Q What is your weight?  
A 128 pounds

I sworn to before me  
this 20th day of Oct 1884

James Justice

The further hearing was adjourned to  
Friday Oct 24th 1884 at 10 30 Am.

Q You desire to make a correction in the testimony  
of the cross examination, you may now  
state in what particulars you desire  
to correct it

A I said I became unconscious <sup>and fainter</sup>  
after the first blow after she threw me  
down <sup>and</sup> struck me; but I didn't  
faint until the last blow.  
Cross Examined

Q Where were you hit when she struck  
you the first blow?

A On the head

Q The second blow A I knew (showing)  
A The next to (there) (showing)

Q I had 3 bumps on the top of the head





0222

By the Court Allowed.

A I was down stairs when Mrs Buck  
came in, Mrs Wallace called me <sup>and</sup>  
I went up to her room. <sup>and</sup> I asked her  
what she wanted. <sup>and</sup> Mrs Buck was  
sitting on a chair <sup>and</sup> Mrs Wallace  
asked me to tell Mrs Buck when it  
was that Mrs Wallace left the house.  
<sup>and</sup> I said not since Saturday <sup>and</sup> Mrs  
Buck said to Mrs Wallace you went  
out on Monday. <sup>and</sup> I said no she did  
not <sup>and</sup> then she said Mrs Mason told  
Mrs Buck that you said so <sup>and</sup> so.  
about her to her mother <sup>and</sup> I wanted her to come  
to Mrs Mason's house.

Q Did Mrs Wallace absent herself from  
her house at any time on the 31<sup>st</sup>  
of July?

A She didn't leave the house until  
Mrs Buck came to the house <sup>and</sup> after  
Mrs Buck went away she went out.

Q What time was it?

A About 5 o'clock.

Q How long was Mrs Wallace gone?

A She was gone until 5 minutes of Eight

Q When she returned was there any dif-  
ference in her appearance than when  
she went out?

0223

A There was.

Q What was it?

A Requested to. By the Court Sustained  
Q Did she say anything about Mrs Mason  
having requested her to come down?

A Yes she did

Q What did she say?

A She requested Mrs Wallace to come  
down to Mrs Masons house that Mrs  
Mason wanted to speak to her

Q What did Wallace say then?

A She said she didnt know if she would  
go down or not, she said she was sick  
Mrs Baker said then Mrs Mason requested  
you to come to her house this evening

Q Did Mrs Buck say anything about  
Mrs Mason being sick?

A No I didnt hear it.

Q Was that all?

A No there is something else.

Q Go on with the rest?

A Mrs Wallace said she hardly dared  
go down because she felt sick

Q Mrs Buck said Mrs Wallace do come  
down and I left the room and left  
Mrs Wallace and Mrs Buck sitting  
there in the room.



0224

4

Q Do I understand you to say that Mrs Buck said that Mrs Mason had sent her up there?

A Yes she did

Q And tell her to say to Mrs Wallace that she wanted to see her at her house?

A Yes sir

Q Did you know Mrs Wallace to be sick that day?

A Yes I did

Q How long had she been sick?

A From Sunday up to that Thursday

Cross Examined

Q How long since have you lived with Mrs Wallace?

A From the end of June to August.

Q Have you spoken to anybody about what you were going to testify?

A I never spoke to anybody

Q Did you speak to Mrs Wallace about what you were going to testify to?

A No sir

Q How long was Mrs Buck in Mrs Wallace's house that day before you were called up?

A No more than 20 minutes.

17 Q Do you know why you were called

0225

up to that room?

Answer

Q You had no business up in that room?

Answer but Mrs Wallace called me up.

Q Did Mrs Wallace tell you to sit there and hear what was said between her and Mrs Bush?

Answer

Q Did she tell you to wait there?

Answer

Q You sat there without being requested to stay there?

A Mrs Wallace asked me a question and I answered it

Q You said she was sick at the time?

Answer

Q Was she in bed?

Answer

Q Did she go out of the house from Saturday until Thursday?

A No she did not. I can swear to it for I saw her every day

Q Where was her room?

A On the first floor.

Q Did she have a physician?

48 Answer

0226

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Q Do you know what was the matter with her?

A She complained of a head <sup>and</sup> weakness  
Q Did she leave the room at all before Mrs Buck came there?

A No she did not.

Q What did Mrs Buck call there for?  
A I don't know

Q Did she state to Mrs Wallace what she came there for?

A Not at that time

Q Didn't she say to her she called for a sheet?

A Not at that time she did 3 weeks before that.

Q Were you not present?

A Yes

Q How do you know that?

A Because Mrs Wallace sent down to me <sup>and</sup> asked me if there was a sheet left with a wide border.

Q And you say you heard Mrs Buck tell Mrs Wallace Mrs Wallace wanted her to come down to her house to see her on the 31<sup>st</sup> of July

A Yes

Known to before me this  
49 24<sup>th</sup> day of October 1894

Mary Cabrough

Samuel O'Reilly Police Justice



0227

7

Mary Reilly called on the part of the  
defendant being duly sworn says

Q where do you reside?  
A 544 2<sup>d</sup> Avenue.

Q do you know Mrs Wallace Ayerlee?

Q do you know Mrs Mason Ayerlee?

Q you lived at service with Mrs Wallace  
did you not?

Ayerlee from the 7<sup>th</sup> of April until the  
20<sup>th</sup> of July.

Q Did Mrs Mason live there all the time  
Ayerlee?

Q do you know this gentleman (referring to  
Mr Walsh)

A Mr Mason.

Q do you know this gentleman (referring to  
Mr Walsh) by any name?

Objected to. By the Court. Sustained.

Q do you know why Mrs Mason left  
Mrs Wallace's house?

Ayerlee.

Q why was it?

Objected to. By the Court. Allowed.

A Because I heard the boarders complaining  
of Mrs Mason I heard Mrs Wallace tell  
Mrs Mason, Mrs Mason and Mr Mason  
were quarrelling in the house

0228

Q Was Mrs Wallace Mrs Welch? And Mrs Mason  
present at this time when Mrs Wallace  
told her to leave?

A Yes sir.

Q Just tell what Mrs Wallace said?

A Mrs Wallace told Mrs Mason she could  
not remain in the house, and quarrelled  
as it annoyed her and the boarders.

Q What did Mrs Mason say to that?

A I don't remember what Mrs Mason said.

Q How long after that was it Mrs Mason  
left?

A She left on the 24<sup>th</sup> of June.

Cross Examined

Q When did you leave Mrs Wallace's house  
on the 20<sup>th</sup> of July?

Q How long had you been there before  
the 20<sup>th</sup> of July?

A 7<sup>th</sup> of April

Q What were you employed as in the house?  
As chamber maid or waitress?

Q Did you speak to Mrs Wallace concerning going  
about what you were going to testify  
to?

A No sir

57 Q What day any one say Mrs Mason left  
Mrs Wallace's house?

0229

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+

A on the 24<sup>th</sup> of June.

Q How do you know it was the 24<sup>th</sup> of June?

A Because I heard it from the cook. I called to see her on the 24<sup>th</sup> and Mrs. Mason she told me had gone

Q Where did you call from?

A From my Aunt's house.

Q Then you were not living with Mrs. Wallace on the 24<sup>th</sup> of June last?

A No sir.

Q Why did you state you were living with Mrs. Wallace up to the 20<sup>th</sup> of July?

A That is the time I was living with your aunt on the 20<sup>th</sup> of July?

Q Yes sir, was not in June.

Q And the only reason you know why Mrs. Mason left Mrs. Wallace's house was what the cook told you?

A Yes sir.

Q You don't know it of your own knowledge?

A No sir.

Q You were not living with Mrs. Wallace when she left?

A No sir. I was living with my aunt from before me this

52 Ex. 10 day October 1886

Deputy Justice



0230

Mary B Wallace the defendant  
being duly sworn in her own behalf  
deposes and says.

Q Where do you reside?  
A 136 West 46th Street.

Q How long have you lived at 136 West  
46th Street.

A I have lived there not continuously. I have  
lived there since the 4th of April 1882.  
I think.

Q With the exception of how long?  
A From the 31st of July until the 2nd of  
September.

Q During which time you rented  
your house did you not?  
A Yes sir.

Q And the house has again come back  
into your possession and you are now  
residing in the same place?  
A Yes sir.

Q Do you know the complainant Mrs  
Mason?

A Yes sir.

Q How long have you known her?

A I have known her from the middle  
of February until the present time.

13 Q Do you know this gentleman (referring

0231

to Mr Walsh?

Yes sir

Q How long have you known him?

A I have known him from the middle of February to the present time

Q How did you become acquainted with Mrs Mason?

A Through an advertisement inserted in the paper.

Q Advertisement for what?

A Furnished rooms.

Q And pursuant to that advertisement she came to board with you?

Yes sir

Q When did she come to board with you?

A She came about the middle of February.

Q And remained until when?

A Until the 20th of June.

Q Under what circumstances did you become acquainted with Mr Walsh? State what connection he had with Mrs Mason; whatever his name may be and all about why she left your house and why you went to her house, go right on and tell the whole story.

14 A From the time she first came to

0232

my house she represented to me she was employed as a forelady in a drug house at 69 Murray Street & that she was out of employ ment, she didn't attend to her business all the time; she was there with the exception of 3 or 4 weeks. prior to her leaving my house. and she represented this old gentleman Mr Walsh (referring to Mr Walsh as her uncle and he also represented her as his niece Mrs Mason and he continued under that guise until about the 21st of June, he called at my house on the 21st of June with a night key I had returned to bed about 1 o'clock that night and I heard somebody walking about in the hallway. and I got up and went out to see what it was and I saw it was this gentleman (referring to Mr Walsh) and I asked him what he wanted and he said "I want to see Mrs Mason" and I said "how did you get in here?" and he said "Mrs Mason gave him her night key." and I said "I never gave you a key." and he had no right to it. He used to come there at 1 o'clock



0233

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in the evening and would remain there every evening until 10 o'clock excepting on Saturday nights he would ~~would~~ not come because he said he had a card party <sup>and</sup> that was he said the reason he could not come on Saturday nights; and he insisted upon having a row <sup>and</sup> he said she was coming back with a man by the name of Alan Vanastrom and I tried to convince him it was not true and I was very much surprised at that; because she came with two gentlemen (referring to Mr. Walsh) whom she represented as being her uncle <sup>and</sup> she as being his niece. Was it in connection of what transpired that night that you ordered her to leave?

Ayes. She came in and was introduced <sup>and</sup> he said I want to see you where have you been <sup>and</sup> they had some words. and finally she said come up to my room and he said I don't want to go up there now its too late <sup>and</sup> she said come on up <sup>and</sup> then they quarrelled a little <sup>and</sup> then

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went up. And I heard a noise up stairs  
 And I went up stairs to see what it was  
 I went up And they were quarrelling And  
 I entered the room And she stood there  
 in her room in her chemise with  
 her two elbows this way (showing)  
 And he stood beside her And I said to  
 him what does this mean, what  
 does your presence mean here. And he <sup>said</sup>  
 (I mean Mr Walsh) said it means  
 this that this woman (referring to  
 Mrs Mason is not my niece, she  
 is a whores. And he said I have kept  
 her and spent my money on her  
 And she is running with another fellow  
 And deceiving me And I have just  
 watched her and got her, she has a  
 lover by the name of Dan Vanastrum  
 And my name is not Mason it is  
 Walsh, And I said you have deceived  
 me and deceived me And I want  
 you to leave my house And he said  
 I will not come here any more.  
 That was Saturday evening between  
 11 and 12 o'clock.

Q Did Mrs Mason leave?  
 A She left the following Tuesday, when

0235

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her week was up, or on the 25th of June after this affair.

Q Did Mr Walsh or Mr Mason as he was called or Mrs Mason, make any <sup>gests</sup> to you either verbally to you or in writing

A Yes Mr Walsh did

Q Verbally or in writing?

A Both verbally <sup>and</sup> in writing

Q What did he say verbally?

A He passed my house almost continually every evening during the summer time <sup>and</sup> called out all sorts of names <sup>and</sup> I would be sitting on the stoop <sup>and</sup> shaking his fist at me <sup>and</sup> I would have to go into the house for fear that my neighbors would hear of it.

Q State the names he called you?

A He called me a god damn bitch and a blackmailing arse and shook his fist at me <sup>and</sup> I would have to run in the house <sup>and</sup> close the door, he claimed I wrote letters to his wife <sup>and</sup> wrote him letters <sup>and</sup> I never wrote him but one letter

58 Q After Mrs Mason had left your house when did you see her for the



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first time after that?  
A Yes on the 31st of July.

Q Between the time she left your house on the 31st of July did Mrs Buck call at your house at any time and if so when?

A She called in the middle of July for a sheet and I gave it to her.

Q For a sheet that was claimed to belong to Mrs Mason?

A Yes sir.

Q And you gave it to her?

A Yes sir.

Q Is that all that transpired then between Mrs. Buck and yourself?

A Mrs Buck told me this old man (meaning Mr Walsh) was going to ruin me and she also told me he was going to break up my home and she didn't blame Mrs Mason and she got into the clutches of this man. And that he was a very deceiving man and he was going to ruin her.

Q When did you next see Mrs Buck?

A On the 31st of July.

59 Q What occurred between you and her on the next occasion?

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A The bell rang and I was sick and had been  
 since Saturday; when the bell rang  
 my little son went to the door and let  
 her in and she came in and said how  
 do you do Mrs Wallace and she said  
 you are all right you and I said yes  
 I have been sick for the past week  
 and she said you have been out of  
 the house for the past week. and I said  
 I have not been out of my house.  
 and she said I suppose those are some  
 more of her lies Mrs Mason said  
 that some woman of a large  
 description about your size went  
 to her mother's house and annoyed  
 her mother very much and made  
 all sorts of threats and she thinks  
 it is you and sent me here to tell you  
 to come down she wants to see you  
 I said I was not able to go out of  
 the house and could not go. and I said  
 when did this occur and she said  
 Monday. and she said I know you  
 have not been out of the house  
 and I told her so. but she said this  
 is all this old man's work. and  
 he probably sent somebody there

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18

to make believe it was you and that  
she was in league with you. in this  
affair And I said that shows he wants  
to ruin me And I said I will go to  
her house myself and I called my  
servant. No! I first called my little  
son, he had gone out on an errand  
for the girl And when the girl came up  
she said what is it Mrs Wallace  
And I said to her how long is it since  
I have been out of the house And she  
said not since Saturday you have  
not been able to go out. And I said  
Mrs Buck tells me Mrs Mason told  
her that a lady a person of my  
description went to Mrs Masons Mother  
and that they accused me And she said  
No it could not have been me because  
I was not out of the house And then she  
turned to me Mrs Buck did and  
said Mrs Wallace Mrs Mason  
wants you to come down to her  
house as she wants to see you And I  
think its better if you straighten  
this thing out between you And I  
said I have no ill feeling or ill will  
against her. I never did her anything

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or I never did her any harm in my life <sup>and</sup> she said come down there she wants to see you <sup>and</sup> I said why its raining <sup>and</sup> I am very sick <sup>and</sup> she said she is sick to. <sup>and</sup> as I said if I feel better I will go down I said I didnt want to have any unkind feeling towards Mrs Mason <sup>and</sup> I thought that old man would ruin my house

Q If I understood you rightly Mrs Mason left your house on the 20th of July at 9 o'clock in the morning.

A Yes sir but this was the 31st of July.

Q Had you ever seen or heard from Mrs Mason in any way excepting through Mrs Buck, when she came to your house?

A No sir

Q Did you know where she lived?

A No sir I was under the impression she lived at her mother's because she told me if any letters came or anything to send them to her mother at 18 Charles Street.

Q How did you find out?

61 A Mrs Buck told me 260 West 11th Street

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Q And that was the first intimation you  
had where she lived?

A Yes sir

Q And if I understand you Mrs Buck was  
there and gave you that address?

A Yes. I was very sick and nervous and it was  
raining very hard and so I went to bed

and when I got up it cleared up a  
little and I went down and it rained  
again and I got all wet. and I went to the  
number 206. I thought that was the  
number and she didn't live there so I  
went to Mrs Buck's house and told  
her I had the wrong number and while  
I was at Mrs Buck's house I was

taken sick and had a cramp there and  
she said I will send out and get you  
something to drink and she sent out

and got a little brandy and gave it to  
me and I stayed there a little while  
and I said I am too sick to go anywhere  
else now and she said so go you

are down as far as this now go on.  
well finally I said I would go and I

went to the house. The 7th of Dec  
now Mrs Wallace tell everything that  
occurred in that house in your own way

64

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A I went to the house and rang the bell and  
 the colored girl let me in and I said  
 I want to see Mrs Mason and she said  
 step in here I was under the impres-  
 sion it was a porter and I walked in  
 and when I got in the room, it was dark  
 the shutters were closed. and I presume  
 it was about quarter past six and I at  
 once saw it was not the porter and I  
 looked around the room and I was forced  
 to see her in bed, because I recognized  
 her furniture and as I looked around  
 she closed the door and she had her  
 hat on and she glared at me and had  
 a sort of presentment and I thought  
 something was going to occur and I  
 said Mrs Mason what do you wish  
 of me and before she could answer  
 me a little boy came up to the  
 door with a plate and said here is  
 the rest of your dinner and she spoke  
 to him I didn't hear what was  
 said to him by her but he went  
 away and I said Mrs Mason what  
 was it you sent for me for what is  
 it you want to see me about and  
 she said I sent to you to tell you

62



0242

I want you to stop going to my mother's house. I want you to stop writing letters to my old man Walsh's wife," I said "your old man Walsh, I said your old scandal, I have never written his wife letters and it would be a great deal more to his credit to stay at home with his family instead of wasting his time on you and trying to ruin <sup>me</sup> ~~your~~ who was trying to make an honest living. And as to your mother I said "that is justice to yourself and your mother I didn't know that I ever laid eyes on her. And she said you god damn blackmailing bitch, John Walsh has letters you wrote to his wife that will send you to state prison and if it cost him five thousand dollars he will spend it and run you out of New York in ten days! Just then Mrs. Walford entered the room she looked at me defiantly just stared at me, she didn't speak to me and I wanted to go when Mrs. Mason said to her that she accused me of writing letters to Walsh's wife and to her mother. And I said you contemptible

0243

43

miscribble Norbett and that was all I  
said and she grabbed the pitcher to hit  
me

Q So that a fair diagram of the room (  
showing witness a diagram) ?

A Yes sir with the exception of the wardrobe, I am under the impression it  
was in the corner, but I am not posi-  
tive, the room was very dark, but to  
my best recollection its correct.

Q In coming into the house the door leading  
into this room is clear back there.  
Is it not (showing witness on the diagram)

A Yes sir here in the corner (showing)

Q Now then this is supposed to be the  
stand that had the pitcher on (showing  
witness on diagram) ?

A Yes sir

Q That stand is close to this door (showing  
witness on diagram) ?

A Yes sir with a space that much (showing)

Q And then comes the bed ?

A Yes sir and the table is close to the bed, right  
here (showing on the diagram)

Q And about how far did you get in the  
room before you discovered it was  
Mrs. Mason's room ?

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A Near the center of the room  
Q And where you discovered Mrs. Mason closing  
the door?

A Yes Sir standing by the side of the table  
(roughly here) Indicating on the diagram  
where the pitcher was.)?

Q During this conversation And when the  
boy came in And Mrs. Tralford came in  
Did Mrs. Mason left her position  
at all?

A No Sir she stood still

Q And while she was standing there And you  
standing where you were (as indicated  
on the diagram she grabbed the pitcher  
from the table?

A Yes Sir And when I called her this name  
she grabbed the pitcher, And I had my  
umbrella in my hand And I threw it  
from me And I rushed up to her And  
she took the pitcher up in her right  
hand And I grabbed the pitcher from  
her right hand And hit her with it And  
she dropped down when I hit her  
arm And hit me in the right hand  
across there (showing) it didn't scar  
it but it pained it for several weeks  
And then I shook her head back from me

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0245

25-

with my hand and she grabbed hold of my hair and pulled it out and while she rushed to grab my hair Mrs. Trafford rushed and grabbed me by the throat and we were all mixed up together and I tried to extricate myself for I didn't intend to hurt her.

Q Well you succeeded in getting the pitcher away from her?

A Yes Sir I didn't intend to hit her on the head. I intended to extricate myself and get out of the room I raised the pitcher to hit her on the shoulder I didn't know I hit her on the head until I saw the blood and then it frightened me. I didn't know what I had done to her, I didn't knock her down she struggled and when we were mixed up and she lost her footing and staggered and fell Mrs. Trafford held on to me and was choking me I didn't say anything to Mrs. Trafford and I didn't say anything until I got the pitcher away from Mrs. Mason.

Q Was your face all scratched?

66 A Yes Sir I didn't know it was until I got home and the servant told me

0246

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Q When Mrs Mason got up I tried to get out of the room. At first then Mrs Walford watched over. And locked the door. And said you cannot get out of here. And I said I must get out of here, where is my umbrella. And it was dark. And I found it in the back part of the room. And I said I will get out of here. And she said you will not. And she grabbed hold of me as I went to the door. And I flung her away from me. And came out.

Q Describe to the court how Mrs Walford got hold of you?

A This way (witness describing) behind me.

Q The complainant Mrs Mason described the other day that you got her with one hand and threw her on the floor? is that true?

Answer:

Q And that you struck her when she was on the floor?

A My impression is that I struck her twice. Not when she was lying down. I remember I struck her twice with the pitcher about the 10 day. And I intended when she had the pitcher to wove it off throw it off.

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0247

27

which I did <sup>and</sup> throw it on the floor.

Q Is there a dent in the pitole?

A Yes (stammering)

Q Mrs Mason has testified that you said you were going to move her face?

A I never said anything of the kind

Q She said after she had fallen down <sup>and</sup> got up to crawl out of the room <sup>and</sup> you said what you do at night <sup>and</sup> I will give you one more blow <sup>and</sup> that will finish you, is that so?

A Yes Mrs Mason never done anything to me to cause me to have any feelings towards her.

Q The only difference that ever arose between you <sup>and</sup> Mrs Mason was the fact of your telling Mrs Mason to leave your house <sup>and</sup> the statements of your having written letters to her mother's wife?

A Mrs Mason accused me of going to her mother, <sup>and</sup> I told her I would free her

Q Did you ever see her mother in your life?

A No sir

Q Do you know who she is or of her?

A No sir

68 Q <sup>and</sup> you state here that you went to her house



0248

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because Mrs Buck came there to see  
her and she was sick?

Answer

Q And when you went in the room the girl  
showed you you didn't knock?

Answer

Q And you supposed it was the post office?

Answer

Q And after you got in there you discovered  
it was Mrs Mason's room?

Answer

Q And what you done there was done entirely  
under the force to protect yourself?

Answer entirely

Cross Examined

Q You stated you left New York on the 31st of  
July and returned October 20 1884 where  
were you during all this time

Answer In Putnam being with my people and  
in Taylor's Hotel City

Q You left the city of New York after this  
assault?

Answer

Q How long did you remain away?

Answer Until the 1st of September over a month

69 Q How much a week did Mrs Mason  
pay you for board at your house?

0249

29

objected to  
By the Court sustained

Q you say Mrs Buck told you Mrs Mason  
wanted to see you?

Answer

Q And you say you say you were sick from  
the Saturday previous until the day  
she called & you didn't leave your bed

Answer

Q And you called to see Mrs Mason at 206  
West Street?

A I was under the impression that that  
was the number. So I then went to Mrs  
Buck's house

Q And you were sick and Mrs Buck sent  
for some brandy for you?

Answer

Q And then she told you it was 260. With

Answer

Q And you went to 260 and rang the door  
bell and who came to the door?

A The colored girl and when I asked for Mrs  
Mason she said step in. She pointing  
to a room which I thought was the  
parlor.

Q And you knock at Mrs. Mason's door?

70 Answer

0250

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Q Was the door open or closed?

A It was closed and I turned the knob and simply opened the door and walked in.

Q The conversation you stated you had with Mrs. Mason was before Mrs. Walford came in?

A Yes sir.

Q How did Mrs. Walford come in there?

A She said something to the boy who came up with a plate. I didn't hear what it was and immediately thereafter Mrs. Walford came up and I was surprised when I saw her to think she sent for her.

Q Mrs. Mason didn't lift the pitcher to strike you until Mrs. Walford came up?

A Yes sir.

Q You heard Mrs. Walford's testimony?

A Yes sir.

Q And she left the pitcher to strike you?

A Yes sir.

Q Then if Mrs. Mason says she didn't lift that pitcher up to strike you she testifies to something that is not true?

A Yes sir.

Q How many times did you strike Mrs. Mason with that pitcher?

71



A my impression is I struck her twice  
I don't exactly, strike her I don't (that  
way (shouting) I was under the  
impression the edge of it struck her  
Have you had the picture?

A That way (shouting)

Q you say that Mrs. Mason slipped and  
the floor? lost her footing and fell  
under it

Q She scratched your face?  
Answer yes

Q But Mrs. Mason fell on the floor  
after you struck her?

A That she slipped and lost her footing  
Q And then you got out?

A Mrs. Bradford tried to stop me and I pushed  
her away and got my umbrella and  
went out and walked alone 41 & then  
to Greenwich Avenue and took the 9th  
Street car

Q were you sick after the occurrence?  
Answer yes

Q In bed?

Answer yes I was not entirely confined  
to my bed.

Respect Examination

Q If you were asked in regard to your

0252

32

absences from the city after this affair  
occurred did you surrender your  
self to the officers?

Ans. No I did

Re asks

Q. Did you know there was a warrant  
out for you?

A. I heard it it was and some time before  
I heard it

Proven to help me  
this 24th day of Oct 1884 } Mary J. Wilson

Samuel C. Bell Police Justice

43

0253

November 19<sup>th</sup> 1884.

Examination Resumed  
Mrs Wallace recalled.

Since the last examination I have read ~~the~~ <sup>my</sup> testimony as taken by the stenographer & I desire to correct one or two statements as reported by him. as viz<sup>d</sup> first as to the date, I am reported to have fixed as the time the quarrell took place between Miss Mason & Mrs Walsh. that affair took place ~~on~~ <sup>between</sup> the 17<sup>th</sup> & 19<sup>th</sup> of the month as stated on the testimony as the date as being on the date that I am reported as having said when Mrs Mason left my house as being the 25<sup>th</sup> of the month, for it is the 24<sup>th</sup> of the month. Repto Cannell (now appears to produce witnesses for as to the character of the defendant;  
By the Court

Motion Denied

Sworn to before me  
this 19<sup>th</sup> day of November 1884  
J. H. Warner  
Samuel C. Reilly  
Deputy



0254

Ellen Buck of 161 West 4th Street  
being only sworn deposes & says.  
called by the people

Mrs Mason never sent me to  
Mrs Wallace house to request  
her (Mrs Wallace) to come to Mrs  
Mason's house.

Cross Examined

I heard the testimony of Mrs  
Wallace and the other witness that  
I did go to Mrs Wallace house  
I did not go there on the occasions  
they testified to. the statement of  
Mrs Wallace and the other witness  
as to my coming there more than  
once is absolutely false. I only  
went there once for a sleep and  
that time Mrs Wallace let me  
in herself I know Mrs Wallace  
son. her son did not open the  
door for me after Mrs Mason left.  
but he did while she Mrs Mason  
was there. I don't know the date  
or month Mrs Mason left that  
house I cannot tell you if I  
went to that house in July or August.

Ellen H. Buck.  
mon

Examine & before me  
this 19th day of November 1884

Samuel O. Smith

Deputy

0255

Chas. A. Wallace being duly  
sworn deposes & says

I live with my mother  
Mary Wallace I remember the 31<sup>st</sup>  
of July last I saw Mrs. Buck  
the last witness on that day I  
saw her at my mother's house in  
46<sup>th</sup> Street the bell rang and I  
went to the door and let her in  
I saw her there previous to the  
early part of July, and then she  
came after a sheet.

Adm. Examined

I live with my mother  
at 124 East 24<sup>th</sup> Street. I lived  
there 3 or 4 weeks since I have  
been home.

Sworn to before me  
this 19<sup>th</sup> day of November 1894

Chas. Wallace

Sam'l C. Reilly Deaf Justice

0256

I hereby certify that the within  
testimony of Henry Reilly is a true  
and correct copy of the original  
stenographic notes as taken by me  
on said examination

Dated N.Y. Nov 19th 1884

David A. Jones

Samuel C. Reilly, Deponent



0257

I hereby certify that the within

Agnes J. Mason  
vs  
May B. Waller

0258

Sec. 568.

2<sup>d</sup>

District Police Court.

UNDERTAKING TO ANSWER

SESSIONS.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An order having been made on the 23<sup>d</sup> day of November 1884 by  
Daniel O. Reilly a Police Justice of the City of New York. That  
Bertha M. Wallace be held to answer upon a charge of  
Absauch-

upon which he has been duly admitted to bail, in the sum of Five Hundred Dollars.

We, Bertha M. Wallace Defendant of No. 44 East

127 E 24<sup>th</sup> Street; Occupation Boarding House keeper, and  
William Bennett of No. 533 5<sup>th</sup> Avenue Street.

Occupation Legum. dealer. Surety, hereby undertake jointly and severally,  
that the above named Bertha M. Wallace shall appear and answer the charge above-  
mentioned, in whatever Court it may be prosecuted: and shall at all times render h<sup>er</sup>self amenable to the orders  
and process of the Court; and if convicted, shall appear for judgment, and render h<sup>er</sup>self in execution thereof,  
or if he fail to perform either of these conditions that we will pay to the People of the State of New York, the sum  
of five Hundred Dollars.

Taken and acknowledged before me, this 23<sup>d</sup>  
day of Nov 1884

Daniel O. Reilly POLICE JUSTICE,

Wm. M. Wallace  
William Bennett



0259

CITY AND COUNTY  
OF NEW YORK, } ss,

Sworn to before me, this  
day of Nov, 1884  
Samuel McDowell  
Police Justice.

William Bennett  
the within named Bail and Surety, being duly sworn, says, that he is a resident and free  
holder within the said County and State, and is worth Ten Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of a house and lot of

land situated no 382 Seventh  
Avenue and is of the value  
of \$28,000 (more or less)

William Bennett

New York Sessions.

THE PEOPLE, & C.,  
ON THE COMPLAINT OF

Bertie H. Walla

Taken the 23 day of Nov, 1884

AR  
Justice,

Filed        day of       , 188



0260

Police Court 2 District.

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

of No 260 57th St

Agnes J. Mason  
11 1/2

Street,

on \_\_\_\_\_ the 31 being duly sworn, deposes and says, that  
day of July

in the year 188 4, at the City of New York, in the County of New York

§ he was violently ASSAULTED and BEATEN by Bertha M. Wallace  
(now here) who struck deponent four  
blows on the head with a metal  
pitcher then and there held in the  
hand of said defendant cutting  
deponent severely

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

23

day of

Nov

1884

Agnes J. Mason

Sam'l C. Bulfinch  
POLICE JUSTICE.

0261

POLICE COURT 2 DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

Betha M Wallace

On Complaint of Agnes J Mason  
For Assault

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and my right to make a statement in relation to it 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 Nov 26 188 4

Mary J Wallace

Samuel C. Kelly Police Justice.



0262

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY {  
OF NEW YORK, ss

Bertha M. Wallace being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is h<sup>er</sup> right to make a statement in relation to the charge against h<sup>er</sup>; that the statement is designed to enable h<sup>er</sup> if h<sup>er</sup> see fit to answer the charge and explain the facts alleged against h<sup>er</sup> that h<sup>er</sup> is at liberty to waive making a statement, and that h<sup>er</sup> waiver cannot be used against h<sup>er</sup> on the trial.

Question What is your name?

Answer Bertha M. Wallace

Question How old are you?

Answer 29 years

Question. Where were you born?

Answer. England

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

Answer. 127 E 24<sup>th</sup> St 3 weeks

Question What is your business or profession?

Answer. I keep a Lodging House

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?



0263

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY { ss  
OF NEW YORK,

*Bertha M. Wallace* being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is *h<sup>e</sup>* right to make a statement in relation to the charge against *h<sup>e</sup>*; that the statement is designed to enable *h<sup>e</sup>* if *h<sup>e</sup>* see fit to answer the charge and explain the facts alleged against *h<sup>e</sup>* that *h<sup>e</sup>* is at liberty to waive making a statement, and that *h<sup>e</sup>* waiver cannot be used against *h<sup>e</sup>* on the trial.

Question What is your name?

Answer *Bertha M. Wallace*

Question How old are you?

Answer *29 years*

Question. Where were you born?

Answer. *England*

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

Answer. *127 E 24<sup>th</sup> St. 3 weeks*

Question What is your business or profession?

Answer. *I keep a Lodging House*

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 done it in self defence  
and am not guilty of the  
charge*

Taken before me this

*23*

day of

*Nov*

188*7*

*Samuel A. Kelly* Police Justice.

0264

Police Court—2nd District.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No.

260

Agnes J. Mason Depts  
West 11th Street,

on Thursday the 31st day of August ~~July~~

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

§ he was violently and feloniously ASSAULTED and BEATEN by

Gertha  
M. Wallace (now here) who  
struck deponent on the head  
with a Metal water Pitcher four  
or five different times causing  
four Scalp wounds as set forth  
in the Annexed certificate

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

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

Sworn to before me, this

11th day

of

August

1888

Agnes J. Mason

Jay Orr

POLICE JUSTICE.

0265

Police Court Wm District.

THE PEOPLE, Etc.,  
ON THE COMPLAINT OF

Agnes J Mason  
vs.  
Bert M Wallace

Alfred J. Anderson  
Attorney for Plaintiff

Dated August 16 1884

Power Magistrate

Officer.

Witnesses, Delia Wolford  
260 West 11<sup>th</sup> St

Sept 23, 1884  
Defendant, held in  
the sum of \$500 li

Ans. for Assault in  
the Third Degree see new Complaint  
Ex Dec 7, 1884 2 PM  
was is 9 1/2 a wk M D P 1 1884 101-720



0266



Miss Forth  
July 31 1884  
267 W. 11th

This evening  
I visited Agnes Mason  
at 267 W. 11th, and  
found her bleeding  
actively from two  
severe incised  
wounds of the scalp.  
She had also  
several severe contus-  
ions about the head  
and face. Miss Mason's  
injuries may be serious.  
Some days must elapse  
before an opinion can be  
given as to their severity. B. E. Vossberg M.D.

0267

Police Court Second District.

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

Julia Wolford  
of No 260 West Columbia Street,  
being duly sworn, deposes and says, that  
on Thursday the 31<sup>st</sup> day of July

in the year 1884 at the City of New York, in the County of New York,

Agnes J. Mason was confined to her bed by consequence of her injuries  
she was violently ASSAULTED and BEATEN by Wallis whom  
deponent saw strike said Agnes J. Mason  
in many blows about the head and  
body with a metal water pitcher

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 August - 1884

Julia Wolford  
POLICE JUSTICE.

0268

Form 11,

Police Court

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Julia Welford

Bertha M. Wallace

Dated

August 1<sup>st</sup>

188

Powers Justice.

Officer.

Witness

\$

to Ans.

Sess.

Bailed by

No.

Affidavit, A. & B.  
Answer 2. Begree



0269

Sec. 151.

2<sup>40</sup>  
11 District Police Court.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by Agnes J. Mason  
of No. 260 West 11<sup>th</sup> Street, that on the 31<sup>st</sup> day of July  
1884 at the City of New York, in the County of New York,

gloriously with intent to do her grievous bodily harm  
S he was violently Assaulted and Beaten by Bertha M. Wallace -

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring her  
forthwith before me, at the 2<sup>d</sup> 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 11<sup>th</sup> day of August 1884

Wm. C. Coney POLICE JUSTICE.

0270

POLICE COURT, 2<sup>nd</sup> DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Agnes J. Mason

vs.

Bertha M. Wallace

Warrant - A.B.  
Power 2 - Decree

Dated Aug 11<sup>th</sup> 1884

Power Magistrate.

Kelly Officer.

max 13 Wallace  
The Defendant

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

Michael Kelly Officer

Dated Aug 11<sup>th</sup> 1884

This Warrant may be executed on Sunday or at  
night.

ay Gray Police Justice.

### REMARKS.

Time of Arrest, Sep 22 1884

Native of Eng

Age, 29

Sex

Complexion,

Color White

Profession, The House

Married

Single, Yes

Read, Yes

Write, Yes

130 H 40



0271

Second District Police Court.

The People v  
Against  
Mary B. Wallace-

Defendants Brief.

The offence charged does not amount to a felony.

The article used is neither a weapon nor an instrument likely to cause death, and as used did not, even, cause grievous bodily harm.

The testimony of the Complainant establishes three propositions - She swears "that Defendant struck her several blows with the pitcher, some five or six in number with all her strength" - The Defendant is a large and powerful woman - If she had struck the Complainant as described by her any one of the blows would have caused death. If the pitcher is an instrument or weapon, likely to produce grievous bodily harm, and was used by the Defendant



0272

with that intent <sup>2</sup>Complainant would not have escaped as she did.

It appears by Complainant's testimony that of all the blows struck only one caused any damage, and that only a slight cut.

Defendant had no motive to commit an assault upon the Complainant. She had not seen her for weeks, and had never met her after dismissing her from her house.

The Complainant did have a motive for assaulting the Defendant. She was angered against Defendant because Defendant had turned her out of her house; because she believed Defendant had written about her to her Mother; because she believed that Defendant had written letters to the wife of her paramour, informing her of their intimacy.

Complainant enticed Defendant into her house. She sent Mrs Buck after her. This is proven by three witnesses,

3

and not denied by the Complainant.

Complainant's testimony is not to be believed - It is unreasonable, inconsistent and absurd -

Among other absurdities she testifies that, "while she lay upon the floor unconscious the Defendant struck her with all her force three times with the pitchfork. That when she recovered consciousness and attempted to crawl from the room on her hands and knees Mrs Wallace said you damned bitch you are not dead yet I will give you more of it that will settle you;" - Yet, Mrs Wallace did not again molest her, or attempt to.

Complainant swears that during all this melee all she said to Mrs Wallace was "to tell her to leave the room."

Complainant's testimony and that of Mrs Wolford is entirely at variance in their version of the affair -

Mrs Wolford was present during the



0274

4  
entire occurrence and pretends to give a minute description of the whole affair. She says, "that Miss Mason fell down." According to her version all the blows were struck before the Complainant fell. She fails to testify to the Complainant's being in an unconscious state, or to have crawled from the room on her hands and knees.

She says that Mrs Wallace "followed Complainant with the pitcher," while the Complainant's version is entirely different in this regard. Yet Mrs Welford says that "she remembers with minuteness and particularity everything that was done by Mrs Wallace from the commencement to the end of the assault".

A more complete analysis will show that the testimony of the Complainant and her witness Mrs Welford are in direct conflict, and that the testimony of the former in particular is improbable, unreasonable and intentionally and intensely exaggerated.



The Court can give credence to either version of this affair, but in doing so is bound to consider the character, the conduct, the bearing, the mannerism, the probabilities and the reasonableness of the story told or statements made by the witnesses, and has the right to believe the testimony of one witness as against a hundred.

We submit that in all these respects Mrs Wallace is as superior to the witnesses for the prosecution as "diamond is to paste".

Her manner as a witness was unexceptionable, her story reasonable and her delivery convincing. She told the truth and the whole truth without detraction or embellishment, and ought to be believed implicitly.

The Complainant first attempted to assault her with the pitcher; She enticed Defendant to her house for the purposes of a quarrel. Defendant defended herself, as she

0276

6

had a right to do. In the struggle she got the pitcher away from Com-plainant and used it in her defense. The blows as described proved Con-clusively that she used it as she testifies, and only for the purposes of protecting herself.

The affair was trivial in its character, and would, had it been stripped of its corrupt surroundings, and thus presented to the Court, have resulted in the Defendants discharge, or at most in the imposition of a merely nominal fine.

The Defendant should be acquitted

Respectfully Submitted.

My. Apr. 20<sup>th</sup> 1884

Geo F. Gardner  
Atty for Deft

Second District  
Police Court.

The People vs

Against

Mary B. Wallace.

Defendants Brief.

Geo. G. Gardiner.

Deft's Atty.

132 Nassau Street

New York City

0277



0278



87 & 89 Centre and 136, 138 & 140 Leonard Sts.

NEW YORK CITY

William F. Howe.

Abe. H. Hummel.

New York November 20th, 1884.

1884

Hon. DANIEL O'REILLY,

The People v. Wallace. (For Felony).

Dear Sir:-

I respectfully call the attention of your Honor in rendering your decision in this case, in which the assault was committed with a weapon, and which is manifestly a felony, to section 218 of the Penal Code.

The evidence given in this case, calls upon you to hold the defendant for trial at the Court of General Sessions, no other tribunal having jurisdiction of a felony which this is, as is shown by subdivision 3 of section 218 of the Penal Code which reads as follows:-

"A person who willfully and wrongfully wounds or inflicts grievous bodily harm, upon another, either with, or without a weapon, is guilty of assault in the second degree"

You will therefore see, that the defendant can only be held for trial at the Court of General Sessions; but out of personal respect to you, I give this notice in writing, that there may be no misapprehension.

I am sure, however, that you will fearlessly and honestly dis-

0279

charge your duty in the premises.

Very Truly Yours,

William F. Wms

0280

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 She 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 23 188 4 Samuel C. Bell Police Justice.

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

Dated Nov 23 188 4 Samuel C. Bell Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0281

BAILED,

No. 1, by William Bennett

Residence 539 6th St

No. 2, by Louis A da Cunha

Residence 1514 Broadway

No. 3, by

Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 4, by

Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court 2nd District. 6

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Agnes J. Mason

Mary B. Wallace

1779  
Offence Assault  
Third degree

Dated August 11th 1884

Power Magistrate.

Kelly Officer.

Court Precinct.

Witnesses

Julia Wolford

No. 200 West 9th Street.

Transferred to General Sessions The Deft having been indicted for assault 2nd Degree

No. 500 to answer Special Sessions  
for assault (2nd Degree)

for assault & bailed

Oct 7 2 PM Nov 7 10 AM

" 8 9 AM " 19 10 AM

" 10 10 AM " 22 10 AM

" 20 10 AM " 23 10 AM

" 21 10 AM " 24 10 AM

0282

COUNTY OF NEW YORK, SS.

In the Name of the People of the State of New York, To any Sheriff, Constable,  
Marshal or Policeman in this State, GREETING:

An indictment having been found on the 28 day of Nov  
1884, in the Court of General Sessions of the Peace, of the County of  
New York, charging Mary D. Wallace

with the crime of

Guilty as first degree

You are therefore Commanded forthwith to arrest the above named

Wallace

and bring her before that Court to answer the indictment; or

if the Court have adjourned for the term, that you deliver her into the custody of the Keeper of the  
City Prison of the City of New York,

New York City, the 28 day of Nov 1884

By order of the Court,

[Signature]  
Clerk of Court.



0283

N. Y. General Sessions of the Peace

THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Mary P. Wallace*

*105 W. 34<sup>th</sup> St. - Blooming*

*127 East 24<sup>th</sup>*

Bench Warrant for Felony.

Issued

*Nov. 28*

188

*4*

The officer executing this process will make his  
return to the Court forthwith.

*Dec. 1<sup>st</sup> 1884*

*The within named  
defendant was arrested  
this day and brought  
in the Court of General  
Sessions by Det. Sergeants  
Von Gerichten & Reilly*





0285

*order of the court*  
*complaint for*  
*which I am*  
*now in*  
*the court*  
*and the*  
*truck*  
*will become*  
*manifest*

Seized for the original  
Complaint which Judge Rully has  
and the "truck" will become  
manifest

*James J. McGowan*

Respectfully yours,

Justice which was denied by Judge O. Rully.

said for the papers to be sent and investigated it, and do me the

I ask you as honest men, not controlled by politicians, to

property belongs to the Grand Jury.

to have her case sent to that court, when as I am told the case

was moved was posted that she had used political influence

for Justice, saying that taken the complaint for return.

women to have returned Justice back to appear at the court of spec-

the Justice for the case, that Judge at last concluded to hold this

O. Rully, at the collection of the Justice court, where after keeping

Justice was released and she was taken before Judge

of New York City, with still this.

was continued to be held when my life was shattered of. He was

held with an inch between, thinking my skull, and for two weeks I

ceased to hold with her, since he several violent blows to the

knocked by Mrs. H. Justice, who came to my house and because I had

some time since I was violently assaulted and nearly

lost sight of.

TO THE BOARD OF THE GRAND JURY:-

0286

Paid

Dr. D.



Dr. D.

Orange in the  
first degree

Agnes J. Mason

Dr. D.  
257 West 11th St.



TORN PAGE

0287

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Mary B. Wallace*

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

*Mary B. Wallace*

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

The said *Mary B. Wallace*

late of the City of New York, in the County of New York aforesaid, on the *21st* day of *November*, in the year of our Lord one thousand eight hundred and eighty *four*, with force of arms, at the City and County aforesaid, in and upon the body of one *Agnes J. Mason* in the peace of the said People then and there being, feloniously did make an assault and *then* the said *Agnes J. Mason*, *in and upon the head of the said Agnes J. Mason,* with a certain *knife*,

which the said *Mary B. Wallace* in *her* right hand then and there had and held, ~~the same being a deadly and dangerous weapon~~, wilfully and feloniously did beat, strike, ~~stab, cut~~ and wound, *the same being a deadly and dangerous weapon* with intent *then* the said *Agnes J. Mason*, thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

*Mary B. Wallace*

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

The said *Mary B. Wallace*

late of the City and County of New York, on the *21st* day of *November*, in the year of our Lord, one thousand eight hundred and eighty- *four*, at the City and County aforesaid, with force and arms, in and upon the body of one *Agnes J. Mason*, in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *then* the said *Agnes J. Mason*, with a certain *knife*,

which *then* the said *Mary B. Wallace* in *her* right hand then and there had and held, the same being a *knife* likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, ~~stab, cut~~ 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.

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THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
~~Manfred Wallace~~  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said ~~Manfred Wallace~~, 7

late of the City County of New York, on the ~~21st~~ day of ~~November~~,  
in the year of our Lord one thousand eight hundred and eighty-~~four~~, at  
the City and County aforesaid, with force and arms, in and upon the body of one

~~Agnes J. Mason~~  
in the peace of the said People then and there being, feloniously, did wilfully and  
wrongfully make an assault, and ~~then~~ the said ~~Agnes J.~~  
~~Mason~~, —

in and upon the ~~head~~ of ~~her~~ the  
said ~~Agnes J. Mason~~, — did then and there  
feloniously, wilfully and wrongfully strike, beat, —  
bruise and wound, and did thereby then and there feloniously, wilfully and wrongfully  
inflict upon ~~her~~ the said ~~Agnes J. Mason~~, —  
grievous bodily harm, to the great damage of the said ~~Agnes J. Mason~~  
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.

PETER B. OLNEY,

District Attorney