

0336

BOX:

220

FOLDER:

2164

DESCRIPTION:

Obrieght, Samuel

DATE:

05/17/86



2164

POOR QUALITY ORIGINAL

0337

165

W. H. Hart-

Counsel, 14 Feb.

Filed 17 day of May 1886

Pleas North City 18.

THE PEOPLE vs. SAMUEL OBRIEGHT (False pretenses), [Sections 528 and 53 Penal Code]

THE PEOPLE

vs.

Samuel Obriecht

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

P. 3. Sept. 7, 1886  
Bail discharged

William F. ...

Foreman

...

Witnesses:

James ...

It appearing by the within affidavits that it is impossible to secure the at-

tendance of David Meyer a material and necessary witness for the People and without whose evidence a conviction cannot be had. I there-fore respectfully recommend that the

defendant herein, Samuel

Obriecht

be discharged on his own recognizance.

N. Y., Sept 7, 1886.

District Attorney.

William ...

...

I appear. W. Davis - Sec. L.

**POOR QUALITY ORIGINAL**

0338

Police Court—

*A* District.

Affidavit—Larceny.

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

of No. *51 Greene* Street, aged *35* years,  
occupation *Race Dealer*

deposes and says, that on the *20* day of *March* 188*8* (at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the *day* time, the following property viz:

*Twenty five 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 *Samuel Obright* now here from the fact that upon said date said Obright came to deponent and represented that he had sold a bill of goods to *John M. Mento* of Newark, New Jersey, for the amount of sixty one <sup>92/100</sup> dollars upon which deponent would have owed said Obright the sum of *Twenty five* dollars. Deponent now says that upon such representation he paid over to said Obright said sum of *Twenty five* dollars on account of said deponent further says that he has been informed by said

of  
1888  
Police Justice.

POOR QUALITY ORIGINAL

0339

Rec'd that he (Ment) did not order  
any bill of goods from said  
Obright & Co that said representatives  
are false and fraudulent  
Julius Freund

Sworn to before me this  
5<sup>th</sup> day of April 1886  
Charles M. D. 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  
Hundred Dollars and he committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1886  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1886  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1886  
Police Justice.

Police Court, District.

THE PEOPLE, &c.,  
on the complaint of  
vs.  
1  
2  
3  
4

Offence—LARCENY.

Dated 1886  
Magistrate.  
Officer.  
Clerk.  
Witnesses.  
No. Street.  
No. Street.  
No. Street.  
§ to answer Sections.

**POOR QUALITY ORIGINAL**

0340

Rec. 195-203.

✓ District Police Court.

CITY AND COUNTY OF NEW YORK.

*Samuel O'Brien* 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 *Samuel O'Brien*

Question How old are you?

Answer *37 years*

Question Where were you born?

Answer *NY*

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

Answer *415 E. 117th St. NYC*

Question What is your business or profession?

Answer *Steward*

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

Answer *I am not guilty and demand a full trial*

*Samuel O'Brien*

Taken before me this

day of

1888

Police Justice.

POOR QUALITY ORIGINAL

0341

BAILED,

No. 1, by

Edw. Neil

Residence

1486 - 1 Avenue

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Police Court

District

THE PEOPLE, vs.

OR THE COMPLAINT OF

James Stewart  
St. James St. 313  
St. James St. 313  
St. James St. 313

Offence

Date

April 6

188

Magistrate

Officer

Preinct

Witness

No.

Stewart Stewart, N.Y.  
471. Br. St. Dumont St.

No.

Street

No.

300

to answer

Street

Billie

Paula E. Co. 8, 11/1884

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

By the thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three 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 April 6<sup>th</sup> 1886 to Andrew J. Smith Police Justice.

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

Dated April 8 1886 Andrew J. 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.

**POOR QUALITY ORIGINAL**

0342

All Bills not paid within 5 days after being due will be subject to Draft at sight.

Agents not authorized to collect!

New York, March 22 1886

Mr. Meyer & Co. New Brunswick  
Bought of JULIUS FRIEND, N.J.

Manufacturers of Fine Goods and Jewellies.

TERMS:

Settlement required within 30 days.

51 GREENE STREET,

BETWEEN BROOME AND CHANCE.

1571	1	Dry	Comp.		5 50
1643	1				2 15
1561	1				6 25
1562	1				6 62
1573	1				6 75
1574	1				5 25
1563	1				3 90
1566	1				7 75
1607	1				7 50
1571	1/2			8 00	4 00
1564	1/2			9 00	4 50
1678	7			2 50	5 00
1554	1				3 00
1637	1				5 00

\$ 70 17

Shipped by D. L. & W. E.

We'll get all

POOR QUALITY ORIGINAL

0343

CITY AND COUNTY }  
OF NEW YORK. } ss.

aged 44 years, occupation John W. Munch  
Newark, N. J. of No Franklin  
7 Street, being duly sworn deposes and

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

Sworn to before me, this 6  
day of April 1888 Edm. M. ...

Andrew J. ...  
Police Justice.

**POOR QUALITY  
ORIGINAL**

0344

*Robert W. Carr*  
*Attorney and Counselor at Law*  
*12 3/4 John Street.*  
*Room 8. New York.*

**POOR QUALITY ORIGINAL**

0345

UNITED STATES  
POSTAL CARD  
10c  
3 25-36  
8  
N.Y.  
Miss Irene  
31 Greene St  
New York

POOR QUALITY  
ORIGINAL

0346

Wilmington, N. C. May 24, 1886  
We would inform you that we have  
not had any goods from you. We would  
also inform you that we have not  
seen any agent from your store  
nor never seen your samples.  
Respectfully  
Wm. W. W.

The People  
vs.  
Samuel Obright }

City & County of New York ss:-

Darius Friend being  
duly sworn says:- That he resides  
at No. 121 E. 105 Street in New York  
City. That he is the complainant  
against Samuel Obright the defendant  
herein. That deponent has made  
diligent search and inquiry in Newark  
N.J. for David Meyer of No 751 Broad  
Street Newark N.J. and on several  
occasions urged the said Meyer  
to come to New York City to testify  
on behalf of the People herein,  
and that said Meyer has on  
each occasion refused to come  
and obey any subpoena of  
the Court of General Sessions.

Deponent therefore believes it  
will be impossible to procure the  
attendance of said David Meyer  
whose testimony deponent believes  
to be necessary and material  
and without whose testimony deponent  
verily believes to a conviction

POOR QUALITY ORIGINAL

0348

cannot be had herein.  
sworn to before me this } Julius Freund  
11 day of June 1887 }  
Rudolph L. Schauf

COMMISSIONER OF DEEDS,  
N. Y. CITY & COUNTY.

The People

vs.

Samuel Bright

Attendant of  
Julius Freund  
Complainant

POOR QUALITY  
ORIGINAL

0349

MORRIS W. HART,  
Attorney at Law,  
No. 100 Broadway, New York.

March 19<sup>th</sup> 1857

Hon. Randolph B. Hartine,  
District Attorney;

Sir:

This day  
I received a notice from your  
office to the effect that  
Samuel O'Bright would be  
placed on trial on the 23<sup>rd</sup>  
instant. I was counsel  
for Mr. O'Bright & was  
placed in my custody by  
Justice White in order to  
enable him to procure bail.  
After his arraignment at  
the General Sessions - he  
informed me that he had  
retained Justice Steetler.

However, if I shall appear  
on the 23<sup>rd</sup> inst. & if Steetler  
does not represent him  
& he desires me to do so

POOR QUALITY  
ORIGINAL

0350

I shall debit him, although  
I have not received a  
fee. I write this  
simply to notify you  
I do not consider myself  
- the atty for P. Marshall in  
this case.  
Yours truly  
M. W. H. [unclear]

**POOR QUALITY  
ORIGINAL**

0351

The People  
of  
Pennsylvania

POOR QUALITY ORIGINAL

0352

**PART III.**

THE COURT ROOM IS IN THE THIRD STORY.  
If this Subpoena is dissolved, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the officer at the Court Room  
Door that your attendance may be known.

(SEE OFFICE SUP FOR OTHER PARTICULARS.)

**SUBPENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

to *David Meyer*

of No. *771 Broad* <sup>Street</sup> *Newark*

GREETING:

WE COMMAND YOU, That all business and excuses ceased, you appear in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the County Court House, in the Park of the said City, on the *23* day of *March* instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against

*Samuel Obriecht*

in a case of Felony, whereof *he stands* indicted. And *this* you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of \_\_\_\_\_, in the year of our Lord 1887.

RANDOLPH B. MARTINE, *District Attorney*

POOR QUALITY  
ORIGINAL

0353

Newark Mar 22/81

Randolph B. Martine  
via V. L. L. L.

Dear Sir

Mr David Meyer has given  
up Business in Newark and  
left for south for recuperation  
of his health.

Very Respectfully,  
David Meyer.

**POOR QUALITY  
ORIGINAL**

0354

*Mr. Paine*





**POOR QUALITY ORIGINAL**

0357

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said *Samuel Thompson* to the said *John Smith*, was and were then and there in all respects utterly false and untrue, as *the* the said *John Smith* at the time of making the same then and there well knew.

And so the Grand Jury aforesaid do say: That the said *Samuel Thompson* the day and year first aforesaid, at the City and County aforesaid, in the manner and form aforesaid, and by the means aforesaid, with force and arms, the said proper moneys, goods, chattels and personal property of the said

then and there feloniously did STEAL, against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

**RANDOLPH B. MARTINE,**  
District Attorney.

0358

BOX:

220

FOLDER:

2164

DESCRIPTION:

O'Brien, John

DATE:

05/10/86



2164

POOR QUALITY ORIGINAL

0359

*Squid*  
34

Counsel,  
Filed *10* day of *May* 188*6*.  
Plends *Magistry* 19

[Section 219 - Penal Code]

THE PEOPLE

vs.

*John S. O'Brien*

RANDOLPH B. MARTINE,

*District Attorney.*

A TRUE BILL.

*William Van Horn*  
Foreman

*Comptrolor to Special Sessions*

Witnesses:

~~*Richard H. H. H. H.*~~

~~*Richard H. H. H. H.*~~

*John N. H. H.*

*Off John Smith*  
*19/19/19*

**POOR QUALITY ORIGINAL**

0360

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John T. O'Brien*

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

*John T. O'Brien*

of the CRIME OF *Burglary in the third degree,*

committed as follows:

The said *John T. O'Brien,*

late of the *21st* Ward of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *April*, - in the year of our Lord one thousand eight hundred and eighty-*five*, at the Ward, City and County aforesaid, *with force and arms, in and upon one* *Martha J. Hall* *intentionally* *made* *an assault, to the said Martha J.* *Hall* *then and there in a certain* *carriage drawn by two horses, and the* *said John T. O'Brien then and there* *driving a horse drawing a certain other* *carriage called a cab, did then and* *there unlawfully, feloniously, wantonly* *and maliciously drive said horse, so* *as to said drawing the said cab, to* *and against the said carriage in which* *the said Martha J. Hall then was,* *and by said driving did then and there* *unlawfully, feloniously, wantonly and*

POOR QUALITY  
ORIGINAL

0361

indiscriminately force the said act against  
the said carriers, by means whereby  
the said Marshal shall nor  
then and there afterwards, injured  
and wounded, against the form of the  
Statute in such case made and pro-  
vided, and against the peace of the  
People of the State of New York, and  
their dignity;

Randolph B. Martin,

District Attorney

0362

BOX:

220

FOLDER:

2164

DESCRIPTION:

O'Connor, James

DATE:

05/20/86



2164

POOR QUALITY ORIGINAL

0363

225-

*Raymond*

Counsel,

Filed *20* day of *May* 188*6*

Pleds. *Not guilty* Per *1*

MISDEMEANOR.

THE PEOPLE

vs.

*R*

*James O'Connor*

RANDOLPH B. MARTINE,

*Practice D. C. District Attorney*

*2 Leads Entry*

A True Bill.

*Apr. 1877*

*1886*

*Nathan Van Buren*

Foreman.

*[Signature]*

Witnesses:

*Richard O. Clark*

*Dr. Joseph A. Green*

**POOR QUALITY ORIGINAL**

0364

OFFICIAL CHEMIST  
- TO THE -  
N. Y. MERCANTILE EXCHANGE.

Office and Laboratory

JOSEPH F. GEISLER, Ph.C.,

Analytical and Consulting Chemist,

N. Y. Mercantile Exchange Building.

New Series, No. 111

New York, Apr 15<sup>th</sup> 1886

Certificate of Analysis

of a sealed sample of "BUTTER"  
marked 1018, 82 Catharine St. N. Y. March 31/86 E. J. Wilson, A. D. Clark  
received from Mr. B. P. Van Valkenburg, Assist. State Dairy Com.  
for Mr. C. D. Clark on April 1<sup>st</sup> 1886

This Sample contains  
Animal and Butter Fat, . . . . . 83.99 %  
Curd, . . . . . 88 %  
Salt, (Ash) . . . . . 3.83 %  
Water, at 100° C., . . . . . 11.30 %  
100.00 %

Analysis of the Fat present in the sample:  
Soluble Fatty Acids, (on a dry basis) . . . . . 1.82 %  
Insoluble " " " " . . . . . 92.14 %  
Specific Gravity of the dry Fat, at 100° F., . . . . . 0.9062  
Titr. . . . .

This sample is composed mainly of Animal Fat and is not produced from unadulterated milk, or cream from the same. It contains coloring matter, whereby it is made to resemble butter—the product of the dairy, and is made in imitation and semblance of butter produced from unadulterated milk or cream from the same.

Very Respectfully,

J. F. Geisler,

Mr. B. P. Van Valkenburg,  
Assist. State Dairy Com.

State of New York  
City of New York  
County of New York

On the 15<sup>th</sup> day of April in the year one thousand eight hundred and Eighty Six before me personally came J. F. Geisler

to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and

acknowledged that he executed the same.  
E. J. Davis  
16070

**POOR QUALITY  
ORIGINAL**

0365

Office and Laboratory

Apr. 10/18.  
April 10<sup>th</sup> 18  
[Signature]

**POOR QUALITY ORIGINAL**

0366

Office and Laboratory

STATE OF NEW YORK,

County of *New York* ss.:

*Michael A. Clark* being duly sworn, deposes and says: That he resides in the *228 West 124th Street in the City of New York* in the County of *New York* and State of New York, and is *35* years of age, and is an *employee*, appointed by *Josiah K. Brown*, New York State Dairy Commissioner;

That on the *31st* day of *March*, 1886, in the *Store* occupied by him, No. *87 Catherine* street, in the City of *New York* in the County of *New York* and State of New York, one *James O'Connor*, against the

form and statutes in such cases made and provided, and in violation thereof, and against the peace of the People of the State of New York, had in his possession, with intent to sell the same for Butter made from unadulterated Milk or Cream, a number of pounds of a substance, product, manufacture and compound, which was not Butter made from unadulterated Milk or Cream, but had been made by manufacturing, mixing and compounding with and adding to a small quantity and proportion of natural Milk, Cream or Butter a large quantity and proportion of animal fats, or animal or vegetable oils, and was a manufactured oleaginous substance not produced from Milk or Cream; that it had been and was colored with some coloring matter whereby the same was made to resemble Butter, the product of the Dairy, and was so colored thereby, in semblance of and resembled Butter, and did resemble Butter, the product of the Dairy; that the said

*James O'Connor*

offered said substance, product, manufacture and compound for sale as and for Butter made from unadulterated Milk or Cream at such time and place, with intent to sell the same as and for Butter made from unadulterated Milk or Cream, and did sell some considerable portion thereof, to wit, *one half pound* as and for Butter, the product of the Dairy, and represented the same to be Butter at such time and place; that the said substance, product and compound was not natural Butter produced from pure unadulterated Milk, or Cream of the same, and was not Butter, the product of the Dairy, and was not made exclusively from Milk or Cream, or both; that it contained some substance for the purpose and with the effect of imparting thereto a color resembling that of yellow Butter, and was in imitation and semblance of natural Butter produced from pure unadulterated Milk or Cream of the same, and was colored by some substance to resemble yellow Butter, and was in semblance of natural Butter; that the same was a substance known as Oleomargarine; that it had been made, manufactured and rendered out of some animal fat, or animal or vegetable oils, not produced from unadulterated Milk, or Cream of the same, in imitation and semblance of natural Butter, produced from pure unadulterated Milk, or Cream of the same, by mixing, compounding with and adding to a small quantity of Milk, Cream or Butter, a large quantity and proportion of some animal fats or animal or vegetable oils not produced from Milk or Cream, with design and intent to render, make and produce an article, substance and human food in imitation and semblance of natural Butter.

That the tubs in which the same was contained did not have the words "Oleomargarine Butter" upon the top or side thereof, and such words were not burned in or painted thereon with permanent black paint, in a straight line not less than one half inch in length, where deponent could see such brand; that no printed label, bearing the words "Oleomargarine Butter" was delivered therewith to the purchaser thereof.

Deponent further says that on said *31st* day of *March*, 1886, he went to the said *Store* of said *O'Connor* in said City and County and told *O'Connor* that he wanted to buy some butter; that said *O'Connor* showed deponent *one half pound* of the said Oleomargarine hereinbefore mentioned, offered the same to deponent for sale, and sold the same to deponent; that he so sold to deponent *one half pound* thereof, and deponent then paid to him therefor the agreed price thereof, amounting to the sum of \$ *0.10*; that, as deponent believes and charges, the said *O'Connor* at the time of so offering and selling the same, well knew that it was Oleomargarine, and had been manufactured and colored as hereinbefore stated; that he did not tell deponent at any time that the said Oleomargarine so sold to deponent was not Butter, the product of the Dairy; that deponent saw the tubs in which the said Oleomargarine was contained, and no printed label bearing the words "Oleomargarine Butter," was delivered by said *O'Connor*

to deponent with the Oleomargarine sold to him; that on *April 1st*, 1886, deponent delivered a sample of such Oleomargarine, so purchased by him as aforesaid, to *Joseph H. Feiler* a chemist of the city of *New York*, N. Y., and caused the same to be analyzed by such chemist, as shown by the annexed certificate of such chemist.

Wherefore, deponent prays that a warrant may issue for the arrest of the said *James O'Connor* and that he may be dealt with as the law directs.

Sworn to before me this *28th* day of *April*, 1886, *Archibald S. Clark* Police Justice.

POOR QUALITY ORIGINAL

0367

Chief District Police  
Court of the City of New  
York  
County of New York

THE PEOPLE, &c.,  
vs. *the Clerk*

*James C. Conroy*  
Dec. 5. c. h. 183. p. 1885.

Affidavit:

*A. D. Clark*  
350 Washington St.

Witnesses:

*E. A. Wilson*

Residence 300 Washington St.

*J. H. Geisler*

Residence 114 Mercer St.

in Charge. Hamilton T. Hudson St.

Residence

**POOR QUALITY ORIGINAL**

0368

Sec. 151.

Police Court *First* District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by *Archibald D. Clark*

of No. *728 West 124<sup>th</sup>* Street, that on the *31<sup>st</sup>* day of *March*

*1886*, at the City of New York, in the County of New York, *One James G. Cooney*

*at No. 87 Catharine Street West 140<sup>th</sup> City*  
*Sold to find Clark, an obnoxious and vicious*  
*Colored man, as and for a matter*  
*in violation of Section 8, Chapter 183,*  
*Laws of 1885.*

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

There are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the *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

*28<sup>th</sup>* day of *April*, *1886*

*Samuel O'Keefe* POLICE JUSTICE.

POOR QUALITY ORIGINAL

0369

Police Court *First* District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*A. B. Clark*

*James O'Connor*

*Section 8. Ch. 183.  
1. 1885*

Warrant-General.

Dated *April 28* 1886

*O'Reilly* Magistrate

*Herrick* Officer.

The Defendant *James O'Connor*  
taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

*Herrick* Officer.

Dated *May 1st* 1886

This Warrant may be executed on Sunday or at  
night.

Police Justice.

*945- Ann*

*27*

*Dr.*

*Dr.*

*Clark*

*8*

*Yes*

Having been brought before  
WARDEN and RECEPTION of the City  
of New York, this Warrant is committed for examination to the  
Prison of the City of New York.

*4. Madison St*

The within named

Police Justice

POOR QUALITY ORIGINAL

0370

Rec. 125-200.

*James O'Connor* District Police Court.

CITY AND COUNTY OF NEW YORK.

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

Question. What is your name?

Answer. *James O'Connor*

Question. How old are you?

Answer. *27 Years & 7 days*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *No. 145 Madison St. N.Y. City - about 4 years*

Question. What is your business or profession?

Answer. *Ship Clerk*

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.

*Not guilty and demand a trial by jury at the Court of General Sessions*

*James O'Connor*

Taken before me this

day of

*July*

188*6*

*James V. Kelly* Police Justice.

POOR QUALITY ORIGINAL

0371

BAILED  
 No. 1, by Edwards & Byrne  
 Residence 218 Grand St.  
 No. 2, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 5, by \_\_\_\_\_  
 Residence \_\_\_\_\_

Police Court 634  
District

THE PEOPLE, &c,  
ON THE COMPLAINT OF

U. F. Clark  
357 Washington St.  
James P. Clark

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 Offence Violation of Section 8, Ch. 183, l. 1885

Date May 1 1887

U. F. Clark Magistrate.  
Officer Reynick

Witness Edwards & Byrne

No. 357 Washington St.

No. 357 Washington St.

No. 357 Washington St.

No. 357 Washington St.

Remitted in Custody of John Stinson  
May 2. 65 per bonds

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

James Connor guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 3 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 May 2 1887 James P. Clark Police Justice.

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

Dated May 2 1887 James P. Clark 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**

0372

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*James O'Rourke*

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

*James O'Rourke* —

(Chap. 458, Laws of 1885, § 3.) of a Misdemeanor, committed as follows:

The said *James O'Rourke*,

late of the City of New York, in the County of New York aforesaid, on the *31st* — day of *March*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the City and County aforesaid, *one half pound* of a certain oleaginous substance and compound, not made nor produced from milk or cream (a more particular description of which said substance and compound, and of the ingredients and matters of which the same was made and produced, is to the Grand Jury aforesaid unknown, and cannot now be given), unlawfully did sell, and cause and procure to be sold to one *Archie D. Plada*, for butter, the product of the dairy; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SECOND COUNT: (Chap. 240, Laws of 1882, § 1.)

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

*James O'Rourke* —

of a Misdemeanor, committed as follows:

The said *James O'Rourke*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold, at retail, to one *Archie D. Plada*, *one half pound* of a certain substance, not butter, commonly called oleomargarine, and did then and there falsely represent the same to the said *Archie D. Plada*, —

to be butter; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

**POOR QUALITY  
ORIGINAL**

0373

THIRD COUNT: (Section 430, Penal Code.)

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

*James O'Roman* —

of a Misdemeanor, committed as follows:

The said

*James O'Roman*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one

*Indivald D. Plank*, as an article of food *one half pound* of a certain substance in imitation of a certain article of food, to wit: butter, without disclosing such imitation by a suitable and plainly visible mark or brand; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

FOURTH COUNT: (Chap. 23, Laws of 1882, p. 5.)

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

*James O'Roman* —

of a Misdemeanor, committed as follows:

The said

*James O'Roman*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, a certain parcel containing *one half pound* of a certain article and substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which divers oils and fats not produced from milk or cream, entered as component parts (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), the same being then and there an article and substance required by law, in case of retail sales in parcels, to be sold from a tub, firkin, box or package, distinctly and durably stamped, branded or marked upon the top and side with the words "Oleomargarine Butter" only, where it could be plainly seen, in Roman letters, burned in or painted thereon with permanent black paint in a straight line, and not less than one-half inch in length, and wherewith the seller was then and there required by law, to deliver to the purchaser, a printed label, bearing the plainly printed words "Oleomargarine Butter" only, in Roman letters not less than one-half inch in length, in a straight line, unlawfully did then and there sell and cause and procure to be sold at retail to one *Indivald D. Plank*, —

from a certain *Tub* — which was not then and there stamped, branded or marked as aforesaid, and did then and there unlawfully omit to deliver therewith to the said *Indivald D. Plank*, — a label of the kind and description aforesaid, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

**POOR QUALITY  
ORIGINAL**

0374

FIFTH COUNT: (Chap. 215, Laws 1882, § 2.)

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

*James O'Connor* —

of a Misdemeanor, committed as follows:

The said

*James O'Connor.*)

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

*André D. Dada, one half pound*

of a certain article and substance in semblance of natural butter, and known as oleomargarine or imitation butter, the same not being the legitimate product of the dairy, and not being made exclusively from milk or cream, or both, with salt or rennet, or both, with or without coloring matter or sage, but into which divers oils, and animal and other fats, not produced from milk or cream, had been introduced (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SIXTH COUNT: (Chap. 458, Laws of 1885, § 2.)

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

*James O'Connor* —

of a Misdemeanor, committed as follows:

The said

*James O'Connor.*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

*André D. Dada, one half pound*

of a certain article, substance and compound in imitation and semblance of, and designed to take the place of natural butter produced from pure, unadulterated milk, or cream of the same the said article, substance and compound, so sold as aforesaid, being rendered and manufactured out of divers animal fats and oils not produced from unadulterated milk, or cream from the same, the said article, substance and compound not being manufactured or in process of manufacture on the ~~thirtieth~~<sup>30th</sup> day of April, in the year of our Lord one thousand eight hundred and eighty-five (a more particular description of which said article, substance and compound, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

**RANDOLPH B. MARTINE,**

**District Attorney.**

0375

BOX:

220

FOLDER:

2164

DESCRIPTION:

O'Connor, John

DATE:

05/20/86



2164

POOR QUALITY ORIGINAL

0376

230

Counsel, *M. H. H.*  
Filed *20* day of *May* 188*6*  
Pleads *M. H. H. July 31*

MISDEMEANOR.

THE PEOPLE

vs.

*B*  
*John O'Connor*

RANDOLPH B. MARTINE,

*Dist. Atty.*  
*Filed 10 87*  
*Pleas 10 87*

A TRUE BILL.

*Arthur H. H. H.*

*Foreman.*

*File 100*  
*H*

Witnesses:

*Charles Sears*  
*De Edward G. Lora*



POOR QUALITY  
ORIGINAL

0378

Sto. 948.

April 10<sup>th</sup> 56

✓

**POOR QUALITY ORIGINAL**

0379

STATE OF NEW YORK,  
County of New York, ss.: 350 Washington Street

Charles Sears, being duly sworn, deposes and says:  
That he resides in the town of Coventry in the County of New York and State of New York, and is 37 years of age, and is an Inspector, appointed by Josiah K. Brown, New York State Dairy Commissioner; That on the 6th day of April, 1886, in the store occupied by him, No. 700 South Avenue in the City of New York in the County of New York and State of New York, one John Cornner, against the form and statutes in such cases made and provided, and in violation thereof, and against the peace of the people of the State of New York, had in his possession, with intent to sell the same for Butter made from unadulterated Milk or Cream, a number of pounds of a substance, product, manufacture and compound, which was not Butter made from unadulterated Milk or Cream, but had been made by manufacturing, mixing and compounding with and adding to a small quantity and proportion of natural Milk, Cream or Butter a large quantity and proportion of animal fat or animal or vegetable oils, and was a manufactured oleaginous substance not produced from Milk or Cream; that it had been and was colored with some coloring matter whereby the same was made to resemble Butter, the product of the Dairy, and was so colored thereby, in semblance of and resembled Butter, and did resemble Butter, the product of the Dairy; that the said John P. Cornner

offered said substance, product, manufacture and compound for sale as and for Butter made from unadulterated Milk or Cream at such time and place, with intent to sell the same as and for Butter made from unadulterated Milk or Cream, and did sell some considerable portion thereof, to wit, one pound as and for Butter, the product of the Dairy, and represented the same to be Butter at such time and place; that the said substance, product and compound was not natural Butter produced from pure unadulterated Milk, or Cream of the same, and was not Butter, the product of the Dairy, and was not made exclusively from Milk or Cream, or both; that it contained some substance for the purpose and with the effect of imparting thereto a color resembling that of yellow Butter, and was in imitation and semblance of natural Butter produced from pure unadulterated Milk or Cream of the same, and was colored by some substance to resemble yellow Butter, and was in semblance of natural Butter; that the same was a substance known as Oleomargarine; that it had been made, manufactured and rendered out of some animal fat, or animal or vegetable oils, not produced from unadulterated Milk, or Cream of the same, in imitation and semblance of natural Butter, produced from pure unadulterated Milk, or Cream of the same, by mixing, compounding with and adding to a small quantity of Milk, Cream or Butter, a large quantity and proportion of some animal fats or animal or vegetable oils not produced from Milk or Cream, with design and intent to render, make and produce an article, substance and human food in imitation and semblance of natural Butter.

That the tub in which the same was contained did not have the words "Oleomargarine Butter" upon the top or side thereof, and such words were not burned in or painted thereon with permanent black paint, in a straight line not less than one half inch in length, where deponent could see such brand; that no printed label, bearing the words "Oleomargarine Butter" was delivered therewith to the purchaser thereof.

Deponent further says that on said 6th day of April, 1886, he went to the said store of said John Cornner in said City and County, and told John Cornner that he wanted to buy some butter; that said John Cornner showed deponent the said Oleomargarine hereinbefore mentioned, offered the same to deponent for sale, and sold the same to deponent; that he so sold to deponent as little one pound thereof, and deponent then paid to him therefor the agreed price thereof, amounting to the sum of twenty cents; that, as deponent believes and charges, the said John Cornner at the time of so offering and selling the same, well knew that it was Oleomargarine, and had been manufactured and colored as hereinbefore stated; that he did not tell deponent at any time that the said Oleomargarine so sold to deponent was not Butter, the product of the Dairy; that deponent saw the tubs in which the said Oleomargarine was contained, and no printed label bearing the words "Oleomargarine Butter," was delivered by said John Cornner

to deponent with the Oleomargarine sold to him; that on April 7th, 1886, deponent delivered a sample of such Oleomargarine, so purchased by him as aforesaid, to Edward G. Love a chemist of the city of New York, N. Y., and caused the same to be analyzed by such chemist, as shown by the annexed certificate of such chemist.

Wherefore, deponent prays that a warrant may issue for the arrest of the said John Cornner and that he may be dealt with as the law directs.

Sworn to before me this 14th day of April, 1886.  
John P. Coffey  
Justice.  
Charles Sears

POOR QUALITY ORIGINAL

0380

*Paul A. St. John*  
Court of *Prothonotary*  
County of *Westchester*

THE PEOPLE, &c.,

*vs.*  
*John Johnson*

*Defendant:*

*Charles Clark*  
*357 Washington Street*

*Witnesses:*

*Jedediah Wallace*

*Residence 357 Washington Street*  
*Edmund G. Love*

*Residence 22 Bowery*

*Residence*

POOR QUALITY ORIGINAL

0381

Sec. 131.

Police Court *2nd* District.

CITY AND COUNTY OF NEW YORK. *In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GIN 11180:*

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 *Charles J. Lewis* of No. *257* *Washington* Street, that on the *6* day of *April* 188*6* at the City of New York, in the County of New York,

*one John Connor did sell to Charles J. Lewis one pound of Cocaine as well as one pound of Opium in violation of Chapter 458 of the Laws of 1885*

*40  
W  
due*

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

*706*

*16* *April*  
Dated at the City of New York, this

day of *April* 188*6*  
*[Signature]*  
POLICE JUSTICE.

**POOR QUALITY ORIGINAL**

0382

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Charles Sears*

vs.

*John Connor*

Warrant-General.

Dated *April 17* 1886

*Quincy* Magistrate

*John Campbell* Officer.

The Defendant *Connor*

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

*William Campbell* Officer.

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

This Warrant may be executed on Sunday or at night.

..... Police Justice.

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

Dated

188

Police Justice

The within named

**POOR QUALITY ORIGINAL**

0383

Sec. 195-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK

John Turner 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

John Turner

Question How old are you?

Answer

14 0 years old

Question Where were you born?

Answer

Ireland

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

Answer

774 10th Ave About 5 years.

Question What is your business or profession?

Answer

grocery clerk

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

Answer

I am not guilty and I demand a trial in front of John O'Connor

Taken before me this

day of

10  
John O'Connor  
Police Justice.

POOR QUALITY ORIGINAL

0384

BAILED,  
 No. 1, by Henry J. Parker  
 Residence 753 1/2 W. 14th Street  
 No. 2, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_

V 569  
 Police Court-- 2 District.  
 THE PEOPLE, vs.  
 Charles Deane  
 350 W. 14th St. N.Y.C.  
 John C. Connor  
 District Attorney  
 Date April 14 1886  
 Magistrate Quincy Campbell  
 Officer Conch  
 Precinct \_\_\_\_\_  
 Witnesses  
Jedediah Wheeler  
350 W. 14th St.  
Edw. J. Jones  
69 E. 11th St.  
John J. Smith  
69 E. 11th St.  
Charles  
100 Tenth St.  
Robert

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

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

Dated April 15 1886 [Signature] Police Justice.

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

Dated April 15 1886 [Signature] Police Justice.

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

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

**POOR QUALITY ORIGINAL**

0385

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John Roman*

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

*John Roman*

(Chap. 458, Laws of 1885, § 3.) of a Misdemeanor, committed as follows:

The said *John Roman*,

late of the City of New York, in the County of New York aforesaid, on the *ninth* day of *April*, — in the year of our Lord one thousand eight hundred and eighty-*six*, at the City and County aforesaid, *one pound* — of a certain oleaginous substance and compound, not made nor produced from milk or cream (a more particular description of which said substance and compound, and of the ingredients and matters of which the same was made and produced, is to the Grand Jury aforesaid unknown, and cannot now be given), unlawfully did sell, and cause and procure to be sold to one *Charles Sears*, for butter, the product of the dairy; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SECOND COUNT: (Chap. 246, Laws of 1882, § 1.)

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

*John Roman*

of a Misdemeanor, committed as follows:

The said *John Roman*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold, at retail, to one *Charles Sears*, *one pound* — of a certain substance, not butter, commonly called oleomargarine, and did then and there falsely represent the same to the said *Charles Sears*.

to be butter; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

**POOR QUALITY  
ORIGINAL**

0386

THIRD COUNT: (Section 430, Penal Code.)

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

*J. Roman* —

of a Misdemeanor, committed as follows:

The said *J. Roman*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one

*Charles Sears*, as an article of food ~~and~~ of a certain substance in imitation of a certain article of food, to wit: butter, without disclosing such imitation by a suitable and plainly visible mark or brand; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

FOURTH COUNT: (Chap. 238, Laws of 1882, § 3.)

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

*J. Roman* —

of a Misdemeanor, committed as follows:

The said *J. Roman*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, a certain parcel containing *one pound* of a certain article and substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which divers oils and fats not produced from milk or cream, entered as component parts (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), the same being then and there an article and substance required by law, in case of retail sales in parcels, to be sold from a tub, firkin, box or package, distinctly and durably stamped, branded or marked ~~upon the top and~~ side with the words "Oleomargarine Butter" only, where it could be plainly seen, in Roman letters, burned in or painted thereon with permanent black paint in a straight line, and not less than one-half inch in length, and wherewith the seller was then and there required by law, to deliver to the purchaser, a printed label, bearing the plainly printed words "Oleomargarine Butter" only, in Roman letters not less than one-half inch in length, in a straight line, unlawfully did then and there sell and cause and procure to be sold at retail to one, *Charles Sears*.

from a certain *box* — which was not then and there stamped, branded or marked as aforesaid, and did then and there unlawfully omit to deliver therewith to the said *Charles Sears*, — a label of the kind and description aforesaid, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

**POOR QUALITY  
ORIGINAL**

0387

FIFTH COUNT: (Chap. 215, Laws 1882, § 2.)

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

*John Roman*

of a Misdemeanor, committed as follows:

The said *John Roman*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

*Charles Sears, one pound*

of a certain article and substance in semblance of natural butter, and known as oleomargarine or imitation butter, the same not being the legitimate product of the dairy, and not being made exclusively from milk or cream, or both, with salt or rennet, or both, with or without coloring matter or sage, but into which divers oils, and animal and other fats, not produced from milk or cream, had been introduced (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SIXTH COUNT: (Chap. 458, Laws of 1885, § 2.)

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

*John Roman*

of a Misdemeanor, committed as follows:

The said *John Roman*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

*Charles Sears, one pound*

of a certain article, substance and compound in imitation and semblance of, and designed to take the place of natural butter produced from pure, unadulterated milk, or cream of the same the said article, substance and compound, so sold as aforesaid, being rendered and manufactured out of divers animal fats and oils not produced from unadulterated milk, or cream from the same, the said article, substance and compound not being manufactured or in process of manufacture on the <sup>30th</sup> ~~thirtieth~~ day of April, in the year of our Lord one thousand eight hundred and eighty-five (a more particular description of which said article, substance and compound, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

**RANDOLPH B. MARTINE,**  
District Attorney.

0388

BOX:

220

FOLDER:

2164

DESCRIPTION:

Oettinger, Frederick

DATE:

05/17/86



2164

POOR QUALITY ORIGINAL

0389

160

Counsel,  
Filed  
Plends

AS Leg 35 S. Hon

17 day of May 1886.

Plends  
Morbidity 11.

ASSAULT IN THE THIRD DEGREE

THE PEOPLE

vs.

B

Frederick Dettinger

(Section 210, Penal Code)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Comptroller & Clerk  
Thomas F. Harshen

Foreman

W. H. [Signature]

Witnesses:

W. H. [Signature]

10<sup>th</sup> Floor

POOR QUALITY ORIGINAL

0390

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

The PEOPLE OF THE STATE OF NEW YORK

against

*Fredricka Dethmeyer*

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

*Fredricka Dethmeyer* —

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

The said *Fredricka Dethmeyer*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *15th* day of *May*, in the year of our Lord one thousand eight hundred and eighty-*six*, at the Ward, City and County aforesaid, in and upon the body of one *Saluda J. Barry*, in the peace of the said people then and there being, with force and arms, unlawfully did make an assault and *in* the said *Saluda J. Barry* did then and there unlawfully beat, wound and illtreat, to the great damage of the said *Saluda J. Barry*, 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. MARSHALL~~

~~District Attorney~~

**POOR QUALITY ORIGINAL**

0391

*Second* COUNT. (Sec. 20, N. Y. City Code, Chap. 10, Act of 1882.)

And the Grand Jury aforesaid, by this indictment, further accuse the said  
- *Frederica DeLuca* -  
of the CRIME OF USING PERSONAL VIOLENCE UPON A MEMBER OF THE POLICE FORCE, WHEN IN THE  
DISCHARGE OF HIS DUTY, WITHOUT JUSTIFIABLE OR EXCUSABLE CAUSE, committed as follows:

The said *Frederica DeLuca*, -  
late of the City and County aforesaid, afterward, to wit: on the day and in the year aforesaid, at the  
City and County aforesaid, with force and arms, in and upon one *Richard Barry*  
being then and there a member, to wit: a *patrolman* - of the  
police force of the City of New York, and then and there being in the discharge of his duty as such  
*patrolman*, unlawfully did make an assault, and did then and there unlawfully,  
wilfully and without justifiable or excusable cause, use personal violence upon the said  
*Richard Barry* - so being in the discharge  
of his duty as aforesaid, and him the said *Richard Barry* -  
did then and there unlawfully and wilfully strike, beat, wound and illtreat; 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.

0392

BOX:

220

FOLDER:

2164

DESCRIPTION:

O'Leary, Michael

DATE:

05/25/86



2164

0393

282

Witnesses:

Patrick Callan  
J. Stephen E. Brown  
20 Queen's

Counsel,  
Filed 25 day of May 1886

Plends, *Moll Kelly & Son*

Grand Larceny, 2nd Degree,  
(From the Person)  
of the Person, and, ———— (From the Body)

THE PEOPLE

by *Michael O'Leary*  
vs.

*Michael O'Leary*

RANDOLPH B. MARTINE

*Esq.* District Attorney

*vs. ad. p. v.*

A True Bill.

*William H. Linschoten*

Foreman.

*24th of May 1886*

*W. H. Linschoten*

0394

Police Court—

2

District.

Affidavit—Larceny.

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

Patrick Collins,

of No. 200, E. 49th Street, aged 50 years,  
occupation Cleaner in the Streets being duly sworn

deposes and says, that on the 22 day of May 1886 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession and Person of deponent, in the Daytime, the following property viz:

A Silver watch and silver plated Chain of the value together of Five Dollars. (\$5.00)

the property of Defendant

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 Michael Collins New York for the reasons following to wit that deponent had the aforesaid property in his vest pocket at about the hour of 10 o'clock am on said date. When deponent took a few drinks of liquor and remembers nothing further. And deponent is informed by Sergeant Stephen Brown of the 20th Precinct Police that at about the hour of 2,40 o'clock P.M. on said date the Sergeant's attention was attracted to the defendant running down 8th Avenue near 40th Street with two men following him. And when the Sergeant caught the defendant and asked what the matter was he was informed by the said two men

Subscribed and sworn to before me this 22th day of May 1886

Patrick Collins

0395

that the defendant had stolen a watch from a drunken man on the North West Corner of 111<sup>st</sup> Street and 7<sup>th</sup> Avenue. And they were just about taking the watch from the defendant. And on the sergeants going to the Corner of 7<sup>th</sup> Avenue and 111<sup>st</sup> Street he found defendant lying on said Corner intoxicated and unable to do for himself. Defendant has since seen said property and fully identifies it as his. Wherefore defendant charges the said defendant with feloniously taking stealing and carrying away the aforesaid watch and chain from the pocket of the coat which they worn by defendant as a portion of his bodily clothing. And prayer he may be held and dealt with according to law.

Patrick Collins

Sworn to before me  
this 23<sup>rd</sup> day of May 1906

*[Signature]*

Police Justice

It appearing to me by the within depositions and statements that the crime herein mentioned has been committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated \_\_\_\_\_ 189\_\_\_\_  
Police Justice  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated \_\_\_\_\_ 189\_\_\_\_  
Police Justice  
There being no sufficient cause to believe the within named  
guilty of the offense within mentioned, I order he to be discharged.  
Dated \_\_\_\_\_ 189\_\_\_\_  
Police Justice

Police Court, District

THE PEOPLE, etc.,  
on the complaint of  
vs.  
1  
2  
3  
4

(Offense)—LARCENY.

Dated \_\_\_\_\_ 189\_\_\_\_

Magistrate.

Officer.

Clerk.

Steno.

Steno.

Steno.

Steno.

Witnesses,

No.

No.

No.

to answer

\$

0396

CITY AND COUNTY  
OF NEW YORK, 1888

*Herbert Brown*

aged *39* years, occupation *Sergeant of Police* of No. *20th Street* *Police* Street, being duly sworn deposes and

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

Sworn to before me, this *2nd* day of *May* 188*8* *J. W. Brown & Brown*

*J. W. Brown*  
Police Justice

0397

Sec. 193-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK. {ss

Michael O'Leary

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

Question What is your name?

Answer Michael O'Leary

Question How old are you?

Answer 27 years old

Question Where were you born?

Answer New York State

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

Answer 557 W. 54th St. About 11 years.

Question What is your business or profession?

Answer Blacksmith

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 having the watch in my possession but he gave it to me. M. O'Leary

Taken before me this

day of March 1888

Police Justice.



0399

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael O'Searny

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

- Michael O'Searny -

of the Crime of GRAND LARCENY in the second degree, committed as follows:

The said Michael O'Searny

late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty second day of May, - in the year of our Lord one thousand eight hundred and eighty six, in the day time of the said day, at the Ward, City and County aforesaid, with force and arms,

one watch of the value of five dollars,

and one chain of the value of fifty

cents,

of the goods, chattels and personal property of one Patrice Rollins, -

on the person of the said Patrice Rollins, -

then and there being found, from the person of the said Patrice Rollins, -

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. Martin,  
District Attorney

0400

BOX:

220

FOLDER:

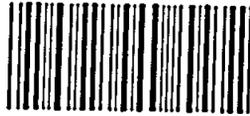
2164

DESCRIPTION:

Olsson, Victor

DATE:

05/18/86



2164

POOR QUALITY ORIGINAL

0401

9

176  
Counsel, *L. M. Hendley*  
Filed, *1886*  
Pleads, *July 19.*

THE PEOPLE  
vs. *R*  
*Victor J. Olsson*  
*90. 10. 1886*  
*Victor J. Olsson*

TRAFFIC  
(Sections 278 and 279, Penal Code)

RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.

*Wm. H. Lannoch*  
*P. J. ...* Foreman  
*Wm. ...*  
*John ...*  
*...*

Witnesses:  
*Off. Charles ...*  
*20 ...*  
*...*

POOR QUALITY ORIGINAL

0402

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

POLICE COURT, DISTRICT.

Frederick Kurtz (aged 47 1/2)  
Occupation Minister

of No. 218 West 35<sup>th</sup> Street, being duly sworn, deposes and says,

that on the 13<sup>th</sup> day of May 1886

at the City of New York, in the County of New York, Victor Ohlsen (now here)

did commit an act of sexual intercourse with deponents daughter Emma Kurtz aged 16 years, who is an imbecile and of unsound mind, and incapable of giving consent, as deponent is informed and for the following reason verily believes, that while the said Emma was in deponents apartments in the above mentioned premises, the defendant who was engaged in doing some carpenter work in deponents apartments came and rang the bell. The Emma admitted him. And after he got in he asked her Emma, if she could talk the Swedish language. she answered no he then asked if she was alone, and she told him she was. he then placed his hands around her body, and lead her into a front room of said apartments. she then told him she expected her sister and looked out of the front window to see if she was coming. he then asked if she saw her sister and when she answered no he then took her in to a bed room and lifted her on to a bed and raised her clothes and tore off her drawers, and feloniously and against her will and without her consent, ravished and had carnal knowledge of her person. Wherefore deponent prays he may be held and dealt with according to law. Frederick Kurtz

deponent's daughter Emma Kurtz is present

John J. Fisher

**POOR QUALITY ORIGINAL**

0403

State of New York.  
Executive Chamber.

ALBANY, N. Y. *April 11* 188*7*.

Sir:

An application for Executive clemency having been made on behalf of *William W. Miller*, who was convicted of *murder* in the County of *Albany*, and sentenced *to imprisonment* 18 *months*, to imprisonment in the *State Prison* for the term of *18* months and *to pay a fine of* \$ *1000*. I am directed by the Governor respectfully to request that, in pursuance of Section 605 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial or upon the preliminary examination, or before the Coroner's jury, if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since the conviction.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

Very respectfully yours,

*Wm. H. Rice*  
Private Secretary.

To Hon. *F. B. Ketchum*  
*Secy. State of N. Y.*  
N. Y.

POOR QUALITY  
ORIGINAL

0404

Answered  
Sept. 9<sup>th</sup> 1887  
R. B. Lee.

POOR QUALITY  
ORIGINAL

0405

Police Department of the City of New York.

Precinct No. ....

New York, May 14 1886.

To Whom it may concern

This is to certify. I Examined  
Emma Kurtz of 218 W 35th St.  
on May 13 1886 about 5.30  
P.M. and found her  
suffering from the effects  
of shock, haemorrhage and  
a laceration of the External  
Generative organs probably  
produced from Rape.  
Age about 15 1/2 yrs.

H. Kolbman.  
354 W 40th St.

**POOR QUALITY  
ORIGINAL**

0406

Testimony in the  
case of  
Victor J. Ollsen

---

filed  
May. 1886.

**POOR QUALITY  
ORIGINAL**

0407

The People                      Court of General Sessions, Part I.  
vs.                                      Before Judge Gildersleeve.  
Victor J. Olsson.

Friday, June 18, 1886.

Indictment for rape.

Asst. Dist. Atty. Fitzgerald for the People.

Mr Kingsley for the defendant.

A Jury was empanelled and sworn.

Mr Fitzgerald opened the case for the People.

Frederick Kurtz sworn and examined by Mr Fitz-  
gerald.

Q. Mr Kurtz, what is your profession.

A. I am a clergyman.

Q. In this city.

A. Yes sir.

Q. And how long have you been a clergyman in the city of New  
York.

A. A year and two months.

Q. Prior to that time Mr Kurtz, where were you.

A. I was four years in Brooklyn.

Q. In the same office, the same position.

A. Yes sir.

Q. Where do you reside, Mr Kurts.

A. I now reside 218 West 35th street.

Q. The complainant in this case, Emma Kurtz is your daughter.

A. Yes sir.

Q. How old is she.

A. She was sixteen years old January 4.

Q. Is she of a normal mental condition.

A. No sir.

Counsel: I object to that question as being incompetent. First

**POOR QUALITY  
ORIGINAL**

0408

you will have to prove that this gentleman is an expert;  
that is a medical position strictly and purely.

The Court: Although a lay witness he is permitted to state what he  
has observed of the conduct and appearance and then he can  
give an opinion what her condition of mind is. A lay  
witness may under those circumstances give an opinion if  
he can show in the first instance that he has observed her  
conduct and is acquainted with her manner.

BY MR FITZGERALD. Q. She has lived with you all her life has she  
not.

A. Yes sir.

Q. You have noticed her conduct during that time.

A. Yes sir.

Q. You are familiar with her actions.

A. Yes sir.

Q. Have you sent her to school.

A. Yes sir.

Q. Did she make any progress in school.

A. Very little.

Q. Is she able to read and write at the present time.

A. She is able to read a little but not to write.

Q. You say you have noticed her general conduct.

A. Yes sir.

Q. Now what have you noticed particularly in regard to her  
actions.

A. From her youth up?

Q. Yes sir?

A. She was taken sick with scarlet fever between her second  
and third year if I recollect right and from that time on  
I noticed that there was something wrong with the child.

**POOR QUALITY  
ORIGINAL**

0409

Counsel: I object to that testimony because it is too general.  
By the Court. Q. Something wrong is a little indefinite, you may  
state what you noticed, in what respects she differed if  
she is the case from a child of ordinary intelligence.

A. If your Honor please, she did not learn to talk at the  
time that the other children did; she was not able to  
talk until she was four years old. Her hearing was very  
bad and we had her examined by our family physician at the  
time. He gave us the hope that -

Counsel: Objected to.

The Court: That is objectionable.

By Mr Fitzgerald. Q. As she grew from four years of age did she  
grow out of these infirmities that you allude to.

A. Partly.

Q. What ones did she grow out of.

A. Her hearing improved; she learned to talk, she learned to  
define things by sight but to remember in any other way  
she did not improve, she did not remember what was told  
her; she could remember what she seen to her sight but  
not by telling her anything.

Q. Did you or your wife to your knowledge as she grew older  
allow her to go in and out the same as the other children.  
A. No sir.

Counsel: Objected to as irrelevant.

Objection overruled, exception noted.

By Mr Fitzgerald. Q. You did not

A. No sir.

Q. When she went in and out was she alone or accompanied.

Objected to as irrelevant. Objection overruled.

Exception.

**POOR QUALITY ORIGINAL**

0410

A. No sir, we never let her go out alone to my knowledge anywhere, not a square's distance from the house neither in Brooklyn, New York or Philadelphia where we were.

Q. Was that precaution taken by you in consequence of these mental deficiencies.

A. Yes sir.

Counsel: I object to that as leading.

The Court: Strike that out.

Q. Now do you remember the 13th day of May.

A. Yes sir.

Q. On that day were you doing anything particular in regard to that house, moving or anything.

A. Yes sir.

Q. Where were you moving from.

A. From 118 West 24th to 218 West 35th Street.

Q. You were in the city yourself that day were you not.

A. Yes sir.

Q. Were you at the house 218 West 35th Street.

A. Yes sir.

Q. What time of day did you get there.

A. I went up there about eight o'clock in the morning.

Q. On the morning of the 13th of May was your daughter Emma there at that time.

A. No sir.

Q. When was the first time that day that you saw her there.

A. I did not see her at the house until this crime had happened.

Q. What time was that.

A. I got to the house about five o'clock.

4 Q. When you came in the house Mr Kurtz, did you see her at

**POOR QUALITY  
ORIGINAL**

04111

that time, at five o'clock?

A. Yes sir.

Q. Did you notice anything particular about her, was your attention attracted to her in any way.

A. About the girl I noticed that she was very pale and strange looking; I was sent for.

Q. You came in consequence of being sent for.

A. Yes sir; my son-in-law came after me and then I went right into the parlor to see Mrs. Kurtz.

Q. Did you bring your daughter in, in consequence of what your wife said to you.

A. No sir, not at that time.

Q. Did you say anything to your daughter.

A. No sir.

Q. Did you do anything, in consequence of any information that you received did you send for anybody, a doctor or anyone.

Objected to on the ground that it is leading.

Objection overruled. Exception.

A. I went for a doctor myself.

Q. What doctor did you go for.

A. Dr Kolb.

Q. And do you know whether or not the doctor made any examination of your daughter.

A. He did.

Q. Made it at that time.

A. He came about six o'clock I should judge or a little after, between six and seven I could not give the minute

Q. And he made an examination.

A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0412

By the Court. Q. What hour was it that you returned and found your daughter pale.

A. In the neighborhood of five o'clock.

By Mr Fitzgerald. Q. Did you see the defendant Victor Olsson.

A. I did.

Q. Did you have him arrested.

A. I had him arrested the next day.

Q. Charging him with committing this crime on your daughter.

A. Yes sir.

Q. At the time that you came to the house at five o'clock who besides your daughter and the defendant do you remember was in the house.

A. My wife was there, my son-in-law and daughter, the whole family.

Q. What was he doing in your house, was he employed to do anything there.

A. Yes sir.

Q. To do what.

A. He was at work in the kitchen putting in stationary wash tubs.

Q. Employed by you.

A. No sir, employed by the agent, that is, the agent we rented the house of, he had them put in.

Q. Had you ever seen the defendant, before you came home that night.

A. Yes sir.

Q. Had seen him in these rooms. A. Yes sir.

Q. And engaged in the work that you described.

6 A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0413

Magdalene Kurtz sworn and examined by Mr Fitz-  
gerald.

Q. Mrs. Kurtz you are the wife of the Rev. Frederick Kurtz.

A. Yes sir.

Q. And the mother of Emma Kurtz.

A. Yes sir.

Q. You reside at present at 218 West 15th Street.

A. Yes sir.

Q. Now Mrs. Kurtz, how old is Emma.

A. Sixteen.

Q. How many other children have you Mrs. Kurtz.

A. Six.

Q. Are they younger or older than she is.

A. I have three younger and two is older.

Q. Have you noticed any peculiarities about Emma that were not  
common to your other children.

A. O yes sir.

Q. When did you first begin noticing these matters.

A. When she was about four years, between three and four.

Q. Did anything occur to her at that time.

A. She had been very sick with a fever and she was paralyzed -  
first she could not stand on her feet and then she could  
not ---

Counsel. Objected to.

The Court: Objection overruled.

Counsel: Exception.

By Mr Fitzgerald. Q. Go on Mrs. Kurtz please.

A. She could not hear nor talk afterwards, after she got  
better of it.

Q. And for how long a period of her life did that condition

**POOR QUALITY  
ORIGINAL**

0414

do you think, continue.

A. To about six, she could not speak until she was six years old.

Q. From that on did you ever notice that her mind was in any way affected.

Objected to. Objection overruled. Exception.

A. Yes sir; you can't teach her anything, she forgets if anything happens, she has not any presence of mind, there she stands, she can't help herself in any way.

Q. How is her will power.

A. She has not control of her will power, for instance, the other day she burned my little girl of three with a flat iron on her arm, I was in the front room, I didn't know, presently she let the iron fall --

Counsel: Objected to as irrelevant, this is since the alleged occurrence.

Mr Fitzgerald: This is only as to her mental condition.

Counsel: She is not an expert.

The Court: I think she may state any incident in the life of the complainant that will tend to throw light upon her mental condition either before or since.

Counsel: I take an exception to your Honor's ruling.

By Mr Fitzgerald. Q. Go on Mrs. Kurtz and state what you were going to state.

A. She burned my little girl of three with a flat iron in her arm accidentally and the child hollered, she let the iron fall, I was so she could not call me, the child ran around in the room crying till I heard the cries in the front room. I says Emma, why didn't you call me? She said, I do not know, I couldnot.

**POOR QUALITY  
ORIGINAL**

0415

Counsel: Objected to what she said to Emma or what Emma said to her.

By Mr Fitzgerald. Q Have you sent her to school.

A. Yes sir, I sent her to school.

Q. Did she make any progress in her studies.

A. Very little, the teacher had very much trouble --

The Court: Strike that out.

By Mr Fitzgerald. Q Can she now read or write.

A. She can read a little, easy words.

Q. Can she read anything outside of her school books.

A. No sir, I do not think she can - what is easy words she can I think.

Q. You say that she has always been obedient.

A. Yes sir.

Q. Now in regard to your management of Emma, was she like your other children, was she allowed to go in and out unprotected.

A. No sir, never alone.

Q. Always somebody with her.

A. Always somebody with her.

Q. Now do you remember the 13th day of May last.

A. Yes sir.

Q. On that day your family were moving were they not.

A. Yes sir.

Q. Moved from your former residence into 213 west 35th St.

A. Yes sir, from 24th Street.

Q. You were going to occupy part of that house 213 west 35th Street, were you not.

A. Yes sir, we moved that day.

Q. It is a flat house is it not.

A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0416

Q. And how many flats are there in the house if you remember.

A. Four.

Q. Which of those flats were you moving into.

A. The second.

Q. That is one of two pair of stairs up.

A. One flight of stairs.

Q. What time of day do you remember did you go to that flat first.

A. I came between three and four o'clock in the afternoon, that was the first time I was in the flat.

Q. Did you see your daughter Emma at that time.

A. I saw her after I came in.

Q. Now describe to the jury her condition when you saw her, what she looked like, if you can.

A. Well, I came in and as I came into the dining room she was sitting over there and I took off my things; first I looked into the kitchen and there was a man working at the tub.

Q. The prisoner.

A. Yes sir, and I turned around and took off my things and I seen Emma; she looked so funny and pale and she was shivering, I wanted her to do something; she got up and I sat down. I says, what is the matter with you Emma.

By the Court. Q. Was this conversation in the hearing of the defendant.

A. No sir.

By Mr Fitzgerald. Q. What did you do, Mrs. Kurtz.

A. Well, I ask ed her.

Q. You spoke to her.

A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0417

By the Court. Q. The conversation between you and Emma I cannot admit unless the defendant heard it.

A. He did not hear it.

Q. Do not state what she said.

A. I asked Emma what is the matter? My eldest daughter heard it.

Counsel Objected to.

By Mr Fitzgerald. Q. You spoke to Emma.

A. Yes sir.

Q. Did Emma tell you anything.

A. She says, I am hurt, she told me, I am hurt.

The Court: That I will allow to stand.

By Mr Fitzgerald. Q. Anything else at that time.

A. No sir, then my eldest daughter told me --

Q. She said she was hurt.

A. Yes sir.

Q. In a sequence of that did you make any examination of your daughter.

A. I took her in the parlor and I asked her questions.

Q. Tell, in consequence of what she told you did you make any examination of her in regard to her clothes.

A. No sir, I did not.

Q. Your husband came in sometime after that, didn't he.

A. Objected to. Objection overruled. Exception.

A. Yes sir, I sent for him.

Q. Did not your husband come in.

A. He came, I sent my son-in-law <sup>for</sup> ~~to~~ him.

Q. And Dr Kolb did not he come.

A. Yes sir.

Q. Did Dr Kolb make in your house at that time any examination

**POOR QUALITY  
ORIGINAL**

0418

of Emma.

A. Yes sir.

Q. Were you present at the examination.

A. Yes sir.

Q. Did you notice anything in regard to the undereclothing of Emma.

A. Yes sir.

Counsel: I object to that as leading.

The Court: That may stand; let the witness describe what she saw.

By Mr Fitzgerald. Q. Now will you describe what you noticed in regard to this undereclothing.

A. Well, I did not see it until the doctor had been there and examined her, then he told me I should take the clothing off her; they were all stained to her knee.

Counsel: I move to strike out what the doctor said.

The Court: Strike out what the doctor said.

Q. Did you keep that clothing.

A. Yes sir..

Q. Now outside of what you describe was there anything else there matter with them with regard to the fastenings, the buttoning that you noticed.

Objected to. Objection overruled. Exception.

A. The button was torn. Mr Curtz went after the garment.

Q. When you came in the house who besides your daughter Emma was there when you arrived.

A. My son-in-law and my eldest daughter.

Q. And was the prisoner there.

A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0419

Maggie C. Egger sworn and examined by Mr Fitzgerald.

Q You are a married lady, Mrs. Egger, you are the daughter of the Rev. Frederick Kurtz and the sister of Emma Kurtz.

A Yes sir.

Q Now have you ever noticed any peculiarities in regard to Emma.

A Yes sir.

Q You are older than Emma of course.

A Yes sir.

Q When did you first begin noticing these peculiarities do you remember.

A Well, when we lived in Washington.

Q How old was she then, about.

A She was about six or seven years old.

Q What did you notice peculiar about her, mention anything

A that you noticed different from the other children.

A She could not talk plain like other children.

Q Do you remember Emma going to school.

A Yes sir.

Q Was it her custom to go alone.

A No sir.

Q Was it her custom to go anywhere alone.

A No sir.

Q Did you notice in regard to her education that she got along similar to other children or not.

A No, she did not learn nearly as fast as other children, it was very hard for her to learn anything at all.

Q Did you ever notice anything about her will power at all.

A She has no will power at all.

**POOR QUALITY  
ORIGINAL**

0420

Counsel: I move to strike that out.

The Court: Motion denied.

Counsel: Exception.

By Mr. Fitzgerald Q. Is she o'clock.

A. Yes sir.

Q. Now do you remember the 15th day of May last.

A. Yes sir.

Q. That was the day that your father and mother were moving.

A. Yes sir.

Q. Did you go with Emma from the house in 21th Street to the house in 35th Street.

A. No sir.

Q. Who did she go up with.

A. She came up with my husband, near one o'clock, I went up with my father in the morning at eight o'clock.

Q. About one o'clock she and your husband arrived there.

A. Yes sir.

Q. Now how long after that was it that you and your husband left.

A. Not long after.

Q. You left to go down to the house in 21th Street, didn't you.

A. Yes sir.

Q. About how long were you gone before you returned.

A. Well, about forty minutes or forty-five.

Q. When you left the house in 35th Street was there anybody there but Emma.

A. No sir.

Q. When you returned was anyone there beside Emma.

A. Yes sir, I rung the bell and nobody came down, I rung again

**POOR QUALITY  
ORIGINAL**

0421

and the defendant came down.

Q. The prisoner came down.

A. Yes sir, and I said right away -- I was frightened and I  
saw he was a workman, it struck me right away that he  
was working at the wash tub and I said -

Counsel: I move to strike out all that.

By the Court: Q. Just state what occurred, don't state a re-  
flection of your own mind.

A. And I asked, is there not a girl upstairs?

By Mr. Fitzgerald: Q. You said to him.

A. Yes sir, and he says, yes she is in the front.

Q. Now, did you go up stairs.

A. Then I went upstairs and when I saw my sister she seemed  
to be so excited; there is a private hall --

Counsel: I move to strike out what she seemed to be.

The Court: No, let that stand.

Counsel: Exception.

By Mr. Fitzgerald: Q. Well, go on.

A. She came out through the hall, she came from the parlor or  
the bed-room door I can't say which.

Q. Tell us what you noticed about her appearance.

A. She seemed to be pale and so funny; I said to her, Emma  
why did not you come down to the door?

Counsel: I move to strike out what she said.

The Court: Yes.

By Mr. Fitzgerald: Q. Was the prisoner there at the time.

A. He was in the kitchen, I asked her why she did not come  
down to the door, why she did not answer the bell.

Counsel. Objected to.

By Mr. Fitzgerald: Q. Did you notice anything except what you de-

**POOR QUALITY  
ORIGINAL**

0422

scribe now to us about her appearance.

A. She could not work anything, she sat down, I would tell her to do this and she would sit down, I asked her what was the matter.

Q. Did she make any complaint.

A. Yes sir.

Q. What complaint did she make.

Objected to. Objection sustained.

A. She said she was afraid - -

Q. What complaint did she make to you.

Objected to.

Q. Did she say or do anything that led you to do anything.

A. Yes sir.

Q. What did you do.

A. I thought I would wait till my mother came.

Q. When your mother came did you say anything to your mother, don't state what you said.

A. Not immediately.

Q. How soon after.

A. As soon as she asked me. My mother asked me whether Emma was sick or anything.

Q. Then you told her.

A. Yes sir..

Q. Then did your mother talk to Emma.

A. Yes sir.

Q. Did Emma make any complaint to your mother.

A. Yes sir.

Q. In relation to an injury was it.

A. Yes sir, I did not hear it.

Counsel: I move to strike that out.

POOR QUALITY  
ORIGINAL

0423

The Court: Yes.

By Mr. Fitzgerald: Q. Were you there when the doctor came.

A. Yes sir.

Q. And the doctor made an examination at the time.

A. Yes sir.

Q. Did you see the defendant there that day.

A. Yes sir.

Q. Now when you left the house there was some men there that morning weren't there.

A. Yes sir, but they had left shortly after we came they went.

Q. Can you tell whether or not any load of furniture or anything else was sent from the house in 21th Street to 35th Street from the time you left until you came back, can you answer that question.

A. No sir, there was not.

Cross Examined.

Q. What time did you get there that day.

A. Eight o'clock in the morning.

Q. Who went with you.

A. My father.

Q. Who else.

A. Nobody else.

Q. How long did you remain there before you left.

A. Until nearly one o'clock.

Q. During that time how many persons called at the house.

A. None whatever.

Q. You do not mean that do you.

A. Yes sir.

Q. You stated a minute ago that men came with furniture.

A. Yes sir, the men but they did not call at the house.

**POOR QUALITY  
ORIGINAL**

0424

Frederick Egger sworn and examined.

by Mr Fitzgerald. Q. Mr Egger what is your business.

A. I am a clergyman.

Q. Where do you live.

A. I live now in Newark, N. J., 11 Monmouth Street.

Q. You are the husband of the last witness.

A. Yes sir.

Q. And the son-in-law of the Rev. Edward Kurtz.

A. Yes sir.

Q. How long have you been married, Mr Egger.

A. I have been married since the 11th of May, 1886.

Q. Do you remember the day of the moving of the Kurtz family

A. Yes sir.

Q. Do you remember going to the house of 212 West 35th Street.

A. Yes sir.

Q. About what time of day did you go.

A. Well, it was between twelve and one o'clock, about half  
past twelve.

Q. Did you go alone.

A. No, I took Emma along.

Q. What time did you arrive there at the house.

A. A little before one.

Q. You walked from 21st Street up there.

A. Yes sir.

Q. When you got there Mr Egger, who was in charge of the house  
in 35th Street.

A. My wife.

Q. And how long did you three remain there together.

A. We remained only a few minutes.

Q. You and your wife left together, did you not.

**POOR QUALITY  
ORIGINAL**

0425

A. Yes sir, we did.

Q. You went back to the house in 24th Street.

A. Yes sir.

Q. When you and your wife left who was left at the premises in 25th Street.

A. Emma.

Q. All alone.

A. All alone; my wife was afraid to leave her alone but I thought, the house is locked and I said, what do you think-

Counsel: Objected to.

The Court: Strike that out.

By Mr Fitzgerald. Q. You and your wife left and left her alone.

A. Yes sir.

Q. Now how long were you gone before you came back again.

A: We walked down and took the car up, I do not think longer than three-quarters of an hour.

Q. When you came back did you find Emma alone in the house.

A. When we came back then I rang the bell and nobody opened and then my wife rang again and then that man there Mr Olsson I suppose is his name, he came down and opened it for us.

Q. Did you go upstairs with your wife.

A. Yes sir..

Q. Did you see Emma when you went up.

A. Yes sir.

Q. Now Mr Egger state if you noticed anything about Emma's appearance at that time.

A. I did not look close on her, I never took notice much about Emma; she came out in the front and she was nearly crying after my wife scolded her a little that she did not come

**POOR QUALITY  
ORIGINAL**

0426

down and open the door for us.

Q. Were you there when Mr. Kurtz came in, the father.

A. No sir.

Q. You went away.

A. Yes sir.

Q. Did you come back any more.

A. I went after him.

Q. Did you find him there.

A. Yes sir.

Q. Did you find him there.

A. No, I had to stay down in the old house for him and he went up there alone.

Q. Were not you there when the doctor came.

A. Yes sir, I locked the house down there and I came up then.

Q. And the examination was made.

A. I suppose so, I did not hear--

Cross Examined.

Q. Who opened the door for you in the morning.

A. My wife opened the door for me when I came with Emma.

Q. The door was not open.

A. No sir.

Q. You say you left there about two o'clock.

A. Yes, I left there about two o'clock with my wife; she was hungry.

Q. You came back with your wife.

A. I came back again, yes sir.

Q. Your wife said she got back about two o'clock with you.

A. Yes sir, I came back with her, we went together, we went away, I made a mistake, we went away right after I came about one o'clock and then I guess it was a little over one

**POOR QUALITY  
ORIGINAL**

0427

and then we had been back I guess before two.

Q. It was near two o'clock when you came back.

A. Yes sir.

Q. What time then did you leave after that.

A. I staid in the house till my wife told me a thing about Emma and Emma was crying then.

Q. What time was that.

A. I guess it was about four o'clock.

Q. Then you went to the old residence.

A. Yes sir.

Q. And there you met Mr Kurtz.

A. I went after him, yes sir.

Q. You met him there, didn't you.

A. Yes sir, he sat there .

Q. And you spoke to him something you heard.

A. Yes sir.

Q. Did he leave.

A. He left right away.

Q. That was at four o'clock.

A. Yes sir, about four o'clock or a little after four, I was too excited to notice the time so close.

Q. Do you remember to have seen him at your house or at 213.

A. Yes sir.

Q. When your door was opened who was it ran out of the room.

A. My wife, she was not fixed up as nice as she ought to be and she ran out.

Q. She said she was not there when ~~she~~<sup>they</sup> came with these two doctors.

A. She was there and she went back.

By Mr Fitzgerald. Q. When was that, a week after.

**POOR QUALITY  
ORIGINAL**

0428

A. The 21st or 22nd of May when Pa and Ma went to Baltimore.  
By Counsel Q. Do you remember the two physicians called there on  
that day, the 21st.

A. Yes sir, they came with you.

Q. Do you remember that your people would not allow them to  
make an examination.

Objected to as immaterial.

The Court. The physicians were permitted to examine the de-  
pendant.

Counsel: Yes sir, some days after that..

The Court: We don't care about the details of what occurred.

By Counsel Q. Were you residing there on the 21st.

A. Yes sir.

Q. How long had you been there that time.

Objected to. Objection sustained.

Q. Did you know that he returned to the house the next day,  
the defendant.

A. I was in the parlor --

The Court. That is immaterial.

Henry Kolb sworn and examined by Mr Fitz-

gerald.

Q. You are a medical doctor.

A. I am.

Q. Practicing in the city of New York.

A. Yes sir.

Q. Where do you live, Doctor.

A. 354 West 40th Street.

**POOR QUALITY  
ORIGINAL**

0429

- Q. How long have you been practicing as such in this city.
- A. Since 1882.
- Q. You are acquainted with Emma Kurtz, the complainant in this case.
- A. Yes sir, I am.
- Q. For how long a period of time have you known her, doctor.
- A. I have known the family for about fourteen years but professionally for about three years.
- Q. Have you attended Emma during these three years professionally.
- A. I have.
- Q. Did you Doctor, notice any mental peculiarities about Emma.
- A. Yes sir, I noticed that for some time she was a girl that was always hard to acquire mere accomplishments but seemed to me to be a little deficient in judgment, I should say rather feeble minded.
- Q. Did you notice anything particular in regard to her will power.
- A. Well, I think she is a girl that was incapable of reasoning beyond that of a child probably.
- Q. Beyond that of a child of about what age.
- A. Say about eight or ten years.
- Q. Now Doctor, do you remember the 11th of May.
- A. I do.
- Q. Do you remember going to the house 41 West 35th Street that day.
- A. Yes sir.
- Q. And what time did you go there.
- A. I arrived at the house twenty minutes past five, and remained at the house until about a quarter to seven.

**POOR QUALITY  
ORIGINAL**

0430

- Q. You came in consequence of a call from the Rev. Mr. Kirtin.
- A. Yes sir.
- Q. Did you make any examination of Emma at that time.
- A. Yes sir, I did.
- Q. Now Dr. when you arrived there you came in consequence of something you heard about her, didn't you.
- A. I did.
- Q. Immediately on your arrival did you notice her general condition.
- A. Yes sir.
- Q. Would you describe it, doctor.
- A. I found her in rather an excited state; she was pale and haggard looking and seemed to be laboring under a strain from loss of blood or from some other excitement; she seemed to be very much more backward than she formerly had been when I had seen her before and seemed to want to avoid persons. That as far as the general condition was concerned.
- Q. Did you make any examination, doctor.
- A. I did.
- Q. Would you state to the jury the result of the examination that you made.
- A. I first examined the linen and clothing of the girl and found that the drawers had been cut or had been torn. They appeared to be new drawers and seemed to be of rather firm material such as probably had been washed two or three times, it might have been more; and I also found that in the back there is drawers, I believed buttoned in the back if I am not mistaken and in the back I found that one of the buttons had been attempted to be forced open and there was a strip of linen about that width long torn.

**POOR QUALITY  
ORIGINAL**

0431

Then, as to the physical examination of itself, I noticed that there was a slight laceration or a tear that went through the hymen or through the maiden head, in other words, and this tear had considerable hemorrhage; there was a considerable hemorrhage, from this result, from this tear, so much so that the drawers and the tights of the girl were in quite a profuse saturation from the hemorrhage, I should be more so than I had ever seen or ever heard of any girl through the menstrual period and the blood evidently came direct from this laceration. At the subsequent examination, in connection with two other doctors I discovered there was a cicatrix scar that was healed up, there were two abrasions one on each side of the external parts remaining there that probably had not healed up yet thoroughly; that was at the second examination.

Q. Now Doctor, on that first examination, what in your judgment was the condition of the parts that you had described produced by.

A. I should undoubtedly believe that it was produced through having intercourse.

Q. That is by the entrance of the male genital organ into the female.

A. Yes sir.

Q. And Doctor, are you able to tell us in your judgment about how long before in your opinion that connection had taken place.

A. I should not think more than four hours previous, because the hemorrhage had not stopped and for some reason or other would not stop, whether the girl was on her feet or what it was, from her excitable state probably, not

**POOR QUALITY  
ORIGINAL**

0432

more than 24 hours.

Q. Did the girl say anything to you during that time.

A. Yes sir, I questioned her very closely in regard to it.

Q. Did she speak to you of the defendant Olson.

A. She did.

Q. Did she speak to you of anybody else.

A. She did not.

Q. Were you guided in your examination of her parts in any way by anything that she said to you, regarding the prisoner.

A. I was not, I made the examination first and questioned her afterwards.

Q. Did the result of your examination correspond with anything that she said regarding the prisoner.

A. Yes sir.

By a Juror. Q. Could the results have been from menstruation at all.

A. As I have said before that I never see or never heard of a menstrual period in a girl of her age, as much profuseness as that hemorrhage was.

Q. Could the torn parts result from menstruation.

A. Oh no.

Q. It would be impossible.

A. It would be an impossibility.

By the Court. Q. Could you tell whether the discharge was fresh blood flowing from menstruation or whether it was a discharge from the result of laceration.

A. It was a discharge flowing from laceration.

Q. Were you able to tell whether there <sup>was</sup> penetration.

A. That I could not say beyond a laceration; half an inch penetration might have produced the result; there had been some penetration no doubt.

**POOR QUALITY  
ORIGINAL**

0433

By Mr. Fitzgerald: Q. These are the drawers that you made the examination of Doctor. (Drawers shown.)

A. Yes sir, I would like to show the jury that is where the one rest was and here is another rest.

Q. Would you describe in relation to that button.

A. Here in the back is where this had been severed as if this button had been wrenched there forcibly.

Q. They are in the same condition now, Doctor they were at that time.

A. They are in the same condition that they were at the time.

Mr. Fitzgerald: I offer them in evidence.

The Court: They may be received.

Cross Examined.

Q. You say you have been practicing medicine for the past three years.

A. I have.

Q. From what institution were you graduated.

A. I graduated in the New York Homeopathic Medical College and studied two years at the University of New York.

Q. Had you prior to this examination made many others of the same kind.

A. Not of the same character, no.

Q. Were you ever called upon before to make examinations of that kind.

A. Three times.

Q. In alleged rape cases.

A. In alleged rape cases, yes sir.

Q. You testified in court as an expert.

A. I have never testified in court as an expert before to-day.

Q. Then they were not rape cases.

**POOR QUALITY  
ORIGINAL**

0434

Emma Kurtz called.

Mr Fitzgerald: Will your Honor examine her and ask her a few questions.

By the Court. Q. How old are you.

A. Sixteen.

Q. You have been to school.

A. Yes sir.

Q. How many sisters have you.

A. Two.

Q. Older than you or younger.

A. Younger.

Q. All of them younger.

A. Well one is four and one is about twelve or thirteen.

Q. Have you any other sisters.

A. No sir.

Q. Any brothers.

A. Yes sir, two brothers.

Q. How old are they.

A. The little one is six and the big one is twenty.

Q. You have no other sisters.

A. No sir.

Q. Did you ever go to Sunday School.

A. Yes sir.

Q. And read the Bible.

A. Yes sir.

Q. Do you understand the nature of an oath, do you understand what it is to take an oath on the Bible to tell the truth.

A. Yes sir, a little.

Q. Do you remember pretty well things that have happened, how many times have you been to this court as a witness in this

**POOR QUALITY  
ORIGINAL**

0435

case.

A I don't know how many.

Q. What day of the week were you here last.

A Friday.

Q. What day is to-day.

A The 21st.

Q. What day of the week do you call it, Tuesday or Wednesday.

A. Monday.

Q. Have you ever read any story books.

A. No sir.

Q. Ever learned to spell some.

A. A little.

Q. Can write very much.

A. No sir.

Q. Did you ever have any headache, does your head trouble you.

A. Yes sir.

Q. Considerably. A. Yes sir.

Q. How often do you have a headache.

A. About once a week.

Q. What do you believe would happen you if you took an oath here to tell the truth, and you didn't tell the truth.

Have you any notion about that.

A. No sir.

Q. You never thought about that.

A. No sir.

Q. How many persons have you talked to about this case, do you remember.

A. No sir.

Q. You know Mrs. Egger, don't you.

A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0436

Q. Is she not a sister of yours.

A. Yes sir.

Q. You said you had only two sisters and they were younger than you, you did not remember about Mrs. Egger at that time.

A. No.

The Court: After a hearing the evidence of the physician who was examined at considerable length in reference to the mental capacity of the complainant in this case, and after conversing with her the Court is of the opinion that she could not be sworn as a witness in the case, she has not the mental capacity which the law requires.

Mr Fitzgerald: We rest, your Honor.

The Case for the Defence

Counsel: May it please your Honor the prosecution has failed to call a very material witness and I ask your Honor to call that witness. I think he will throw a great deal of light on the subject, he is a very material witness, Dr Purroy.

Mr Fitzgerald: Your Honor, the prosecution havenot failed to call Dr Purroy at all. He was here two or three days, he is a very busy man and in very active practice and also officially very much engaged. I told him that he need not com until I would notifyhim by telephone. We have notified him by telephone to-day and the matters that Dr Purroy can testify to if they are disputed by the defence Dr Purroy will be called in rebuttal by the prosecution.

Counsel: That is understood.

Mr Fitzgerald: If the matters <sup>in evidence</sup> ~~involved~~ are disputed by the defendant Dr Purroy will be called in rebuttal to state what

**POOR QUALITY  
ORIGINAL**

0437

he knows about the case.

Counsel: Now may it please your Honor I move that this case be taken from the Jury or that your Honor instruct the Jury to find a verdict of not guilty on the following ground: First, that there is no direct evidence in this case; secondly, the circumstances of the case are entirely consistent with the innocence of the defendant. There is no evidence in this case that during the absence of Mr and Mrs. Egger there was not somebody else in that house.

There is no evidence here that the defendant saw Emma during their absence. There is no evidence here that he had any knowledge that Mrs. and Mr Egger were out of the house, but the evidence shows conclusively that he was there, that he returned the next day, that he moved about with these people, five or six probably who were possessed with the knowledge that he was the man that perpetrated that horrible crime, and yet they conversed and worked with him all that day and he returned to the house the next morning and nobody accused him of the crime until twelve o'clock.

The Court: It is true it is a case of circumstantial evidence; the circumstances are such however that I should not be justified in advising an acquittal. You must go to the Jury, I shall have to deny it.

Counsel. Will your Honor please grant me an exception.

Counsel opened the case for the Defendant.

**POOR QUALITY  
ORIGINAL**

0438

John Edwin Ward sworn and examined.

By Counsel. Q. Dr. Ward, how long have you been practicing medicine.

A. About eighteen.

Q. From what institution were you graduated.

A. The College of Surgeons of England.

Q. The Royal College of Surgeons.

A. The Royal College of Surgeons, England.

Q. Are you practicing eighteen years in this country, have you had any experience in alleged rape cases.

A. I have had some.

Q. Have you heard the appearance of the genital organs of this girl who it is said was ravished described.

A. No, I was not in court.

Q. You were not in court then.

A. No.

Q. Did you have a conversation with Dr. Kolb.

A. No, with Dr. Garrigues, but not with Dr. Kolb.

Q. You know that he made an examination of the parts.

A. He told me that he had done so.

By Mr. Fitz-

gerald. Were you present at the examination Doctor.

A. I was not.

By Counsel. Q. You have heard him say what the appearances were.

Objected to. Objection sustained. Exception.

Counsel: I desire to have Dr. Ward give his opinion.

The Court: You may if you ask him a proper question.

By Counsel. Q. Please give your opinion in a case of this nature, where there is a slight laceration of the hymen and a severe hemorrhage and two slight abrasions of the labia, what in your opinion would cause those abrasions.

**POOR QUALITY  
ORIGINAL**

0439

Objected to. Objection overruled.

A. The laceration of the parts might be caused by mechanical injury.

Q. Do you know anything else that would bring about that appearance.

A. No sir.

By Mr Fitzgerald. Q. Doctor, would not the entrance of the male organ of generation into the female bring about an appearance of that character.

A. No sir, not unless there was some force used.

Q. If there were force used then it would produce such an appearance.

A. If there was a struggle, you understand, so I understood the Counsel to say that the laceration was all around not only the hymen; give me the question. If there was an abrasion of the labia that would not be caused as the Counsel says by the male organ of generation, that would be done by the hand or some other way, it could not be done by the male organ of generation.

Q. But if the hymen were ruptured by the male organ of generation could there be any rupture of the hymen by the penetration of the male organ of generation without some degree of force being exercised.

A. There would have to be some undoubtedly..

By Counsel. Q. If that be the result of penetration do you mean to say could that be the result of penetration, that laceration in the hymen, do you understand me there is not a complete rupture, a laceration the doctor states.

A. That could be caused in that way.

Q. Could it be caused by penetration.

**POOR QUALITY  
ORIGINAL**

0440

A. Well, there might not be regular penetration.

By Mr Fitzgerald. Q. Could it be caused by penetration.

A. It could.

By Counsel. Q. That is what you call a partial rupture.

A. There may be a partial laceration.

By Mr Fitzgerald. Q. Doctor, of your own knowledge you know nothing about this case.

A. No sir.

Henry J. Garrigues sworn and examined.

By Counsel. Q. Doctor, from what institution were you graduated.

A. From the University of Copenhagen, Denmark.

Q. How long ago.

A. Seventeen years.

Q. And how many years have you been in this country.

A. Eleven years.

Q. To what institutions are you now attached in this country.

A. I am visiting physician to the New York Maternity Hospital on Blackwell's Island, to the New York Infant Asylum on 10th Avenue and 61st Street, to the German Hospital 77th Street and 4th Avenue and to the Dispensary that belongs to that institution on Second Avenue, 137.

Q. Any other institutions.

A. I am beside that professor of obstetrics in the New York Post Graduate Medical School and Hospital.

Q. You made an examination of the parts of Emma Kurtz.

A. Yes sir.

Q. In company with whom.

34 A. With Dr Purroy and Dr Kolb.

**POOR QUALITY  
ORIGINAL**

0441

Q. Do you remember the date.

A. The 1st of May as far as I remember, but I may refresh my memory, I have the file of a paper; no, that was on June 9, I beg your pardon, the 1st was another attempted examination, that was on the 1st of May.

By Mr Fitzgerald. Q. You did not examine that day doctor.

A. No.

By Counsel. Q. You made another examination, the last examination.

A. Then I made a third examination here in court.

Q. That was on the 9th of June, was it not.

A. I beg your pardon, I can't hear what you say there is such noise.

Q. That was on the 9th of June, the last.

A. I do not think so.

Q. Refer to your memorandum, I think you will find it.

A. The examination with Dr Purroy was Wednesday, June 9.

By Mr Fitzgerald. Q. Dr Kolb was at that examination too was he not, doctor.

A. Yes sir, that date is correct, I have my visiting list in my hand; June 9 at 2:15 in the afternoon I met Dr Purroy at the house of the Rev. Mr Kurtz and there we made the examination together with Dr Kolb.

By Counsel. Q. On the 9th you held a consultation with Dr Purroy and Dr Kolb.

A. Yes sir.

Q. I do not ask you to state what the other doctors said or what you said to them but I do ask you if you and Dr Kolb agreed as to the cause --

Objected to. Objection sustained.

Q. Can you state in your opinion what was the cause of the

**POOR QUALITY  
ORIGINAL**

0442

laceration, abrasion and hemorrhage.

Objected to. Objection sustained. Except on.

- Q Will you state what you discovered on the 9th of June upon that examination of Emma X ritz.
- A. I found that the so called fourchette, that is to say, a fine membrane uniting the posterior end of the large lips forming the female genitals that this fine membrane was intact. I furthermore found on the inside of each of these large lips near there posterior end a superficial abrasion of the size of a little less than a quarter of an inch in diameter. I found corresponding to these two places on the hymen, that is to say, a transverse membrane forming the lower end of the vagina a slight tear, so that there was a tear on the left and one on the right side and none in the middle line. I furthermore found that the vagina had a very large capacity and that its walls were small, to which two circumstances I call the attention of the gentlemen to examine the patient with me and Dr. Purroy agreed to that fact. I furthermore looked to see if there were any signs in the surroundings of the parts, any bruises or discolorations but I did not find anything of that kind.

By Mr Fitzgerald. Q. When you mean surrounding parts Doctor, do you mean <sup>mean</sup> ~~mean~~ other portions of the body.

A. Yes sir, the abdomen, the side and the knees.

By Counsel. Q. In your opinion could those appearances be brought about by the insertion of the male organ.

A. Yes sir, they could, some of them and others not. The two tears in the hymen and the bruises might be brought about in that way as well as by the introduction of any other

**POOR QUALITY  
ORIGINAL**

0443

body but the appearance of the vagina could not be brought about in that way, I mean to say that the large capacity and the smoothness, the absence of normal ridges which is found in a virgin vagina that that could not be brought about by a single coition; while it is possible I would rather say while it might be brought about by the frequent introduction of some body.

Q. By frequent sexual intercourse.

A. Oh it need not be sexual intercourse, I mean the frequent introduction of some body; it might be anything, it might be a finger or a card or anything.

Q. But in your opinion as a practicing physician and an expert in that line it could not be caused by one insertion of any foreign substance.

A. No.

By Mr Fitzgerald. Q. Now what are you confining yourself to Doctor when you say it could not be produced, what do you mean, what could not be produced.

A. As I understand the question if the condition I have found could be induced by a single sexual connection, is not that so, that is the question.

By Counsel. Q. That is the question.

A. To that question I answer that it could not; that may have taken place but besides that in my opinion there must have frequently been introduced something into that vagina.

Q. What was her physical condition Doctor, when you examined her.

A. She makes an appearance of good health, strong and of large size, I understand that her age is sixteen and for that I would say that she is decidedly above the average size,

**POOR QUALITY  
ORIGINAL**

0444

strong and muscular build.

Q. Now Doctor, as to her mental condition, have you had any experience in that line.

A. About this patient?

Q. Have you had any experience in cases of mental alienation.

A. Or in general you mean.

Q. Yes?

A. Yes sir, some. I am not an alienist, but having large hospital service of course I have had several cases of alienation and have always in my private practice, sometimes after committed patients to the Lunatic Asylum, I am a legal examiner in lunacy.

Q. An expert.

A. I am a legally qualified examiner in lunacy, nothing more.

Q. How many interviews did you have with Emma Kurtz since this alleged occurrence.

A. I saw her once on the 9th of June at her house and the second time here in Court, I do not remember that date when we made an examination here especially as to her mental condition.

Q. You were in the company then of Asst. Dist. Atty. Dorrus and Dr. Kolb.

A. I was with that gentleman, I do not know his name and with Dr. Kolb and several members of the Kurtz family and yourself and Dr. Ward, it was in an office here in this building.

Q. Now will you be kind enough to give the result of those two examinations to the Jury.

A. Yes sir; the first time the patient answered questions

**POOR QUALITY  
ORIGINAL**

0445

somewhat reluctantly but when she began to speak she explained herself very plainly in distinct language as to what had taken place and the second time the examination I undertook in this building, at that examination I first asked her where she lived and she could give me the number of the street, I asked her if she had seen me before and she said yes, I asked her on what occasion and she knew that. My opinion is that she is not an imbecile. She explains herself with so much intelligence and directness, she speaks so distinctly and so clearly that I cannot think that that person can be an imbecile. By that I mean that she does not lack a certain degree of intelligence, that she would understand common occurrences in life and that she has judgment of what is going on around her and that she has the power to take proper measures according to the circumstances in which she would find herself.

Cross Examined.

- Q. Doctor, do you regard her condition of mind to be that of a normal condition of mind of a girl of her age.
- A. Yes sir, so far as I know her from the little knowledge I have of her I would say yes.
- Q. Now Doctor you examined her at her house and you examined her down here, in regard to what matters did you ask her down here, what general matters to test her mind, her mental power.
- A. I wanted to test her memory, that was one thing; the test of that was if she knew me again; she had only seen me once a few minutes and she recognized me and could distinctly say on what occasion she would see me from which I concluded that she had a clear memory.

**POOR QUALITY  
ORIGINAL**

0446

- Q. You have of course Doctor in your experience seen idiots and imbeciles.
- A. Yes sir.
- Q. Haven't you found many of them who had excellent memories - have you found idiots who would remember you the next time they saw you.
- A. I cannot answer I do not recollect.
- Q. Is it not a physical fact that memory is not alone an attribute of human nature but that it extends to the brute creation.
- A. O yes sir, of course they are very intelligent.
- Q. They have memory.
- A. Yes sir.
- Q. You know nothing of this girl outside of these one or two interviews you had with her.
- A. No.
- Q. You will only swear as a result of these your judgment is that her mind is not a normal condition of a girl of sixteen years of age.
- A. Yes sir.
- Q. Now you heard her father and mother testify to-day or yesterday did you, you were in court weren't you.
- A. I was not present when her father testified, I was present during the testimony of the mother.
- Q. Now taking what the mother said, assuming it for the purposes of this question to be true in connection with the information that you had, would it change your opinion at all.
- A. No, it would not.

**POOR QUALITY  
ORIGINAL**

0447

Q. Not vary it in the slightest.

A. No.

By Counsel. Q The fact that she cannot read well or write well  
does not establish the fact that she is an imbecile.

A. O no, we have very intelligent people who cannot read and  
write.

Q. And the fact that she is stupid is not an evidence of im-  
becility.

A. No, there is a decided difference between the two.

Q. What is your opinion about her will power, has she any will  
power.

A. I think she has.

George W. Springstead sworn and examined.

By Counsel. Q. What is your business, Mr Springstead.

A. Carpenter and builder.

Q. And where is your place of business.

A. 100 West 17th Street .

Q. Do you know the defendant Victor J. Olsson.

A. Yes sir.

Q. Was he in your employ.

A. Yes sir.

Q. When did you first employ him.

A. In February 1882.

Q: How long was he in your employ.

A. Off and on three years.

Q. He worked for you a year and a half the first time.

A. I think he worked all of that.

Q. Did he leave you or did you discharge him the first time.

**POOR QUALITY  
ORIGINAL**

0448

A. I discharged him, the first time I think we got out of work, I think we got short of work the first time.

Q. Do you know anything about his habits.

A. No sir.

Q. Does he come to work drunk.

A. No sir.

Q. Is he a sober man as far as you know.

A. Yes sir.

Q. He worked steadily a good faithful worker.

A. Yes sir.

Q. Do you know others who know him.

A. Only the men that worked in the shop at the time.

Q. What is his general character, that is, not for honesty or any particular thing, but what the people think and say about him who know about him.

A. Well, as far as I know it is good, I do not know anything bad about him.

Q. You have known him going on four years.

A. About four years, yes sir.

By Mr Fitzgerald. Q. You do not know anything about the circumstances of this charge, do you.

A. No sir, nothing at all.

Q. You know nothing about his moral character other than what you saw whilst he worked for you.

A. No sir.

By Counsel. Q. You never heard anything bad about his character.

A. No sir.

By Mr Fitzgerald. Q. Did you ever hear anything good about his moral character.

A. Never.

**POOR QUALITY  
ORIGINAL**

0449

By Counsel. Q. Never heard it questioned.

A. No sir.

John P. Mockabee sworn and examined.

By Counsel. Q. What is your business.

A. Carpenter and builder.

Q. Where is your place of business.

A. 103 West 17th Street.

Q. Do you know the defendant.

A. I do.

Q. How long have you known him.

A. I think since February 1882, about that.

Q. Was he in your employ.

A. He was, yes sir.

Q. Do you know other men who know him.

A. Well, only the men that I had to work for me.

Q. Do you know whether he bears a good or bad character,  
general character as far as you know.

A. As far as I know a good character, yes sir.

Q. A good, sober, steady man.

A. Yes sir.

Alexander Guthrie sworn and examined.

By Counsel. Q. What is your business.

A. My business is a grocery clerk.

Q. Do you know this prisoner.

A. Yes sir, I do.

Q. Where is your place of business.

A. I am not in the grocery business now, I am in the pile

**POOR QUALITY  
ORIGINAL**

0450

setting business.

Q. Where do you live.

A. 446 West 15th Street.

Q. You live in the same house the defendant lives in.

A. Yes sir.

Q. How long have you known the defendant.

A. About two years and a half.

Q. Do you know other people who know him.

A. I am acquainted with very few who less know him.

Q. Now what is his general character, what do other people say about him.

A. AS FAR AS HIS GENERAL CHARACTER IS CONCERNED I CAN TESTIFY SO LONG AS I HAVE KNOWN HIM IT HAS BEEN FAULTLESS.

Q. Do you know he is a married man.

A. Yes sir, he is married.

John P. Johnson, sworn and examined by Counsel 1.

Q. Mr Johnson where do you live.

A. 423 86th Street.

Q. What is your business.

A. I am a sailor, a navigator and work on shore at the present time.

Q. Do you know the defendant.

A. Yes sir.

Q. How long have you known him.

A. Eleven years, I know him from Europe.

Q. He is a Swede and so are you.

A. Yes sir and so am I.

Q. You were acquainted with him in Europe.

**POOR QUALITY  
ORIGINAL**

0451

- A. Yes sir.
- Q. Do you know his people.
- A. I do not know his people, that is all the way I know and a brother to him of his family.
- Q. Did you work with him in Sweden.
- A. No sir, I never worked with him.
- Q. Do you know where he was working.
- A. Yes sir.
- Q. You know any people who know him don't you.
- A. Here in New York, I do sir.
- Q. You know some people in Sweden who knew him.
- A. Yes sir.
- Q. Now what is his general character, that is, what do the people say and think about this man, what estimate do they hold of him.
- A. As far as I know about him he has always been good, honest, sober and industrious.
- Q. Have you ever heard of him being in trouble before.
- A. Never, not as I know.

Peter A. Olsson sworn and examined by counsel.

- Q. What is your business, what do you work at.
- A. Carpenter.
- Q. Where do you live.
- A. I live in 423 86th Street, east side.
- Q. Do you know the defendant.
- A. Yes sir, I know him about twelve years.
- Q. Were you acquainted with him in Sweden.

**POOR QUALITY  
ORIGINAL**

0452

- A. Yes sir.
- Q. Have you seen him very often since he came to this country.
- A. Yes sir, many times I saw him, he always come to my house and I always went to his, I am quite old friend to him.
- Q. Do you know the estimate or opinion entertained about him by the people who know him, whether it is good or bad.
- A. He is a good man, always took good care of himself and his family, I do not know he has been in any trouble before.
- Q. Are you a relative, are you anything to him.
- A. No.

Magnus Beckler sworn and examined by Counsel

- Q. Where do you live.
- A. 519 Second Avenue.
- Q. What is your business.
- A. Tailor.
- Q. Do you know this prisoner.
- A. Yes sir.
- Q. How long have you known him.
- A. I know him about eight months.
- Q. Have you seen him often in those eight months.
- A. I have been in the house three or four times.
- Q. He was in your house.
- A. In my house during that time, I know him, the first time I ever saw him he was in my house.
- Q. Did you ever meet him out.
- A. No, I never meet him out.
- Q. Were you ever in his house.

**POOR QUALITY  
ORIGINAL**

0453

A. No.

Q. Do you know other people who know him.

A. Yes sir.

Q. What is his general character, good or bad.

A. I cannot testify anything else than to his good character.

Q? Have you ever heard anything bad about him.

A. No sir.

Cross Examined.

Q. Have you ever heard anything good about ~~at~~ him.

A. Yes sir.

Q. Do you know anything about him yourself except that three times he called to see you, did you ever see him anywhere else.

A. No sir.

Q. How much time did he spend on each visit with you.

A. A couple of hours.

Nels Akerstrom sworn and examined.

Q. What is your business.

A. Piano business, I am working in Hale's piano factory since 1874.

Q. And where do you live.

A. 34<sup>th</sup> West 33<sup>th</sup> Street.

Q. Do you know this prisoner.

A. I do.

Q. How long have you known him.

A. I know him since 1881, when he come to this country he come to me and he lived with me for over a year.

**POOR QUALITY  
ORIGINAL**

0454

Q. Have you been intimate with him ever since.

A. I have.

Q. Are you well acquainted with others who knew him.

A. I am, as he always used to visit our Good Templars meeting which we held every Sunday evening at 114 West 11th Street in the winter.

Q. What is the estimate or opinion entertained about him by those people who knew him.

A. As far as I know him he always showed to have a good character and he always acted as a gentleman ought to do, he visited our meetings where we have ladies and servant girls and I know he always acted as he ought to.

Q. Have you ever seen him do anything unbecoming a gentleman.

A. No sir, I was surprised --

Q. Does he sleep on the same floor with you.

A. He slept in my bed.

Q. You saw him ever day and every night.

A. Every day and every night.

Q. You have known him five years.

A. I have.

By Mr. Fitzgerald. Q. Where do you live.

A. 342 West 38th Street.

Q. That is not the house the defendant lives in is it.

A. No, he lives in 35th Street.

Q. How long is it since he and you separated from being tenants of one house.

A. He came to me in 1881, first when he landed and he stopped with me a little over a year.

Q. Since then he has lived in another house.

A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0455

by Counsel. Q. But you have met him frequently since then.

A. Oh yes, I have been with him nearly every day.

Albert Extrom Sworn and examined by Counsel.

Q. What is your business.

A. I work in a piano factory.

Q. Where do you work, where are you employed.

A. In a piano factory.

Q. Where do you live.

A. 419 Tenth Avenue.

Q. Do you know this defendant.

A. Yes sir, I know him four years and a half, I lived together with him two years.

Q. Lived in the same house with him.

A. Yes sir.

Q. You used to see him night after night and be in his company.

A. Yes sir.

Q. What is his general character.

A. The time I have been together with him he always behaved as a gentleman, I always found him sober, never seen him drunk.

Q. You belong to the same temperance society.

A. No sir.

Q. Have you ever heard of him being in trouble.

A. Not as I can remember.

**POOR QUALITY  
ORIGINAL**

0456

Victor Julius Olsson sworn and examined.

By Counsel. Q. You are the defendant in this case.

A. Yes sir.

Q. What is your business.

A. Carpenter and joiner.

Q. By whom were you last employed, where were you last working

A. I was working last in 255 west 33rd street.

Q. What is the name of your employer.

A. Mr Deano.

Q. How many years have you been in this country.

A. I have been here if I live till the 5th of next October,  
five years.

Q. During the five years have you been in trouble.

A. No sir.

Q. Were you ever arrested in your life.

A. No sir, never in my life.

Q. You were arrested on the 11th day of May weren't you.

A. Yes sir, it was on a Friday, I do not remember whether it  
was the 11th or 13th.

Q. You have seen the Rev. Mr Kurtz here.

A. Yes sir, Mr Kurtz.

Q. You know this lady here, Mrs. Eggar.

A. I know her, I have seen her once.

Q. You remember to have been employed at 213 west 35th st. on  
the first floor, one pair of stairs up:

A. Yes sir.

Q. What is the name of the parties that occupied that flat,,  
was it Kurtz the people that lived there.

A. Mr Kurtz first I knew.

Q. Now who sent you there.

**POOR QUALITY  
ORIGINAL**

0457

- A. My boss sent me there.
- Q. What to do.
- A. To fit up the wash tub and do necessary things in the kitchen, fix up the sink that is all.
- Q. What time did you go to work on the 13th.
- A. The 13th on Fridays?
- Q. That was the day before your arrest.
- A. It was Wednesday I was working in the house, I went to work there in the morning half past seven and I worked there four hours.
- Q. You went to work at half past seven Wednesday morning.
- A. Wednesday morning, yes sir.
- Q. What time did you quit work.
- A. About eleven.
- Q. When did you go there again.
- A. The day after.
- Q. What time did you get there that day Thursday the 13th.
- A. I went there in the afternoon between half past one and two.
- Q. Your employer sent you there.
- A. My boss sent me there.
- Q. When you entered the apartment whom did you see.
- A. When I first came to the door I rung the bell and the first person I saw it was a young lady and I told her I should come up to work in the kitchen; she did not give me no answer and I know where to go to work because I was working there the day before.
- Q. You went to work up in the kitchen.
- A. Yes sir.
- Q. And who was with you in the kitchen.

**POOR QUALITY  
ORIGINAL**

0458

- A. Nobody.
- Q. You remember to have seen that young girl Emma Kurtz before.
- A. I never saw her before that time she opened the door.
- Q. What time did you leave on the 11th.
- A. I leaved about five minutes to six or six.
- Q. While you were there did Mrs. or Mr. Eger tell you they were going to lunch.
- A. No sir.
- Q. Did you know that they had gone to lunch.
- A. No sir.
- Q. Werev you on the 11th or on the 12th for any length of time in the company of Emma Kurtz.
- A. No sir, I did not see nobody that day.
- Q. Which day do you think I mean, the first or second day.
- A. Wednesday.
- Q. Did not see anybody there that day.
- A. I did not see anybody of that family there.
- Q. Come to Thursday, were you alone in any room with Emma Kurtz at any time during Thursday.
- A. No sir.
- Q. Did you lay your hands on Emma Kurtz at any time.
- A. No sir, I never had conversation with Emma Kurtz.
- Q. Did you have any sexual intercourse with Emma Kurtz.
- A. No sir.
- Q. Do you know that anybody else had.
- A. No sir.
- Q. Did you have a conversation with her at any time.
- A. No sir.
- Q. Do you remember the night preceding the day of your arrest.

**POOR QUALITY  
ORIGINAL**

0459

- A. Yes sir.
- Q. You were asked to do something to an extension table.
- A. Yes sir.
- Q. Who asked you to do it.
- A. This young lady sitting here.
- Q. Mrs. Egger.
- A. Yes sir; she asked me between a quarter to six and six, she said, "carpenter will you be so kind as to come in and fix the table before you go home; so I said, yes man I will, I took my chisel and went into the front adjoining the kitchen where I was working; that was the first time I was in the room there that day.
- Q. Who did you see in there.
- A. I saw her standing at one end of the table and I stood at one end of the table, so I put the chisel under, I said to her, "will you be so kind and pull that end; her sister was standing there, I said, "take hold, she was able enough to pull but she refused to assist; we pulled the table.
- Q. You pulled the extension table out.
- A. Yes sir.
- Q. You left there about six o'clock you say.
- A. Six o'clock; at the time that sister she took the leaf of the table that belonged to it, she took the first one and her sister took the second.
- Q. Who do you mean, Mrs. Egger.
- A. I mean the younger sister Emma and then she says, No, that is a mistake, the other one, that was right; she took and put it on herself and then the table was fixed. I went out in the kitchen and said to her, can I leave my tools here till to-morrow because I am not quite finished? She said yes and then I fixed up my tools and put them under

**POOR QUALITY  
ORIGINAL**

0460

- the table until the next morning and then I went home.
- Q. While you were there that day I mean the day preceding your arrest, did anyone say anything to you about Emma.
- A. No sir.
- Q. Did anyone speak about somebody having injured Emma.
- A. No sir.
- Q. What time was it the next day May 11, when you got there.
- A. On Friday do you mean.
- Q. Yes, Friday.
- A. I came maybe five minutes past nine or nine o'clock.
- Q. Whom did you see there.
- A. I saw that young lady and her sister Emma in the dining room.
- Q. Did you have any conversation with them.
- A. No sir, I only said good-morning.
- Q. Did they answer you back.
- A. Yes sir.
- Q. Did you ask for your tools.
- A. No sir, I did not ask for my tools, I said I am going to bring my tools upstairs.
- Q. Well, did you bring your tools upstairs.
- A. Yes sir I did.
- Q. What business had you upstairs.
- A. I was sent to work there up on the second floor above the kitchen repairing sinks and everything and putting a sash cord in the window.
- Q. Do you know what time it was on the 11th that you were arrested.
- A. Yes sir, I remember it was between ten and eleven or around ten o'clock.

**POOR QUALITY  
ORIGINAL**

0461

- Q. Who was it arrested you.
- A. I could not tell exactly who it was, he was a detective.
- Q. Was there anybody with him.
- A. The first I noticed I was working and the door was opened I turned around and I saw a strange face and he said, "Mr Olsson, you had better leave your apron and come with me." So I said, why? He said, I will tell you; and he took me by the hand and showed the sign <sup>72</sup> he had there.
- Q. Showed his shield.
- A. Yes, so he took me by the hand. I said, you need not take my hand, let me alone, I will walk with you anywhere because I am a gentleman; and then he went down stairs, he let me alone and we walked down to the Station House in 17th Street.
- Q. Who went with him into that room, was there anybody with him.
- A. I first saw that gentleman and then after Mr Kurtz come in.
- Q. You are speaking about the detective.
- A. Yes sir.
- Q. I am asking you if anybody was with him when you were arrested.
- A. Mr Kurtz came in after in the kitchen.
- Q. On the second floor.
- A. In the second floor.
- Q. What did he say.
- A. He did not say anything to me.
- Q. He did not speak to you at all.
- A. No sir, not that I know of.
- Q. Then you were taken to the Station House.

**POOR QUALITY  
ORIGINAL**

0462

- A. When I came down to the Station House I saw Emma Kurtz and her father coming there.
- Q. But before you went to the Station House did they take you into the flat occupied by Kurtz.
- A. No sir.
- Q. You went right down.
- A. Right down the street and down to the Station House.
- Q. Who were the people that you saw at the Station House.
- A. The people I saw at the Station House was the police, Miss Emma Kurtz and the doctor, Mr Kurtz and me.
- Q. And the doctor.
- A. I do not remember if I saw him.
- Q. What did you hear Mr Kurtz say to the Captain of Emma in reference to this case, the charge against you.
- A. They were talking; when I first came the police captain asked me all the questions. So I said, I never had no conversation, I did not know anything of this. He said, you are charged with rape. So I said, well it might be but I am not the man, that is what I said; and then Mr Kurtz and Emma Kurtz came there after and they went talking to the captain and I could not hear what they said; they only spoke some words and I remember Mr Kurtz, he says, well this is the place Emma you have to speak, but I do not know if he said so and so. Then she cried and they took the girl to another place in the room and they locked me up.

**POOR QUALITY  
ORIGINAL**

0463

Friday, June 22, 1986.

Francis H. Purroy sworn and examined by Mr  
Fitzgerald.

- Q. You are a medical doctor.
- A. Yes sir.
- Q. You have an official position, in connection with the  
city government professionally, have you not.
- A. Surgeon of police.
- Q. Did you make an examination of the person of Emma Kurtz.
- A. Yes sir.
- Q. Do you remember the day you made it, doctor.
- A. The 10th of June.
- Q. You made it at her house.
- A. At the house.
- Q. Doctor, will you state what was the result of that ex-  
amination of her sexual parts.
- A. I found there unmistakable evidence of penetration in a  
ruptured hymen.
- Q. When you say penetration do you mean penetration by the  
male organ of generation.
- A. I do not know what the penetration was done by but there  
were evidences of penetration there.
- Q. And such penetration as would be effected in that way.
- A. Yes sir.
- Q. Doctor, were you in Court one or two days.
- A. I was summoned here two or three times already and yes-  
terday was too late to get here.

**POOR QUALITY  
ORIGINAL**

0464

Magdalene Kurtz recalled by Mr Fitzgerald

Q. Can you tell how long before that day of this alleged rape your daughter Emma had her regular menstrual period.

A. Two weeks going on three weeks.

BY Counsel. Q. Mrs. Kurtz, do you remember to have noticed any other garment torn beside the drawers.

A. What she had on?

Q. Yes.

A. No, not particularly I did not.

By Mr Fitzgerald. Q. In regard to those drawers, when did you see them before you saw them that day, when they were taken from the person of Emma.

A. I saw them when she put them on in the morning.

Q. When did she put them on.

A. When we moved.

Q. Was their condition any different at the time that you saw them after they were taken off from the condition when they were put on?

A. Yes sir, they were torn in two places.

Q. How about the buttons.

A. The button hole was broke out.

Q. Was the button hole broke off in the morning.

A. No sir.

MR Fitzgerald: That is the evidence.

Henry J. Garriques recalled by Counsel.

(Drawers shown to witness.)

Q. Is that large amount of blood a sign of violence having been offered.

A. No.

MR Fitzgerald: I object.

58

**POOR QUALITY  
ORIGINAL**

0465

The Court: Of course it is not; nobody can tell about that, not necessarily; it may be the result of violence, it may be the result of a great many things.

By Counsel. Q. You see that small tear there in the band of the drawers in the buttonhole.

A. Yes.

Q. Would that be caused by any other means than violence.

A. Yes sir.

Q. Now you said something about a fouchette yesterday, what was its condition when you made the examination.

A. It is a fine membrane connecting the posterior ends of the large lip of the female genital and it was found entire. I paid attention to that because in cases of rape it is very common that that is ruptured while in cases of common connection it is not torn and then again it is torn in child birth quite frequently, not always.

By a Juror. Q. Doctor, it is not absolutely necessary that it should be torn in cases of rape though, is it.

A. No.

By Counsel Q. Not in cases of mild sexual intercourse but where violence is offered, how is it then.

A. It is frequently found torn.

Q. Now in the absence of an intoxicating narcotic or an anesthetic agent could a man of Olsson's physique violate a girl of Emma Kurtz physique.

A. No.

By the Court. Q. How do you know about that doctor.

A. Because I see the prisoner is a slender man of small stature while the girl, is very large and muscular.

Q. Have you examined his physique particularly.

**POOR QUALITY  
ORIGINAL**

0466

- A. No, I only looked at him.
- Q. Haven't you seen splendid athletes presenting very much the same appearance as this man does, presenting in their face much the same appearance as this defendant.
- A. No, I do not think so.
- Q. Did you ever see Myers, the celebrated runner.
- A. No, I have not.
- Q. You do not know that he presents a more haggard appearance than this man.
- A. When I look at his arm, I have not seen him naked but looking at him it seems that he is not muscular himself while she is very muscular.
- Q. Can you tell with any degree of certainty much about his physical condition without seeing him naked.
- A. I have not seen him stripped of his clothes, but as I see him here, his clothes hanging at his arm and I see the formation of his chest, I do not think that he should be a powerful man.

By Counsel. Q. Do I understand you to state, doctor, that you noticed any marks of violence outside the genital organs.

- A. Yes sir, there were none.
- Q. Now is there anything in connection with this case you desire to state as an opinion.

Objected to. Objection overruled.

- A. Well, I will state this, my personal opinion from my examination and from what I have heard here in court, that there is no evidence that sexual intercourse had taken place, and that if sexual intercourse had taken place it may have been with consent and finally that the girl makes the impression on me as I stated yesterday of not being

**POOR QUALITY  
ORIGINAL**

0467

imbecile, having mental power enough to understand the situation if a man wanted to approach her and having physical power enough to resist him.

Q Physical and mental power.

A Yes sir, I said first the mental power of course to understand what was going on, to resist him and the physical power & it so. It could not have taken place without very decided marks of violence such as bruises on the inside of the thighs and abdomen, on the knees, scratches on the arms, on the face or somewhere. As a rule we find it on both parties both the woman and the man but at least we find it on the woman.

Q. What as to her moral habits, did you notice something peculiar about the parts to which I did not call your attention yesterday, in your opinion what caused this external appearance.

Objected to. Objection sustained.

Q. In your opinion Doctor, could the appearances spoken of and described have been brought about by herself.

A. Yes, I think the condition of her vagina which I described yesterday can only be explained by the introduction of something, some body by frequent introduction which in a case of this kind I would suppose would be masturbation.

By Mr Fitzgerald. Q. You gave an opinion about rape, did you ever hear the case of Maggie Morris who was raped by Sergeant Crowley.

A Yes sir.

Q. Did you hear there were any indications of bruises or marks on her body.

A. I do not remember the particulars of that case, I have

**POOR QUALITY  
ORIGINAL**

0468

read about it in the newspapers.

By the Court. Q. When did you examine Emma.

A. On the 9th of June.

Q. And when was the alleged assault.

Counsel: The 13th of May.

By the Court. Q. That is nearly a month was it not after the alleged assault.

A. Yes sir, that is four weeks.

Q. Then what you said about the failure to discover bruises and scratches upon the body of Emma is not material to this case is it, for the reason that nearly a month passed after the alleged assault giving the bruises and scratches abundant time to disappear, yes or no.

A. I could not answer that positively because that would depend on the size of the blood that was found under her skin; sometimes it would take a very long time for such a collection of blood to disappear.

Q. Ordinary bruises and scratches incident to an assault would disappear in that time.

A. I would expect it, yes, but they were not mentioned in the first examination or in the examination that took place immediately after.

By Mr. Fitzgerald. Q. Doctor, how long after the 13th of May was this, the 9th of June was it not.

A. It was the 9th.

The Court: The evidence is closed.

Counsel. I will consent that when Dr. Kolb comes that he will be permitted to testify to that fact and I will commence to sum up.

**POOR QUALITY  
ORIGINAL**

0469

Henry Kolb recalled by Mr. Fitzgerald.

Q. The question is I recollect which the juror wanted to ask was if at the time you made the examination you found any traces of male seminal matter.

A. No sir, I did not.

By the Court. Q. Or on the clothing or body of Emma.

A. I did not, there was too much blood there, there was too much blood smeared all over, it was impossible to distinguish anything.

By Counsel. Q. Now, Doctor, did you find any other marks of violence on any other parts of her body away from the genital organs.

A. I did not.

Q. Did you notice that her clothes were torn, any other clothes.

A. I did not.

Q. Other than her drawers.

A. Beyond that I did not notice anything, beyond the drawers.

The jury rendered a verdict of guilty.

POOR QUALITY  
ORIGINAL

0470

~~B. J.~~  
Mr Penny <sup>will</sup> please  
return the testimony to Clerk  
Wm. A. A.  
Testimony in the Case  
of the  
People v. Victor J. Olsson.  
Court of General Sessions, Part I.  
June 1886.

POOR QUALITY ORIGINAL

0471

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY OF NEW YORK

Victor Ohlson

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 Victor Ohlson

Question How old are you?

Answer 29 years old

Question Where were you born?

Answer Sweden

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

Answer 446 W. 35 St. About one year

Question What is your business or profession?

Answer Carpenter

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

Victor Julius Ohlson

Taken before me this

day of

11/14/1938

Police Justice

POOR QUALITY ORIGINAL

0472

BAILED,  
 No. 1, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street \_\_\_\_\_  
 No. 2, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street \_\_\_\_\_  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street \_\_\_\_\_  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court & District. 699

THE PEOPLE, N.C.,  
ON THE COMPLAINT OF

218 1/2 W 3 St  
 Victor Oliver  
 Offence Rape

Magistrate  
 No. 14  
 1886

Magistrate

No. 20 to Remondier  
 Criminal Court  
 No. 215 West 30 St

No. 35 West 17 St  
 No. 140 St

No. 100 West 140 St  
 No. 100 West 140 St  
 No. 100 West 140 St

If 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 committed to bail in the sum of \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison  
 Dated May 14 1886

I have admitted the above named \_\_\_\_\_ to bail to answer by the undertaking hereto annexed.  
 Dated \_\_\_\_\_ 1886 \_\_\_\_\_ 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 \_\_\_\_\_ 1886 \_\_\_\_\_ Police Justice.

**POOR QUALITY ORIGINAL**

0473

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Victor J. Johnson*

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

*Victor J. Johnson*

of the CRIME OF RAPE, committed as follows:

The said *Victor J. Johnson,*

late of the City of New York, in the County of New York aforesaid, on the *fifteenth* day of *May*, in the year of our Lord one thousand eight hundred and eighty-*six*, at the City and County aforesaid, with force and arms, in and upon one *Emma Huntz*, then and there being, willfully and feloniously did make an assault, and her the said *Emma Huntz*, then and there, by force and with violence to her the said *Emma Huntz*, against her will and without her consent, did willfully and feloniously ravish and carnally know, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

*Victor J. Johnson*

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

The said *Victor J. Johnson,*

late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon her the said *Emma Huntz*, willfully and feloniously did make an assault, with intent her the said *Emma Huntz*, against her will, and without her consent, by force and violence, to then and there willfully and feloniously ravish and carnally know, 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.~~

POOR QUALITY ORIGINAL

0474

Third COUNT.

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

Victor J. Johnson  
of the name of Raye,  
committed as follows:

The said Victor J. Johnson,

late of the Ward of the City of New York, in the County of New York, on the  
thirteenth day of May, in the year of our Lord one thousand  
eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms,  
in and upon one Emma Hunt, who  
was then and there a female, who, knowing  
intentionally and permanently unlawfully  
of mind, was then and there incapable  
of giving consent, voluntarily did make  
an assault, and with her the said  
Emma Hunt so being then and there  
incapable of giving consent as aforesaid,  
did then and there voluntarily perpetrate  
an act of sexual intercourse, 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 rights.

Randolph B. Martin,  
District Attorney

04.75

BOX:

220

FOLDER:

2164

DESCRIPTION:

O'Neill, Hugh

DATE:

05/17/86



2164

POOR QUALITY ORIGINAL

0476

*R. L. Long*  
~~\_\_\_\_\_~~  
Counsel,  
Filed *17* day of *May* 1886  
Pleas *Triguly*

Section *227* Penal Code  
*\_\_\_\_\_*  
THE PEOPLE  
vs.  
*R.*  
Hugh O'Neill  
A.D.

RANDOLPH B. MARTINE,  
*June 21/86* District Attorney,  
*Triguly*  
A TRUE BILL.

*Abraham H. Conner*  
Foreman  
*June 21 1886*  
*G. S. S.*  
*\_\_\_\_\_*

Witnesses:  
*George H. Long*  
*Officer Society Masters of \_\_\_\_\_*  
*\_\_\_\_\_*  
*Emma Dell*  
*\_\_\_\_\_*  
*Christine Taylor*  
*Off. Andrew Lang*  
*10 14/2000*

POOR QUALITY ORIGINAL

0477

Sec. 193-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK.

Hugh O'Neill 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 Hugh O'Neill

Question How old are you?

Answer 43 years.

Question Where were you born?

Answer Ireland

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

Answer 173 Allen Street and about 9 or 10 years.

Question What is your business or profession?

Answer Agent by Collector

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.

Hugh O'Neill

The affidavits of Emma Dell, Christina Gugler and Mary Gugler were taken under objection of Counsel after the defendant had been committed on the affidavit of George H. Young, and after defendant had waived examination, and had been held for trial at the Court of General Sessions, and in the absence of defendant

P. J. [Signature] Police Justice

Taken before me this day of [Signature] 1888 Police Justice.

POOR QUALITY ORIGINAL

0478

467  
Police Court - 3rd District.  
June 16/76

THE PEOPLE, &c  
ON THE COMPLAINT OF  
James McPherson  
1st St 23rd  
Hugh O'Neil  
Offence Abduction

Dated May 6 1886

Magistrate

Officer

James Bell  
10 10  
Product

Witness James Bell

No. of name of defendant

James McPherson

spec. 100 East 23rd

James McPherson  
33rd & 138th

No. 10110 Street

48

James Bailes

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 \$200 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 May 8 1886 J. G. Deffy Police Justice.

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

Dated May 8 1886 Police Justice.

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

Dated 1886 Police Justice.

POOR QUALITY  
ORIGINAL

0479

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

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, May 11 1886

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

*The People  
against*

*Hugh O'Neill*

*Notice of Prosecution.*

*To the District Attorney of the  
City and County of New York,*

*Sir: This Society is interested in the prosecution of  
the above defendants, and is familiar with the facts of the  
case. It respectfully requests that before sending the papers  
to the Grand Jury, fixing the day of trial, consenting to  
any postponement thereof, or to any reduction of bail, or  
final disposition of the charge, you will duly notify me as  
its President and Counsel, so that I may confer with you  
in regard thereto. This request is made pursuant to the  
statute (Laws of 1886 Chapter 30, Section 4), and in  
furtherance of the ends of Justice.*

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,*

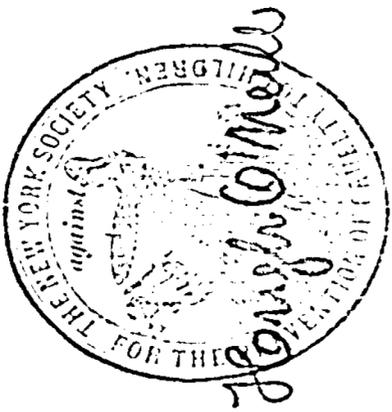
*President, &c.*

**POOR QUALITY  
ORIGINAL**

0480

**N. Y. GENERAL SESSIONS**

THE PEOPLE



CRUELTY TO CHILDREN  
*Albany*

**NOTICE OF PROSECUTION**

**BY THE SOCIETY.**

**ELBRIDGE T. GERRY,**

*President, etc.*

POOR QUALITY  
ORIGINAL

0481

Police Department of the City of New York.

Precinct No.

New York.

1888

Statement made to aff. Jerry  
at House of Detention May 7 1888  
3:40 PM

My name is Emma Bell 25 years old  
& reside 52 North B'way, J. M. Ken. =  
On the afternoon of the 5<sup>th</sup> of May visit  
between 3 & 4 o'clock I met Christian  
Gugler in Madison square park, in the  
Ladies Toilet room, & then left & sat on the  
bench in the park & remained there until  
ten o'clock about 6 o'clock P.M. & then left &  
had supper with her consisting of 2 cups of  
coffee & bread, for which I paid 15 cents.  
I then asked her to take a walk, & then  
walked leisurely through 3<sup>rd</sup> Avenue & crossing  
to Brown & Duane Sts. when we were  
accosted by Mr O'Neill, who said good  
evening, "Christian then said Emma this  
man is talking to you" & I then said good  
evening, "O'Neill then says hey you pecker"

POOR QUALITY  
ORIGINAL

0482

I am talking to Christina, & he then asked  
us to take a drink, with him, and I  
said I would rather have a cup of coffee  
or tea, & he then took me in the saloon  
#112 Chicago St & ordered 2 sodas  
& 1 Brandy, & he half of the brandy he  
poured into each soda, & then ordered  
an extra glass of beer for the himself  
which = next saloon he conversed with  
Christina several times, & indicated  
to her to have several conversations with  
him, & he would take her to a place  
over a cigar store, but Christina  
couldn't go. There was also in the  
room another girl, O'Neill also gave  
me 25 ct to spend for beer & to  
remain in the saloon till he came  
back with Christina, shortly after,  
the arrest was made.

Emmer. Dell.

The foregoing statement was read to  
Emmer Dell, in presence of Sergeant  
Holborn of House of Detention.

POOR QUALITY  
ORIGINAL

0483

Officer Young of the NY Society for  
the Prevention of Cruelty to Children  
Knows this Saloon 112 Chrystie Street  
It is a resort for prostitutes of the worst  
kind. Has frequently seen the business  
in the saloon previous to the 5th of  
May talking to prostitutes there

POOR QUALITY ORIGINAL

0484

STATE OF NEW YORK, }  
SD COUNTY OF NEW YORK, } ss. POLICE COURT, 9 DISTRICT.

George H. Irving -

an officer of the New York Society for the Protection of Children

of No. 100 East 23<sup>rd</sup> Street, being duly sworn, deposes and says  
that on the 3<sup>rd</sup> day of May 1886 -

at the City of New York, in the County of New York, one Hugh O'Neill (common)

did unlawfully and wilfully take receive, employ, harbor, and  
use <sup>one</sup> Christina Gugler a child actually <sup>approximately</sup> under the age  
of sixteen years to wit: of the age of fourteen years, not being  
his husband, for the purpose of sexual intercourse,  
that said child was taken to a saloon #112 Duane Street  
in said city, in violation of section 282 Penal Code

wherefore deponent prays that said Hugh  
O'Neill may be dealt with according to law  
G. H. Irving

Sworn to before me, this

of

Wm. J. Murphy  
Police Justice

POOR QUALITY ORIGINAL

0485

POLICE COURT— 3 DISTRICT.

THE PEOPLE, &c.,

VS THE COMPLAINT OF

*Sam McGarry*  
*vs*  
*Hugh O'Neill*

AFFIDAVIT.

*Abduction 2820*

Dated

*May 6* 188*2*

Magistrate.

*Duffy*

Officer.

*James*

Witness,

*Emma Bell - Home of Detention*  
*75 570 Lane*

*\$1000 -*

*9<sup>30</sup> oc. May 8<sup>th</sup>*

Disposition

POOR QUALITY ORIGINAL

0486

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

POLICE COURT, 3<sup>d</sup> DISTRICT.

Mary Gugler 47<sup>th</sup>

of No. 333 East 38<sup>th</sup> Street, being duly sworn, deposes and says,

that on the \_\_\_\_\_ day of \_\_\_\_\_ 1888  
at the City of New York, in the County of New York, Christina Gugler

(now present) is the daughter of defendant, who  
was born on the 8<sup>th</sup> day of November  
1873 and is now of the age of twelve  
years.

Mary Gugler

Sworn to before me, this  
8<sup>th</sup> day of  
May 1888  
[Signature]  
Police Justice

POOR QUALITY ORIGINAL

0487

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

POLICE COURT, 3 DISTRICT.

*Christina Gujler*

of No. 330. East 38<sup>th</sup> Street, being duly sworn, deposes and says,

that on the Fifth day of May 1886

at the City of New York, in the County of New York, deponent Gujler is of the

age of 17 years, while in company with Emma  
Sell, walking through Chryste Street, she  
was accosted by Hugh O'Neill who then took  
her into a saloon situated at No. 112 Chryste St.  
& while there, he, <sup>said O'Neill</sup> induced deponent to have  
sexual intercourse with him, which she  
refused.

*Christina Gujler*

of  
Sworn to before me, this  
day  
1886  
*[Signature]*  
Police Justice

POOR QUALITY ORIGINAL

0488

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

POLICE COURT, 3 DISTRICT.

of Emma Nell 25 yrs  
52 Nth Broadway York Street being duly sworn, deposes and says,

that on the Fifth day of May 1886

at the City of New York, in the County of New York, deponent, while in company  
with Christina Hughes, walking through Chrysler St.  
at about 8:30 o'clock P.M., she was accosted by  
Hugh O'Neill, who threw a few words at her  
and asked her if she  
was acquainted with Christina Hughes  
to her name interview with him

Emma Nell.

Sworn to before me, this  
May 1886  
[Signature]  
Police Justice

**POOR QUALITY  
ORIGINAL**

0489

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

The People

against

Jack O'Neil.

BRIEF FOR THE PEOPLE.

STATEMENT OF THE CASE.

The prisoner, who is 48 years of age and claims to be an agent and collector, and residing at 170 Allen Street, is indicted for abduction of a young girl named Christina Gugler, aged 12 years. The story in brief is as follows: The girl while walking in the Bowery was accosted by a prostitute. O'Neil came up and spoke to them and induced them to go into a saloon. There he tried to induce the girl to accompany him to a house of prostitution, attempted to drug her with liquor, and was on the point of dragging her out when the Police, who had been watching the case, made the arrest.

EVIDENCE FOR THE PEOPLE.

CHRISTINA GUGLER: - resides at 333 East 38 Street and was 12 years old on November 8, 1885. The father George is in the Insane Asylum on Ward's Island, and the mother Mary resides at the above address. On May 5, about 5.30 o'clock, while on the way home, opposite Madison Square Park, she met Emma Dell and crossed to the park and accosted her. She accompanied Emma through 3rd Avenue to the Bowery, and Broome and Christie Streets, and they walked very slowly. While at the corner of the Bowery

POOR QUALITY  
ORIGINAL

0490

2

and Chrystie Street, the prisoner came along and said Good evening.  
Witness told the woman Dell that the man was talking to her. He  
said No, that his remarks were intended for Christina. The pris-  
oner then asked the witness and Emma to accompany him to a saloon  
and get something to drink. They did so, and they called for  
soda water and the prisoner took brandy. He poured half the  
brandy into their glasses. Emma drank hers, but the witness  
merely put her mouth to it and drank a drop. While sitting at  
the table the prisoner told witness that if she would go to some  
house with him he would pay her well. Witness declined. Pris-  
oner then tried to pull her out, but she resisted and said she  
would not go, stating that she had never been with a man in her  
life. Witness is employed in art school, 28 East 14  
Street, running errands, and earns \$2. a week. While the prisoner  
was trying to drag her out of the saloon, the officers came and  
arrested him.

MARY GUGIER: - 333 East 38 Street, ground floor. Will prove  
the age of Christina to have been 12, November 8, 1885.

EMMA DELI: - is a married woman. Her husband deserted her,  
and his whereabouts are unknown. She has no children. Admits  
being a prostitute. Will corroborate the statement of the girl  
Christina, and in addition says, that while the prisoner tried to  
take Christina to a bad house, he gave her (Emma) 25 cents to  
remain in the saloon till he came back, and spend the money for  
beer.

**POOR QUALITY  
ORIGINAL**

0491

11/ OFFICER DONNELLY: - 10th Precinct. Has repeatedly seen the prisoner follow up young girls, on Grand Street, coming from work, and talk to them, and has stopped him doing so several times.

✓ The prisoner stated to the Judge on arraignment that he had met the girls in Chrystie Street, and they said they were hungry, and so he took them into the saloon to get them some sandwiches.

✓ OFFICER PIVOTTE and SERGEANT CREEDEN: - their attention was attracted by a woman who came out of the premises 117 Chrystie Street. They went in there and found the prisoner, Emma Dell and Christina and arrested them all.

POOR QUALITY  
ORIGINAL

2  
0492

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

The People }  
- vs - }  
Hugh O'Neil }

City County of New York. 20:

Hugh O'Neil, being duly  
sworn deposes and says that he  
is the defendant herein, that  
deponent is unable to proceed to  
trial this day for the reason  
that he has been unable to  
subpoena several witnesses  
who were present at the time  
when the alleged abduction is  
stated to have taken place.  
The names of the witnesses are  
unknown to defendant, but  
deponent knows them when he  
sees them - That the said  
witnesses are necessary and  
material for his defence and  
defendant will not be able  
to proceed to trial without them

POOR QUALITY  
ORIGINAL

0493

That deponent is informed by a  
<sup>who is acquainted with said witnesses</sup> man named Brown, that all  
of said witnesses can be secured  
on Saturday night, and deponent  
will be ready for trial on Tuesday  
morning. Deponent prays that  
said trial be adjourned.

Given to before me

this 27<sup>th</sup> day of May 1886

J. M. Keller

Comptroller, N.Y.C.

Hugh C. Hill

POOR QUALITY  
ORIGINAL

0494

Court of Special Sessions

The People  
- vs -  
Henry E. Hull

Defendant of  
Respondent

Robt. H. Hacey  
Defend. Attorney  
25 Chambers St.,  
N.Y.C.

**POOR QUALITY ORIGINAL**

0495

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Joseph O'Neill*

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

*Joseph O'Neill*

of the Crime of *Obstruction*,

committed as follows:

The said *Joseph O'Neill*,

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *27th* day of *May*, in the year of our Lord one thousand eight hundred and eighty-*six*, at the Ward, City and County aforesaid,

*with force and arms, in and against*  
*Christina Fugger, who was then*  
*and there a female under the age of*  
*sixteen years, to wit: of the age of*  
*thirteen years, feloniously did make*  
*an assault, and then, the said Chris-*  
*tina Fugger, did then and there*  
*feloniously take, receive and harbor*  
*for the purpose of sexual intercourse,*  
*he, the said Joseph O'Neill not*  
*being then and there the husband*  
*of the said Christina Fugger,*  
*against the form of the Statute*  
*in such case made and provided*  
*and against the peace of the*

POOR QUALITY  
ORIGINAL

0496

People of the State of New York,  
and their dignity.

Second Point.

That the Respondent  
expressed, by this indictment, further  
accuse the said Sheriff O'Neil of the  
crime of Obstruction, committed as  
follows:

The said Sheriff O'Neil, late  
of the Ward, City and County of New York,  
of New York, do sit: on the day and  
in the year aforesaid, at the Ward,  
City and County of New York, with force  
and arms, in and upon the said  
Priscilla Piquet, then and there  
being, feloniously did make another  
arrest, and then the said Priscilla  
Piquet did then and there feloniously  
take and detain, unlawfully against  
her will, with the intent to compel  
her, by force, menace and duress, to be  
deposed by him the said Sheriff O'Neil,  
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.

Richard B. Martin,

~~Richard B. Martin~~

0497

BOX:

220

FOLDER:

2164

DESCRIPTION:

Ottermann, Henry

DATE:

05/24/86



2164

POOR QUALITY ORIGINAL

0498

267  
Chester W. Howell

231 Broadway

Counsel,

Filed 24 day of May 1886

Pleaded guilty to the charge of

THE PEOPLE

vs.

RB

Henry Ottomano

754-6

RANDOLPH B. MARTINE,

SUPREME COURT PART I,

A TRUE BILLICTMENT

John W. Connelley

Foreman.

Witnesses:

J. Edward L. ...

1914

**POOR QUALITY ORIGINAL**

0499

POLICE COURT 4 DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

On Complaint of

Edward Rothschield  
For Excise Law

Henry C. Ottomann

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

Date January 20 1883

Henry C. Ottomann  
Police Justice.

Excise Violation—Selling on Sunday.

POLICE COURT—4 DISTRICT.

City and County } ss.  
of New York, }

Henry C. Ottomann of No. 147 Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 21st day of January 1883, in the City of New York, in the County of New York, at premises No. 75 1/2 Street,

Henry C. Ottomann (now here) did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his direction or authority strong and spirituous ~~liquors~~ ale and beer, being intoxicating liquors, to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Henry C. Ottomann may be arrested and dealt with according to law.

Sworn to before me, this 20 day of January 1883

Edward Rothschield

Henry C. Ottomann  
Police Justice.

**POOR QUALITY ORIGINAL**

0500

Sec. 199-200.

District Police Court.

CITY AND COUNTY OF NEW YORK. } ss

*James J. [unclear]* being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him, that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question What is your name?

Answer

*James J. [unclear]*

Question How old are you?

Answer

*21 years*

Police Justice

**POOR QUALITY ORIGINAL**

0501

Sec. 193-200.

District Police Court.

CITY AND COUNTY OF NEW YORK.

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

*I am not guilty of the charge.*

*Henry Coleman*

Taken before me this

day of *July*

188

Police Justice.

POOR QUALITY ORIGINAL

0502

RAILED,  
 No. 1, by Edward Ottman  
 Residence 126 West St  
 No. 2, by 126 West St  
 Residence \_\_\_\_\_  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_

Police Court - District.

THE PEOPLE, vs.

*Edward Ottman*  
199 West St

RECEIVED  
 FEB 13 1888  
 DISTRICT CLERK  
 Police Court

Magistrate  
W. H. ...  
 Officer  
W. H. ...  
 Precinct  
21 - ...

Witnesses  
 No. \_\_\_\_\_ Street \_\_\_\_\_  
 No. \_\_\_\_\_ Street \_\_\_\_\_  
 No. \_\_\_\_\_ Street \_\_\_\_\_  
 Signature: Edward Ottman  
 Signature: ...

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

Edward Ottman

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

Dated Feb 2 1888 Samuel ... Police Justice.

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

Dated February 2 1888 ... Police Justice.

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

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

**POOR QUALITY ORIGINAL**

0503

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK )

*applies*

*Denny O'Heman* )

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

*- Denny O'Heman -*

of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said

*Denny O'Heman*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *first* day of *January*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to

*Edward Robinson and to*

certain *other* persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT:

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

*- Denny O'Heman -*

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows :

The said

*Denny O'Heman*

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, the same being the first day of the week

**POOR QUALITY  
ORIGINAL**

0504

commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did give away as a beverage to

*Edward Rothchild, and to* —

certain *other* persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

THIRD COUNT:

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

*Danny O'Hannan* —

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Danny O'Hannan*.

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number

*75th Fifth Avenue.* —

in the City and County aforesaid, which said place was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.