

0 162

BOX:

414

FOLDER:

3824

DESCRIPTION:

Macomber, Richard W.

DATE:

10/30/90



3824

0 163

BOX:

414

FOLDER:

3824

DESCRIPTION:

Macomber, Richard W.

DATE:

10/30/90



3824

POOR QUALITY ORIGINAL

225
Mr. C. Danwin

Witnesses

Counsel, *1*
Filed, *30* day of *Oct.* 189*2*
Pleads, *Not guilty 31*

The counsel to the Health Board
in answer to my inquiries in this case
has written me that he knows of no
objection to the acceptance of defendant's
plea of guilty & the imposition of a
small fine. (See letter of Mr. Prentiss
filed herewith, dated Jan 4/92).

I recommend that defendant's plea
be accepted & such leniency extended
as the Court deems proper.

Jan 5. 1892

Vermon J. Little
Clerk

THE PEOPLE,
vs.
Richard W. Macomber
ADULTERATED MILK.
(Chap. 185, Laws of 1885, Section 1, as amended
by Chap. 577, Laws of 1886, Section 1; Section 186,
Sanitary Code, and Section 575 of the N. Y. City
Consolidation Act of 1882.)

JOHN R. FELLOWS.

P2 Jan 6. 1892 District Attorney.

Plea as *Gilty 1st Count*
A True Bill. *Fine of 20*
fine paid

Vermon Little

Foreman.

Oct. 15. 1892
Part 2 Jan 6. 1892 *MD*

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

Halscy L. Wood, M.D of No. *349 Lenox Ave* ~~Street~~
in the City of New York, being duly sworn, says that he is over the age of twenty-one years, and is a
Sanitary Inspector of the Board of Health therein, especially detailed to the inspection of Milk, that on
the *5th* day of *June* in the year 1890

at premises number *135 6th Ave.* in the City of New York, the said premises being
a place where Milk was then kept for sale, one *Richard W. Macomber*
unlawfully did then and there keep, have and offer for sale three quarts of impure and unwholesome Milk,
which had been and was then and there watered, adulterated, reduced and changed by the addition of
water or other substance, or by the removal of cream therefrom, and that such impure, unwholesome,
watered, adulterated, reduced and changed Milk was then and there, by the said *Richard*
W. Macomber, unlawfully held, kept and offered for sale in violation
of the provisions of the Sanitary Code then and there and at all times thereafter in force and operation,
and especially in violation of the provisions of a section and ordinance of such Sanitary Code which was
duly passed and adopted by the Board of Health of the Health Department of the said City of New York,
and by said Health Department at a meeting thereof, duly held in said city, on the twenty-third day of
February, 1876, in the manner and language following, to wit:

"Resolved, That, under the power conferred by law upon the Health Department, the following
additional section to the Sanitary Code for the security of life and health be and the same is hereby
adopted and declared to form a portion of the Sanitary Code.

"No Milk which has been watered, adulterated, reduced, or changed in any respect by the
addition of water or other substance, or by the removal of cream, shall be brought into, held, kept,
or offered for sale at any place in the City of New York, nor shall any one keep, have or offer for
sale in the said city any such Milk."

That said ordinance was thereafter duly published once a week, for two successive weeks, in the
City Record, a daily official newspaper and journal published in said city, to wit, in the issues of such
newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876, and
that said ordinance was, at all times alleged herein, in full force and operation in said city and county.

Sworn to before me the *12th* day }
of *June* *1890*

Halscy L. Wood

A. J. White Police Justice

0166

Police Court, 2^d District.

THE PEOPLE, &c,
ON THE COMPLAINT OF

Halsey L. Wood.
vs.
Richard W. Macomber

Affidavit, violation of Section
186 of the Sanitary Code.

Dated..... 18

..... Justice.

..... Officer.

Witnesses W. G. Berry

No. 301 Matt St. City

Thos. J. Waters

No. 301 Matt St. City

§..... to answer.....

Sells 3520 qrs. daily
Skimmed 15 qrs

0167

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Richard W. Macomber 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. *Richard W. Macomber*

Question. How old are you?

Answer. *31*

Question. Where were you born?

Answer. *MS -*

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

Answer. *297 West 12 St*

Question. What is your business or profession?

Answer. *Milk dealer*

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*
R W Macomber

Taken before me this *19*
day of *June* 19*19*
[Signature]

Police Justice.

0158

Sec. 151.

Police Court 22 District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or 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 R. E. Wood M. D.

of No. 349 Lenox Ave. ~~Street~~, that on the 5th day of June

1890 at the City of New York, in the County of New York,

Richard W. Macomber of 135 6th Ave, this city,
did then and there, sell, have and offer for sale, three
quarts of milk changed by the removal of cream
in violation of Section 186 of the Sanitary Code.

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 22 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 12th day of June 1890
R. J. White POLICE JUSTICE.

0169

POLICE COURT 20 DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Halsey L. Wood

vs.

Richard W. Macomber

Warrant-General.

Dated June 12 1880

James P. Miller Magistrate.

James Bell Officer.

The Defendant Richard W. Macomber taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

James Bell Officer.

Dated June 13 1880

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

38 W. 4th St. New York N.Y. 289. M. 12 Street

TORN PAGE

0170

BAILED,
 No. 1, by Thomas W. Mason
 Residence 135 6 Ave Street.
 No. 2, by _____
 Residence _____ Street.
 No. 3, by _____
 Residence _____ Street.
 No. 4, by _____
 Residence _____ Street.

The presiding magistrate is authorized here and determining the proper course of procedure.

Richard W. Mason
 Police Justice.

Richard W. Mason

Police Court---
 District.

1432 ~~143~~

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

Helen J. Wood

Richard W. Mason

1
 2
 3
 4
 5

Offence vi of
Domestic Code

Dated June 19 1880

White Magistrate.

Connelly Officer.

Cont Precinct.

Witnesses

No. Shaw Leonard
Shaw Leonard

No. Shaw Leonard
Shaw Leonard

No. Shaw Leonard
Shaw Leonard



By, June 19, 1880

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

Richard W. Mason

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 July 5 1880 Richard W. Mason Police Justice.

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

Dated July 14 1880 Richard W. Mason 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.

0171



Office of
Attorney & Counsel,
ROOMS 46 & 47.

New York Jan 4 1894

Mr F. M. Davis
A. D. W. City
Seneca

I have no objection
to the acceptance of a plea of guilty to
a small fine in Macomber's case of
which you write. It is said he has
since gone out of the country business
in which complaint against him was constant
and he sought revenge by a malicious attack
on two of the Inspectors. I think, before
his Honor's Committee and the Grand Jury, but
he was shown up and failed to get off his feet.
The matter is now old and Macomber
has been punished in other cases.

Very truly
yours,
Counsel H. Deff-

0172

Sec. 192.

2

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before Andrew J. White a Police Justice of the City of New York, charging Richard W. Macomber Defendant with the offence of vi of Sanitary Code

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, Richard W. Macomber Defendant of No. 135
64 avenue Street; by occupation a Milk Dealer
and Milo H. Wells of No. 381 Bleeker
Street, by occupation a Ice man Surety, hereby jointly and severally undertake that the above named Richard W. Macomber Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of _____ Hundred Dollars.

Taken and acknowledged before me, this 19 day of June 1890 } R W Macomber
A J White } Milo H Wells
POLICE JUSTICE.

0173

CITY AND COUNTY } ss.
OF NEW YORK,

Ante M. Wells

the within named Bail and Surety being duly sworn, says, that he is a resident and lease holder within the said County and State, and is worth *one ten* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *deponents interest*

in the ice business, located at No 95 8th Avenue in the City of New York

Ante M. Wells

Sworn to before me, this *19* day of *June* 188*2*
Ante M. Wells
Police Justice.

District Police Court.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

Walter L. Wood

vs.

Richard W. Macomber

Undertaking to appear during the Examination.

Taken the *19* day of *June* 188*2*

White

Justice.

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Halsey L. Wood

Examination had *Jan 16, 19, 20* 188*90*

Ed. M. Macomber

Before *Edward Hogan* Police Justice.

I, *W. L. Arnoboff* Stenographer of the District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of *Halsey S. Wood, W. G. Berry, Alfred Beebe, Edward G. Lane, A. H. Horton, R. M. Macomber, Ed. W. Munton* as taken by me on the above examination before said Justice.

Dated *Jan 29* 188*90*

E. Hogan
Police Justice.

W. L. Arnoboff
Stenographer.

Examination continued June 19th 1890

Appearances as before.

EDWARD G. LOVE being duly sworn and examined as a witness for the defence deposes and says:

- Q. You are a chemist by profession? A. I am.
- Q. And have been for how long? A. Some 15 years.
- Q. And practicing in this city? A. I am.
- Q. And have an office in this city? A. I have.
- Q. You have been connected and you are now I believe with the City department? A. I am, yes sir.
- Q. Doing what? A. I am gas examiner for the city in the department of Public Works.
- Q. And you have been employed by the Dairy Commission of this State as chemists? A. Yes.
- Q. How many years? A. Since 1884, the date of the organization of the commission.
- Q. And you have devoted a good deal of time to the study of the question of dairy products? A. I have, sir.
- Q. You were examined as an expert at the time the Dairy Act was passed? A. I was.
- Q. When the Senate Committee took testimony in regard to the standard to be adopted for milk, you were a witness? A. I was, sir.
- Q. You have given a great deal of attention during all these years to the subject of Dairy products? A. Yes sir.
- Q. And you have made a number of analyses of milk and are familiar with that subject? A. I am.
- Q. You have made examinations of milk at different times? A. A great many.

47

- Q. On behalf of the Dairy Commission as an expert at times?
A. Yes sir.
- Q. And you have been connected at one time with the State Board of Health? A. I was, sir.
- Q. Now on the 5th day of June of this year, did you receive certain samples of milk? A. I did.
- Q. Now look at the bottle that I show you and say if this is the one that contained the milk which was the sample given to you? A. It is.
- Q. This was the sample you received? A. Yes sir.
- Q. It was in a sealed bottle? A. In a sealed bottle.
- Q. And it was a sample sealed and marked by one of the Health Inspectors? A. Yes sir.
- Q. That was marked upon the sample? A. Yes sir, there was a printed label on it and it was marked -- the samples were marked "C, 301 A. C, 301 B. and C, 301 C." I have the bottles here.
- Q. Who brought you these samples? A. A young man called Horton, I think.
- Q. He came from the defendant, Macomber's place? A. Yes sir.
- Q. And asked you to analyse it? A. He did.
- Q. Did you do so? A. I did.
- Q. State what was the result of your analysis? A. C, 301 A, contained water 87.87 total solids 12.13, fat 3.43, sugar 7.98 ash .72
- C 301 B, contained water 87.42, solid matter 12.58, fat 3.45, sugar and caseine 8.35, ash .78.
- C, 301 C, contained water 87.31, solid matter 12.⁶⁹~~889~~ fat 3.⁷⁹~~48~~, sugar and caseine 8.⁷⁵~~35~~, ash.75

Q. Is this a copy of the act to prevent deception in the sale of Dairy products?

Objected to.

Objection overruled.

A. Yes sir.

Q. And by section ten of that act the standard of pure milk is fixed? A. It is

Objected to.

Objection overruled.

Q. By that standard milk must contain no more than 88 per cent of water? A.

Objected to.

Objection overruled.

A. That is the standard.

Q. It must contain 12 per cent of total solids? A. Yes sir.

Q. And there must be three per cent fat of these total solids?

A. Exactly.

Q. Then if milk reaches that standard-- A. Then I recognize it as pure milk.

Q. By this analysis of the sample the milk did not contain 88 per cent of water? A. No sir.

Q. Then these samples were normal according to the standard?

A. Yes sir.

Q. And they contained more than the law required of total solids? A. They did.

Q. And they contained over three per cent of fat and therefore contained more than the law required of fat? A. They did.

Q. Then according to your analysis, this milk in every respect complied with the required lawful standard? A. Over it, somewhat.

49

- Q. Did you examine by the Adams process? A. The fat was determined by that process, yes sir.
- Q. You have paid special attention to the Adams process?
- A. I have.
- Q. There has been quite a controversy among chemists in regard to the validity of various processes of analyses, have there not? A. There has been a great deal of discussion on the subject.
- Q. And you were called as a witness on that subject in the case of the People against Houston? A. Yes, sir. That was the case.
- Q. And in that case the Board of Health appeared for the prosecution? A. They did.
- Q. And they contended that the Adams process was not an accurate process? A. They did. They made an effort to break down my testimony.
- Q. And was it testified to that the result of some of these processes was a difference of .50 in the result obtained?
- A. That was my testimony.
- Q. Your testimony was in support of the Adams process?
- A. Yes.
- Q. In preference to the Wancklyn Waller method? A. It was.
- Q. And they attempted to prove that the Adams method was inaccurate in the same degree? A. I believe that was the point they tried to prove .
- Q. And gave various statistics?
- Objected to.
- Q. In this Adams process, is it not a fact that you are very careful to see that your chemical apparatus is properly made and

and in good order? A. I have to take care of that, sir.

Q. You have to be very careful? A. Yes.

Q. What do you call this piece of blotting paper that you use?

A. The coil.

Q. You have to see that that is thoroughly exhausted?

A. I do, yes.

Q. You have no doubt as to the accuracy of your figures in this case? A. None whatever, sir.

CROSS-EXAMINED BY MR. BANKER:

Q. How did you make the analysis of this case? A. I determined the fat by what is known as the Adams method.

Q. You think that is the most reliable method, dont you?

A. Yes that is my experience.

Q. And you have always in later years used that method, have you not? A. I have.

Q. And dont you think that the fat can all be obtained by analysis by the Adams method? A. It depends upon what other process you compare it with. It gives, I think no more fat than others, simply other methods are not apt to give all there is. From the very nature of the substance from which the fat has to be extracted.

Q. Have you analysed samples of milk from dairies? A. I have

Q. Pure milk from cows? A. Exactly, yes sir.

Q. By the Adams method? A. Yes sir.

Q. How many samples have you analysed? A. That I cannot say.

Q. About how many? A. By this particular method perhaps 10 or 15.

51

Q And were all these cows out of the dairy? A. No particular dairy, samples I have collected, in the country as I have been going through and brought with me home to my study.

Q. Do you remember how much total solids you found in these cases
Objected to.

Q. And how much fat?
Objected to.

Q. Is not the milk standard dependent on the method of analysis?
Objected to.

Q. Is not the milk standard of fat dependent upon the methods of analysis?
Objected to.
Objection overruled.

A. No, I do not think there is any dependence between the two at all.

Q. How is the State standard fixed, Dr. by what method of analysis?
Objected to.

Q You are familiar with this state law and how the standard was fixed, are you not? A. I am, sir.
Objected to.

Q. Will you tell us by what method of analysis that standard was adopted?
Objected to.
Objection sustained.

THE COURT: Does the counsel for the Health Department claim that the Health Board has the right to create an ordinance which differs from the act of the Legislature and require a higher standard of milk than the Legislature has laid down to be the

52

law.

Mr. BANKER: Yes sir and the Court of Appeals has sustained that view of the powers of the Board of Health.

THE COURT: Well let the witness answer the question.

A. There was no method mentioned, sir, at all.

Q. Do you know what method was the usual method at that time?

Objected to.

Objection sustained.

Q. Now, Dr. you say that you have analysed ten or 15 samples of milk of cows from the dairy, have you also made analysis of pure milk here in the city-- commercial milk? A. I supposed it to be pure milk.

Q. Taken from what place? A. Taken from reliable parties.

Q. Who are they?

Objected to.

Objection sustained.

Q. Taken from the defendant? A. Not at all, sir. These samples I have mentioned here, are the only samples I have examined of his.

Q. What was the fat in those cases-- what was the average percentage of fat that you found in those cases?

Objected to.

Objection sustained.

Q. Will you tell me how much fat -- how much percentage of fat there should be in pure commercial milk according to the Adams process?

Objected to.

Q. You are a chemist? A. I am.

Q. You made as you state a number of analyses of pure commercial

57

milk here in the city? A. I did.

Q. Will you tell us how much percentage of fat there should be in pure commercial milk?

Objected to.

Objection sustained.

Q. Will you tell us how much fat there should be in pure milk,-- we will leave out the commercial?

Objected to.

Objection sustained.

Q. If milk contained 2.98 of fat, do you say that the fat has been removed or that it has not been removed from that milk?

A. It is below the state standard.

Q. Has or has not the fat been removed from that milk?

Objected to.

A. It is not according to law.

Q. Has or has not according to your opinion-- A. It has

Q. If milk contains 3.43 per cent of fat, has or has not any fat been removed according to your opinion? A. It may or may not have been removed, that I could not say.

Q. You would not swear, Dr. that no fat had been removed from that milk?

Objected to.

Q. You would not swear, Dr. that no fat had been removed from that milk as shown by sample C, 301 A?

Objected to.

A. I could not say anything about that, sir.

Q. You say that you found 3.43 of fat in the sample number c, 301 A through your analysis, will you say whether or not any fat has been removed from that milk?

Objected to.

A. No.

Q. You will not swear it has or has not been removed? A. I will not swear anything about that, sir. I know nothing about that sample more than my analysis shows.

Q. Will you swear that all the fat is in the sample or was in the sample?

Objected to.

Objection overruled.

A. No, I wont swear to anything. I know nothing about that, sir.

Q. What condition was the sample in when you received it?

A. It was sealed and it was perfectly sweet.

Q. When did you receive that? A. I received it on the morning of the 5th of June. Shortly after ten o'clock., I think shortly after that.

Q. How was it sealed? A. It was sealed by passing a wire through two small openings in the neck of the bottle and the wire passing through the cork. The wire was then turned around the neck of the bottle and then sealed with a leaden seal, with a die and a number on it.

Q. Are you familiar with the writings of Vieth on analysis?

A. I have heard of him. I know of him as a writer.

Q. You have seen his reports, have you not? A. Yes, I have seen them. I do not remember all their contents.

Q. Is he a good authority on the question of the standard that should be of pure milk? A. Not American milk. American and English milk may differ.

55 Q. What is the difference? A. I dont say there was a differ-

ence but I should not consider him an authority on something which was not produced in his own country while he may be an authority on something that is produced in his own country.

Q. Do you know what that difference is? A. Various conditions of climate and food and other matters.

Q. Do you think their milk differs so much from the American standard.

Objected to.

THE COURT: I do not think we had better go into all these things it merely prolongs this case.

Q. Do you agree with Veith when he says that out of 11389 samples he found that the average amount of fat was 3.93?

Objected to.

THE COURT: It dont make any difference what Veith found, it would not affect the milk referred to in this case. I think we had better confine ourselves to this case.

Q. Dr., sample C, 301 A, in your opinion might have been skimmed, might it not?

Objected to.

A. I cannot say.

Q. In your analysis of pure milk, Dr, have you found fat in such milk of a higher percentage?

Objected to.

Objection sustained.

Q. In sample C, 301 B, from your analysis you say the fat was 3.45, was or was not in your opinion any fat removed from that milk?

Objected to. Objection sustained.

A. I cannot say.

Q. Can you say that all the fat was there, Dr? A. I cannot say.

Q. Can you say that none had been removed? A. No, I cannot say.

Q. Some of the fat may have been removed in your opinion?

Objected to.

A. I do not know whether it was or not.

Q. What is your opinion?

THE COURT: He says he does not know.

Q. I ask for your opinion, is it your opinion that you dont know whether or not any fat has been removed from that milk?

THE COURT: I think he has answered the question.

Q. Sample c 301 C, you say you found 3.79 percentage of fat, will you say whether or not any fat had been removed from that milk?

A. No, I do not know anything about that sample.

Q. You cant say whether all the fat was there? A. No.

Q. Some of the fat may have been removed? A. I do not know.

Q. Is that your best opinion?

Objected to.

THE COURT: I think he has answered the question.

Q. How did you make the analysis in this case -- describe the method? A. Of the entire analysis?

Q. You take one sample for the fat? A. I have these paper coils.

Q. You take a sample? A. They are all alike in method. The paper coil is first carefully exhausted then these coils are carefully dried and a certain quantity of milk is put in a small beaker and one of the coils is placed in the same.

57

Q. How much milk? A. It may differ a little as near as I can

say about five drachms. The coil is allowed to take up the milk and then remove to the air bath at 100 degrees centigrade to dry for an hour or an hour and a half. The beaker on which the milk was first weighed out is re-weighed and the difference indicates the amount of milk taken for analysis. After the coil is dried it is placed in an exhaustor and exhausted in ether. The ether extract is collected in a small flask. After the exhaustion the ether is distilled off and the residue, the fat, is dried and weighed.

- Q. How long do you dry your coil? A. An hour or an hour and a half.
- Q. What was it in this case? A. I can't say whether it was nearer an hour or an hour and a half. I never let it go under an hour.
- Q. Well how do you know, Dr. that your coil was perfectly dry in this case? A. Because I have experimented a number of times for the purpose of determining what time was necessary at 100 degrees to dry one of these coils. That is the result of my experience.
- Q. You found 87.87 of water, would you not be inclined to think, Dr., that there may have been a little more water in your coil which you should have extracted? A. The coil is not weighed. I do not get at the total solids in that way.
- Q. How do you get at your total solids? A. I place in a platinum dish a certain quantity of milk and evaporate to dryness to get a constant weight at 100 degrees, afterwards I obtain the fat by the Adams method.
- Q. Is this your method or the Adams method? A. I don't call it my method. It is not mine.

- Q. What is the method you use? A. I have already described it to you as the Adams method, to determine the fat.
- Q. You say you put this milk over a water bath? A. I do.
- Q. It is in a platinum dish? A. Yes.
- Q. About how long do you leave over the water bath? A. About three hours.
- Q. What happens over the water bath? A. The water evaporates simply from the sample. The water evaporates off.
- Q. By what process is the fat determined? A. That I have already given to you.
- Q. How do you evaporate the ether, take out the ether
A. By distillation.
- Q. You distill the ether A. I remove the coil and then distil .
- Q. How long did you allow the extraction of fat to continue in this case? A. An hour and a half to two hours.
- Q. During that time how many times did the ether siphon over?
A. More than a dozen, a dozen or fifteen times.
- Q. Then you think that when it syphons over more than a dozen times that you extract all the fat? A. That is my experience.
- Q. Do you re-extract to verify? A. Sometimes, I do.
- Q. You did not deem it necessary in this case? A. I think not no.
- Q. After this process of extraction has continued for three hours, you would think it ample time, would you not?
A. I should consider three hours unnecessary.
- Q. More than necessary? A. That is my experience, sir. I think it depends a good deal on the length of time the ether

59

is in contact with the coil.

Q. Then if the ether is in contact with the coil during the period of three hours, you think it would be entirely sufficient, do you not? A. I should think it got exhausted almost enough.

Q. After you have three and a half per cent of fat then you will have $8\frac{6}{12}$ of other solids? A. If there is twelve per cent of total solids, if you have $3\frac{1}{2}$ per cent fat the rest must be not fat.

Q. Under the Adams process you should get more than 3 and $\frac{5}{10}$ of fat should you not?

Sworn to before me this 20 day of June 1890. Objected to.

[Handwritten signature]
John ...
Prison Justice

Objection sustained.

RE-DIRECT:

Q. You have been asked whether in your opinion if milk contained 3.43 per cent of fat or 3.45 per cent of fat, or 3.79 per cent of fat, you could tell whether any fat had been removed, and you said you did not. I now ask you if there was 4 per cent of fat would you be able to tell whether any fat had been removed? A. I would not.

Q. It would depend entirely on the amount of fat that was originally in the milk? A. Certainly.

Q. And that differs very much? Oh, yes.

Q. And some cows give more fat than others? A. Yes sir.

Q. And you have examined very extensively into this question of dairy products? A. Yes sir.

Q. And you know that the percentage of fat varies from above five to below three per cent? A. I know of cases on record

60

GROSS EXAMINED:

- Q. You have no doubt whatever of the accuracy of the results in this case? A. None whatever.
- Q. And you have examined ten or fifteen cows' milk? A. By this particular method. By the Adams method.
- Q. And you consider yourself perfectly competent on this subject? A. If experience is any indication, I do.
- Q. Have you found over five per cent of fat by the Adams method? A. I have, found over five per cent in some milk.
- Q. Have you found less by the Adams method? A. I cant say certainly.
- Q. Havr you ever found below 3.5 in pure milk by the adams method? A. I cannot say
- Q. In the milk in a number of cows that you found here in New York City, the fat will be generally normal, will it not?
Objected to.
- Q. In other words, the percentage of fat from milk from 40 quart cans, pure milk 40 quart cans as sold in the City of New York will be an average about an average , between the highest per cent of fat you have known and the lowest per cent of fat you have known from individual cows? A. Not necessarily.
- Q. What do you mean by that, Dr? A. There might be a very high fat determination in one case and a very low one in the other. The average would not necessarily be between those two.
- Q. Would it not be a percentage of fat to be above the lowest and below the highest? A. It must necessarily be so.
- Q. It would? A. It would.
- 61

Q. What is the lowest percentage of fat you have found in pure milk by the Adams method?

Objected to.

A. I have not stated how high and I do not know what the lowest is.

Q. Is that your opinion?

THE COURT: He has answered the question that he don't know.

Sworn to before me this 1890 day of June
Police Justice.

ANDREW H. HORTON, being duly sworn as a witness for the defendant deposes and says

Q. What is your business? A. I am employed by Mr. Macomber at 135 6th Avenue.

Q. Did you deliver to Dr. Love, the witness in this case, the samples C, 301 A, C, 301 B, and C, 301 C, referred to in this case? A. Yes, I gave them, the samples to him, I did not keep a memoranda.

Q.

CROSS EXAMINED BY MR. BANKER:

Q. Where did you get those samples? A. I got them in the place there where they were left by the inspector.

Q. At what place? A. At the place 135 6th Avenue.

It is admitted by the prosecution that the samples delivered to the witness Love were the same as those sealed by the inspectors at the time the samples were taken for examination by the chemist for the prosecution.

RICHARD W. MACOMBER, the defendant being duly sworn as a witness in his own behalf deposes and says:

62

- Q. Where do you reside? A. 297 West 4th Street.
- Q. You are engaged in the milk business? A. I am, sir.
- Q. And have been for some time? A. Yes sir.
- Q. And you have charge of the store mentioned in this complaint?
A. I have.
- Q. Did you in any way tamper with that milk? A. No sir.
- Q. Did you water it? A. No sir.
- Q. Did you skim it? A. No sir.
- Q. Did you do anything to change it whatever in its nature?
A. No sir, I never saw it.
- Q. So far as you know was that milk watered? A. It was not,
so far as I know.

CROSS EXAMINED BY MR. BANKER:

- Q. How long have you been in the milk business? A. Over two
years.
- Q. Where did this milk come from? A. A number of different
dairies, some from Clinton, N. J., some from Sussex Co. some
from Shenango Co. N.Y.
- Q. You have a company, do you? A. I do not have it.
- Q. You are connected with a company? A. Yes.
- Q. You run this business? A. Yes sir.
- Q. You are president? A. Yes sir.
- Q. You have a creamery? A. Yes sir.
- Q. Where is the creamery? A. Clinton, N. J.
- Q. You sell milk, do you not, A. Yes sir.
- Q. This milk was received at night, was it not? A. Yes sir.
- Q. You receive all your milk at night? A. All the milk that
comes into the city comes in at night.
- Q. Your drivers receive it? A. My men go there and get it.

Q. They deliver it to your customers? A. They deliver it first to the depot 135 6th Avenue on the sidewalk.

Q. From there they take it out? A. They deliver it to us about 11 or 12 o'clock at night and then about three o'clock the drivers get it and deliver it to their customers in their wagons.

Q. You sell cream do you not? A. Yes sir.

Q. You gave substantially the other day in the Special Sessions during a milk prosecution as you gave here this morning?

Objected to.

A. I think I did, yes sir.

Q. These drivers when they take off the milk act under your orders do they not? A. I suppose they do, certainly.

STENOGRAPHER'S MINUTES.

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

vs.

BEFORE HON.

POLICE JUSTICE,

188

APPEARANCES: { For the People, _____

{ For the Defence, _____

188

INDEX.

| WITNESSES. | Direct Ex. | Cross Ex. | Re-Direct. | Re-Cross. |
|-----------------|------------|-----------|------------|-----------|
| Haley G. Wood | 1 | 4 | | |
| W. G. Perry | 14. 81 | 20 | 24 | 29 |
| Alfred L. Beebe | 30. 74. | 78 | 72 | |
| Edward G. Lowe | 47 | 51 | | |
| A. H. Hoster | 62 | | | |
| R. W. Macomber | 62 | 63 | | |
| Ed. W. Martin | 66 | 76 | | |

W. L. Ormoby

Official Stenographer.

0194

POLICE COURT,
SECOND DISTRICT,
W. L. ORMSBY, JR.,
STENOGRAPHER

The People vs
Halsey L. Wood
Richard M. Macomber

Examination Before Justice Hogan
for the People - Mr Bomber - Health Board
- Sgt Charles E. Danon.

June 16 1909

Halsey L. Wood, the complaining
witness being duly sworn deposes
and says: - I am an inspector
in the Health Department

By Mr Banks.

Q - Are you Inspector of milk?

A - Yes Sir

Q How many years have you been
an Inspector of Milk?

A Three

Q You have made a number
of inspections in that time?

A Yes

Q How many?

A I presume 25,000 or 30,000.

Q During that time have you
had occasion to refuse milk

as to whether it was watered
or skimmed?

A Yes sir.

Q Did you make an inspection
at the store of the defendant?

A I did, on the morning of June
5 at half past two at No
135 6th Avenue.

Q What did you find there?

A I found a number of cans
of milk inspected - I presume
40 or 50 cans.

By Defendant's Counsel

Q - You presume:

A - I presume 40 or 50 cans.

By Mr. Barker

Q - What did you do?

A I took a sample of the
milk that had the appearance
of being skimmed and labelled
it - 301 A - and gave it to
the chemist for chemical
analysis.

Q What chemist?

A Mr. Berry - he is here to

testify to what he found

Q Is defendant a wholesale dealer in milk?

A He is

Q How many ^{cans} ~~cans~~ did you examine

A About 50.

Q What marks did you find on these cans?

A "Met. M & C Co."

Q What does that stand for?

A I do not know - I suppose it stands for "The Metropolitan Milk and Cream Co."

Q What time did you take these samples?

A About half past 2 o'clock in the morning of June 5.

Q Was the store open at that time?

A Yes

Q And defendant's clerks there?

A They were

Q When did you deliver the milk to the chemist.

3 A About half past 9.

Q The same morning.

A The same morning.

Q From the examination of the milk that you took a sample of - from its appearance - what did you judge with reference to the milk.

Objected to
Objection sustained

Q Who is Secretary of the Health Board?

A Common Clerk

Q Is that his signature? (signature shown)

A Yes.

The Judge offers in evidence a copy of section 186 of the Sanitary Code of the Board of Health of the Health Department of the City of New York

cross examined by Defendant's Counsel

Q - Before you went to the Board of Health what did you do?

A I was a Physician

Q How long have you been practicing?

A 15 years.

Q You always gave attention to medicine?

A Always

Q Not chemistry?

A Not chemistry.

Q You say you examined some 50 cans?

A 50 cans about.

Q The sample on which the charge is made in the affidavit in this case is taken from one can?

A Taken from one can.

Q And that can was marked "Met. M. & C. Co."

A Yes.

Q Do you know what was on the other cans?

A I know what was on a number of them.

Q How many of those cans had that style of mark?

A I did not count them - I presume there were 20 or 30

5

- perhaps more

Q That were marked "Met.
M & C Co."?

A Yes.

Q Are you certain?

A I am certain that there were
20 or 30 - yes.

Q You cannot be any more
mistaken about that than
you are about the rest of
your testimony.

A No.

Q Did you try this milk with
any instrument?

A I did, with the lactometer
and thermometer.

Q Did you try each can always
at the same point?

A I did.

Q Did you get the milk cooled
to a point to use the
lactometer?

A I did.

Q You computed the degree it
ought to be at a certain
heat?

A The temperature in each can tested was 60^{degrees} and it was not necessary.

Q It was ~~was~~ 60 degrees?

A Yes.

Q Did you record the temperature of the different cans?

A Except in the case where samples were taken

Q Did you record what the lactometer showed as to the other cans?

A Only in a case where samples were taken - that is all.

Q Your charge is founded simply on this one can?

A Simply on this one can.

Q It is this can, so we make no mistake - what is the name on the sample?

A 301 A.

Q Are the other samples marked differently?

A 301 B and C.

Q What did the lactometer show?

A - It showed 112

Q It was above the hundred
- you are sure of that?

A Positive

Q What does watered milk
show by the lactometer?

Objected to

objection overruled

A - How much ~~water~~ water?

Q would it show above a ~~hundred~~
hundred?

A Water alone;

Q Yes

A Usually below a hundred.

Q If there was more than
water anything else?

A It might stand anywhere

Q You say if it was water alone
it would show below 100?

A Yes.

Q And according to your testimony
if it was above 100 it shows
that it was not correct.

A Not necessarily.

8-2 You did not make any chemical

test?

A No.

Q You gave a sample to the chemist here?

A I did.

Q The same day?

A The same day.

Q Did you mark every sample you took that day for this purpose?

A I took none for any other purpose.

Q Did you make memoranda of what you found on that day?

A I did.

Q In a book?

A In a book.

Q I ask you to produce that book here, to see what the memorandum says.

A It is a copy made at the same time as the record on the paper.

Q I do not want a copy - I

want the original

A. This slip was made on the spot

Q Where is the book?

A The book is at home.

Q Why did you not bring the book?

A Because that record was made on the spot at the time

Q Is it not made for the purpose of preserving a record - this memorandum?

A No sir; it is made for convenience.

Q You mean that this paper is to be the permanent record?

A It is the record of this case. It was made at the moment the samples were taken.

Q Did you make any entry at the time in your book?

A I did not

Q When did you make the entry in your book?

A Later the same day.

Q Were not these books or blanks provided by the Health Department for you to record the facts and memoranda? and they

A furnished the books?

A They were;

Q So that they were books furnished you in your official capacity in order to keep records?

A Yes.

Q I ask for this book to be produced.

Objected to

Objection sustained.

(a paper memorandum shown by witness)

Q You took three samples did you not on that day

A Yes sir.

Q The other samples were normal?

A They are marked B, J, C.

Q They were normal?

A The chemist can tell.

Q Have you any knowledge?

A I took them for food milk; that is why I took the samples.

Q You have been informed by the chemist that they were normal.

A I have no information at all except what is on the record.

Q You say you took chemist the same time?

A The same moment.

Q Now was that chemical analysis made by you?

A It was not.

Q Your record is on the front part of this paper?

A Yes; that is all that is mine.

Q I ask you to read so that we may have it on the record. Your figures for

these three samples

A. No 301 A, in "40 gals.
112, at 60

Q And the second one - B?

A Lactometer 122. Thermometer
60

Q And the third - C?

A Lactometer 116; Thermometer 60

Q That includes A, B & C?

A Yes

Q You testified that 20 or 30
cans had the same mark
"Met. M & C Co."

A Yes sir

Q Did these other two samples
have the same mark?

A I think they did not
have the same mark

Q What mark did they have?

A I cannot tell without con-
sulting the record

Q Consult your memoranda?

A The second was L. H. M. A.

That was 301 B. And

19 301 C was G. C. P II U

Q The other cans were all right?

A No sir. I did not say that.

Q Have you any memoranda concerning the other cans.

A No sir.

Q You did not make any;

A No sir.

Q You did not feel warranted in making any charge?

A I did not consider it necessary to take a sample of unrustbed cans.

Q You took a sample of the worst you could get

A Certainly

Q These three were the first worst?

A Yes. They were as bad as any in the group. I took them as representative of the group.

Q How much of that milk would you say was like the first sample?

14 A I do not think I could say

positively

Q You did not make a note of that?

A I did not make any note.

Q You did not make any record of what the lactometer showed as to the other cans?

A No.

Q So that now you cannot tell from memoranda what it was?

A I cannot tell.

Re-arrived by Mr Brauer

Q Why did you take samples of these three cans?

A Because I believed them to be impure.

Q Do you say that the milk was adulterated?

A Adulterated.

Q How did it look doctor?

A It looked very thin

objected to

Q Anything else?

Q ^{Objected to.} Did you test at the same time to show whether this milk was adulterated or not?

A I ran the lactometer in and out so as to see it run out of the instrument.

Q How did it run out?

A It ran out rapidly. It left in the glass a very thin bluish film.

Q any other trial?

A I tried by rubbing between the fingers - all these trials are merely corroborative.

Q What did you find by these tests?

A A corroboration of my previous impressions.

Q What were they?

A That the milk was skimmed.

Re-Cross examined by defendant's counsel.

Q Is it your judgement that these three samples were

skimmed?

A I thought that the samples were taken for a certain degree of adulteration. I consider that the first was considerably skimmed. I do say how much the second was skimmed. I considered the three representative samples as I supposed.

Q You thought that they were impure or that they were skimmed?

A Skimmed.

Q Is it not a fact that you usually give your testimony in this way, that the milk is thin - you have testified before courts in this way in other cases.

A Something the same way.

Q You have testified I've been given in much the same words?

A It may be.

Q You have testified many times?

A Several times

Q Have you ever testified in one case in regard to milk in any other way except that the milk was thin. Did you ever describe it as otherwise than thin?

A If it was so I have

Q Do you recollect a case in which you did not describe the milk in this way that it was thin as you charge here?

A No sir I do not.

Sworn to before me this 17 day

W. G. Berry
Police Justice.

W. G. Berry being duly sworn and examined as a witness for the people deposes and says: I am a chemist for the Board of Health

By Mr. Bamker

Q How long have you been connected with the Board of Health?

18

A Since April first

Q How many samples of milk have you analysed?

A In the neighborhood of 150

Q Did you receive from the last witness a sample of milk enumerated A, B, & C?

A Yes; 301 A, B & C

Q Is that the milk that was sampled?

A Yes.

Q Did you make an analysis of those samples?

A Yes.

Q Will you state what you found with reference to these three different samples? - The memorandum of your analysis?

A Yes Sir. Sample 301 A, was 15 per cent skimmed, sample B was 2 per cent skimmed and sample C was normal.

Q Did you notice the appearance of the milk?

19 A Yes Sir

Q How did it look?

Objected to

Cross Examined

Objector maintained

Q When did you graduate?

A 1886

Q You joined the Board of Health in April of this year?

A Yes.

Q What had you done before that?

A I had studied abroad and I had acted as assistant to Dr. Waller.

Q Between 1886 and 1890 you studied abroad?

A Yes - three years.

Q You have just come back recently.

A Yes.

Q Where did you study abroad?

A at Berlin & Heidelberg

Q You did not go on a farm did you?

A No sir

W 2 or reside there?

A No sir.

Q You did not give your exclusive attention to milk?

A No sir.

Q Nor to fats?

A No sir.

Q Have you got the analysis that you made of these 3 samples?

A Yes sir.

Q Please produce it.

A Yes sir.

Paper produced.

Q These are all?

A Yes.

Q By what process did you analyse?

A By what is known as the Adams process.

Q Any other process?

A No sir.

Q Where did you learn the Adams process of analyzing milk?

A I learned it at the Board of

Health.

2 They taught it to you?

A Yes

2 When you were at Berlin and at the University what process did they teach you to analyze milk?

A I did not use milk at all.

2 They did not tell you that?

A Not that, no sir.

2 They told you the Adams process was the best?

A Yes sir

2 Now take the first sample, what time did you receive that?

A About 10 o'clock a.m.

2 That is sample 301 A?

A Yes

2 What were your figures on 301 A?

A Water 87. ^{fat 2.95} Total solids 11.85
Solids not fat 8.87

2 Did you take the specific gravity?

A No I did not

22 2 Now take sample B?

A. Water 87.72 Fat 9.49 Total
solids 12.21. Solids not
fat 8.85.

Q Now give us C?

A. Water 87.58 Fat 9.82
Total solids 12.42. Solids
not fat 8.6.

Q When did you begin to make
this analysis?

A The first of April

Q I mean this special one

A About half past 10

Q Soon after receiving the articles?

A Yes.

Q When did you get through
with them

A I do not recollect

Q What day?

A June 7

Q And you received them on
what day?

A June 5

Q It took you two days to
make the analysis?

23 A. Yes.

Q Is that also true of each one of the other analyses?

A No sir.

Q The first was begun on the 5th and finished on the 7th?

A Yes sir.

Q And the second begun on the 9th?

A No on the 5th.

Q All three begun on the 5th and ended on the 9th?

A Yes. They were practically finished on the 6th the day after I began.

Q You did not analyze them by any other chemical process except that of Adams.

A No sir.

Q You say you were taught the Adams process at the Board of Health - have you read all of the literature on the subject of milk?

24 A I cannot say I have read

it all.

Q Did you make a study of various other systems?

A Yes sir.

Q What books did you read with regard to it?

A I have read reports - Adams' report.

Q Where?

A I read in the report of some medical society - I do not recollect which one - I think in the American Scientist, also in various books.

Q You do not recollect particularly any one?

A I have read Pyle's

Q And do you say that is the source from which you received your information?

A No sir. I read the original report in the American Scientist and in the London Chemical Journal.

25-2 are you sure about that?

A I am pretty sure - I won't swear to it.

Q You do not know whether the London Chemical Journal or the some other journal was the one?

A I cannot swear to it.

Q Did you read in an English paper or an American paper?

A Both.

Q Have you ever testified before in court in regard to analyses which have been made by you?

A Yes Sir.

Q You have not got interested in any controversy that has been started as to the relative value of different processes?

A Not at all.

Q You have no opinion of your own as to the actual or the comparative value of different processes or as to their relative

value?

A No Sir.

Q You know that there are differences between the various processes?

A I have tried other processes.

Q Tell me what other processes you have tried.

A I have tried the process of Dr Waller.

Q What else?

A That is all.

Q Do you know what that process is called?

A It is called the Waller process.

Q Is it not called the ^{Waller} Wanklyn process?

A There is a modification
yes.

Q Then it is not the Waller process?

A It was originally

Q How long has it been called

27 the Wanklyn Waller process

A I do not know

Q Describe the way in which you use the Adams process.

A I take 5 machines well taken up in a bottle and distribute it on a coil of prepared paper. The paper is dried at a proper temperature.

Q What is the proper temperature.

A 100 to 105 degrees Centigrade.

The fat is then extracted and we obtain the solids not fat. The residue is weighed and the percentage calculated to obtain the total solids. Five machines are evaporated in a platinum dish; dried at the same temperature and the weight taken. The percentage is also kept. This is the process in brief

Q. direct by the Banker

2. What do you mean when you say the analysis was begun

on the 5th and finished on
the 7th?

A I mean that I commenced
the analysis on the 5th of June.

Q What was the fact?

A I might have had a dozen of
these analyses running on
all at the same time.

Q How was the fact in this
case, what time did it
take you to make the
analysis?

A The actual time was about
three hours.

Q What do you mean by
verification?

A I go over the process again
and re-check and see that
I have gone over it right.

Q When you have gone over it
~~thoroughly~~^{pathologically} and found that
the weight is constant how
long does it take you?

A That I do not do usually.

I may have other things

other things to do in the meantime.

Q How long did it take you?

A I finished the day after.

Q What ~~was~~ ~~did~~ ~~you~~ ~~do~~ ~~with~~ ~~it~~?

Q You ~~it~~ - what result did you get?

A Re-treating - re-structures, verifying weights?

Q Did you get any change in your result?

A No sir.

Re-cross by defendant's counsel

Q About this process of drying - you mean that you kept on drying?

A Yes sir.

Q What is what you mean by verification?

A Yes sir.

Q You say you did not attend to it right away?

A No sir.

Q How long?

50 A It may have been two or

three hours and it might have been five hours.

Q Do you mean to say that it took you to the 7th of June drying?

A I made the calculations on the 7th of June - the whole thing was finished on the 7th of June.

Q How is it that you testified that you kept on drying until the weight was constant?

A I think I said I finished the analysis.

Q You said that while you were making this analysis you were in the meantime doing something else?

A Yes.

Q Or that you do not know exactly when you got through with that process of drying?

A No sir: it does not matter.

Q You may have had other occupations intervene?

A I may be carrying on other things at the same time. I am always examining other cases at the same time.

Q You do not know whether in this case you interrupted the process with other things. You were always occupied with other things?

A I may be doing half a dozen things at once.

Q So that you are unable to state for how long a time you worked before you completed the work and the weight became constant?

A No sir

Re. duet

Q I understand you to say that the completed process of drying took five or six hours, after you started to find the fat

A I say it ~~must~~ ^{may} have been five hours. I cannot tell

Q That completed the process
the drying: is that so?

A Yes sir

Q How long, when you had
completed the process of
obtaining the total solids,
until you finished up the
calculations?

A That would take three hours

Q How long did it take
in this case?

A Three hours

Q How long after you
commenced the analysis
was it finished?

A Three hours

Q Do you mean to say that
three hours was sufficient
to obtain the total solids
in all three cases?

A No sir.

Q How long was you at the
process?

A It may be 9 hours and
a half

Cross examined by defendant's counsel

Q Have you not stated that you could not tell the time from the time you started to the time you finished?

Q What do you mean "finished"?

Q When the weight was constant that you did not know how long it was after you completed the process of drying - until the weight was constant?

A The day after

Q In the meantime you were distracted with other occupations?

A That does not injure the analysis at all.

Q I want to know how many hours it was after you first began the analysis until you finished the process of obtaining the fat?

A Three hours and a half.

34 Q At that time you found

the weight had become constant?

A No Sir.

Q What did you find.

A That was my first result

Q Your first result?

A Yes

Q When was your second result?

A The next day

Q Then you continued the process the next day? The process of drying?

A No Sir. Yes Sir

Q What did you find then?

A It agreed with the first result

Q How ^{many} times did you dry it?

A I think I dried it twice.

I ~~the~~ dried it until it agreed - The result exactly

Q And each one of these three analyses that you have testified to you created

in the same way
A Yes Sir

Sworn to before me this 15 day

of 1900

Alfred L. Beebe
Police Justice

Alfred L. Beebe being duly sworn and examined as a witness for the People depose and says: I am a chemist in the Health Department.

By Mr. Frank

2 How long have you been a chemist?

A I have been a practical chemist for ten years.

2 How many years have you been engaged in the analysis of milk?

A I have made occasional analyses of milk during my time.

2 How many analyses of milk have you made?

36 A I have probably made four

or five hundred.

Q Are you familiar with the different processes of analysis?

A with some practically - with all theoretically.

Q Are you familiar with the process called the Waller Warricklyn process?

A I am

Q Does it make any difference in this way, after you have the weight constant whether you repeat the experiment - the same experiment the next day

A I hardly understand you

Q Does it make any difference in the result?

A Yes, it may

Q What should pure commercial milk stand at?

Objected to

Objector Boston overrule

A Pure commercial milk should contain 3.7 of fat - not less.

Q And as to water?

A It should not contain over 88 percent of water
 Objected to.

Objection Overruled
 Exception.

Q Have you analyzed pure commercial milk? and found it to contain 3% fat?

A I have analyzed it and found as high as 5 percent by the Adams process.

Q Have you also analyzed milk in dairies?

A I have not.

Q And have you found it pure?

A Yes sir - 4 1/2 percent or 4 percent on the average.

Cross Examined

Q Is it not a fact that the Board of Health had a case against Houston in the court of General Sessions?

38 A I was there

Q You were their chemist!

A I was assistant chemist

Q Are you familiar with the issues of that case;

Objected to

A I was present on - I had no connection with the case.

Q Was not the question of the accuracy of the analyses of the Adams process under discussion in that case

A I believe it was

Q Were you not called into it as a witness

A I was not called.

Q Were you not in court during the trial

A I was in court during the trial

Q Is it not a fact that many chemists there, in connection with the hearing of your board invalidated that process.

A Not while I was present

99 Q Don't you know that

they or testified;

A I do not know that that was the testimony - nor on

2 Don't you know that on that on that trial your Department claimed that the Adams process was inefficient & inefficient?

A No sir: I do not ~~know~~ it.

2 Don't you know that in that case it was claimed that the Wamckey-Waller process was of superior accuracy?

A No sir I do not know that.

2 Don't you know that they claimed it was better?

A No sir I do not know that

2 Don't you know that you were informed of it?

A Yes sir

2 As a public officer now without quibbling don't you know that the question in that case at issue

was whether the Wanneken
Waller process which had
been used by your board
or the Adams process
which had been used by
my client was better? Was
that point at issue?

A It was a point at issue -
brought out by the defense

Q Was it not a fact that
your department asserted
that the Adams process
was the worst and the
Wanneken Waller process
was the better one

A No sir. I do not know that

Q Was it not a fact that
Dr. Waller of Columbia
College was called as a
witness?

A I do not know that - I
was not present while he was
on the stand.

Q You were in court during
the trial?

A I was during a portion of the time.

Q Dont you know that your Department issued a circular stating that hereafter the Adams method would be used?

A No sir.

Q Dont you know that that was printed in the newspapers?

A No sir.

Q You dont know that?

A No sir.

Q You have made no analysis in this case?

A No sir.

Q You say that commercial milk must contain not less than 3.7 fat?

A It will contain that if it is pure - not adulterated - by the Adams process.

Q That is your personal opinion.

A That is my personal opinion based on experience.

Q On your own experience?

A Based on my own experience

Q and on that of other chemists?

A unquestionably

Q Is it not a fact that other chemists' opinions differ from your own?

A As to the amount of fat?

Q as to the amount of fat in commercial milk

A No sir, I do not know that

Q Are you familiar with the reports of the Dairy Commission of this State?

A I am with some of them

Q You do not keep track of them?

A Not altogether

Q You do not respect the opinions they give?

A No sir; I do not.

Q You know these reports

43 contain information as to dairy

products, analyses of milk,
scientific records, &c.?

A Yes sir

Q and you say you have
no respect for the state
opinions?

A I have not; no sir; not
at the present time.

Q What is the ground on which
you have no respect for
the state opinions.

A Because I am personally
acquainted with the chemist
of the Board to whom is
due a considerable portion
of the publications and I
know him to be a man
of not extra ability.

Q You are familiar with
Prof Skellern?

A I do not know him

Q By reputation?

A By reputation I believe.

Q Do you know Dr. Gladder?

44A Yes.

Q You know Dr Moore?

A I know Dr Moore. He has been chemist of the United States Government Laboratory at Washington.

Q Do you consider him an authority on fat?

A No sir. I can't say that I do. He has done a good deal on fats.

Q You know he has quite a reputation on the subject of fats?

A Yes.

Q Did you see the reports of the State Dairy Commission?

A Not for the last two years.

Q ~~Do you know~~ Did you have any of the reports published by the Commission since 1947?

A Yes.

Q Do you know Dr Love?

A I do.

Q He was formerly

employed by your board?

A Yes

Q He was a witness for your board employed at the time of the time referred to?

A I do not know that

Adjourned to Thursday
May 19. 1890

¹⁵
J. H. Hogan
1890
Police Justice

Cross Examined by Mr. Barker

Q - How often have you been prosecuted for milk adulterations?

A - Twice and convicted when I did not have any analysis made

Q - That was in January was it not?

A - It was, when I had no analysis made

Q - You had a sample?

A - I had a sample.

Re-direct

Q - You made certain charges against appeals of the Board of Health have you not?

A - Yes Sir

Q - And were they defered?

A - They were allowed to resign
I believe

Re-cross

Q - You made a charge before the Grand Jury?

65 A - Yes

Q Against milk inspectors,
A Yes

Q And the Grand Jury dismissed
the charge?

A I understood they did

Adjourned to June 20.

Examination Continued June 20

The parties appeared as before

Edward W. Martin being duly
sworn and examined as a
witness for ^{people} defendant before
and says:-

Q You are a chemist?

A Yes

Q Connected with the Board of
Health?

A Yes

Q How long have you been
a chemist in the Health De-
partment?

66

Q A About four years

Q About how many analyses of milk have you made

A Well I suppose 2,000 - I am no doubt more than that. say 2,000

Q Have you used different methods of analysis - the Adams method and the Womakey-Waller method?

A - I have

Q How much milk do you take for analysis

A We take about five cubic centimeters - a little over a teaspoonful

Q You took a sample for analysis how?

A We take a fair sample as the cream rises to the top a sample taken from the top would be better than a sample taken from the bottom, or we shake the bottle

Q Would this difference between the quality of the milk at

the top and the quality at the bottom account for the difference between the analyses of Dr. Berry and Dr. Love - when Dr. Berry found 2.98 percent of fat and Dr. Love found 3.43 of fat in the same milk;

Objected to

Dr. Court - Let him answer

A. Yes

2. Doctor, if you found 3.43 percent of fat in milk by the Adams method would you say that showed that the milk was skimmed?

Objected to

A. It would not in my opinion

2. It would have been skimmed?

A. Yes sir

2. If you found 3.45 percent as in the sample B testified to by Dr. Love yesterday, by the Adams process would you say that that milk was skimmed?

65

9

A. Yes sir in my opinion it

has been partly skimmed.

2 How much fat does pure milk have?

Objected to

System overruled

A By the Adams method about 3.82 percent to 4 percent.

2 That is in ordinary found in pure commercial milk in the city of New York.

Objected to

System overruled

A Ordinary commercial milk here in New York will average nearly four percent.

2 In extracting the fat from milk how long is it necessary for ~~the~~ ether to remain in contact with the coil?

A We have found that an hour is sufficient to take out all the fat.

2 How many times does the ether siphon over in that time?

69

A - About 6 or seven times

Q And that will take out all the fat?

A Yes sir.

Q In practice what do you actually do?

A We allow it to sit for over about two hours and a half and then we re-extract the soil again - for two hours and a half.

Q For verification?

A For verification - yes sir.

Cream examined

Q You did not analyse this sample?

A No sir.

Q You say that if the milk has less than 3.80 of fat in your judgement it has been skimmed?

A Yes.

Q In your opinion that is a certainty?

A I think it is

20

Q

Q Would you swear that it has been skimmed in such a case?

A Yes sir I think so

Q You have read the lecture of the analyses of milk?

A Yes sir.

Q And you know that the many analyses of chemists differ?

A Yes sir

Q Are you familiar with the fact that some chemists make analyses as low as 3 per cent of fat?

A In pure milk no.

Q You are not familiar with that fact?

A I am not

Q Have you read the Massachusetts reports on milk?

A I have

Q Don't you recollect that scientific attention was called to the fact that some cows

produced less milk that
produced less than 3 per
cent of fat:

A Mr. Sir: I do not recollect
it

Q Don't you know that the
quantity of fat varies according
to the nature of the pasture?

A Oh yes

Q And the kind of a cow?

A Oh yes

Q And that it varies two or
three per cent in different
cows.

Q What do you mean - two or
three per cent of $3\frac{1}{2}$

Q Yes sir - variation between
4 and 6 per cent?

A Yes

Q There may be some two
per cent difference between
different milks.

A Permit me to say that there
are variations in milk but they
generally vary above the certain

2 standard. They do not vary below
without reference to whether it
is above or below. There is a
number of cases where
we have two percent difference
in milk.

A Yes

2 Were you a witness in the
case of the People against
Houston?

A No sir: I was not allowed
to testify.

2 You were called as a witness.

A I was called and was not
allowed to testify.

2 You were called by the
prosecution?

A Yes

2 and the court excluded
your testimony?

A I did not give any
testimony.

2 It was excluded by the
court?

73

A Yes sir

Q You are familiar with the issues in that case?

A Yes Sir. I was - I do not know as I can recollect it

Q You prepared yourself to give evidence on the chemical issue before the court?
Objected to.

A I can't say that I prepared myself - I merely went to testify as to what I knew

Q Did you confer with other chemists as to the nature of the testimony?

A Yes

Q Was not the issue in that case in part the value of the Waller Wanklyn method and the Adams method?

A I think the issue was if the Waller method, as I recollect, did not take a

certain amount of fat out of the milk so that the Adams method showed ^{about} ~~five~~ a half per cent more fat than we got by the Waller-Wainwright method.

2 Did not your colleagues on that occasion claim that the Adams method was defective and did they not bring arguments to show what defects there were chemically in the manipulation that made it invalid?

2 *Objected to*
You are the chemical officer of the Board of Health

A Yes sir; I am in charge there at present.

2 I understand that you are the head of that Department;

A Yes sir.

2 You are more or less responsible for the management of the Department in chemical matters?

75
A Yes sir.

Q You ordered the arrest in the case?

A After consultation with the Sanitary Superintendent - yes sir

Q You ordered the arrest?

A Yes - in that way

Q Your name is written on the back of the memoranda

A Undoubtedly

Q You recently had some difficulty about a proceeding before the Board in which Mr. Macomber was complainant?

A I had no difficulty with Mr. Macomber. I had no difficulty with him.

Q There were two inspectors that were in difficulty

A Yes

Q Macomber testified against them?

A He did

Q And you testified for them

A I testified to the facts

Q - You testified in their behalf

A Certainly

Q And Mr Macomber testified against them?

A Yes Sir.

Q Have you ever graduated

A No Sir

Q Do you are a chemist without any degree from any college.

A At the time I attended the School of Mines they gave a certificate for a special course in chemistry.

Q You have not taken a degree?

A I have No Sir! but I have its equivalent

Redirect by Mr Barker

Q As to the charges against the witnesses were you called by the Grand Jury to testify?

A Yes

Re cross

Q But is that you were also brought in there in some sense on trial?

A No Sir I was not
Q You was called in to
explain;

A I was called in to explain
It is not true that I was
accepted before the Board.

Alfred L Beebe

Alfred L Beebe being duly sworn
and examined as a witness for
Defendant Depose and says:-
(Recalled)

Q Of you found 3.43 percent
of fat in a sample of milk
according to the Adams process
as testified to by Dr. Lowne
yesterday would you say
that that milk had been
skimmed?

Objected to

A In my opinion yes Sir.

Q Of you found 3.45 percent
of fat in a sample of milk
as testified to by Dr. Lowne
yesterday would you say

31
that it was skinned?
A - analyzed by the Adams
process:

Q - Yes

A - In my opinion it has been
Q - You found 2.35 percent
of fat

as appears in the sample in this case, would you say that sample has been skimmed? A. Yes sir, whether the analysis was made by the Adams method or by the Waller Wancklyn method.

Q. How high should pure milk stand with reference to fat

Objected to.

A. It would average about four per cent.

Q. Four per cent? A. Yes, of fat commercial milk, average 4 to four and a half per cent.

Q. How high does it go? A. I have seen it as high as a little over five per cent.

Q. As a matter of fact how long is it necessary to have the ether in contact with the coil? A. My experience is that one hour extracting is sufficient for the purpose of removing all the fat from the coil.

Q. What course is necessary in taking a sample of milk for analysis? A. Care should be taken to get a sample which represents the average contents of the bottle. It is impossible to do this unless the bottle is shaken thoroughly so as to mix up the milk before an analysis is made.

Q. What do you do, how do you shake it? A. As soon as the sample is to be taken we must carefully shake the bottle thoroughly. There is generally some air space between the cork and the surface of the milk which gives an opportunity to shake the milk, then after removing the cork I place my finger over the opening in the bottle and shake again, there being then more room for the milk to shake. I then take the milk for analysis. We use for this a pipette-- a graduated tube, I fill this and take the milk from the bottle having been careful to shake the bottle in order to secure a fair sample of milk in the pipette.

82

Q. Would the difference in the amount of fat found by Dr. Love 3.43 and that found by Dr. Bobbe, 2.98 be accounted for by a difference of method in taking a sample from the bottle?

A. Yes sir.

Q. Would a difference in method make a difference in the apparent quantity of water obtained by the analysis? A. Yes sir

Q. What would be the effect without shaking the bottle?

A. If the sample was taken from the bottom there would be more water.

Q. And if the sample was taken from the top? A. Then the result would show a larger amount of fat.

DOCTOR BERRY RECALLED:
BY MR. BANKER:

Q. If you found three and forty three ^{hundredths} hundredths per cent of fat in milk by the Adams method will you state whether or not it was skimmed? A. Yes sir, in my opinion.

Q. If you found 3.45 per cent of fat in milk analysed by the Adams method, will you state whether or not that milk has been skimmed. A. It has, yes sir.

Q. How do you take a sample from a bottle of milk for analysis?

A. I first thoroughly shake the bottle with the cork in afterwards I take the cork out and put my finger over the hole of the bottle and shake it and then I carefully take the milk out with a pipette.

Q. Do you see whether or not the milk has been shaken thoroughly? A. Yes sir.

Q. How long was the ether in contact with the coil the first day of making your analysis? A. I should say at least about two hours and a half.

81 Q. How many times does the ether siphon over and pass through

the coil during that time? A. At least 12 times.

Q. That was the first day before you finished the analysis?

A. Yes sir.

Q. After that you verified the analysis? A. Yes sir.

The People Rest.

~~MR~~

~~Mr. Bea~~

Counsel for defendant moves to dismiss the com-

plaint

20
180
Wm. Hagan
Police Justice

82

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Richard W. Macomber

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

Richard W. Macomber

(Chap. 183, Laws of 1885, § 1, as amended by Chap. 677, Laws of 1886, § 1.)

The said *Richard W. Macomber*,

late of the City of New York, in the County of New York aforesaid, on the *twelfth* day of *June*, in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety*, at the City and County aforesaid, did unlawfully expose for sale three quarts of unclean, impure, unhealthy, adulterated and unwholesome milk (the same not being skimmed milk produced in the said County), 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:

(§ 186, Sanitary Code

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

Richard W. Macomber

of the CRIME OF VIOLATING THE SANITARY CODE OF THE BOARD OF HEALTH OF THE HEALTH DEPARTMENT OF THE CITY OF NEW YORK, committed as follows:

The said *Richard W. Macomber,*

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 keep, have and offer for sale, three quarts of milk which had been and was then and there watered, adulterated, reduced and changed by the addition of water and other substances to the Grand Jury aforesaid unknown, and by the removal of cream, against and in violation of the Sanitary Code of the Board of Health of the Health Department of the City of New York, duly adopted and declared as such at a meeting of the said Board of Health, held in said city on the second day of June, 1873, as amended in accordance with law, and particularly in violation of a certain ordinance thereof, to wit: the one hundred and eighty-sixth section of said code, which is as follows, that is to say:

“No milk which has been watered, adulterated, reduced or changed in any respect by the addition of water or other substance, or by the removal of cream, shall be brought into, held, kept, or offered for sale at any place in the City of New York; nor shall any one keep, have or offer for sale in the said city any such milk.”

Which said section and ordinance above set forth was, by a certain resolution, duly passed and adopted by the said Board of Health and by said Health Department, at a meeting thereof duly held in said city on the twenty-third day of February, 1876, added to and made a part of the said Sanitary Code aforesaid, and adopted and declared to form a portion thereof, pursuant to the authority and power conferred by law upon the said Board, and which said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in the said city, to wit: in the issues of such newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876, and which said Sanitary Code so amended and altered was then and there, at the time of the committing of the offense hereinabove alleged, in full force and operation, and was by law declared to be binding and in force in said city, and which said section and ordinance above set forth was then and there in full force and virtue, having been in nowise altered, amended or annulled by said Board of Health, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0260

BOX:

414

FOLDER:

3824

DESCRIPTION:

Madden, Patrick

DATE:

10/31/90



3824

~~247~~ 343

Witnesses:

E. Grossmitch

Counsel,

Filed

Pleads,

21st Oct 189
Not guilty, Mrs

THE PEOPLE

vs.

P

Patrick Madden
Att'y

Armed, 3rd degree
(Sec 219, Penal Code)

JOHN R. FELLOWS,

District Attorney.

Quintana
Att'y

A TRUE BILL.

Audru Little

Foreman.

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpcena is disobeyed, an attachment will immediately issue.
Bring this Subpcena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPCENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To *William M. Abbey*

of No. _____ Street _____

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *November* 1890, at the hour of *11* in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

John Ward

Dated at the City of New York, the first Monday of *November* in the year of our Lord 1890.

JOHN R. FELLOWS, *District Attorney.*

Should the case not be called on for trial, and no reason assigned in Court please inquire in the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney in the Court.

If ill when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

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 Ward

Affidavit of Service of Subpoena.

City and County of New York, ss

James Herman

sworn, deposes and says: I reside at No. *263 West 32nd Street* being duly

Street, in the City of New York. ~~I am a subpoena server in the office of the District Attorney of the City and County of New York, and am over twenty-one years of age.~~ On the *3rd*

day of *November* 189*0*, at *S. E. Cor 8th Avenue & 33rd Street*

in said city, I served a subpoena in the above-entitled action, of which a copy is hereto annexed, upon

William H. Abbey a witness in the said action, personally, by delivering the said subpoena to and leaving the same with the said *William H. Abbey*

in person, at the place aforesaid; and that I know the said *William H. Abbey*

so served as aforesaid, to be the person named and described in the said subpoena as such witness. *The said Abbey has not appeared, and does not appear, in obedience to the said subpoena.*

Sworn to before me, this

day of *November*

189*0*.

James Herman

Thos A. Maguire

*Commissioner of Deeds
N. York*

Court of General Sessions.

THE PEOPLE, on the Complaint of

James Weman

vs.

John Ward

Offense: *For carrying arms
the felon.*

JOHN R. FELLOWS,
District Attorney.

Affidavit of Service of Subpoena by

James Weman

Subpoena Server.

*Part III Nov 5/90 -
Let all be civil
Ass. - 70
Nov 5/90*

Filed Nov. 5. 1890

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patricia Madden

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

indictment, accuse Patricia Madden,

of the crime of assault in the third degree;

committed as follows:

The said Patricia Madden,

late of the City of New York, in the County of New York aforesaid, on the

twelfth day of September in the year of our Lord one thousand
eight hundred and ninety _____, at the City and County aforesaid,

in and upon one Emily Grosswitsch, unlawfully
did make an assault, and a certain truck
drawn by two horses then and there being
driven by him the said Patricia Madden, to

it, against and upon her the said ending Express-
 mitsch, then and there unlawfully did force
 and drive, and her the said ending Expressmitch,
 with the said horses and the truck aforesaid,
 did then and there unlawfully strike, knock
 down, bruise and wound, against the form of
 the Statute in such case made and provided,
 and against the peace of the People of the
 State of New York, and their dignity.

John B. Fellows

District Attorney

0268

BOX:

414

FOLDER:

3824

DESCRIPTION:

Madden, Thomas

DATE:

10/22/90



3824

0270

BOX:

414

FOLDER:

3824

DESCRIPTION:

Madden, Thomas

DATE:

10/22/90



3824

0271

Court of General Sessions

The People
vs
Thomas Madden

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN,
100 EAST 23^d STREET,

New York, Oct 16th 1890

CASE NO. 52473 OFFICER Hunt

DATE OF ARREST Oct 13th 90

CHARGE Grand Larceny

AGE OF CHILD 14 years

RELIGION Catholic

FATHER Michael

MOTHER Emma

RESIDENCE 239 Madison Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT the boy has been arrested on

February 8th 88 on complaint of his father, charged with juvenile delinquency and discharged by Justice O'Reilly at the 3^d Dist Court

On August 21st 88 he was arrested on complaint of his mother charged with juvenile delinquency and discharged by Justice Duffy at the 3^d Dist Court.

On Oct 10th 88 he was arrested for stealing his father's gold watch and

On Oct 16th 88 he was committed to the House of Refuge by J. J. Smith, Kilbrett & Ford at the Court of Special Sessions

The parents are respectable

All which is respectfully submitted

To Dist Atty.

Stellows Denton's
Supt

Court of General Sessions

The People

vs

James Madden

PENAL CODE, §

Grand Jurors

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

ELBRIDGE T. GERRY,
President, &c.,

100 East 23d Street,
NEW YORK CITY.

0272

0273

Police Court— 3 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

William DEGAN
of No. 63 Catharine Street, aged 22 years,
occupation Produce dealer being duly sworn

deposes and says, that on the 7 day of October 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One silver watch and one gold plated chain the whole together of the total value of thirty dollars

\$30.—

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 Thomas Madden (now here) from the fact that after having missed the said property the deponent admits and confesses to having stolen the same from deponent's trunk which said trunk with the watch therein contained was at the time stated in deponent's room at the above-said address. Before his confession the deponent had been fully informed of his rights.

William Degan

Sworn to before me, this 11 day of October 1892
of New York
Police Justice.

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Thomas Madden 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. Thomas Madden

Question. How old are you?

Answer. 14 Years

Question. Where were you born?

Answer. N. Y.

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

Answer. 239 Madison St 2 months

Question. What is your business or profession?

Answer. Schoolboy

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 took the watch and pawned it I sold the ticket and sold it for thirty cents I got two dollars for the watch and chain

Thos. Madden

Taken before me this day of 1894
Police Justice

0275

Police Court... 3 1892
District.

THE PEOPLE, v.c.,
ON THE COMPLAINT OF

William Deegan
63rd Eastway
Thomas Blackburn

Offence *Grand Larceny*

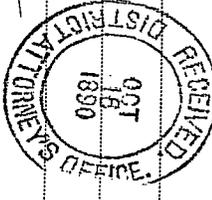
No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

No. _____
Residence _____ Street.



No. _____
Residence _____ Street.

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 *Oct 14* 18____ Police Justice.

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

Dated _____ 18____ Police Justice.

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

Dated _____ 18____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Madden

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

Thomas Madden

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

The said *Thomas Madden*

late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *October* in the year of our Lord one thousand eight hundred and *ninety*,
_____ , at the City and County aforesaid, with force and arms,

one watch of the value of twenty-five dollars and one chain of the value of five dollars

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

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

John R. Fellows,
District Attorney.

SECOND COUNT—

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

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

The said

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,

of the goods, chattels and personal property of one

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

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

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

JOHN R. FELLOWS,
District Attorney.

0278

BOX:

414

FOLDER:

3824

DESCRIPTION:

Magner, Daniel

DATE:

10/20/90



3824

0279

BOX:

414

FOLDER:

3824

DESCRIPTION:

Magner, Daniel

DATE:

10/20/90



3824

Witnesses:

Wm Garry
officer Kennedy

Send for officer &
complainant
in this case for
discovery hearing
etc.

191 West Street

Counsel,
Filed 20 day of Oct 1890
Pleads, Guilty

¹⁸
^{316 East 22nd St.}
THE PEOPLE

Daniel Wagner

Grand Larceny, Second Degree.
(From the Person.)
[Sections 538, 537 - Penal Code].

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Audun Little

Foreman.

Part 2 - October 24, 1890.
Plead to Att. Grand Larceny
Second Degree.

20075 City, Pym
Oct 27/90

0281

Police Court— 4 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 343 East 30th Street, aged 49 years,
occupation Laborman being duly sworn

deposes and says, that on the 5 day of Oct 1890 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
of deponent, in the day time, the following property, viz:

One brass chain and one double
case silver watch together of the
value of about Ten Dollars
(\$10.00)

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 Daniel Wagner (now here)

from the fact that at about the hour
of 2 o'clock P.M. on said date,
Deponent was standing on the
North East corner of 30th Street & 1st Avenue
and had the said watch in the lower
left hand pocket of his vest with
the chain attached and fastened
to the button hole of Deponent's vest.
Deponent felt some one fumbling at
the said pocket and missed the said
property and raised an alarm.
Deponent is informed by Police
Officer Jeremiah Kennedy of the
5th Precinct Police that he, the

Subscribed and sworn to before me this 5th day of October 1890
Police Justice

officer hearing the outcry gave chase to
 this defendant and caught him with
 the said property in his possession
 Deponent further says that this defendant
 has admitted and confessed in open
 court in presence of deponent and
 Police Officer Jeremiah Kennedy
 of the 3rd Precinct Police that he took
 the said property from deponent.
 Deponent further says that he has
 since seen the said property and
 fully identified it as his. Deponent charges
 the said defendant with feloniously
 taking stealing and carrying away
 the said property from the possession
 and person of deponent and prays
 that he be dealt with as the Law
 directs

Sworn to before me
 this 6th Day of October 1890

W. W. Mahon
 Police Justice

John Garry

0283

CITY AND COUNTY }
OF NEW YORK, } ss.

Jeremiah Kennedy
aged _____ years, occupation Police Officer of No. 30
the 3rd Precinct Police Street being duly sworn deposes and
says, that he has heard read the foregoing affidavit of John Garry
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 6th
day of October 1888 Jeremiah Kennedy

D. McMahon
Police Justice.

0284

Sec. 198-200.

11 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. Daniel Wagner

Question. How old are you?

Answer. 18 years old

Question. Where were you born?

Answer. New York City

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

Answer. No 316 East 22nd St one year

Question. What is your business or profession?

Answer. Laborer

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

Answer.

I am guilty
Daniel Wagner

Taken before me this

day of

1889

H. Minerva

Police Justice.

0286

STEWARDS DEPARTMENT.
FIFTH AVENUE HOTEL,
MADISON SQUARE, NEW YORK.

Daniel Wagner.

0207

STEWARD'S DEPARTMENT.
FIFTH AVENUE HOTEL.
MADISON SQUARE. NEW YORK.

October. 23d 1890

I hereby promise to give
employment to Hanniel Wagner
if he is given an opportunity to
work.

W. E. Border.
Steward

Fol 1

Court of General Sessions.

----- X
 T h e P e o p l e :
 --vs-- :
 Daniel Magner. :
 ----- X

City and County of New York, ss:-

John Garry being duly sworn,
 says that he resides at No. *343 East 30th Street*
 in the City of New York, and is the complainant in the
 above entitled action. That about ~~two~~ *two* o'clock in the
 afternoon of October 5th, 1890, deponent was on the corner
 of 29th Street and First Avenue, in said City, and ~~while~~
~~mingling with a crowd of boys and young men there,~~ *when* deponent's
 watch was taken from his pocket, and ~~deponent subsequently~~
~~accused the above named defendant, Daniel Magner, of being~~
~~the person who took said watch, for the reason that said~~ *said*
 watch was found in the possession of said Magner, and ~~said~~
~~Magner was one of the crowd in which deponent was mingling~~
~~as above stated.~~ Deponent has since learned that said
 Magner lives with his mother and brother at No. 316 East
 22nd Street in this City and has employment at the Fifth
 Avenue Hotel in this City where he has been employed for
 about nine months last past. That said Daniel Magner has
 a good reputation for honesty and industry, has faithfully
 attended to his work, and gives his earnings to his mother
 who depends largely upon the said Daniel Magner for her
 support.

That deponent is unable to state who took the watch in question, and by reason of the previous good character of said Magner, his youth, and the fact that he can immediately obtain employment if released from custody, deponent prefers not to prosecute the charge ~~heretofore made by him in this case and~~ earnestly recommends that ~~said indictment be dismissed and said defendant discharged~~ *defendant receive lenient treatment*

Sworn, to before me, this :
 24 day of October, 1890. :

John Gary

W. H. [unclear]
Ch. Court [unclear]

being duly sworn, deposes and says that he is the
in this action, that has read the foregoing
and knows the contents thereof: and that the same is true of own knowledge, except as to the
matters therein stated to be alleged on information and belief, and that as to those matters
believes it to be true.

Sworn to before me this day
of 18 }

Court.

PLAINTIFF.

against.

DEFENDANT.

Gildersleeve, Palmer & Boothby,
Attorneys for

(STEWART BUILDING.)
No. 280 BROADWAY,
NEW YORK CITY.

To

*Due service of a copy of the within
is hereby admitted.*

Dated New York, 189

0291

Court of General Sessions.

----- X
 T h e P e o p l e :
 :
 --agst-- :
 :
 Daniel Magner. :
 :
 ----- X

City and County of New York, ss:-

D a v i d M a g n e r being duly sworn, deposes and says that he is the brother of the above named defendant Daniel Magner. That deponent is twenty-one years of age and is now employed at the Fifth Avenue Hotel in this City. That the said Daniel Magner was also employed at said hotel up to the time of his arrest about the 5th of October, 1890, and resided, at that time, with deponent and his mother at No. 316 East 22nd Street in this City. That deponent's father has been dead for about six years. That said Daniel Magner was never before arrested and has a good character for honesty and industry, and regularly gives his wages, earned at the Fifth Avenue Hotel, to his mother for the support of whom the said Daniel liberally contributes.

That annexed hereto is a certificate signed by W.E. Barker, steward of the Fifth Avenue Hotel, which said Barker gave to deponent, and from which it appears that the above named defendant Daniel Magner can, upon being released from custody, have employment at said Hotel.

Sworn to before me this
 2nd day of October, 1890.

Daniel Magner
August Le Vanz
 Notary Public
 New York Co.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Daniel Wagner

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

Daniel Wagner

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

The said

Daniel Wagner

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *October* in the year of our Lord one thousand *eight* hundred and *ninety*, in the *day* - time of the said day, at the City and County aforesaid, with force and arms,

one chain of the value of two dollars and one watch of the value of eight dollars

of the goods, chattels and personal property of one *John Garry* - on the person of the said *John Garry*

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

John R. Hollows,
District Attorney.

SECOND COUNT—

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

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

The said

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,

of the goods, chattels and personal property of one

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

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

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

JOHN R. FELLOWS,
District Attorney.

0295

BOX:

414

FOLDER:

3824

DESCRIPTION:

Maier, William

DATE:

10/01/90



3824

0296

BOX:

414

FOLDER:

3824

DESCRIPTION:

Maile, Dorette

DATE:

10/01/90



3824

0297

12. frsch 02
Daily fees at
\$2000 F.S.

Witnesses:
Edwin F. Stern
Gottlieb Maile

I hereby recommend
that the defendant
William Maile be
permitted to plead
to an attempt at
Forgery in the second
degree.

Dated N.Y., Oct. 10. 1890

Edw. Gross
Dep. District Attorney

Nov 8 1890
I am of the opinion
that there is no conviction
in this case as to Donata
Maile. The Complainant
has withdrawn his com-
plaint as to her. (See index)
I would recommend
that she be discharged on
her own recognizance.

J.R. Fellows
District Attorney

#1- Landman Bros 653
258 Broadway B.N. Oct.
#274 K.C. Wade
Counsel, 25 Chambers
Filed day of Oct 18 90
Pleads *guilty*

THE PEOPLE
vs.
William Maile
and
Donata Maile

Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

JOHN R. FELLOWS,
District Attorney

Oct 17 1890
A True Bill.

Part 2 - Oct. 13. 1890
Mr. 1 Trial and Jury Charge
M. J. Hayes Foreman
2400 S. P. 40
P. 2 - Oct 31. 1890

102
No. 100000
Maile - docket
City of N.Y.

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Doretta Child
change in the complaint
as *Eoreta Child*

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. I acted in this case as counsel for *Doretta Child* and had business relations, and was thoroughly familiar with all aspects of the case. After reviewing the whole case I do not think the defendant could be convicted. She is now confined in the Tombs prison, and is very sick with a tumor in the stomach, and from all I know believe that further confinement will kill her. I have thus far been unable to find any evidence going to show that the defendant had anything to do with sending William Chayer to my office to sign the name of *Gottlieb Child*. I would ask that defendant be discharged on her own recognizance, and trust it may meet with the approval of all concerned.

N.Y. December 25th 1890

Edwin F. Stern

0299

cr. of Guano Sessions

People

apt

Dorcas Maile →

0300

Tombs 21 Decembe

Dear Sir!

Please be so kind
and excuse me for writing to
you. Last week you was here
and saw me and they mutone
was talking to you about me you
know I am there now 4 weeks
and my sickness get worse every
day they doctor and mutone be
very kind to me but they doctor
act not tend to my sickness. I
have a very bad "turner ice"
side my "turner" and since
3 years a very bad leg. I am
48 years of age and I never was
on Court or Stationhouse and
feel so sick I not able to go at
Court or any places. I know
you can do much dear Mr

0301

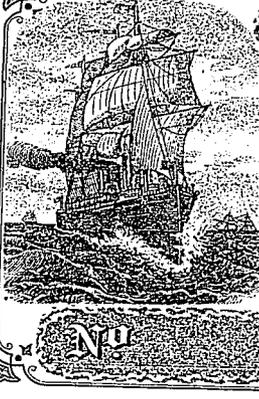
Fellows please be so kind and
 look at me Mrs Strafer told me
 so she was willing to see you but
 me oh how I feel I cannot tell
 no one they doctor wrote last
 week a note to the Capt but
 my sickness he say if i stay longer
 here they stoffe from inside
 bill me. They Lord will bless
 your familie for ever oh dear Sir
 please give me my freedom let
 me please going home. I was
 Othomas under operation last
 November one year ago please
 excuse me for begge you for it
 but you was here at the Tombs
 and they mutome and Mrs Strafer
 may be you know here too they
 told me about your kindness
 oh dear if I not was sick I want
 not trouble you but what shall
 I do where shall I go I have a

nice home my husband
 is Blakshmidt and I care
 temle to my sickness oh please
 dear Mr Fellows please I hope
 you can understand my
 writing I only learn english
 and I wish you will forgive
 and excuse me for doing so
 God bless your kindness to the
 poor prisoner and I wish you
 haelty life.

very respectfully

Dora Maile
 Tombs Prison

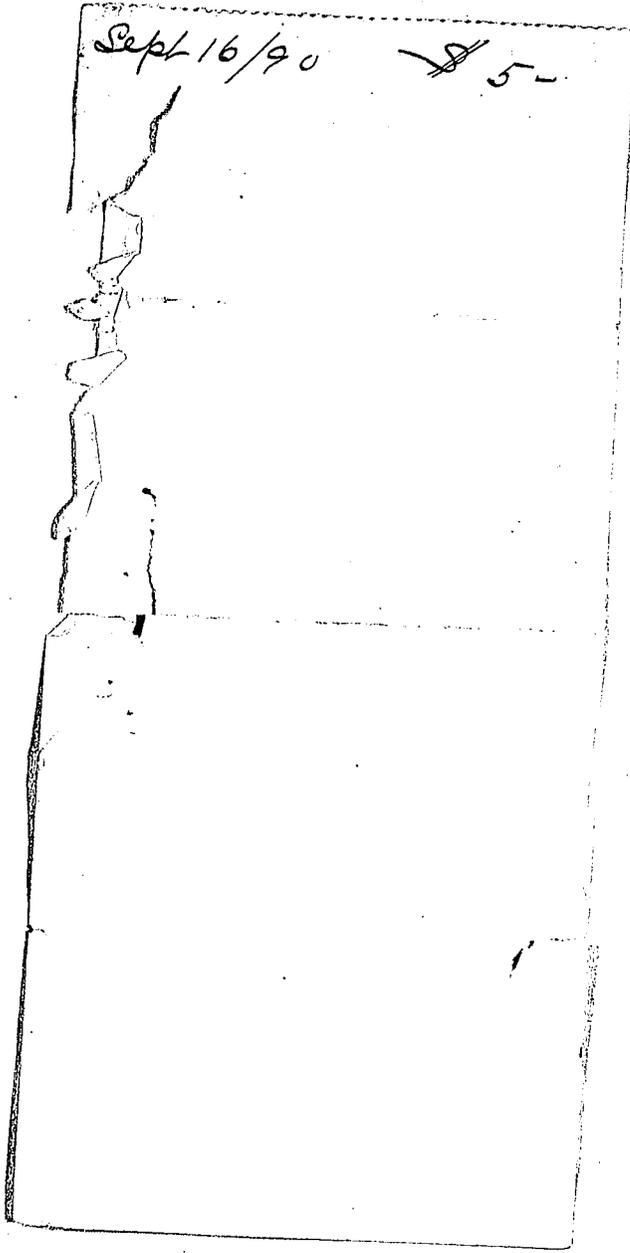
0302



No. 105
 New York, September 10, 1890.
 On demand after date we promise to pay
 to the order of Meta Salvorg
 One hundred and five ⁰⁰/₁₀₀ **DOLLARS**
 at No. 7 Beekman Street Room 28 New York City
 Value received with interest.
 Due _____
 Gottlieb Maile
 Borette Maile

0303

Sept 16/90 \$5-



0304

New York General Sessions of the Peace.

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Loretta Maile

BENCH WARRANT FOR FELONY.

Issued October 1st 1890

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

0305

COUNTY OF NEW YORK, ss.

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

An indictment having been found on the 1st day of October

1890, in the Court of General Sessions of the Peace of the County of New York,
charging Lorette Maile

with the crime of Forgery in the Second Degree

You are therefore Commanded forthwith to arrest the above named Lorette
Maile and bring her before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver her into the custody of the Keeper of the City
Prison of the City of New York.

New York City, the 1st day of Oct 1890

By order of the Court,

[Signature]
Clerk of Court.

loosing boarders which had dwindled down from 21 to 3. One evening after I had returned from my daily labor Mrs. Maille stated to me that she owed a broker a balance of fifty dollars upon a mortgage on said furniture, that she had made default in the payment of a weekly installment and that said broker had threatened to foreclose the mortgage on said household unless the said \$50. was not paid within a few days, she further stated that she had made an application to another broker for a loan of \$75.00 that he had agreed to furnish it to her but required the signature of her husband to the papers, she further stated that if her husband would receive the money he would spend it and that she feared her home would be taken from her if she did not secure the \$75. as stated, and did then request deponent to appear as her husband at the brokers office and obtain the money.

That relying upon said statements, and the personal knowledge deponent had concerning the domestic troubles of Mrs. Maille and with a desire to assist her deponent consented to do as requested and did apply for the money and signed the papers as the husband of Mrs. Maille, that after he procured said money he delivered it to Mrs. Maille and that he has not directly or indirectly profited by the transaction in any form, and as deponent is informed and verily believes that out of said money the old mortgage was fully paid and satisfied.

That it was only through sympathy for the woman who is quite old and suffering from a very painful ailment did

deponent consent to do as she requested him.

That deponent was never before arrested or ever accused with the commission of any offence against the law, but has always lived an honest and industrious life.

Sworn to before me this

27th. day of October 1890 *William Maier*

*That Waldheim
Notary Public
Rue Co. at file in My Co
M*

Court of General Sessions.

The People etc.

against

William Meyer.

City and County of New York SS.

John Meyerhoffer being
duly sworn says, I am engaged as a sement worker on 9th.
Avenue between 81st and 82nd Street I am w\$ll aquainted
with the defendant and know him for fouy years, during all
of which time he worked with me as a fellow workmenand
I have met him al almost daily .

I am aquainted with a number of persons who knew the
defendant and that his character and reputation among his
fellow workmen is good.

He bears the reputation of a hard working quiet ineffe-
nsive fellow who has always exhibited his willingness
to aid and assist those about him, from what deponent
knows of the defendant he verily believes him to be honest
and a person who would not purposely commit crime or vie-
late any law.

Sworn to before me this

23rd day of October 1890.

} John Mierhofer

R. Hain
H. M. ...
M. ...

Court of Gen. Sessions

The People

- vs -

William Mair

affidants for
clemency

Langbein Jr. &
Langbein

attys for Mair

No. 258 Broadway
N.Y. City.

filed Oct. 31 1890

W. L.

Police Court, 3 District.

City and County } ss.
of New York,

of No.

occupation

that on the

York, in the County of New York,

District.

Edwin J. Stein

Street, aged

21

years,

being duly sworn, deposes and says,

1890, at the City of New

William Mayer
(now here) did feloniously make
utter and forge with the intent
to cheat and defraud. the instrument
in writing hereto annexed. which,
said instrument purports to be
a promissory note for one hundred
and five dollars payable to the order
of Meta Salberg in demand. at
no 7 Beekman St. dated New York
September 10th 1890. and signed by
Gottlieb Maile and Doretta Maile.
Deponent further says that the
said Doretta Maile came to
deponent's office and represented to
deponent that she wanted to borrow
seventy five dollars in her home-
hold furniture. and that she would
give deponent a mortgage on said
household furniture and also a
promissory note payable on demand.
deponent agreed to loan her the money
in said furniture but told her that
it would be necessary for her husband
to sign the note and the mortgage.
she then signed the instrument hereto
annexed and left deponent's office
telling deponent that she would send
her husband the aforesaid Gottlieb
Maile to deponent's office to sign
said note. and on or about said
date William Mayer this deponent
came to deponent's office and representing
to deponent that he was Gottlieb Maile

0312

the husband of the said Dorcas Maile
acquired the name of Gottlieb Maile to
said note and mortgage. defendant
then gave him. the said defendant the
sum of one hundred and five dollars.
Defendant is informed by Gottlieb
Maile of Western Boulevard between
6th and 6th streets that he did not
authorize this defendant to sign his
name to said note. and that said
signature is false forged and
fraudulent.

Wherefore defendant charges the
said defendant with Forgery and
prays he may be held and dealt
with according to Law.

Seems to be true
this 2nd day of Sept (1890) Edwin F. Stein
M. K. K.

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

Dated 1888 Police Justice

gently thereof, I order that he be held to answer the same and he be committed 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.

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

Police Court-- District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

1
2
3
4

Offence,

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

to answer Sessions

CITY AND COUNTY }
OF NEW YORK, } ss.

Gottlieb Maile

aged 60 years, occupation Blacksmith of No. W. Boulevard bet 68 and 69 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Edwin J. Stern

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

Sworn to before me, this 28 day of Sept 1887 } Gottlieb Maile

[Signature]
Police Justice.

0314

Sec. 198-200.

51

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

William Mayer 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. *William Mayer*

Question. How old are you?

Answer. *32 years old*

Question. Where were you born?

Answer. *Germany*

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

Answer. *Western Boulevard New York 69th. 2 New*

Question. What is your business or profession?

Answer. *Labour*

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
William Mayer

Taken before me this 1 day of

[Signature]
1890

Police Justice.

0315

BAILED,

No. 1, by _____
 Residence _____ Street _____

No. 2, by _____
 Residence _____ Street _____

No. 3, by _____
 Residence _____ Street _____

No. 4, by _____
 Residence _____ Street _____

#214
 Police Court, _____ District, _____

THE PEOPLE, &c.,
 ON THE COMPLAINT OF
 Edwin J. Stein
 M. T. Beggsman
 William Mayne
 George

1 _____
 2 _____
 3 _____
 4 _____
 Offense, _____

Dated, Sept 28 1890

W. A. Verelle
 Mgristrate.
 W. A. Verelle
 Officer.

Witnesses
 J. J. McAle
 Precinct.
 Nelson Rosenberg
 Street.
 Ed. G. S. and C. G. S. M.

No. _____ Street _____
 No. 164 _____ Street _____
 No. _____ Street _____



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 be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Sept 28 1890 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Mauer
and
Douette Maile

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

William Mauer and Douette Maile

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

The said *William Mauer and Douette Maile*,
both

late of the City of New York, in the County of New York aforesaid, on the
tenth day of *September* in the year of our Lord
one thousand eight hundred and *ninety*, with force and arms, at the City and
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly
act and assist in the forging a certain instrument and writing, to-wit: a

promissory note for the payment of money
which said forged *promissory note*
is as follows, that is to say:

Doll. *105*^{*00*}/_{*100*}

New York, September 10th 1890

On demand after date we promise to pay
to the order of Meta Salberg -

One hundred and five ~~00~~/₁₀₀ dollars

at No 7 Beckman Street Room (928) N.Y. City

Value received with interest

Gottlieb Maile

Douette Maile

with intent to defraud, 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

William Mair and Dorette Mair

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

The said *William Mair and Dorette Mair,*

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, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, *to wit: a*

promissory note for the payment of money

which said forged *promissory note*—
is as follows, that is to say:

Dolls. 105 ⁰⁰/₁₀₀ New York, September 10th 1890

*On demand after date we promise to pay
to the order of Meta Salberg*

One hundred and five — ⁰⁰/₁₀₀ Dollars

at No 7 Beekman Street Room 1928 N.Y. City

Value received with interest

*Gottlieb Mair
Dorette Mair*

with intent to defraud *they* the said *William Mair*
and Dorette Mair then and there well knowing the same to be
forged, against the form of the Statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

03 18

BOX:

414

FOLDER:

3824

DESCRIPTION:

Marks, Florence

DATE:

10/27/90



3824

297
Hecker

Witnesses;

John Henry

Counsel,
Filed *27* day of *Oct* 1890
Pleads *Not guilty*

THE PEOPLE

vs.

Florence Marks

*[Sent to special session
July 14 1891]*

KEEPING A HOUSE OF ILL FAME, ETC.
[Sections 822 and 825, Penal Code.]

*Benjamin Samuel
13 Forsyth St.*

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little

Foreman.

*Small set for May 27/91
July 20/91 BSW.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Florence Marks

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

Florence Marks

(Sec. 962, Penal Code.) of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE, AND HOUSE OF ILL-FAME, committed as follows:

The said

Florence Marks,

late of the *10th* Ward of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *September* in the year of our Lord one thousand eight hundred and *ninety*, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Florence Marks

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, 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

Florence Marks

(Section 885, Penal Code.) of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

Florence Marks,

late of the Ward, City and County aforesaid, afterwards, to wit: on the *thirteenth* day of *September* in the year of our Lord one thousand eight hundred

and *ninety*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* said house, for *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the Statute in such case made and provided, and against the peace 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

Florence Marks

(Section 322 Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said *Florence Marks*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *13th* day of *September* in the year of our Lord one thousand eight hundred and *ninety* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *her* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0322

BOX:

414

FOLDER:

3824

DESCRIPTION:

Marquis, Dominick

DATE:

10/14/90



3824

0323

Witnesses;

Mary O'Neil
off Gentry

J. B. O

Counsel,

Filed

day of

1898

Pleads

14 Oct
Not Guilty

THE PEOPLE

vs.

Dominick Marques

Grand Larceny, Sec. 53, Penal Code.
(From the Person.)
[Sections 53, 53, 53, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

A. W. D. Little

Foreman.

P.3. Oct. 16. 1898

Pleads P.I.
Ten 1705 - 8 850. Jone
P.B.M.

0324

Police Court - 4th District.

Affidavit - Larceny.

City and County }
of New York, } ss.

of No. 416 West 29th Street, aged 29 years,
occupation Glove-maker
deposes and says, that on the 5th day of October 1894

Mary O'Neil

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:

and person

One Pocket Book containing good and lawful money of the United States of the amount and value of Fifteen Cents and a paper of needles of the value of Five Cents and all of the value of Twenty Cents.
the property of deponent

Sworn to before me this 15th day of October 1894

Police Justice.

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 Dominick Marquis (now here) from the fact that at about the hour of 6 P.M. on the aforesaid day deponent was in the Menagerie in the Arsenal in Central Park and said property was in a pocket in the dress skirt then and there worn upon deponent's person, and deponent was informed by Park Officer John F. McQuinn that said defendant had so taken, stolen and carried away said property from the possession and person of deponent and said property was then and there found in defendant's possession.

Mary O'Neil

0325

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 26 years, occupation John F. McQuinty
Park Police Officer of No. Central Park Police Street, being duly sworn deposes and

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

Sworn to before me, this 7 day of October 1890 John F. McQuinty

W. W. Mahon
Police Justice.

0326

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss

Dominick Marquis 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. *Dominick Marquis*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *Morrisania*

Question. What is your business or profession?

Answer. *Stone-cutter*

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

Answer. *The complainant dropped the pocket book on the ground, she was carrying a child and I picked it up and as I did I was arrested.*

Dominick Marquis

Taken before me this

day of

April

1890

H. J. ...

Police Justice.

0327

Police Court... 4 District.

1534

THE PEOPLE, &c
ON THE COMPLAINT OF

Mary G. Mack
416 West 29
Demuel's Magazine

1
2
3
4
Offence: Receivg Felony

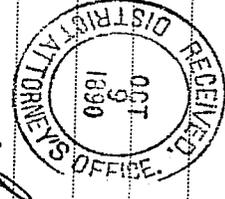
Dated: October 7 1890

Magistrate: W. T. ...

Officer: ...

Witnesses: Call Officer

No. ... Street



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 Oct 7 1890 W. T. ... Police Justice.

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

Dated ... 18 ... Police Justice.

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

Dated ... 18 ... Police Justice.

cer to the Station House. The officer had the defendant in custody while he spoke to me. The defendant said he did not take my pocketbook. At the Station House I described what was in the pocketbook and it was handed back to me.

CROSS-EXAMINATION:

I had a baby in my arms and didn't feel the pocketbook leave my pocket. I had a handkerchief in the same pocket which contained the pocketbook. I didn't know that I had lost my pocketbook until the officer came up and informed me of it. I didn't see my pocketbook after I had entered the Park.

J O H N F. M c G I N T Y, a witness for the People, sworn, testified:

I am a police officer in the Central Park. I arrested the defendant on the 5th. of October 1890. I was in citizen's clothes on this day. It was about 12 o'clock. I noticed the defendant going around the menagerie and placing his hand on the sides of women's dresses. I followed him around; I saw him place his hand in the pockets of several women; he didn't get anything. I followed him around for about three hours but I couldn't find him getting anything. I saw a couple of more men engaged in the same business as he was. I came across him again at about five o'clock in the afternoon. I fol-

lowed him around. When the defendant came to this lady he went up and sat down on a bench, then he went away again and I came back to the menagerie again. I followed him around a considerable time and finally I saw him come to this lady and put his hand right in her pocket and take the pocketbook out. He started to walk away, but I grabbed him, brought him back to the lady and she identified her pocketbook. I am positive that the defendant at the bar is the man whom I saw do these acts.

The prisoner pleaded guilty to grand larceny in the second degree.

0331

Indictment filed Oct 1890

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.
against
DOMINICK MARQUIS.

Abstract of testimony on

trial New York October 16th

1890.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Dominick Marquis

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

Dominick Marquis
of the CRIME OF GRAND LARCENY in the *second* degree committed as follows:

The said *Dominick Marquis*

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *October* in the year of our Lord one thousand eight hundred and *ninety*, in the *day* - time of the said day, at the City and County aforesaid, with force and arms,

one silver coin of the United States
15¢ of the kind called dimes, of the value of two cents, three nickel coins of the kind called five cent pieces of the value of five cents each, two coins of the kind called cents of the value of one cent each, one package of needles of the value of five cents, and one pocketbook of the value of two cents

of the goods, chattels and personal property of one *Mary O'Neill* on the person of the said *Mary O'Neill* then and there being found, from the person of the said *Mary O'Neill* 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.

SECOND COUNT—

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

Dominick Marquis

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

The said *Dominick Marquis*

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,

the same goods, chattels and personal property described in the first count of this indictment

of the goods, chattels and personal property of one

Mary O'Neill

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Mary O'Neill

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

Dominick Marquis

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

JOHN R. FELLOWS,

District Attorney.

0334

BOX:

414

FOLDER:

3824

DESCRIPTION:

Martin, George

DATE:

10/27/90



3824

273 273

Witnesses;

Lavin Martin -
Catherine Martin -

Counsel, *J. J. [unclear]*
Filed *27* day of *Oct* 1890
Pleads,

THE PEOPLE

vs.

George Martin

R. A. P. H. J.
(Sections 278 and 218, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Amos Little

Oct 27/90 Foreman.

Pleads Guilty

S. P. 16 up.

*OK
10/27/90
J. J. [unclear]*

0336

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

100 EAST 23^d ST. (COR. FOURTH AVE.)

New York, *October 23^d 1890.*

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

The People

against

George Martin

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 defendant, 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 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

*Elbridge T. Gerry,
President, &c.*

0337

N. Y. GENERAL SESSIONS

CRUELTY TO CHILDREN
Page -

THE PEOPLE



NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,
President, &c.

0338

Police Court, 6th District.

City and County } ss.
of New York,

Catherine Martin

of No. 694 East-154th

Street, aged _____ years,

occupation Housekeeper

being duly sworn, deposes and says,

that on the _____ day of _____ 1890, at the City of New

~~York, in the County of New York,~~ she is the wife of the
said George Martin and the mother of said
Annie Martin, that she resides at
694 East-154th St. in apartments and
the said Annie Martin resides there
with her and her said father. That she
has read and read the affidavit of the
said Annie and that what she said
Annie states therein of deponent's absence
and what she afterwards did is true
- that she was absent from home on
the said night of Thursday Oct-
16th that she returned on Saturday evening
Oct-17th and that going into said
Annie's and deponent's sleeping room
she found the bed clothes full of
blood and blood on the night clothes
of said Annie, and on asking Annie
how it happened she the said Annie
told deponent all the facts and
circumstances as she has stated
them in her said affidavit.

Catherine Martin

Sworn to before me
this 20th day of Oct-1890
A. M. [Signature]

Police Justice

Police Court, 6th District.

City and County } ss.
of New York, }

of No. 694 East-154th

occupation school girl

that on the day of

Annie Martin

Street, aged eight years,

being duly sworn, deposes and says,

1889, at the City of New

York, in the County of New York,

deponent is eight years old and is the daughter of ~~George~~ George Martin and Katherine his wife and who is deponent's ~~wife~~ mother, that they all reside at 694 East-154th St City of New York in apartments on the top floor thereof, that deponent sleeps usually with her mother in a ^{bed} room adjoining the room in which the said George Martin sleeps - that while deponent's mother was absent from home on Thursday night the 16th day of October 1890 deponent undressed and went into her aforesaid bed about 8 o'clock P. M. Deponent fell asleep and was awakened some time afterwards during the night: while deponent's mother was still absent - by her father who came out of his said sleeping room into the room where deponent was sleeping and who thereupon entered the bed of deponent on the inside of the bedding and did then and there raise deponent's ^{night} cloths and did violently and with force have sexual intercourse with deponent - abusing and lacerating her private parts, penetrating the same and did then and there ravish her, that deponent's mother returned on the evening of Friday the 17th of October, that seeing the bed cloths all covered with blood and questioning deponent how it came then deponent told her everything as it happened and as she has stated the same above that deponent did not ^{before} say anything about it to her mother because she

Police Court, District.

City and County }
of New York, } ss.

of No. _____ Street, aged _____ years,
occupation _____ being duly sworn, deposes and says,
that on the _____ day of _____ 188 _____, at the City of New
York, in the County of New York, _____

*was afraid of her father the said
George Martin.
Janie Martin*

*Sworn to before me
this 29th day of October 1890
John [Signature]*

Police Justice

POOR QUALITY ORIGINAL

0341

Sec. 198-20

6th
District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *George Martin*

Question. How old are you?

Answer. *Forty-four.*

Question. Where were you born?

Answer. *Germany.*

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

Answer. *694 E 154 St. Two years*

Question. What is your business or profession?

Answer. *Tailor.*

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 was drunk at the time*
at the time of the assault
and I committed the assault
it was while I was drunk
on Thursday night.

George Martin

Taken before me this *19th*
day of *October* 189*8*
J. M. O'Brien
Police Justice.

0342

Police Court... District.

1691

THE PEOPLE, etc.,
ON THE COMPLAINT OF

George Martin
694 East 137th St

George Martin
Raper

Offence

BAILED,
No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

George Martin
Magistrate

Witnesses

No. 1

George Martin
Street

No. 2

George Martin
Street



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

George Martin

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 October 29 1890 Police Justice.

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

Dated 1890 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 1890 Police Justice.

0343

CITY AND COUNTY }
OF NEW YORK, } ss.

Katherine Martin
aged 33 years, occupation Cause Keeper of No. 694 E 134th Street, being duly sworn deposes and

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

Sworn to before me, this 20 day of October 1890 Rudolph Vincent Murchin

Alu Coakley
Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK, against

George Martin

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse George Martin of the CRIME OF RAPE, committed as follows:

The said George Martin, late of the City of New York, in the County of New York aforesaid, on the sixteenth day of October, 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 a certain female not his wife, to wit: one Annie Martin, then and there being, wilfully and feloniously did make an assault, and her the said Annie Martin, then and there, by force and with violence to her the said Annie Martin, against her will and without her consent, did wilfully 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 George Martin of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said George Martin, late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain female not his wife, to wit: her the said Annie Martin, then and there being, wilfully and feloniously did make another assault, with intent her the said Annie Martin, against her will and without her consent, by force and violence, to then and there wilfully 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.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *George Martin* —
of the CRIME OF RAPE, committed as follows :

The said *George Martin*, —
late of the City and County aforesaid, afterwards, to wit: On the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
female not his wife, to wit: her the said *Annie Martin*, then
and there being, wilfully and feloniously did make another assault, and an act of sexual
intercourse with her the said *Annie Martin*, —
then and there wilfully and feloniously did commit and perpetrate, against the will of the
said *Annie Martin*, — and without her consent; 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.

FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *George Martin* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows :

The said *George Martin*, —
late of the City and County aforesaid, afterwards, to wit: On the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
female not his wife, to wit: her the said *Annie Martin* —,
then and there being, wilfully and feloniously did make another assault, with intent, an
act of sexual intercourse with her the said *Annie Martin*, —
against her will and without her consent then and there wilfully and feloniously to commit
and perpetrate, against the form of the Statute, in such case made and provided, and against
the peace of the People of the State of New York and their dignity.

~~JOHN R. FELLOWS, District Attorney.~~

Eight COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further

accuse the said George Martin —

of the CRIME OF PERPETRATING AN ACT OF SEXUAL INTER-
COURSE WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS,
NOT HIS WIFE, committed as follows :

The said George Martin, —

late of the City and County aforesaid, afterwards to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
female not his wife, to wit: her, the said Annie Martin, —
then and there being, wilfully and feloniously did make another assault, she, the said
Annie Martin, being then and there a female under the
age of sixteen years, to wit: of the age of eight years; and the said
George Martin — then and there
wilfully and feloniously did perpetrate an act of sexual intercourse with her, the said
Annie Martin —, against the form of the
Statute in such case made and provided, and against the peace of the people of the
State of New York and their dignity.

JOHN R. FELLOWS, *District Attorney.*

0347

BOX:

414

FOLDER:

3824

DESCRIPTION:

Matesovitch, Peter

DATE:

10/31/90



3824

Witnesses :

M. [Signature]

Counsel,

Filed

Pleads

355
E. Jettachki a

21 day of *Oct* 188*0*

guilty No 3.

THE PEOPLE

vs.

F

Peter Natesovitch

W.D.

Robbery, degree.
[Sections 224 and 228, Penal Code].

JOHN R. FELLOWS,

District Attorney.

Part 2 Nov. 17 etc after request
W.J.

A True Bill.

Andrew Little

Part 2 - November 17, 1890
Found and Acquitted

Foreman.

0349

Police Court-- 3 District.

CITY AND COUNTY }
OF NEW YORK, } ss

Michael Dolgan
of No. 66 Cherry Street, Aged 22 Years
Occupation Labour being duly sworn, deposes and says, that on the
27th day of October 1880, at the 7th Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

Ten dollars in good and lawful
money of the United States
\$ 10 ⁰⁰/₁₀₀

of the value of Ten 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 force and violence as aforesaid by

Peter Malesovitch (now here)
in the following manner to wit:
Deponent was in a saloon at No 264
East Broadway in company with
Andrew Ignatovich, Defendant and
another person came in said saloon
and defendant took hold of Deponent
and pulled him out on the street and
when on the street the defendant and
the other person not yet arrested
pushed this deponent down the
Basement of No 264 East Broadway.
Defendant then struck deponent on

day of
Sworn to before me, this
1880
Police Justice

0350

the head, and then defendants took by force and violence from the pocket of Deponent the aforesaid amount to witth two five dollar bills.

Deponent thereupon caused the arrest of Defendant and charges him with Robbery in having taken Carriage away and stolen said money and says that he be held to answer

Michael ^{his} ~~mark~~ Hogan

Sworn to before me this 28th day of October 1899

[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

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.

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

Dated 1888 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 1888 Police Justice.

Dated 1888 Police Justice.

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

vs.

1.
2.
3.
4.

Dated 1888

Magistrate.

Officer.

Clerk.

Witness,

No. Street.

No. Street.

No. Street.

§ to answer General Sessions.

0351

CITY AND COUNTY } ss.
OF NEW YORK, }

Andrew Ignatovich

aged *45* years, occupation *Laborer* of No. *264*

East Broadway Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Michael Dofan*

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

Sworn to before me, this *28th*
day of *October* 188*9*

Andrew Ignatovich
(mark)

M. Dofan
Police Justice

0352

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Peter Matesovitch 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. *Peter Matesovitch*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Poland*

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

Answer. *Lebb Water Street 6 months*

Question. What is your business or profession?

Answer. *Sailor*

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

Peter Matesovitch
mark

Taken before me this
day of *Sept* 1931

1889

Police Justice

0353

By Col. 1990-10 AM
\$2000 bail (B)

Police Court... No. 3 1630
District.

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

THE PEOPLE, Etc.,
ON THE COMPLAINT OF

Michael J. Dolan
Nathan S. Kelleher
Peter Matheson

Offence Robbery

Dated

October 28 1890

Magistrate

Sturcke

Witnesses

Sturcke & Spatman

No. of

Sturcke

No. of



No. of

\$2000

Dolan

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 \$2000 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 October 28 1890 [Signature] Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

0354

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

Harmon C. Sturke

of No. 7th Precinct Street, aged 31 years, occupation Police Officer being duly sworn deposes and says, that on the 27th day of October 1880 at the City of New York, in the County of New York, he arrested

Peter Materovich charged with Robbery by Richard Degan. Deponent says that said Degan and Andrew Ignatovich are material witnesses for the people and he prays that said Degan and Ignatovich be committed to the House of Detention to appear when wanted

Harmon C. Sturke

Sworn to before me, this 28th day of October 1880

[Signature]

Police Justice

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Peter Materantdu

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

Peter Materantdu

of the CRIME OF ROBBERY in the first degree, committed as follows:

The said Peter Materantdu,

late of the City of New York, in the County of New York aforesaid, on the twenty seventh day of October, in the year of our Lord one thousand eight hundred and eighty ninety, in the time of the said day, at the City and County aforesaid, with force and arms, in and upon one Michael Dagan,

in the peace of the said People, then and there being, feloniously did make an assault, and the sum of ten dollars in money, lawful money of the United States of America and of the value of ten dollars,

of the goods, chattels and personal property of the said Michael Dagan, from the person of the said Michael Dagan, against the will, and by violence to the person of the said Michael Dagan, then and there violently and feloniously did rob, steal, take and carry away, the said

Peter Materantdu being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid as yet unknown;

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John T. Adams, District Attorney

0358

BOX:

414

FOLDER:

3825

DESCRIPTION:

McCabe, Peter

DATE:

10/16/90



3825