

0663

BOX:

264

FOLDER:

2542

DESCRIPTION:

Ahrenberg, Abraham

DATE:

06/20/87



2542

POOR QUALITY
ORIGINAL

0664

199 A

Witnesses:
A. Shapiro
H. Norfolk St
Officer Patrick Concoran
C. Paccinot

Counsel,
Filed 20 day of June 1887
Pleads, *Whitely*

THE PEOPLE
vs.
19 May
107 -
Abraham Ahrensberg

Sections 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

RANDOLPH B. MARTINE,
District Attorney.

7 n June 1887
Heads PL

A True Bill.

F. C. Chandler
Foreman

J. M. P. P.

POOR QUALITY
ORIGINAL

0665

Police Court—1st District.

City and County of New York, ss.:

of No. 4 Norfolk Street, aged 35 years,
occupation Keep a stand for the Sale of Soda Water & Cigars being duly sworn
deposes and says, that the premises North East corner of Division Street, 13th Ward
in the City and County aforesaid the said being a Tenement dwelling a portion of
the front Basement of
which was occupied by deponent as a store house

were BURGLARIOUSLY entered by means of forcibly breaking off the lock
and Hap on the Cellar door leading from the street into
the Basement

on the 1st day of May 1887 in the Night time, and the
following property feloniously taken, stolen, and carried away, viz:

Twelve Boxes of Cigars and 40 Packs of Cigarettes
all of the value of fifteen dollars — \$15.00

the property of deponent

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

Abraham Ahrensberg (now here)

for the reasons following, to wit:

That at the hour of Midnight on said
day deponent placed his said property in said Basement
and securely locked and fastened it, that on the
Morning of the 11th of June 1887 when deponent went
to take his stock from the Basement he discovered
that his said place had been burglariously entered
and the said property stolen, that deponent was
informed by officer Patrick Conover of the 6th
Precinct Police that he arrested said defendant

POOR QUALITY
ORIGINAL

0666

in Bayard street in said city at about 6.30 o'clock
A.M. depd at the time he had six boxes of cigars
in his possession and that he deponent identifies
said six boxes of cigars as a portion of the property
so taken stolen and carried away from said
premises. Deponent then for asks that said defendant
be held to answer and admit unto according to law

Abraham Schapiro

Sworn to before this 12th
day of June 1887

Abraham Schapiro
Police Justice,

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Twenty 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 1887
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1887
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1887
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

1
2
3
4

Dated

1887

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0667

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick Corcoran
aged 26 years, occupation Police officer of the
6th Precinct Police Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Abraham Shapiro
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

12th
June 1887

Solomon Shumacher

Police Justice.

Patrick Corcoran

POOR QUALITY
ORIGINAL

0668

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

Abraham Alimberg

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

Question. What is your name?

Answer.

Abraham Alimberg

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer,

New York

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

Answer.

190 Henry Street, 10 years

Question. What is your business or profession?

Answer,

Reading

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.

Abraham Alimberg
Mark

Taken before me this

19th

188

Police Justice.

POOR QUALITY
ORIGINAL

0669

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

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Abraham Shalors
110 West 11th St
Abraham Shalors

2 _____
3 _____
4 _____
Offence Burglary

Dated June 12 1887

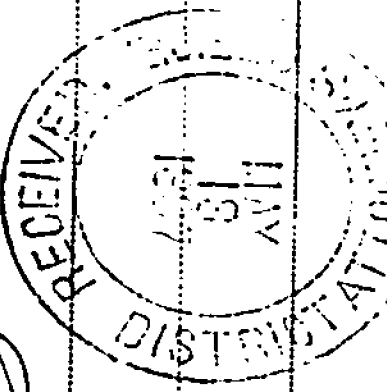
Magistrate

Patrick Loneran

Witnesses

Patrick Loneran

No. _____ Street _____



No. _____ Street _____
\$ 1000 to answer

Em

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 _____

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

Dated June 11 1887 Solomon Shalors Police Justice.

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

Dated _____ 1887 _____ Police Justice.

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

Dated _____ 1887 _____ Police Justice.

POOR QUALITY
ORIGINAL

0670

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Abraham Adenberry

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

Abraham Adenberry -

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

The said *Abraham Adenberry*.

late of the *Fifth* Ward of the City of New York, in the County of New York, aforesaid, on the *Tenth* day of *May*, in the year of our Lord one thousand eight hundred and eighty-*seven*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *Store House* of one

Abraham Schapiro, -

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

Abraham Schapiro, -

in the said *Store House*, then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

POOR QUALITY
ORIGINAL

0671

SECOND COUNT—

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

Abraham Abrahamson —

of the CRIME OF *Petit* LARCENY, —

committed as follows :

The said *Abraham Abrahamson* —

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

*Twelve boxes of cigars of the value
of seventy five cents each box, and
seventy packages of cigarettes of the
value of ten cents each package,*

of the goods, chattels and personal property of one

Abraham S. Shapiro, —

in the *storehouse* of the said

Abraham S. Shapiro, —

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

POOR QUALITY
ORIGINAL

0672

THIRD COUNT—

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

Abraham Abrahamson

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Abraham Abrahamson*

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

*six boxes of cigars of the value
of seventy five cents each box,*

of the goods, chattels and personal property of one *Abraham S. Shapiro,*

by ~~a~~ certain ~~persons~~ persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *Abraham S. Shapiro,*

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

Abraham Abrahamson

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

RANDOLPH B. MARTINE,

District Attorney.

0673

BOX:

264

FOLDER:

2542

DESCRIPTION:

Akim, Wong

DATE:

06/24/87



2542

0674

BOX:

264

FOLDER:

2542

DESCRIPTION:

Nong, Ah

DATE:

06/24/87



2542

POOR QUALITY
ORIGINAL

0675

Witnesses:

Eng. Mame
15. University Place

Counsel,
Filed, 24 day of June 1897
Pleadg, July 27.

THE PEOPLE

vs.

Wong Ahim
and
Ah Siong

GAMING HOUSE, &c.
[Sections 848, 844 and 885 Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

[Signature]
Jury 24th Foreman
[Signature]
Foreman
Jury 24th Foreman
Jury 24th Foreman

POOR QUALITY
ORIGINAL

0676

POLICE COURT, FOURTH DISTRICT.

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

Guy Maine
of No. *15 University Place* Street, being duly sworn, deposes and says,

that *Yong Akin, and Ah Hong* (now present) *are* the persons of that name of
John Cash and Tom Cash mentioned in deponent's affidavit of the *June* day of *1877*

hereunto annexed.

Sworn to before me, this *15th*

day of *June* 1877

Guy Maine

Edouard Smith
POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0677

CITY OF New York COUNTY OF New York } ss.
AND STATE OF NEW YORK.

Anthony Courtois
of 150 Nassau Street, New York City, being duly sworn deposes and says, he is more than 21 years of age, and is employed as Chief agent of the New York Society for the Suppression of Vice, that he has just cause to believe, is informed and verily does believe, ~~that deponent's information being derived from~~ Ray Maine, and J. Ewing and J. B. Thomas and their affidavits and statements, that John Carl, and Tom Carl, whose real names are unknown, but who can be identified by Ray Maine and J. B. Thomas and J. Ewing did, at the city of New York County of New York and State of New York, on or about the 16th day of May 1887, unlawfully use a room, table, establishment ~~or apparatus~~ for gambling purposes—and did engage as a dealer or game-keeper in a gambling or banking game, where money or property was dependent upon the result—and did sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did indorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided.

Deponent further says, he has just come to believe, is informed and verily does believe from personal observation and from statements made by Ray Maine, J. Ewing, and J. B. Thomas

_____ to deponent
that the said John Carl and Tom Carl,

_____ aforesaid, now have in their possession, at in and upon certain premises occupied by them and situate and known as Number 6,

Mott Street in the Basement and first floor
_____ in the city of New York and within the County and State aforesaid, for the purpose of using the same as a means to commit a

POOR QUALITY
ORIGINAL

0678

public offense, divers and sundry device, apparatus, tables, establishment and paraphernalia layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the Provisions of Chapter IX of the Penal Code of the State of New York, wherefore deponent prays that warrants may be issued for the arrest of the persons named aforesaid, and to search for, seize and take possession of all of said unlawful matter, and that all be dealt with according to law.

Subscribed and sworn to before me this
7th day of June 1887.

Anthony Buntick.

Solomon Buntick
Police Justice.

CITY OF New York AND COUNTY OF New York, ss.

being ^{and} ~~for~~ sworn deposes and says that on the 16th day of June 1887,

deponent visited the said premises, named aforesaid, and there saw the said

John Cash and Tom Cash - aforesaid, and
had dealings and conversation with them as follows:
entering said premises number 6 Mott street aforesaid

Deponent upon ~~was~~ accompanied by Ju Gong. In the room were a number of persons, and the gambling game, known as a banking game called "Fan tan" was being played. The said John Cash and Tom Cash sat at table, and the said John Cash was acting as dealer while the said Tom Cash took the money and acted as cashier. The said Ju Gong went up to the left side of the dealer and played three times and lost fifty cents in deponent's presence. The said Tom Cash received Ju Gong's money, while the said John Cash dealt the said game. On the table in front of the said John Cash were about one hundred Chinese copper coins called "Cash" and a copper cup was also before him, and he had a stick which he used to count the coins with, at his right hand. The said Tom Cash was sitting at the right hand side of the said John Cash with a money box by his side. There were about 25 Chinemen present, and the game was in full blast being conducted on a table covered with matting. There were tables, paraphernalia and other apparatus for conducting the said gambling game aforesaid there kept and used by the said John Cash and Tom Cash.
Subscribed and sworn to before me
this 7th day of June, 1887.

Guy McNamee

Solomon Buntick

Police Justice.

POOR QUALITY
ORIGINAL

0679

Subscribed and sworn to before me this }
..... day of 188..... }

..... Police Justice.

THE PEOPLE

ON COMPLAINT OF
Violation Sec. 844, P. C.
Gambling and Policy.

Anthony Comstock Ed
City Maine

AGAINST

John Dashi, - May 1888
John Dashi, - City Maine

Affidavit of Complaint.

WITNESSES:

Anthony Comstock,
City Maine,
J. L. Dashi,
J. L. Dashi.

POOR QUALITY
ORIGINAL

0680

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK. } ss.

District Police Court.

Mong Apin 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.

Mong Apin

Question. How old are you?

Answer.

31 years

Question. Where were you born?

Answer,

China

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

Answer.

5 West Street - 10 months

Question. What is your business or profession?

Answer,

Laundry

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 - 黄金

Taken before me this

day of

188

John B. Smith
Police Justice.

POOR QUALITY
ORIGINAL

0681

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK

District Police Court.

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

Question. What is your name?

Answer. *Sh Peng*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *China*

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

Answer. *6 Matt Street - 1 day*

Question. What is your business or profession?

Answer. *I am dry*

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* 无罪

Taken before me this

day of *March* 188

John J. Munch
Police Justice.

POOR QUALITY
ORIGINAL

0682

City and County of New York, ss:

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

To any Peace Officer In the City and County of New York:

Proof by affidavit having been this day made before me, by *Antony Bantet of Gay Maine, for long -*
and J. B. Thomas - of *150 Nassau* Street, New York
City, that there is probable cause for believing that *John Dr. Richard Ror, John Carl and*
Tom Carl, whose real names are unknown, but
who can be identified

has in *their* possession, at, in and upon certain premises occupied by *them* and situated and known number
6 Mott street in said City of *New York* certain and divers
device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings,
papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and
other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, black-
boards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day
time to make immediate search on the person of the said *John Dr. Richard Ror, John Carl*
and Tom Carl.
and in the building situate and known as number *6 Mott street* aforesaid,
for the following property, to wit: *all* Faro layouts, *all* Roulette Wheels and layouts, *all*
Rouge et Noir, or Red and Black layouts, *all* gaming tables, *all* chips, *all* packs
of cards, *all* dice, *all* deal boxes, *all* lottery policies, *all*
lottery tickets, *all* circulars, *all* writings, *all* papers, *all*
documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, *all* books
all documents for the purpose of enabling others to gamble or sell lottery policies, *all* black-
boards, *all* slips or drawn numbers of a lottery, *all* money to gamble with, and all device,
establishment, apparatus and articles suitable for gambling purposes.

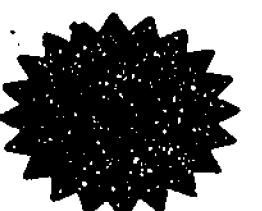
And if you find the same, or any part thereof, to bring it forthwith before me at the *First* District
Police Court at *The Tombs, Police* in the City of New York.

Dated at the City of New York, the

7th day of *June* 188*7*

John B. Thomas

POLICE JUSTICE.



POOR QUALITY
ORIGINAL

0683

Inventory of property taken by Thomas J. Crystal the Peace Officer by whom this warrant was executed :

~~Faro layouts, Roulette Wheels, Roulette layouts, Rouge et Noir lay-
outs, gaming tables, chips, packs of cards, dice, deal
boxes, deal trays for holding chips, cue boxes, markers, or tally cards,
ivory balls, lottery policies, lottery tickets, circulars, writings,
papers, black boards, slips, or drawn numbers in policy, money,
manifold books, slates,~~

2 Fan Tan tables. 1 bag and 1 lot
checks, 12 packages lottery blanks
1 large package playing cards,
two hundred and four dollars and
seventeen cents in cash

City of New York and County of New York ss:

I, Thomas J. Crystal the Officer by whom this warrant was executed,

do swear that the above Inventory contains a true and detailed account of all the property taken by me in this warrant.

Sworn to before me, this 8th

day of June 1887.

Thomas J. Crystal

Solomon Summit
Police Justice.

District.

Police Court---

Search Warrant.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

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John A. MacFarlane

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John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

John A. MacFarlane

POOR QUALITY
ORIGINAL

0684

POLICE COURT- / DISTRICT.
City and County of New York, ss.:

THE PEOPLE,

vs.

Ch Hong

On Complaint of

Guy Maine

For

Gambling

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

Dated

June 8th 188

亞結

Salome Smith
Police Justice.

POLICE COURT- / DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

Hong Ah Kien

On Complaint of

Guy Maine

For

Gambling

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

Dated

June 8th 188

亞亞金

Salome Smith
Police Justice.

POOR QUALITY
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Sec. 151.

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

Police Court, _____ District.

In the name of the People of the State of New York; To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of New York, or to any Marshal, Constable 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 Anthony Brantley Guy Maine and Ju Gong of No. 150 Nassau Street, charging that on the 16th day of May 1887 at the City of New York, in the County of New York that the crime of Keeping a room table, device, establishment and Apparatus for Gambling purposes

has been committed, and accusing John Carl and Tom Carl, whose real names are unknown but who can be identified by Guy Maine Ed Ju Gong thereof.

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, Deputy Sheriffs, Peace Officers, Marshals, Constables and Policemen, and each and every of you, to apprehend the said Defendant and bring them forthwith before me, at the First DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York this 7th day of June 1887
Edw. Brantley POLICE JUSTICE.

POLICE COURT, _____ DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT

Anthony Brantley
Guy Maine
Ju Gong

vs.

John Carl
Tom Carl

Chas. Brantley

Dated _____ 188

Magistrate.

Officer.

The Defendant

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

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at night.

Edw. Brantley
Police Justice.

Warrant-General.

REMARKS.

Time of Arrest,

Native of

Age,

Sex,

Complexion,

Color

Profession,

Married,

Single,

Read,

Write,

POOR QUALITY
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BAILED
No. 1, by McKee
Residence 8 Mott Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James McVane
James & Charles
Chung
Offence Gambling

Dated

188

Smith Magistrate
Smith, Robert Officer

Witnesses

Anthony Bonafant
Street, _____ Precinct, _____

No. 1, by

Street,

No. 2, by

Street, _____

No. 3, by

Street, _____

\$500 to answer

DM

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

Defendants Mary Ahim & Ah Mong
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two Hundred Dollars, Each and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated June 8 188 Solomon Smith Police Justice.

I have admitted the above-named For Ah Gong & Ah Mong
to bail to answer by the undertaking hereto annexed.

Dated June 8 188 Solomon Smith Police Justice.

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

Dated _____ 188 _____ Police Justice.

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Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Wong Ahn and
Ah Hong*

The Grand Jury of the City and County of New York, by this indictment,
accuse *Wong Ahn and Ah Hong*

(Sec. 343
Penal Code) of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING, committed
as follows:

The said *Wong Ahn and Ah Hong*

late of the *Sixth* Ward of the City of New York in the County of New
York aforesaid, on the *nineteenth* day of *May* in the year of our
Lord one thousand eight hundred and eighty-*seven*, and on divers other days and
times as well before as after, to the day of the taking of this inquisition, at the Ward, City and
County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building
there situate to be used for gambling; 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. (Sec. 344 Penal Code).

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

Wong Ahn and Ah Hong

of the CRIME OF ALLOWING A ROOM, ESTABLISHMENT, TABLE AND APPA-
RATUS TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said *Wong Ahn and Ah
Hong*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, and on said other days and times, at the Ward, City and County aforesaid, a certain

**POOR QUALITY
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room in a certain building there situate, and a certain gambling table, and establishment, and diver cards, chips, devices and apparatus, a more particular description whereof is to the Grand Jury aforesaid unknown, and cannot now be given, the same being suitable for gambling purposes, with force and arms, feloniously did allow to be used for gambling purposes, 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.

THIRD COUNT. (Sec. 385 Penal Code).

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

Wong Ahim and Ah Hong
of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows :

The said *Wong Ahim and Ah Hong*

late of the Ward, City and County, aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a certain common gaming-house, there situate, for ~~their~~ *their* lucre and gain, unlawfully and injuriously did keep and maintain; and in ~~their~~ *their* said common gaming-house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, to game together and play at a certain unlawful game of cards called *Xan Sam*, in the said common gaming-house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming-house aforesaid, by such procurement, permission and sufferance of the said

Wong Ahim and Ah Hong
there did game together and play at said unlawful game of cards, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and residing, and passing and repassing, to the common nuisance of the said citizens, against 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.

RANDOLPH B. MARTINE,

District Attorney.

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BOX:

264

FOLDER:

2542

DESCRIPTION:

Anderson, Mary A.

DATE:

06/07/87



2542

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Witnesses:

Augusta Wilson

Kate Ellis

Lizzie O'Reilly

Lizzie Maher

Counsel,

Filed, 7 day of June, 1887

Pleads,

THE PEOPLE

vs.

Mary A. Anderson

(3 years)

RANDOLPH B. MARTINE,

District Attorney,

A TRUE BILL.

John H. Chandler

Foreman

1.5

paid by June 1887
July 1887
Pet. No. 196

[Section 222 Penal Code]

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D. EDGAR ANTHONY,
ATTORNEY AND COUNSELLOR AT LAW,
TEMPLE COURT,
No. 7 BEEKMAN STREET,

NEW YORK CITY, *July 27* 1887.

My dear Mr Davis,

Am on a ~~vacation~~
here since receipt of your
letter. Shall see other
counsel in the Anderson
case and try to have
it arranged as you state.

Will write you this after-
noon or tomorrow morning.

Yours &c
Geo. F. McDermott

**POOR QUALITY
ORIGINAL**

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Mr Davis.

Address

26/130004

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ORIGINAL**

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

The People

v.

Mary Anderson.

BRIEF FOR THE PEOPLE IN OPPOSITION
TO DEFENDANT'S MOTION FOR A NEW
TRIAL.

POINTS.

I. The verdict convicting the prisoner of abduction was a most righteous one, both as regards the law and the facts.

1. On the law of the case, it was clearly within the provisions of § 282 of the Penal Code.

2. Upon the facts of the case, the evidence shewed that the prisoner was the keeper of a house of ill-fame; that she voluntarily received these children for the purposes of prostitution and sold them to a Frenchman; and even conceding that the children in question had but little moral character to be proud of at the time that they entered her den of iniquity, it was no excuse for her to encourage them in their downward path, when she could have filled her house with any number of ^{mature} ~~male~~ prostitutes to pander to the passions of her customers.

II. There was no error made by the Court in its rulings. The prisoner certainly has no reason to complain of the charge, which while impartial, if anything leaned in her favor.

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III. The only grounds upon which a motion for a new trial could plausibly be made arise upon the two questions of fact presented by the evidence. The first being the age of the child. And on this issue there was no error committed.

1. The Penal Code (§ 19) commits to the jury absolutely the province of determining the age by inspection as well as from the other evidence in the case. While the memory of the mother in the present case, owing to the bereavement of her husband and the shock occasioned by the story of her daughter's ruin, was obviously not as strong as it might be; yet her testimony was entitled to some weight on the subject, and in the absence of any proof to the contrary by the defence, the jury had the right to consider it together with the personal inspection of the child, and they did so consider it and found the child to be within the statute.

2. To question the verdict of the jury where the child has been produced as an exhibit, and where the physical condition of the child was not obviously such that the verdict was directly against common sense, was improper, as no ground for interfering with that verdict can rightly be presented on this motion.

IV. The second point arising on the trial was the matter of the veracity of the witnesses, - a subject also peculiarly within the province of the jury to determine, and which left to them as it was under proper directions of the Court, was conclusively settled by their verdict.

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1. This question of veracity arose between the testimony of Lizzie Maher, Katie Ellis, Martha Nachman and Mamie Gray on the side of the People, and the uncorroborated testimony of the defendant alone in her own behalf.

2. The testimony of the two sides was utterly irreconcilable; either the girls or the defendant committed wilful wicked perjury, and on weighing the question as to which was entitled to belief, the jury undoubtedly considered the question of motive, none existing on the part of the girls, and a very strong one causing the defendant to negative under oath their statements.

3. Now this question of veracity was peculiarly one for the jury to pass upon. They had a right to take into consideration the manner of the witnesses testifying on the stand, their motives in testifying, how far their statements conflicted with or corroborated each other, and the result was that they chose to believe the story of the children as against that of the defendant - the testimony of four against that of one.

4. A careful analysis of the testimony in this case will shew that the rulings of the Court were entirely correct as to the impeachment of the veracity of the defendant.

(a) In the first place, she swore absolutely that neither Lizzie Maher nor Katie Ellis had ever called at her house on the days charged in the indictment, and that she had never seen either them or

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the other two witnesses Martha Nachman and Mamie Gray before in her life.

(b) Now the only way the People could meet such a statement as this was by producing these two last girls in addition to those who testified as to the fact of the abduction, and to prove by their statements not only that she did see them but to corroborate the statement of the other two girls as to the conversations they had with her when she enticed them into the house.

(c) So that the question does not rest merely upon the fact of the prisoner having or not having seen two independent persons not connected with the case, but as to her having seen and known two girls sworn to by the others as having been referred to by her, and who also swore that she knew them and they had been in her house.

(d) An additional point in support of the admissibility of their evidence also arose from the fact that she swore distinctly that she never kept a house of prostitution, and that the house in question was not one of that character. Their evidence corroborated the story of the girls as to the purpose for which they went, and while there was a discrepancy in the testimony between the two girls on the abduction charge as to whether the sexual intercourse was had by the Frenchman with one of them, yet that

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was a fact which did not absolutely destroy the value of their testimony because as to how far the act was perpetrated was peculiarly within the knowledge of the girl who was the victim.

V. The contradictions in rebuttal of the testimony of the defendant were properly allowed by the Court.

1. On her cross-examination the prisoner swore she never kept a house of prostitution or assignation, that she had always pursued an honorable business, and this opened the door to the People to enter into her past life and test the purity or impurity of her mode of livelihood.

2. The defence having thus opened the door to this subject, the People then inquired whether she had kept a house of prostitution in 1883 at 240 East 25th Street; whether a certain Dr. Duberceau had not made a complaint against her, - whether she had not been dispossessed and her house pulled, - and whether she did not then go by the name of Alice Hodges; and she swore under oath in the negative.

3. Now every one of these questions went to her credibility. They were not on collateral matters, because the question of her previous life as the keeper of a house of prostitution was a very material element for the People to prove, as shewing the intent and purpose with which, if the girls' story of the abduction was to be believed, she re-

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ceived and enticed them into her house.

4. Now the rule of law is well settled that such evidence was admissible. In Ryan v. The People, 79 N.Y.R. 593, it was held, upon the trial of an indictment for assault and battery, when the offence was alleged to have been committed during an affray at a town meeting, and the witness for the prisoner was asked on his cross-examination whether he had been indicted for assault and battery committed on that day, which was objected to and overruled, that it was a fair inference that the prisoner ~~that the~~ was indicted as one of the participants in the affray, and that the question was competent to shew the position he occupied in respect to the controversy out of which the affray arose and his interest in the litigation, and as shewing prejudice and bias. It was upon the fact that the testimony tended directly to connect the witness as a participant in the subject matter in controversy, that it was held admissible for the purpose of shewing his relationship to and interest in the litigation; and the Court of Appeals held that the matter was properly one within the discretion of the Court.

5. Again, in Real v. The People, 42 N.Y.R., 270, a witness introduced by the accused and who gave material testimony in his favor was asked upon cross-examination whether he had been in the penitentiary and how long, which question was excepted to and overruled. The Court says: "My conclusion is that a witness upon cross-examination may be asked whether he has been in jail, the peniten-

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tiary or state prison, or other place that would tend to impair his credibility, and how much of his life he has passed in such places. When the inquiry is confined as to whether he has been convicted, and of what, a different rule may perhaps apply. This involves questions as to the jurisdiction and proceedings of a court of which the witness may not be competent to speak. Here the inquiry was simply whether and how long the witness had been in the penitentiary. This the witness knew and could not be mistaken about.

6. Again, in Brandon v. The People, 42 N.Y.R., 266, the prisoner, indicted for stealing, was sworn as a witness in her own behalf, and on cross-examination was asked Have you ever been arrested for theft? and the question was objected to as an attack upon her character, which she had not herself put in issue. The Court of Appeals held that the question was a proper one, and was put to the witness for the purpose of impairing her credibility as a witness. This has been the practice of the courts of this State from a very early period - to permit questions of this character to be put to the witness and for the purpose indicated. Its abuse is guarded against in two modes: first, by the privilege of the witness to decline to answer any question which may disgrace him or may tend to charge him as a criminal; second, by the power of the Court of its own motion to prohibit an unreasonable or oppressive cross-examination. And the Court held further in this case, that under the statute when a prisoner testifies in his own behalf, he thereby becomes subject to the same rules and is called upon

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to submit to the same tests which are legally applied to other witnesses.

7. The same rule of law prevails in other states. Thus, in Clemens v. Conrad, 19 Mich. Reports, 170, a witness called by the defendant was asked on cross-examination whether he was indicted in 1865 for smuggling, and on appeal this was held not to be error. Again, in Hamilton v. The People, 29 Mich. Reports, 183, it was held not error to allow witness to be asked if he had deserted, or another to be asked if he had been charged with crime. And in Driscoll v. The People, 47 Mich. Reports, 417, the Court said: "A witness may be asked on cross-examination within the proper discretion of the court not only concerning his conviction but also concerning any serious charge brought against him." State v. Bacon, 8 Criminal Law Magazine, 82 seq.

8. The last and most recent case on the subject is in the Court of Appeals (People v. Clark, June 25, 1886, 2 N.Y. State Reporter, 543). The Court there say: "The general history and mode of life of the witness threw light upon his character and his degree of intelligence and business experience; while his other dealings with the Ulster county tract bore strongly upon his attempted explanation, and were important facts in judging of its truth. How far such an examination may be carried is necessarily very much in the discretion of the court, and we do not think that such discretion was unwisely exercised."

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VI. The motion for a new trial should be denied.

GUNNING S. BEDFORD Jr.,

Asst. Dist. Attorney.

ELBRIDGE T. GERRY,

Of Counsel for the
People.

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0702

N.Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

Mary Anderson.

Abdullah
PENAL CODE, § 282.

BRIEF FOR THE PEOPLE.

On motion for a new trial

Court of General Sessions

Before Hon. Henry A. Gilderleeve
Judge.

The People vs.
— against —
Mary A. Anderson.

The Defendant moves for a
New Trial on the following grounds
which she hereby files:

The defendant was tried on an Indictment
charging her with having on the 18th day
of March 1884 abducted one Lizzie Mahon.

She was placed on the witness stand in
her own behalf and denied the charge.

On cross examination she was asked by
the District Attorney the following questions: -

- " Q. Did you ever live at 240 W. 25th
" Street in this City
" A. I did.

See page
9 of
Anderson's
notes

" Q Were you not known in that house as Alice Hodge?

" A. No, Never, ~~my~~ the lease of my house shows that

" Q. Do you deny that you were living at 240 West-25th Street in May 1883?

" A. I cannot tell this statement for a fact until I see my lease because I do not remember.

" Q Do you know a physician named Dr. DuBerceau?

" A. Yes sir - I know him very well.

Subsequently the District Attorney called Arthur Du Berceau in rebuttal and the following proceedings took place; -

" Q Doctor you are a physician practicing here in this city and have been for a number of years?

" A Yes twenty five years practicing and lecturing.

" Q. In 1883 did you reside at 238 West-25th Street in this city?

" A. Yes sir, I did.

" Q. Do you remember 240 West-25th St.

" A. I do.

Q On the 7th of May 1883 who kept
240 West 25th Street?

Objected to as immaterial, irrelevant,
incompetent and remote as to
what occurred in 1883, The charge
in this indictment is the abduction
of this girl on the 10th of March 1884.

By the Court. Q. Who kept 240 West 25th Street?

A. A woman that was known in the
neighbourhood under the name of
Alice Hodge.

Mr. Howe. I now ask that that be stricken out.

By the Court. Q. What did you say the name
was?

A. Alice Hodge.

Mr. Howe. Now we ask that the answer be
stricken out as incompetent, irrelevant
and immaterial, it being about a
matter remote and foreign to this
Indictment.

Mr. Bedford. It is on the question of credibility

The Court. I will allow it to stand

Mr. Howe. Give me the benefit of an exception.

By Mr. Bedford. Q. Would you recognize
that woman that went by the name
of Alice Hodge in 1883 if you saw her?

A. I could, yes Sir.

Q. Do you see her now in this Court Room.

All this
done
again &
again by
Court of
Appeals

A. I do.

Q. Where is she?

Objected to upon the grounds
elated and also upon the further
ground that the answer if given in
the affirmative would prove to the
jury something which the District
Attorney is not allowed by law to
prove viz, that the woman passed by
another name, and whilst it being
no name, it may have a prejudicial
effect tendency, it is certainly incompetent.

By the Court. Q. ~~Where~~ Were you acquainted
personally with this lady?

A. I saw her going in and out.

Q. Were you ever introduced to her?

A. No sir.

Q. All you know then as to the name
is what you have heard?

A. Yes sir.

The Court. I do not think that will do, he
don't know what the name was, he
says he heard a person went by
that name.

By Mr Bedford Q. I am now going to ask
him, is she now in Court?

Objected to

Q. You said, there she is, pointing

to her, putting up your hand?

A. Yes Sir.

Mr. Howe. I ask that the putting the hand up and the pointing and the exclamation "there she sits" be stricken out.

The Court: You propose to show that she was convicted of keeping a disorderly house in 1883.

Mr. Bedford No Sir.

Mr. Howe. This is taken subject to objection and exception

By Mr. Bedford. Q. You say you recognize Alice Hodge as the woman that lived at 240 West-25th Street.

A. Yes Sir.

Q. Where is she?

Objected to - Objection over-ruled -
Exception -

A. Right back of that gentleman, that lady (pointing to the prisoner)

The admission of this evidence was clearly in error.

The District Attorney was bound by the answer of the defendant on cross examination that she had never gone by the name of Alice Hodge, it being entirely collateral to the matter under investigation.

The Court must bear in mind that in

addition to proving that the defendant -
in 1883 four years before the finding of
this indictment - the prisoner went by
another name, the District Attorney had
by a series of questions and statements
in the presence of the Jury made it public
that he proposed to show that the defendant
had while keeping the house in 25th Street
been arrested and charged with keeping
a house of prostitution and that she kept
it under the name of Hodge, and in
one of the Questions Mr. Du Bouché
was named as the accuser.

The Jury must have become well
aware of this fact and much prejudice
was undoubtedly created by these illegal
statements and questions, but coupled
with these the District Attorney was permitted
to show by the very person he named as accuser,
Mr. Du Bouché that the defendant had
gone by this other name while being living
in 25th Street and he pointed her out in the
Court Room.

The effect of this evidence must be have
been most prejudicial, while it in no way
related to the offence for which the defendant
was on trial.

In *First vs Second Avenue R. R. Co.*: 72 N. Y. 546. Judge Rapallo, said: But the difficulty is that he has not given any testimony on the subject of the driver looking or being careful, and his unsworn statements on that subject was therefore wholly immaterial and irrelevant and if objection had been made on the part of the defendant to the questions put to him by the plaintiffs Counsel in respect to such statements, it would have been the duty of the Court to have excluded them. But it has often been decided that the omission to make such objection is no ground for the answers made by the witness to irrelevant inquiries to be contradicted.

In *Baptist Church vs Brooklyn Fire Ins. Co.*: 28. N. Y. 159. Denio. C. J. said:
As principal evidence it was incompetent - being the declaration of a third person who though an agent of the defendants was not then engaged in the performance of any act relating to his agency - so as to bring the case within the rule which allows the declarations of the

Agent as part of the res gestae. It was not competent for the purpose of disproving Stevens denial of the alleged admission for an issue cannot be raised upon an answer to a question put to affect a witness credibility.

In *Plato vs Reynolds*, 27 N. H. 584. Mearns J. said -

The authorities quoted by the defendants counsel show that a witness cannot be cross examined as to any distinct collateral fact for the purpose of afterwards impeaching his testimony by contradicting him, and if the witness answered each question, the answer must be taken as conclusive, and no evidence can be afterwards admitted to contradict it. This rule will not exclude the contradiction of the witness as to any facts or immediately connected with the subject of inquiry x x x x x x x x x

His answers however will be conclusive, and he cannot touching these collateral facts, be contradicted by other witnesses.

In the People vs Ware. 29. Hun.
page. 477. Judge Daniels said:

And from that it is clear that the evidence was received for the mere purpose of contradicting and discrediting the defendant in the case. Whether he participated in the commission of the other offense was not a material inquiry on the trial of this indictment. It was simply collateral, and the object of it was by cross-examination to show such preceding criminal conduct on the part of the defendant as would lead the jury to disbelieve the witness or to reduce the effect they might otherwise be inclined to give his testimony. When that course of cross-examination has been followed the law does not permit the party adopting it to introduce further and independent evidence to prove that the denial of the witness was false. When that is the sole effect to be given to the evidence the party cross-examining the witness is concluded by his answer - The inquiry cannot be further extended by producing testimony of a contradictory nature. The rule upon this subject has frequently been made a matter of

consideration by the Court, and it is now well established that to entitle the party interrogating the witness in this manner, by way of cross examination, to introduce evidence to contradict his statements, the cross examination must be directed to a material enquiry in the case, or to evidence establishing a hostile or unfriendly bias against the party in the mind of the witness.

In *Boland vs The People*. 26 Hun: page 83. Hardin. J. said in the case before us we cannot say that under any exception to the general Rule, that where a prisoner is charged with one crime, evidence tending to show him guilty of another cannot be received, the ruling was correct. The evidence objected to and retained against the prisoner's exception should have been rejected. Although the jury might have convicted if such evidence had not been received, we cannot usurp the province of the jury, and disregard the error.

In *Rosenzweig vs The People*. 5 Law. 462. Judge Leonard said:

It was not competent to impeach the prisoner as a witness nor any other witness by contradicting him as to facts disconnected with or collateral to the subject matter at issue and on trial.

The prisoner was not indicted for producing an abortion upon Nellie Willis nor was he notified or prepared to meet that charge. No person can be required to come into court ^{on} for a trial under an indictment for a specific offense, prepared to defend or explain other transactions not connected with the one on trial

x x x x x x x x Evidence of general good character would not relieve the prisoner from the stigma of the crime proved by Nellie Willis, nor restore the presumption in his favor which might otherwise have been created by his own evidence. Every person is presumed to be able to defend himself against evidence of general bad character for truth, but not so as to proof of particular acts of crime or misdemeanor. The illegal evidence tended to damage the prisoners case, by inducing a conviction in the mind of the Jury from the commission of the previous offense that he had committed

the crime for which he was then on trial.

The Defendant also moves
for a new trial on the following
grounds: -

1. The verdict is against the evidence.
2. The verdict is against the weight of evidence.
3. The Court received illegal evidence against defendant's objection and exception.
4. The Court illegally excluded proper evidence offered by the defendant to which rulings exceptions were taken.
5. The Court misdirected the Jury in matters of law.
6. The Court refused to charge proper and legal requests made by the defendant.

POOR QUALITY
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0715

Grand Jury Room.

PEOPLE

vs.

Mr. Fay,

Send to Mr. Alden
Mott, the counsel for
Mary Anderson, & tell
him that we must have
this motion set down
for some day this week,
else we shall apply to
Court therein; if he de-
clines to set it down this
week, bring the matter
to Mr. Davis' attention, &
tell him that in my opin-
ion the postponement desired
is only a subterfuge.
July 26/97. A.D.P.

**POOR QUALITY
ORIGINAL**

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

NO 100 EAST 23RD STREET. (CORNER 4TH AVE.)

New York August 1, 1887

The People
v.
Mary A. Anderson.

Hon. Ambrose H. Purdy,

Asst. District Attorney &c.,

Dear Sir:

I enclose herewith the papers you kindly left me this morning after having argued the motion for a stay of proceedings, pursuant to your request. I enclose a copy of the brief sent to the Judge, which I trust will merit your approval, and

I have the honor to remain,

With great respect,

Wm. J. Terry

President &c.

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District Attorneys Office.
City & County of
New York.

Copy

August 10th, 1937.

The People
vs : Abduction
Mary A. Anderson
George A. McMahon, Inc.

7 Madison Street,
City.

Dear Sir:

This office has been informed by Judge Donohue, before whom the order to show cause for certificate on appeal was argued, that he avails only the transcript of the record which you promised to furnish him, for the decision of the motion *herein*.

Will you please furnish this as soon as practicable, in order that the motion may be decided, as otherwise this office will feel it incumbent upon itself to urge a decision of the motion upon the facts now before the judge.

Yours respectfully,

A. D. Barker

Chief Clerk.

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Copied

No. 441
 Vol. 1 : 1860-1869
 George A. Annals
 George A. Annals, Esq.

1002 1 1 :

[illegible]

...that you present evidence that is as irrefragable, in order that the motion can be granted, and advise this office will feel it incumbent upon itself to urge a decision of the motion upon the facts now before the judge.

YOUNG JESSE C. GALT,

W. S. Barker

ending 11 o'clock.

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People v. Larry A. Brown

Letter to Geo. A. Hall -
Dermott, Dept. of Atty.
August 10, 1897.

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Mr. McDermott

The People

vs.

Mary A. Anderson

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Ma

Mary A. Anderson sworn and examined by

McDermott.

Q. You have heard the testimony during this trial of Lizzie Maher and Katie Ellis.

A. I have heard the testimony.

Q. Now is it true Mrs. Anderson as stated by Lizzie Maher and Katie Ellis that they were at your house on the 18th or 19th of March last or at any time during the month of March last.

A. No.

Q. You are positive about that.

A. I am positive, so positive because I am not engaged in any such business in the first place and never has.

Q. Now if they would come to that house you would not admit them, would you.

A. No, I would not.

Q. Is it true or false that you ever had any conversation with them at that house or in any other during the month of March.

A. It is false of course from the fact of my never seeing them.

Q. Do you remember the fact, Mrs. Anderson that some parties had called at your house and stated in substance to you that they had been to two or three houses on that block in search of a girl named Katie Ellis.

A. Yes sir.

Q. And some other girl and you allowing them to look through the house, and they making some statement in regard to the Ellis matter, as having come from Katie Ellis.

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about two weeks prior to the time that you were arrested.

Objected to Objection sustained. Exception.

Q. Did Detective Price in company with some one claiming to come or a member of the family of Katie Ellis, call at your house about two weeks before you were arrested in the month of March last.

A. Yes sir.

Q. About some girls claiming to be in your house or in other houses on that block.

A. Yes sir, a young man first came.

Q. They did call there.

A. They did.

Q. Now state what was said by either one of them at that time and what you allowed them to do in connection to the house.

A. Well, the young man, the girl's brother and another man who said he was from the Central office first called on Sunday evening; it was the gentleman who said that he was from the Central Office that did the talking. I was sick and I have been all winter and my servant opened the door. They said they wanted to see the lady of the house and I was not presentable; it was Sunday evening, I was not dressed, I was lying on the sofa and I said to a lady who lives in my house, Mrs. Harrington, "will you kindly go to the door and see what it is." So the girl says, "there is an officer here from the police place, the quarters, whatever you call it." So Mrs. Harrington went out and they showed her a picture. Then I was not there at that time but the girl came and said to me -- "what did you say about the court officer", I said to her,

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She said, "there is two men outside and one is a court officer." Then I got up and said, "what is the court officer doing?" I heard him talking and showing this picture; then I slipped something on and Mrs. Harrington said, "this is the lady of the house"; she had this picture in her hand. Then he took the picture out of her hand and handed it to me. He says, "have you ever seen that picture?" I looked at the picture very unconcernedly and then examined it closely, I thought she might be an actress or something, I examined the style of the picture. I said, "no, I didnot think I had seen this, what is it all about?" Well, he said, "this is the sister of this young man who is missing from home since before St. Patrick's Day she is missing", and he says, "her father is dead and this young man is the support of those children", I do not know whether he said the mother was living or not. I said, "that is very sad and all that and he said there was some girls gave it out about the skating rink a month ago.

Mr Bedford: This is all subject to my objection.

By Counsel. Q. Now did not they ask to search the house.

A. Not that night.

Q. Did they not the next night.

A. The next Monday evening.

Q. Did this young man call the next night. on you.

A. With Detective Price.

Q. And went over the same story.

A. Went over the same story.

Q. They asked the privilege to search the house and did not you grant it.

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A. Yes sir, and the closet that was locked I sent down for the key in my presence and in the presence of this young man Ellis Detective Price told me that he was the brother of Mattie Ellis.

Q. Did not he state to you that they had been to two or three houses in the block.

A. Yes sir.

Q. They did not know where they had gone.

A. We said, "I don't know whether it was 52 or 54", I said, "I can assure it is not 54, it is a respectable boarding house"; they said they had searched every other house on the block.

Q. Did not you show them all through your house

A. Every nook and corner of it.

Q. Now what was stated by Detective Price and by this young man in conclusion after the two nights search.

A. Detective Price said, "he turns to the young man, he at first asked me how long I had lived there? I said two years; ^{he} said, "if there is anything ^{he} wrong about this house I am surprised because we have been on this block more than on any block in New York,, Capt. Williams and I both, hadn't think it now or never heard it", turning to the young man.

MR. Bedford: I object on the ground that it is collateral, immaterial and has no bearing upon this accusation

The Court: I sustain your objection.

Counsel: Note an exception.

By Counsel. Q. Now did Detective Price not state to you at that time that he believed their story that those girls had been there or were there to be forced --

false

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Objected to. Objection sustained. Exception.

Q. At the time that you had these interviews and that these searches were made, was it not at least two weeks before you were arrested on the complaint of these girls.

Objected to. Objection overruled.

A. Yes sir, it was the Sunday before I was arrested.

Q. A little over a week.

A. About a week I think, yes sir.

Q. And after that last visit.

A. Yes sir.

Q. Where were you born, Mrs. Anderson .

A. I was born in Ireland.

Cross Examined by Mr Bedford.

Q. How long have you lived at 52 West 24th Street in this city.

A. Two years.

Q. You are the landlady are you not, the tenant.

A. Yes sir, the tenant.

Q. Has 52 West 24th Street during the last two years been a house of prostitution.

Objected to.

Q. Is it a house of assignation.

Counsel: Objected to on the ground that the answer might criminate her.

The Court: You may decline for that reason to answer.

By Mr Bedford. Q What is your answer to the last question, during the two years that you have been proprietress of that house No.52 West 24th Street, was it not a house of assignation.

A. No sir.

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Q. Mamie McGrath, have you ever seen her. (Pointing.)

A. No sir.

Q. You have never seen her before. (Pointing to the girl.)

A. Never until I saw her at the Court-house.

Q. Was she ever in your house during the time you were the tenant of 53 West 24th Street.

A. Never to my knowledge.

Q. Martha Nachman, did you ever see her.

A. Never until I saw her at the Court-house.

Q. You never saw her in your house.

A. Never.

Q. You never described her to Lizzie Maher or Katie Ellis as the black haired girl.

A. Never.

Q. When you spoke to the Frenchman you never said to him that Katie Ellis and Lizzie Maher were friends of this black haired girl.

A. Never.

Q. What other name have you been known to go by besides the name of Mary A. Anderson.

Objected to. Objection overruled. Exception.

A. No other name.

Q. You are sure.

A. I am sure.

Q. Did you ever live at 240 West 25th Street in this city.

A. I did.

Q. Were not you known in that house as Alice Hodge.

A. No, never, the lease of my house will show that.

Q. What did the community, the visitors, what name did they know you by.

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Objected to. Objection sustained.

Q. You lived for how long a time at 240 West 25th St. in this city.

A. I cannot tell whether it was a year or a year and a half, I know I rented the house in the month of April.

Q. In what year.

A. I am not sure, I know I have lived away from there three years .

By the Court. Q. You have been away from there three years.

A. Yes sir.

By MR Bedford. Q. You were living there in May, 1883, were you not.

A. I will be two years in 24th Street last May and a year in 21st St., yes sir, March 1883 I left it.

By the Court. Q. You left in March, 1883.

A. Yes sir.

Q. He asked you if you were living there in May, 1883.

A. No, I was not.

By MR Bedford Q. Do you deny that you were living at 240 West 25th Street in May, 1883.

A. I cannot tell this statement for a fact until I see my lease because I do not remember.

Q. Do you know a physician named Dr DuEerceau.

A. Yes sir, I know him very well.

Q. When you were living at 240 West 25th Street did he not make an affidavit against you for keeping a house --

Objected to. Objection sustained.

Q. Was this house 240 West 25th St. ever "pulled" and charged as being a house of ill fame when you lived there in May, 1883.

Objected to.

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Mr Bedford: It is true.

Mr Howe: I say to your Honor that the District Attorney has testified in the hearing of this Jury with the sole view to prejudice them that it is the truth that a house that this woman once kept had been "pulled" and I ask him if that is a fair observation. I ask you to order it to be stricken from the record and instruct the Jury to disregard it.

The Court: Of course it is no part of the record.

Mr Howe: I ask you to strike that from the record.

The Court: Yes, I will do that.

Mr Bedford: I asked this woman at any time -- I have the dates -- I ask while she was living at 240 West 25th St. in this city, whether there was not an affidavit made in the Police Court that this house was charged with disorderly conduct and she was dispossessed and it was pulled on that account.

Counsel: Objected to. Objection sustained..

Counsel: I ask that the District Attorney be prevented from stating the reason for putting the question.

Mr Bedford: I am asking her was there ~~was~~ an affidavit made charging the house that she lived in in 1883 in 25th St. as being a house of ill fame and a house of assignation.

Objected to.

Mr Bedford: I now offer in evidence a certified copy ---

Mr Howe: I object to your reading it; show it to the Judge and show it to me. Your Honor will see at a glance it is not evidence.

The Court: You offer this?

Mr Bedford: I do sir, a certified copy of the record of a Police

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Court.

The Court: You have not proved that it is a certified copy, it is clearly objectionable on that ground.

Mr Bedford: It is endorsed, a certified copy over the signature of the clerk.

The Court: That does not prove anything, you have got to show the hand-writing, something that the Court can take official recognition of; it relates to an entirely different person.

Mr Bedford: I can show that Alice Hodge is the Defendant.

The Court: If I admitted this it would be an error.

By Mr Bedford. Q. Were you ever known as Alice Hodge when you lived in 25th Street.

A. No, I was not, never. Q

Q. When you lived at 25th Street were you dispossessed.

Objected to. Objection sustained.

Q. Were you dispossessed for keeping a house of ill fame.

Objected to.

The Court: That is no ground for dispossessing.

Mr Howe: You see the object, it is jerking little patches of prejudice in when he has no case.

Mr Bedford: It is the truth and nothing but the truth..

Mr Howe: You must not do that.

Mr Bedford: I never did an official wrong, I have never been vindictive in any prosecution, I put every question in good faith, I prepared the case and I believe these questions that I put go to the credibility of this woman. I have proof to show what her life has been, and I argue that the girls tell the truth and that she is not telling the truth, I have evidence to show and to follow up that

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if she says she is not Alice Hodge it is not the truth.

Mr Howe: The District Attorney has said something in the hearing of the Jury. Judge Bedford knows that I could not under any circumstances mean that from his long record which is unimpeached, and it is a record of which he may be proud, that I should ever assert in a court-room that he is designedly unfair; it would be untrue if I did, but I say in this case, his zeal is overcoming his discretion.

Mr Bedford: Then I understand your Honor to rule out my right to cross examine as regards this paper, you have seen it.

The Court: Certainly, you simply offered in evidence a certain paper and it is objected to and the Court holds that there are several grounds upon which it is the duty of the Court to sustain the objection. The first ground is that the paper is not authenticated, where it comes from or what it is; and in the second place it refers to a different person than the party now on trial so far as the evidence at present stands. Those are two grounds upon which it is clearly objectionable. I do not mean to say that it is not possible to make that paper evidence. If you will put yourself in a position where you ought to, the Court will admit it; you have not done it yet.

By Mr Bedford. Q. When you lived in 25th Street, No. 240, what kind of a house did you keep.

Objected to as immaterial, irrelevant and incompetent.

The Court: That is a question you may answer or you may not. If the answer tends to criminate or degrade you you may decline to answer for that reason.

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Witness: I never in my life engaged in anything but what was thoroughly honorable and reputable, which I can prove, I can prove it by the finest people in New York City, I have always engaged myself in honorable and legitimate business. I think he is attacking my reputation.

Mr Howe: Answer the questions.

By Mr Bedford. Q. I ask her if she considers keeping a house of prostitution or a house of assignation an honorable business.

Objected to as immaterial and incompetent. Objection overruled. Exception.

A. He has misstated my words.

By the Court. Q. You have already said you never engaged in anything dishonorable.

A. Yes sir.

Q. You said you didnot keep a house of prostitution in 25th Street.

A. Yes, that is what I said, never.

Q. The question is, d you consider it a dishonorable occupation to keep a house of assignation.

A. Certainly I do, why should not I consider it?

By Mr Bedford. Q. Did you on the 13th of March about half past two o'clock in the afternoon see Lizzie Maher and Katie Ellis

A. No, I did not.

Q. Did you ask both or either of them their ages.

A. No.

Q. Did one of them say she was fourteen and her Mama and her Papa was ~~was~~ dead.

A. No.

Q. Did ~~one of them say~~ the other say she was fifteen, that

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her Papa was dead but her Mamma was living.

A. No, I never saw them.

Q. Did you say to either of them to call next day to meet a friend at half past two.

A. I never saw them, I could not ask them the question until I saw them at the Police Court.

By Mr McDermott. Q. Were you ever arrested or convicted.

A. Never.

By Mr. Howe. Q. Were you ever convicted.

A. Never, I have never been arrested, I could not be convicted.

By Mr Bedford. Q. Were you ever tried for any offence.

Objected to.

A. Never tried.

Q. Was there a complaint ever made against you for any offence.

Objected to. Objection sustained.

Mr Howe: That is the case. I now renew the three separate motions which I made at the conclusion of the Peoples' case, I make the same three motions separately with the separate grounds stated to each and ask your Honor as matter of law upon the evidence now to take the case from the consideration of the Jury.

The Court: Motion denied.

Mr. Howe: Give me the benefit of an exception.

Rebutting Testimony.

Mamie McGrath sworn and examined by Mr. Bedford.

Q. What is your name.

A. Mamie McGrath.

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Q. Have you ever been in the house 52 West 24th Street in this city.

A. Yes sir.

Q. When were you there.

A. The 11th of March.

Q. This year.

A. Yes sir.

Q. Mary A. Anderson, the Defendant that has just left the witness-box, did you see her there on that day.

A. Yes sir.

Q. What conversation if any did you have on the 11th of March with the Defendant at that house.

Objected to on the ground that this was before the charge mentioned in this indictment, and it is a grave question to my mind whether the evidence would be competent at all, I simply object as incompetent.

The Court: You would have to follow it up by connecting it, it is collateral matter.

MR Bedford: I propose to prove that this girl was there and the conversations and what she did and what the Nachman girl did. It has appeared in testimony what they did and proves beyond a peradventure that this was a house for prostitution.

MR Howe: I ask the stenographer to note that I object to the District Attorney stating again in the hearing of the Jury that he will attempt to prove something which is not competent proof.

The Court: The Defendant has said that this witness was not there you want to show a week or more before the alleged defence that this girl, an entirely different person, not

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in any way associated with the Defendant, was there; that has not a bearing particularly upon the case.

MR Bedford: My object is not only --

The Court: It is very clear what the object is. Suppose it was a house of prostitution on the 11th of March kept by the Defendant, is that material?

MR Bedford: The Defendant denies that and also denies in the same breath that she never saw one of these children there and I wish to prove that they were there. You have admitted that.

MR Howe: I will ask to have that stricken out.

MR Bedford: I wish to show that they were there and what happened while they were there. It is an issue of veracity between Mary Anderson and these four children whether she tells God's truth in saying that she never saw one of them or whether they were perjured little wretches.

The Court: It would be error to admit it. If you propose to show by this witness that she had made some statement in reference to the Ellis girl I must allow the conversation.

MR Howe: And I should not object.

The Court: But unless she made some statement regarding Ellis it would not be proper.

By MR Bedford. Q. Did you ever see Mary A. Anderson, the woman now on trial before you saw her to-day.

A. Yes sir.

Q. Where did you see Mary A. Anderson before you saw her in Court to-day.

A. I seen her in her own house.

Q. What house did you see her in.

A. In 24th Street.

14 Q. What was the number.

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A. I do not know the number.

Q. Near what avenue.

A. Near Sixth Avenue.

Q. What day did you see her in that house.

A. It was on Friday.

Q. Do you remember the day of the month and what month.

A. It was in March.

Q. Last March.

A. Yes sir.

Q. Now the person that you saw in the house in 24th Street in March last, do you declare positively to this Jury that that woman is the woman now on trial, known as Mary A. Anderson.

A. Yes sir.

Mr Howe: I ask that that be stricke out and the Jury instructed to disregard it on the ground that it is incompetent, irrelevant and immaterial.

Mr Bedford: That is offered to contradict her on the point where I stood the two little girls up.

The Court: I am inclined to think that is a collateral matter.

The Defendant does not deny that she lived in that house and has been the proprietress of it a year and a half. She certainly said she had not seen this girl there and you want to show that she was there. The motion is granted, I think it should be stricken out.

Mr Bedford: "Did you ever see Mrs. Anderson", ca that remain in?

The Court: Yes.

By Mr Bedford. Q. When I asked you did you ever see Mrs. Anderson, I mean this woman now on trial, is that the woman that you saw before to-day.

A. Yes sir.

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Q. Did you have any conversation with her ever in your life.

A. No sir.

Q. Who was with you at the time.

A. Martha Nachman and Lizzie Reilly.

Martha Nachman sworn and examined by Mr Bedford.

Q. Martha Nachman, Mary A. Anderson, this woman is on trial, did you ever see her before to-day.

A. Yes sir.

Q. When.

A. I do not remember just the time it was.

Q. Within a week, within a year, within a month, how often have you seen her.

A. I saw her twice.

Q. Where do you recollect, the street or the house or the theater or wherever it was.

A. It was in 24th Street near Sixth Avenue.

Q. Do you know the number.

A. No sir.

Q. Are you positive, Martha, that the Defendant, Mary A. Anderson is the person that you have seen twice before to-day in a house in 24th Street near Sixth Avenue.

A. Yes sir.

Q. You are positive, look well.

A. Yes sir.

Cross Examined by Mr Howe.

Q. You were engaged in the skating rink case, weren't you.

A. Yes sir.

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- What
- Q. Was that man's name who kept that place.
- A. Fred Kenyon.
- Q. You were pretty intimate with Fred.
- A. Yes sir.
- Q. You used to go there didn't you very often.
- A. No sir, I did not go there very often.
- Q. It is a bathing pavilion.
- A. Yes sir.
- Q. That was last year was it not.
- A. Yes sir.
- Q. What age are you.
- A. Sixteen years old.
- Q. Sixteen are you now.
- A. Yes sir.
- Q. When were you sixteen.
- A. I am sixteen last October.
- Q. Last October.
- A. Yes sir.
- Q. You knew those two girls who were here, didn't you, Katie Ellis and Lizzie Maher.
- A. Yes sir.
- Q. You used to see Lizzie Maher at that skating rink didn't you.
- A. Yes sir.
- Q. And Katie Ellis too.
- A. No sir, I never saw Katie Ellis.
- Q. Never saw Katie Ellis.
- A. No sir.
- Q. But Lizzie Maher, the complainant in this case, the girl whose name is mentioned in this case, you saw her over a year ago at the skating rink, the time you used to go

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there .

A. Yes sir.

Q. She used to have intercourse with men the same as you did

A. No sir, not that I know of.

Q. You did, you swore it, don't you remember in the Kenyon case, you swore it at Mr. Gerry's office, didn't you, yes or no, that you had intercourse with Kenyon in his rooms, didn't you.

A. Yes sir.

Q. That was over a year ago.

A. No sir, it was not over a year ago.

Q. Well, about a year ago, perhaps I am wrong as to the month, Lizzie Maher used to go in Kenyon's room.

A. I never saw her in there, no sir.

Q. Don't you remember that in the Police Court you accused Lizzie Maher with going with Kenyon, yes or no, there was plenty there who heard you.

A. I do not remember saying it.

Q. Well, will you say that you did not.

A. Yes, I will say that I didnot.

Q. You now say that you didnot.

A. Yes sir.

Q. You never had a quarrel about having intercourse with Kenyon.

A. Yes sir, I had a quarrel with her about it.

Q. Kenyon kept one of the vilest places on the face of the earth, didn't he.

A. I don't know nothing about that.

The Court: I will exclude that question.

By Mr. Howe. Q. You remember Kenyon being arrested for having young

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girls there sleeping with them and seducing them, don't you.

Objected to. Objection sustained.

Q. How many times were you in Kenyon's place.

A. I was on the pavilion about four or five times.

Q. And in Kenyon's room.

A. I was there one night, once, and that has nothing to interfere with this at all.

Q. Nothing to interfere with this case.

A. No, not at all.

Q. Lizzie Maher being with you had nothing to interfere with this case at all.

A. She never was in the room with me.

Q. Did you ever see her in the room with any other man.

A. No, I did not.

Q. You went to the Society and told them, you swore before the Society that a great many men had intercourse with you, didn't you.

A. No sir, I did not.

Q. Well, how many have.

A. That is none of your business.

Q. Oh!

A. Yes, Oh!

Author Du Berceau sworn and examined by MR Bedford.

Q. Doctor, you are a physician practicing here in this city and have been for a number of years.

A. Yes sir, twenty-five years practicing and lecturing.

Q. In 1883 did you reside at 238 West 25th Street in this

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city.

A. Yes sir, I did.

Q. Do you remember 240 West 25th Street.

A. I do.

1983 Q. On the 7th of May, 1883 who kept 240 West 25th Street.

* Objected to as immaterial, irrelevant, incompetent and remote as to what occurred in 1883. The charge in this indictment is the abduction of this girl on the 10th of March, 1887.

By the Court. Q. Who kept 240 West 25th Street.

A. A woman that was known in the neighborhood under the name of Alice Hodge.

Mr Howe: I now ask that that be stricken out.

By the Court. Q. What did you say the name was.

A. Alice Hodge.

Mr Howe: Now we ask that the answer be stricken out as incompetent, irrelevant and immaterial, it being about a matter remote and foreign to this indictment.

Mr Bedford: It is on the question of credibility.

The Court: I will allow it to stand.

Mr Howe: Give me the benefit of an exception.

By Mr Bedford. Q. Would you recognize that woman that went by the name of Alice Hodge in 1883 if you saw her.

A. I could, yes sir.

Q. Do you see her now in this court-room.

A. I do.

Q. Where is she.

Objected to upon the grounds stated and also upon the further ground that the answer if given in the affirmative would prove to the Jury something which the District Attorney is not allowed by law to prove, viz. that

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the woman passed by another name, and whilst it being no crime it may have a prejudicial tendency; it is certainly incompetent.

By the Court. Q. Were you acquainted personally with this lady.

A. I saw her going in and out.

Q. You were never introduced to her.

A. No sir.

Q. All you know then as to the name is what you have heard.

A. Yes sir.

The Court: I do not think that will do; he don't know what the name was, he says he heard a person went by that name.

By Mr Bedford. Q. I am now going to ask him, is she now in Court.
Objected to.

Q. You said, there she sits, pointing to her, putting up your hand.

A. Yes sir.

Mr Howe: I ask that the putting the hand up and the pointing and the exclamation, "there she sits", be stricken out.

The Court: You propose to show that she was convicted of keeping a disorderly house in 1883.

Mr Bedford: No sir.

Mr Howe: This is taken subject to objection and exception.

By Mr Bedford. Q. You say you recognize Alice Hodge as the woman that lived at 240 West 25th Street.

A. Yes sir.

Q. Where is she.

Objected to. Objection overruled. Exception.

A. Right back of that gentleman, that lady. (Pointing to the prisoner.)

Mr Howe: In view of the last testimony we think that we need not

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say anything to the Jury. We are very safe and very secure as to what must result, but simply as a matter of form I ask your Honor to charge the Jury that the People have not proven that the girl Lizzie Maher was sixteen years of age at the time the alleged offence was committed. That your Honor declines and an exception will be taken.

The Court: Yes.

MR Howe: I ask your Honor to charge that there is not the corroboration required by law of the testimony of the girl Lizzie Maher as to the commission of the crime charged in the indictment. That your Honor also declines.

The Court: Yes, I decline to direct that.

MR Howe: Note an exception. I ask your Honor to charge that the Jury must take the antecedents of the girl Lizzie Maher into their consideration in considering the case and her admission that she had sexual intercourse with men other than and before the man alleged at Mrs. Anderson's.

The Court: Yes, I charge that.

MR Howe: And so, taking that evidence into consideration, the Jury must weigh it as to the credibility of the girl.

The Court: Yes, I charge that.

MR Howe: I ask your Honor to charge the Jury that they are bound to give the prisoner the benefit of every reasonable doubt in every aspect of the case, and if the Jury upon the whole case have a reasonable doubt of the prisoner's guilt, they must acquit her.

The Court: I so charge.

MR Howe: I ask your Honor to charge that if the Jury find from

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the evidence that Lizzie Maher has wilfully sworn falsely to a material fact in this case the Jury may entirely disregard her evidence.

The Court: I so charge.

Mr Howe: I ask your Honor to charge that the Jury must give due weight to the contradictions of Lizzie Maher by Katie Ellis and if the Jury on the testimony of the two have a reasonable doubt whether to believe Ellis or Maher, they should acquit.

The Court: I do not think I can quite charge that. In some things they agree and in some things they disagree; some of their statements are harmonious and others are not.

Mr Howe: As to the act of intercourse, which is the important question in this case - I will insert that word -- if there is any doubt in their minds whether to believe the version as to intercourse given by Lizzie Maher or the version given by Katie Ellis, (whom I understand entirely contradicted her as to that act, if I am right, I do not know, I was not here) then, if the Jury have a doubt as to which of those two they will believe, they must acquit.

The Court: Well, their statements are not entirely harmonious on that point and yet they are consistent. One girl, Maher I think she says, she was on the other side of the room and she saw this man throw the other girl Ellis over on the lounge and have connection with her. Now, the effect of Maher's testimony was that so far as appearances went he appeared to have connection with her. She said he did not do it but was simply fooling around her. So their statements are not really inconsistent; they may

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both be true. As far as this witness could observe her he was having connection with her. That is what I understood her to say, that is the effect of what she said.

Mr Howe: I was not here, I may be in error, but I am told that she swore positively that Kaite Ellis was present and that the man had connection with Katie Ellis when she was present. I say as to that Katie Ellis denies that. Now one of the two is telling an untruth about it. I ask you to instruct this Jury upon that particular question, if the Jury are in reasonable doubt or if the Jury believe that Lizzie Maher swore falsely as to that, then they should disregard her evidence, is not that so.

The Court: Yes, if she swore falsely they may disregard her evidence, that I will charge, if that is substantially what you want; if there is no corroboration on that point, why they must acquit.

Mr Howe: The other discrepancies will occur to your Honor in your charge where Lizzie Maher admitted she swore falsely at the Police Court.

The Court: You can make any further requests after I have charged the Jury.

Mr Howe: I do not think it will be necessary.

Counsel for the Defence did not sum up to the Jury.

Mr Bedford summed up for the people.

The Court adjourned.

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Mr. H. H. H. H.

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0747

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 A. Anderson

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

Mary A. Anderson

of the CRIME of *Obstruction.*

committed as follows:

The said *Mary A. Anderson,*

late of the *18th* Ward of the City of New York, in the County of New York afore-
said, on the *eighteenth* day of *March*, in the year of our Lord
one thousand eight hundred and eighty *seven*, at the Ward, City and County aforesaid,

*did feloniously take, receive, harbor,
employ and use one Maggie Maher, who
was then and there a female under
the age of fifteen years, to wit: of the age
of fifteen years, for the purpose of
prostitution, 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.*

Harold C. B. Smith

District Attorney.

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BOX:

264

FOLDER:

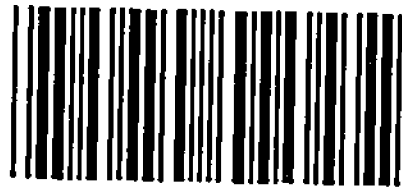
2542

DESCRIPTION:

Ascheim, Morris

DATE:

06/13/87



2542

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ORIGINAL

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Witnesses:

Mary Feeney
120 White St.

Walter Keenan
but says Ch
for beauty but
good

W

Counsel, *13* day of *June* 188*7*
Filed, *Wednesday* 14.
Pleads, *Not guilty*

THE PEOPLE
18 20th
21st
Maris Asheim
Grand Larceny, second degree
[Sections 528, 531 Penal Code].

RANDOLPH B. MARTINE,
P 2 June 16/88 District Attorney.
you are guilty

A True Bill.

A. C. Chandler
Foreman
24th June 5.11
W

POOR QUALITY
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Police Court—2^d District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Mary Feeney
of No. 120 White Street, aged _____ years,
occupation _____ being duly sworn

deposes and says, that on the 4 day of June 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property viz :

One pair of Earrings of the value of
Two hundred and fifty dollars

the property of Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Morris Ascheim (now here)
who acknowledged and confessed
in the presence and hearing of
officer McBluskey that he took
stole and carried away said
property Mary Feeney

Sworn to before me, this

of

June

1887

day

Samuel P. McBluskey Police Justice.

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CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation *George W. McCluskey*
Police officer of No. _____
Central office Street, being duly sworn deposes and

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

Sworn to before me, this

day of

June

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Sam'l C. Hill

Police Justice.

James A. Murphy

POOR QUALITY
ORIGINAL

0752

Sec. 193—200

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

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

Question What is your name?

Answer. *Morris Ascheim*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer, *New York*

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

Answer. *212 E 55th St 1 year*

Question. What is your business or profession?

Answer, *Clark*

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

Answer.

I am guilty of the charge

Morris Ascheim

Taken before me this

day of

June

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Samuel J. McElroy
Police Justice.

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

Police Court-- 2 District. 843

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Moat Henry
120 White St.
Morris Aschew

2 _____
3 _____
4 _____
Offence Larceny

Dated June 7 1887

H O Kelly Magistrate.

Geo McQuincey Officer.
C G Precinct.

Witnesses Officer

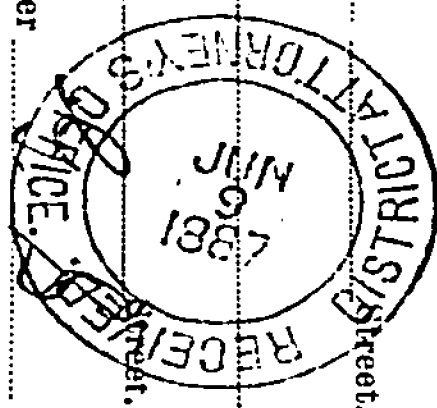
No. _____ Street.

No. _____ Street.

N _____

\$1000 TO ANSWER

Remanded



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

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

Dated June 7 1887 Saml C. Smith Police Justice.

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

Dated _____ 1887 _____ Police Justice.

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

Dated _____ 1887 _____ Police Justice.

POOR QUALITY
ORIGINAL

0754

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Morris Arden

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

Morris Arden

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

The said *Morris Arden*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
fourth day of *June*, — in the year of our Lord
one thousand eight hundred and eighty-*seven*, at the City and County aforesaid,
with force and arms,

Two savings of the value of
one hundred and twenty five
dollars each,

of the goods, chattels and personal property of one *Mary Henry*

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

Randolph B. Smith
District Attorney.