

0693

Court of General Sessions of the Peace

~~OF THE CITY AND COUNTY OF NEW YORK~~

~~THE PEOPLE OF THE STATE OF NEW YORK~~

~~AGAINST~~

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

Elen Putnam

of the CRIME OF Giving away Spirituous Liquors
on Sunday
committed as follows:

The said Elen Putnam

~~The said~~

late of the First Ward of the City of New York, in the County of New York aforesaid, on the 25th day of March in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to-wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully ~~did~~ give away ~~dispose for sale and sell~~ as a beverage to

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

JOHN McKEON, District Attorney.

0694

Police Court, Second District.

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK,

of No. the 15th Precinct Police George Riegel Street

of the City of New York, being duly sworn, deposes and says, that on Sunday the 25th day

of March 1883, in the City of New York, in the County of New York,

at premises No. 188. Bleeker Street

a place where intoxicating liquors and wines were kept for sale, and sold as a beverage, Eben Tutnam [now here]

did then and there expose for sale ~~and did sell~~, caused, suffered and permitted ~~to be sold, and given away~~ under his

direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in

the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said

Sunday the 25th day of March 1883 as required by law.

WHEREFORE, deponent prays that said Eben Tutnam

may be arrested and dealt with according to law.

Sworn to before me, this 25th day of March 1883.

George Riegel

August Germer POLICE JUSTICE.

0695

Police Court 2 938 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph D. ...
Edwin Tutnam

Violation
Horse Law

1
2
3
4

Dated March 25 1883

Magistrate

Officer

Witnesses

No. Street

No. Street

No. Street



100 Street

BAILED,

No. 1 by John M. O'Brien

Residence 91 Macdonald Street

No. 2, by

Residence Street

No. 3, by

Residence Street

No. 4, by

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

Edwin Tutnam

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 March 25 1883 Hugh ... Police Justice.

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

Dated March 25 1883 Hugh ... 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 1883 Police Justice.

0696

Sec. 198-200

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Edwin Tutnam 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. *Edwin Tutnam*

Question. How old are you?

Answer. *Twenty Six Years.*

Question. Where were you born?

Answer. *New York State*

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

Answer. *188 Bleeker Street 7 Years.*

Question. What is your business or profession?

Answer. *Bar Tender*

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 have nothing to say*

Edwin Tutnam

Taken before me this

day of

March

1883

Joseph Gardner

Police Justice.

0698

BOX:

100

FOLDER:

1079

DESCRIPTION:

Raymond, Charles

DATE:

04/09/83



1079

0699

63 How engaged
down stairs
hold this case

Counsel,
Filed day of *April* 1883
Pleas *Shirley (v)*

Grand Larceny, ~~second~~ *second* degree, and
Receiving Stolen Goods.
vs.
THE PEOPLE
I
Charles Raymond
Boys

JOHN McKEON,
District Attorney

A True Bill.

W. J. Jones
Foreman.

W. J. Jones
W. J. Jones
S. C. Office
April 27/83

27

POOR QUALITY ORIGINALS

0700

63 Howe engaged
double stamp
would this (and)

Counsel,
Filed *April* 1883
Pleas *Chapman (a)*

THE PEOPLE
vs.
R
Charles Raymond
Grand Larceny, ~~Second~~ *Second* degree, and
Receiving Stolen Goods.

JOHN McKEON,
District Attorney

A True Bill,
W. J. Jones
April 23/83 Foreman.

W. J. Jones
S. C. Davis
Capron 27

0701

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

THE PEOPLE OF THE STATE OF NEW YORK
against

Charles Raymond

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

Charles Raymond

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

The said Charles Raymond

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 29th ~~the~~ day of March in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms one watch of the value of fifty dollars

of the goods, chattels and personal property of one Anna Smiles, 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 McKeon
District Attorney

0703

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Raymond 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. *Charles Raymond.*

Question. How old are you?

Answer. *Thirty Seven.*

Question. Where were you born?

Answer. *New York.*

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

Answer. *28 East 3 Street 7 months*

Question. What is your business or profession?

Answer. *Saloon Keeper.*

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

Answer. *I am not guilty.*
Charles Raymond

Taken before me this

day of

1888

Police Justice.

0704

2nd District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK } ss

of No. 24 West 30th Street, Anna S. Miles, Agent 42 Horse Keepers.

being duly sworn, deposes and says, that on the 29th day of March 1883

at the Above Premises 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 with intent to deprive the true owner thereof* the following property, viz:

One Gold Watch of the Value of Fifty dollars.

the property of *deponent.*

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by *Charles Raymond (now here)*

from the fact that at or about the hour of ten O'clock A.M. on said date the said Raymond came to deponent's premises.

and engaged rooms, and went away and returned at or about the hour of eleven O'clock, and requested to be shown to his rooms deponent informed the said Raymond that his rooms were not ready and requested him the said Raymond.

Subscribed before me this 29th day of March 1883

Police Justice.

0705

Step into
Dependent's room ~~where~~
~~the said Raymond~~
~~entered the room and~~
sat down in the large arm chair in
said room and shortly afterwards
changed his seat to a chair alongside
Dependent's Dressing Bureau where the
said property was lying. The said
Raymond shortly afterwards ~~and~~
left said premises saying to Dependent
I will return in about twenty minutes.
and Dependent has not been able to find
the said Raymond until he was
arrested. Dependent shortly after the
said Raymond left ~~from~~ Dependent's
premises. Missus said property and
charges the said Raymond with
the care of the said property.

Dependent further says that on
entering the room with the said
Raymond she saw the said property
lying on the dressing Bureau and
on leaving the room locked the door.

Subscribed before me
This 1st day of April 1853 Anna S. Mills

J. P. Coffey
Notary Public

0706

Testimony in the case
of Charles Raymond
filed April
1883.

0707

The People
Charles Raymond

Court of General Sessions, Part I.
Before Judge Geldersleeve.

Monday, April 23, 1883. Indictment for
grand larceny in the second degree.

Anna S. Miles, sworn and examined. I
live 24 West Thirtieth st. I am a widow;
on the 29th of March I saw the prisoner
at my house; he first came there about
ten o'clock, he wished to engage rooms for
himself, father and mother whom he was
expecting on a train that afternoon at four
o'clock. He had seen one room which my
servant showed him and he engaged it.
and said, they would be permanent, but
he himself was going abroad to Paris in
a few weeks - therefore he would be there
only transiently, and he wished to have
a comfortable home for his father and
mother - they would remain in New York
as they were going to build here - they
were on the way from the West. He wished
reference; he asked for my card which
I gave. He said he came on in advance
with some very valuable horses and he
refused ten thousand dollars for me;
he seemed quite anxious to have them
located. I recommended a livery stable,
and as he represented himself a

0708

perfect stranger in New York. I suggested my bell boy going with him. He said, "no, he could find it, and left; he returned in three quarters of an hour; he then wanted to go to the room. I said, it was not ready. He then mentioned my name again and spoke of himself being a Southerner, and as I am a Southern lady, I felt friendly with him and had some conversation relative to the South. He said he was born in Georgia. Something was said about General Miles. I asked him which one he meant? If he meant General Nelson Miles? He said he did, and I said that was my husband's cousin, and he said he knew him very well. I believed in his representations; he called the family name of two ladies and said he kept company with them. He then wanted a coachman. I told him I had sent for a man who had worked for me, I did not know but what he was here. If he would step down in my room I would show him my husband's portrait and he saw the resemblance. I did not leave the room, I called the coachman; as he entered the room he ^(the prisoner) passed my bureau and took a seat with me, as though you are now here. He left, he immediately

0709

got up and passed to the other side where this case that you now hold was (pointing to a case which the District Attorney had; he had his hand at the right side of it. I took a seat directly opposite him. If I had turned my head, he could have taken the watch, as you see it has a glass front. The coachman came in; he offered him \$60; the coachman was willing to work for \$40 and let them furnish him livery. I left the room after I sent the coachman out, and after three minutes I returned. I knew when he came in the room the watch was there, for I saw it. He very shortly after that told the man that he would be back in 20 minutes to take him out to see how he would handle the rippers. He did not return to take the rooms; no father and mother came. I saw the watch as he entered the room and passed it, for I sat opposite it. The watch was contained in that case. I valued it at \$50; it was bought at Tiffany's and cost \$80, I had it some time. He moved from the seat he first occupied when he came into the room. He was the only person in the room but myself. Case examined. He first

0710

called at ten o'clock. This room the prisoner was in was my own private parlor. Raymond was there ten or fifteen minutes perhaps before I called the coachman in. During that time the prisoner was visible to me. I left the room and Raymond was alone there over three minutes. I saw the watch ten or fifteen minutes before he entered. I could not help seeing it. Raymond was close to the watch, his hand to the side of it. I saw where his hand was raised. I returned to the room in three minutes and he was sitting on the same side where I left him. He left the house inside of twenty minutes after that. He promised to return. I missed my watch in a very short time after that. It might be an hour or so. Had my door locked, it locks itself with a bed latch. I locked the door and nobody has access to the room at all. I never saw Raymond before that day. I afterwards saw him on Saturday the day of his arrest at Headquarters.

Albertus Woods sworn and examined, I arrested the prisoner on March 31, Saturday. I believe it was; we were told to arrest such and such a picture in the gallery. There was half a dozen complaints there.

0711

We did not know which complaint; it was read out to us, such and such - The prisoner was identified in the Central Office. The picture was pointed out and that was the picture of the prisoner.

The jury rendered a verdict of guilty.
He was sentenced to the State prison for five years.

0712

BOX:

100

FOLDER:

1079

DESCRIPTION:

Reily, Peter

DATE:

04/05/83



1079

0713

WITNESSES:

W. B. Williams

Counsel,
Filed *5* day of *April* 188*3*
Pleads

THE PEOPLE

vs.

Peter Reilly

INDICTMENT.
LARCENY FROM THE PERSON.
with second degree

JOHN McKEON,
District Attorney.

W. B. Williams
A True Bill.

A. W. Amber

Foreman.

April 5 1883

John Reilly

Pen: Two years.

0714

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 Reilly

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

Peter Reilly
of the CRIME OF ~~felony~~ *Grand Larceny in the*
second degree committed as follows:

The said *Peter Reilly*

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the *twenty sixth* day of *March* in the year of our Lord
one thousand eight hundred and eighty *three*, at the Ward, City and County
aforesaid, with force and arms, *one pair of ear rings, of*
the value of twenty five cents

of the goods, chattels and personal property of ~~a certain person whose~~ *a certain person whose*
name is to the Grand Jury aforesaid unknown
on the person of the said ~~unknown person~~ *unknown person* then and there being found,
from the person of the said ~~unknown person~~ *unknown person* 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 McKEON, District Attorney.

0715

250
3
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jacob Gracie

vs.
Peter Reilly

Offence Larceny from Person

1
2
3
4

Dated March 27 1883

Pathegan Magistrate.

Wmalle Officer.

No. 10 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.
to answer



Conrad

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 Peter Reilly

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

Dated March 27 1883 J. M. Patterson Police Justice.

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

Dated _____ 188 . _____ Police Justice.

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

Dated _____ 188 . _____ Police Justice.

0716

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3rd District Police Court.

Peter Reilly 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 Reilly

Question. How old are you?

Answer. 15 years

Question. Where were you born?

Answer. New York

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

Answer. 26 Second Avenue one year

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 walked along with another Boy he pushed me against the iron door, I put my hand in his pocket and the Earlaps came out I did not intend to take the Earlaps, they fell on the ground.

Peter Reilly

Taken before me this

27

day of

March 1889

J. M. Brennan

Police Justice.

0717

3rd District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK, ss

a Police Officer John Wade 33 years of age
of *the 10th Precinct Police* Street,

being duly sworn, deposes and says, that on the *26* day of *March* 188*3*

at the _____ City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession
~~of deponent~~ *and person of an unknown person, in daytime*
the following property, viz:

One pair of Ear Laps of the Value of
Twenty five cents

the property of *said unknown person*

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 *Peter Reilly (now here)*

from the fact that deponent saw said
deponent walk up to said unknown
person while she was walking on Chrystie
Street, and placed his left hand in
the pocket of the Cloak, then crossed
upon the person of said unknown person,
and did take ^{and effect} said Earlaps from said
Cloak pocket, *John Wade*

Sworn before me this

day of

1883

J. M. Sullivan

Police Justice.

0718

BOX:

100

FOLDER:

1079

DESCRIPTION:

Richards, Carrie

DATE:

04/19/83



1079

0719

John P. Meehan
Counsel
Remain under
a H. of. Prosh.
Ann. License

F. J.

N. 81

Day of Trial,

Counsel,

Filed

Pleads

19 day of April 1883

THE PEOPLE

vs.

B

Carrie Richards

34 West Houston
149 Green St.

Violation of Excise Law.
Selling without License.

JOHN MCKEON,

District Attorney.

D 2 April 23, 1883

pleads guilty.

A TRUE BILL,

John Meehan

Foreman.

John Meehan
F. J.

0720

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

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Carrie Richards

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

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

The said *Carrie Richards*

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

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

JOHN McKEON, District Attorney.

0721

BAILED.

No. 1, by William Johnson
 Residence 25 East 111 Street

No. 2, by _____
 Residence _____ Street

No. 3, by _____
 Residence _____ Street

No. 4, by _____
 Residence _____ Street

Police Court 2 District 294

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

Michael Semler

Carrie Richards

Offence Violation of
Excise Law

Dated March 20 1883

Spencer Magistrate.

Spencer Officer 13

Witnesses _____

No. _____ Street _____

No. _____ 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 Carrie Richards

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 March 20 1883 Hugh Gardner Police Justice.

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

Dated March 20 1883, Hugh Gardner 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.

0722

Sec. 198-200.

2d District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Barrie Richards

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

Question. What is your name?

Answer. Barrie Richards

Question. How old are you?

Answer. 34 years

Question. Where were you born?

Answer. Germany

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

Answer. No 50 West Houston Street, 3 weeks

Question. What is your business or profession?

Answer. Salvor Keeper

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

Answer. I have nothing to say

Emmanuel Rifford

Taken before me this 25

day of March 1883

Joseph G. ... Police Justice

0723

EXCISE VIOLATION—WITHOUT LICENSE.

Police Court—2^d District.

CITY AND COUNTY }
OF NEW YORK, } ss.

of No. the 13th Precinct Police Michael Crowley Street,
of the City of New York, being duly sworn, deposes and says, that on the 20th day
of March 1883, in the City of New York, in the County of New York, at
No. 50 West Houston Street,
Barrie Richards

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

deponent saw said Barrie sell two glasses of
beeh in said premises at half past nine
o'clock on the night of said day

WHEREFORE, deponent prays that said Barrie Richards
may be arrested and dealt with according to law.

Sworn to before me, this 20 day of March 1883 } Michael Crowley

Alfred Gardner POLICE JUSTICE.

0724

BOX:

100

FOLDER:

1079

DESCRIPTION:

Rieder, Jacob

DATE:

04/17/83



1079

POOR QUALITY ORIGINALS

0725

187

Day of Trial
Counsel, *P. H. [unclear]*
Filed 17 day of *April* 1883
Pleads *Guilty*

THE PEOPLE

vs.

B
Geo. Bieder
70 E. [unclear]

Violation of Excise Law.
Selling on Sunday.

JOHN MCKEON,

District Attorney,

22 Ave 23, 1883
ind requested
A TRUE BILL,

[Signature]

Foreman.

[Signature]

0726

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Jacob Rieder

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

of the CRIME OF *Exposing for Sale and Selling Spirituous Liquors on Sunday*, committed as follows :

The said *Jacob Rieder*

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

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

~~JACOB M. HERRON, District Attorney.~~

0727

~~Court of General Sessions of the Peace~~

~~OF THE CITY AND COUNTY OF NEW YORK~~

~~THE PEOPLE OF THE STATE OF NEW YORK~~

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

Jacob Rieder

of the CRIME OF Giving away Spirituous Liquors
on Sunday
committed as follows:

The said Jacob Rieder

~~The said~~

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

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

JOHN McKEON, District Attorney.

0728

2947
Police Court 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wagon Collins

Jacob Reider

Office Violation of
Carpenter Law

2
3
4

Dated March 26 1883

Magistrate.

P. Collins
Officer.

Witnesses

No. Street.

No. Street.

No. Street.

\$ 100 to answer

Reider



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

Jacob Reider

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 March 26 1883 J. M. Patterson Police Justice.

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

Dated March 26 1883 J. M. Patterson Police Justice.

There being no sufficient cause to believe the within named

guilty of the offence within mentioned, I order h to be discharged.

Dated 1883 Police Justice.

0729

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Jacob Rieder 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. Jacob Rieder

Question. How old are you?

Answer. 32 years of age

Question. Where were you born?

Answer. Germany

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

Answer. No. 70 Clarendon Street

Question. What is your business or profession?

Answer. Lager Beer Promiss

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
Jacob Rieder

Taken before me this

11th

day of March

1888

[Signature]

Police Justice.

0730

Police Court 3^d District.

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

of No. 10th Pearl St Street,
Eugene Collins

of the City of New York, being duly sworn, deposes and says, that on Sunday the 25th day
of March 1883 in the City of New York, in the County of New York,

at premises No. 70 Eldridge Street
a place where intoxicating liquors and wines were kept for sale and sold as a beverage,

Jacob Reeder [now here]
did then and there expose for sale and did sell, caused, suffered and permitted to be sold, and given away under his
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in
the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said
Sunday the 25th day of March 1883 as required by law.

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

Sworn to before me, this 26th day
of March 1883

Eugene D. Collins
J. M. Patterson POLICE JUSTICE.

0731

BOX:

100

FOLDER:

1079

DESCRIPTION:

Rilley, Patrick

DATE:

04/17/83



1079

0732

199 Nov

Counsel,

Filed

1883

Pleas

Wm. A. Reid
17th May of
Not guilty.

THE PEOPLE

vs.

F
Catharine Sisson

James
Grand Larceny,
degree,
Receivings, Stealing Goods.

JOHN McKEON,

District Attorney

In May 2, 1883
tried & acquitted.
A TRUE BILL.

A. A. M. J. S.
Foreman.

0733

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Patrick Riley

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

Patrick Riley
attempting to commit
of the CRIME OF GRAND LARCENY in the *fourth* degree, committed as follows:

The said Patrick Riley

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the ~~sixth~~ day of ~~April~~ in the year of our Lord one thousand eight hundred and eighty ~~three~~, at the Ward, City and County aforesaid, with force and arms one hundred and fifty boxes of plate tin of the value of seven dollars each box, and seven pigs of block tin of the value of twenty five dollars each pig

of the goods, chattels and personal property of William E.

Dader 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.

0734

~~Court of General Sessions of the Peace~~

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

Patrick Riley

against

~~of the County~~

~~committed as follows:~~

~~The said~~
The GRAND JURY of the City and County of New York, do indict

~~attempting to commit~~
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said Patrick Riley

late of the First Ward of the City of New York, in the County of New York, aforesaid, ~~on the~~ sixth day of April in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms one hundred and fifty boxes of plate tin of the value of six dollars each box, and seven pairs of blocks tin of the value of twenty five dollars each

of the goods, chattels and personal property of ~~the~~ the New York Central and Hudson River Rail Road Company then and there being found, then and there ~~attempt to~~ 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 McLean
District Attorney

0735

BAILED.

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

NY volume 188
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anthony Penderghaus
215 East 11th St
Patrick Reilly
1 Patrick Reilly
2 _____
3 _____
4 _____
Offence Attempted Grand Larceny

Dated April 6 1883

John B Smith Magistrate.
Patrick O'Meara Officer.
Precinct _____

Witnesses _____
No. _____
Street _____

No. _____
Street _____

No. _____
Street _____
\$ _____
Dated _____



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 Patrick Reilly

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

Dated April 6 1883 John B Smith Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0736

Sec. 198-200.

188

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick Reilly

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. *Patrick Reilly*

Question. How old are you?

Answer. *18 Years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *Corner Charlton & West Streets four years*

Question. What is your business or profession?

Answer. *Night Watchman*

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

Patrick Reilly

Taken before me this

Day of *April* 188*8*

John J. Smith
Justice.

0737

St
11 District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK } ss. Anthony Rundershausen 30 Years
Laborer 215 East Houston Street, 6th

being duly sworn, deposes and says, that on the 6th day of April 1883
at the in a freight Car standing in West Street in the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent with the unlawful intent to deprive the true owner
of the benefit thereof of
the following property, viz:

One hundred and fifty boxes of plate and seven
pigs of block tin in all of the value of about
twelve hundred dollars

the property of
in care and charge of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was attempted to be
stolen, and carried away by Patrick Reilly (now here) from the
fact that deponent saw said defendant and another
not now arrested open the door of the aforesaid
freight Car and when they saw deponent the defendant
and the other man not arrested ran away and
deponent chased them for three or four blocks
and defendant ran into a building and Officer
Patrick J. Gargan of the 1st Precinct saw defendant
run in to a building and followed the said defendant
and arrested him said defendant

Anthony Rundershausen

Sworn before me this
day of April 1883
Police Justice,

0738

BOX:

100

FOLDER:

1079

DESCRIPTION:

Ring, Daniel H.

DATE:

04/05/83



1079

POOR QUALITY ORIGINALS

0739

May term 1883
Day of Trial
Counsel, *James S. Callahan*
Filed, *5* day of *April* 1883
Pleads *Not guilty - (6)*

Assault in the First Degree.

THE PEOPLE

vs.

B

Daniel H. Ring

JOHN MCKEON,
District Attorney.

ret. vs. Paul G. Deering et al.

A TRUE BILL.

W. W. Ambrus

Foreman.

ad. ed. 1883

The grand jury determined that the def. is sane & sane Referring to

0740

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 D. Ring

The Grand Jury of the City and County of New York, by this indictment, accuse *Daniel D. Ring*

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

The said *Daniel D. Ring*

late of the City of New York, in the County of New York, aforesaid, on the *twenty sixth* day of *March* in the year of our Lord one thousand eight hundred and eighty *three* with force of arms, at the City and County aforesaid, in and upon the body of *James Hayes* in the peace of the said people then and there being, feloniously ~~did~~ make an assault and ~~with~~ the said *James Hayes* with a certain *knife* which the said *Daniel D. Ring*

in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent *to kill* the said *James Hayes* then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

Daniel D. Ring

of the CRIME OF Assault in the Second Degree, committed as follows:

The said *Daniel D. Ring, late of the City and County aforesaid*

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *James Hayes* then and there being, feloniously did, willfully and wrongfully, make an assault and ~~with~~ the said *James Hayes* with a certain *knife* which the said

Daniel D. Ring

in *his* right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut and wound

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

JOHN McKEON, District Attorney.

POOR QUALITY ORIGINALS

07411

BAILED

No. 1 by John J. Ireland
Residence 120 9 State
Street,

No. 2, by _____
Residence _____
Street,

No. 3, by _____
Residence _____
Street,

No. 4, by _____
Residence _____
Street,

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Staves
vs Colin McKie & Daniel H. Ring

1 Daniel H. Ring
2 _____
3 _____
4 _____

Offence, Felonious Assault
& Battery

Dated 27 March 1883

J. J. White Magistrate.
J. J. White Officer.

Witnesses,
No. 52 James Barber
Street, Franklin

No. _____
Street,

No. _____
Street,

No. 1000 to answer \$100
Street, Barber

James Barber

MAR 28 1883
REGISTRAR'S OFFICE

244
Police Court - 1st District.

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 Daniel H. Ring

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

Dated 27 March 1883 Andrew White Police Justice.

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

Dated March 27 1883 Andrew White 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.

0742

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

1st District Police Court.

Daniel Ring

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. Daniel Ring

Question. How old are you?

Answer. 13 years

Question. Where were you born?

Answer. New York city

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

Answer. 102 Cedar St about five years

Question. What is your business or profession?

Answer. Eri and boy

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

D. Ring

Taken before me this

day of

March 1885

Charles J. Smith
Police Justice.

0743

Police Court— First District.

CITY AND COUNTY OF NEW YORK, } ss.

James Hayes, aged 10 years,

of No. 418 Columbia Street Brooklyn Street,

being duly sworn, deposes and says, that on Monday the 26 day of March

in the year 1883 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Daniel H. Ring
(now here) who did willfully and feloniously cut and stab deponent on the right arm with the blade of a pocket knife then and there held in his said deponents hand causing a painful wound

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

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

Sworn to before me, this 27 day of March, 1883.

James X Hayes
his mark

Audrey White
POLICE JUSTICE.

0744

BOX:

100

FOLDER:

1079

DESCRIPTION:

Ringler, Frederick

DATE:

04/18/83



1079

0745

BOX:

100

FOLDER:

1079

DESCRIPTION:

Lehne, Henry

DATE:

04/18/83



1079

POOR QUALITY ORIGINALS

0746

115
Checked
by [unclear]

Filed *W. H. [unclear]* 1883
day of *April*
Pleads *Chattel - (30)*

THE PEOPLE
vs.
B. [unclear]
Swain & Ringler
and Henry Selmer
N.A.

JOHN McKEON,
District Attorney

A True Bill.
[Signature]
Foreman.

[Signature] Dec 14/83

6500 - 1

No. 1 Bailed by
Foster of each
96 when at

0747

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frederick Rinzer

Denny Selme

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

Frederick Rinzer and Denny Selme

of the CRIME OF ASSAULT AND BATTERY, committed as follows:

The said *Frederick Rinzer*, and
Denny Selme

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the *eight* day of *June* in the year of our Lord
one thousand eight hundred and eighty *two* at the Ward, City and County
aforesaid, in and upon the body of *Jose Aynar*
in the peace of the said people then and there being, with force and arms, unlawfully
did make an assault and *him* — the said *Jose Aynar*
did then and there unlawfully beat, wound and ill-treat, to the great damage of the
said *Jose Aynar* — and against the peace of the
People of the State of New York, and their dignity,

JOHN McKEON, District Attorney.

POOR QUALITY ORIGINALS

0748

Adams

BAILED,

No. 1 by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

1163
1173
1037
Police Court
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John Chapman
Frank Ruggie
Ward
vs.
Assault & Battery & unlawful arrest

Dated *July 19* 188 *2*

Witnesses,
No. _____
Street _____
Thomas J. Boyd Clerk
Robert Clark Officer
Herrell Jackson Magistrate
No. _____
Street _____
John W. H. H. H.
No. _____
Street _____
John W. H. H. H.



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 _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0749

56

This is to certify that the within
copy of testimony is a true trans-
script, of the stenographic notes
as taken by me.

Sworn to before me
this 29th day of July 1885

J. J. [Signature]
Police Justice

0750

Copy

Form 68. "A"

Police Court 2^d District.

THE PEOPLE, ETC.,
ON THE COMPLAINT OF

1 Joseph Aymar
us.
2 Hos C Backe
3 William Dalley

Affidavit—Disorderly Conduct.

Dated June 9th 1882
Ford Justice.

Officer. Precinct.

WITNESSES:

Disposition, not \$10—
" 2. 10—
Fined \$ 7 3 disclgd.
\$ Bonds for h. Good Behavior

for _____ months.

Imprisonment not to exceed _____ months.

not. nos 2 paid
John Tracy
Police Clerk

POOR QUALITY ORIGINALS

0751

Rev. Stat. Vol. 1, p. 638 § 1, 2—Laws N. Y. 1833, p. 10. § 4, 5.
Laws Rel. to the City, p. 603, § 4, 5.

(Copy)
2

District Police Court.

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

Frederick Ruigler

of the 29th Precinct Police, being duly sworn, deposes and says
that on the 9th day of June 1882 at the City
of New York, in the County of New York,

Joseph Aymar Thomas C.
Back at William S. Alley

(now here) w. ~~me~~ in ~~premises~~ no 55 West 26th Street.
~~Sheet~~ and that ~~they~~ were fighting, using profane, indecent, in-

sulting, and threatening language and behavior, ~~making noise, and disturbing the peace;~~ and did
then and there ~~act in an abusive manner with~~
~~intent to provoke a breach of the peace and~~
~~whereby a breach of the peace might be occasioned~~
~~and that said defendant did obstruct deponent~~
~~in the performance of his duty as a police officer.~~

Frederick Ruigler

Sworn to before me, this 9th day of June 1882

55
J. Henry Ford
Police Justice

0752

Sec. 207

2 District Police Court.

City and County }
of New York, } ss:

It appearing to me after hearing the proofs, and the statement
of the defendant that no sufficient cause exists to believe the within named

Frederick Ringler and
William Phelps

viz: unlawfully arrest of Thomas L. Baeh
guilty of the offense within mentioned I order *h_em* to be discharged. *July 8 1882*

Dated at the City of New York, July 19 1882

Robert Smith Police Justice.

POOR QUALITY
ORIGINALS

0753

2
Sec. 207

2 District Police Court.

City and County }
of New York, } ss:

It appearing to me after hearing the proofs, and the statement
of the defendant, that no sufficient cause exists to believe the within named

Fredrick Ringler

viz. assault and Battery on John Whitehurst
guilty of the offense within mentioned I order h. M. to be discharged.

Dated at the City of New York, July 19 1882

John A. Smith Police Justice.

0754

3

Sec. 207

2 District Police Court.

City and County }
of New York, } ss:

It appearing to me after hearing the proofs, and the statement
of the defendant, that no sufficient cause exists to believe the within named

Frederick Ruigter

is: unlawful arrest of John Whitaker
guilty of the offense within mentioned I order ~~him~~ to be discharged.
Juw 8. 1882

Dated at the City of New York, July 19 1882

John W. Smith Police Justice.

0755

4

Sec. 207

2 District Police Court.

City and County } ss:
of New York, }

It appearing to me after hearing the proofs, and the statement
of the defendant that no sufficient cause exists to believe the within named
Judicia Ringler, Henry Lehue and
Philander S. Weeks
- viz: unlawful arrest of José Aymar June 8, 1882
guilty of the offense within mentioned I order hlttd to be discharged.

Dated at the City of New York, July 19 1882

Samuel Smith Police Justice.

0756

5

Sec. 207

2 District Police Court.

City and County } ss:
of New York, }

It appearing to me after hearing the proofs, and the statement
of the defendant, that no sufficient cause exists to believe the within named
Frederick Ruigler, Henry Lehner
and Alexander S. Weeks
viz: assault & battery on Joseph May June 8, 1882
guilty of the offense within mentioned I order them to be discharged.

Dated at the City of New York, July 29 1882

Solomon S. Smith Police Justice.

6

Wendell Goodwin 29 years Merchant
55 WEST 26th Street being duly sworn says.
I know Mr. Agman I saw him arrested
brought from his room under arrest on
the night of the 8th of June. Some officers
had him under arrest. The man on
his left had hold of him. The man on his
right had just let go as they came through
the door. I saw one man strike with his
club but did not see the blow actually.
I know Mr. Agman I saw him flushed and
cry out at the time. It was one of the
policemen who had him struck at him.
I cannot give a description of that man.
X⁶⁷ I cannot positively swear to his
identity if I saw him. There was a crowd
around and it was indistinct. There were the
officers who came to arrest the man the
men arrested and Mr. Francis Mr.
Sammant and Mr. Stingers. They are
the three that I remember. Mr. Decker
was there. Mr. W. B. Stewart the rest I do not
know personally. I will swear Mr. Ches James
was there. There were 1/2 a dozen other
members of the club whose name I don't
recollect. There officers were there and
the officer who came with the squad
and four men. They were standing around

0758

around the door. The officers were standing
in front of the door. I was in the hall of
the Club. As I remember as the officers
came out of the room they bystanders
stood in the hallway and in front of
Mr Aynous room. The most of the crowd
was about the hallway and the head of the
stairway. The hall is about 20 feet wide
at that point. At the time of the clubbing
Mr Aynou was coming out of the room
being pushed from behind. I was in
front of him about two feet from him.

Mr Aynou was ex postulating and
leaving back and asking to be allowed
to put on his clothes. He was not
struggling. The blow was struck from
behind. I saw the full figure of the man
and the arm ^{with a club up in the air} ~~delivered to~~ ^{blow} ~~the~~
~~struck~~ ~~upon~~ ~~Mr~~ ~~Aynous~~ ~~shoulder.~~

who struck him

Recall

I remain by the hall of the Racquet Club the
hall of the first floor. It is in the Racquet
Club building. The club only occupies
the rooms on the ~~first floor of the building~~ ^{first floor}. The
other rooms are rented.

X 4

In answer to a question as to what part
of the body the blow was directed at
I say that the blow was directed some
where about the shoulder. The left
shoulder.

0759

Reddy

2

When you said on your direct examination that you did not see the club actually strike Mr. Aynman did you mean that you did not see the impact of the blow.

A

That is what I meant.

2

You saw the club raised and brought down.

A

I saw the club raised and brought down.

2

Mr. Aynman did not strike any one did he.

A

No sir not that I saw.

Xc 2

You say Mr. Aynman died and do you remember what he said.

A

He came out of a dazed or some thing to that effect, indicating that he was hurt. It was a cry of pain.

Xc

Mr. Goodwin you said there was a man on either side of Mr. Aynman.

A

Yes as he came through the door.

2

was he struck by either of those officers.

A

I think it was it seemed so to me the club came from behind.

0761

July 19th 1882

Examination Resumed.

Counsel for complainants, states the complainants against the defendants are.

First

That John Whitehurst makes a complaint against Frederick Riegler for wrongful arrest, and assault and battery committed on June 8th, assaulting him severely with a club &c.

That Thomas C. Doché makes a charge against Frederick Riegler and William Sheeps with having wrongfully arrested him.

Third

Mr. Aymar makes a charge against Frederick Riegler, and Henry Schie and Philander S. Weeks. for wrongfully arresting him and clubbing him and for assault and battery.

92

John Whitehurst called by the complainants, being duly sworn says.

By the Court.

Where do you reside?

A 131 West 10th Street.

How old are you?

A 24 years

What is your occupation?

A Waiter.

Direct Examination

For whom do you work?

A Mr. Monroe and Mr. Josie Aymar and for Mr. Bache.

Who live there?

A Yes sir

Do you recollect being arrested?

A Yes sir

Who arrested you?

A Officer Pringle

Do you see him here?

A Yes sir

About what time of night was he arrested you?

A Between 11 and 12 o'clock

Where?
A In the Regent Court Club.
55 West 26th Street.

POOR QUALITY ORIGINALS

0763

I asked if he saw any other
 things that were
 (The owner answered for him
 when I asked about the
 cups I saw at the man's
 house I am going to arrest you
 you are under arrest - and
 I said what for and he said
 that was a pocket book.
 I said this town is a
 and I said I don't know
 but I will go with you
 and I said I will write
 you a paper and be with
 you in your work.
 I asked him what time?
 (In the dining room.
 In the morning room?
 (Yes and he asked him
 if he had a warrant and he
 said no and he said that
 are not supposed to have a
 warrant for someone and
 they reported to me and
 I let him and he said I
 should have me and I was
 his friend and he was going
 to take me

0764

10

1. Facing around there he took
you out did he?
Answer

2. And as he was about taking
you to the station house what
did he do to you
a. Before getting out of the hall
at all he clubbed me.

3. How many times?
a. He struck me two severe blows
I believe?

a. One on the arm and one on
the shoulder.

4. Did he hurt you?
Answer

5. And where did he take you
to?

a. The 30th Street station house.

6. You were there all night?
Answer

7. Trip Bacht and Aymar were
arrested at the same time
were they not?

Answer

8. Did you notice Jim Aymar
as they were taking him out?
Answer I noticed 2 officers had
him and had clubbed him
on the right shoulder with

POOR QUALITY
ORIGINALS

0765

this club.

I say you know what affair
that was?

Answer in the gentleman that
sits there, and not by any officer
to be here.

I swear to before me
This day of 1882

Police Justice

POOR QUALITY
ORIGINALS

0766

11/21

Thomas C. Backé being
duly sworn says.

Q By the Court

Where do you reside?

A 55 West 26th St.

Q How old are you?

A 28.

Q What is your business or occu-
pation?

A Lawyer.

Q Next examination

Q Do you reside in the city of New
York?

A Yes.

Q At 55 West 26th St.?

A Yes.

Q And are a member of the
Maquet Club?

A I am not.

Q What kind of a house do you
live in there? - you live in
rooms there in apartments
there?

A Yes.

Q You and Mr. Moore have apart-
ments there together?

A Yes.

Q Has that apartment any connec-
tion with the Maquet Club?

And as I understand

I do it on the same floor with the
Racquet club?

Answer:

I do not know any part of the
Racquet club?

Answer:

I where were you on the 8th of
June when the officers came
in the room, what were you
doing?

I was dining waiting for
my descent;

And who was present?

Mr Aymar and Mr Allie

I Mr Aymar was dining with
me?

Answer:

And Mr Allie was not?

Yes Mr Allie was sitting
in a chair.

And when the officers came and
took white dust what took
place?

The first thing I saw was John
coming in the room and an
officer put his hand on his
shoulder and said I arrest

POOR QUALITY
ORIGINALS

0772

14

The door was closed and I
opened the door and a gentleman (Pul)
came in and a man came in
and they came for the purpose
of keeping me in the room
and I was not holding the
door and they showed me in
and I saw three men
and they surrounded me on
one side and the officer
wanted to go to the room above
and the officer pointed to
the man and said arrest that
man

Q. Who did he say that to?
A. He said that to officer Guido
Cating and the officer
Kerch and the officer was
taken and a white shirt
was taken. The officer
was taken.

16

Stetson have a what charge are
you told you were charged
with, a day?
and I was told I was charged with
a crime of interfering with
an officer in the discharge
of his duty
I did you interfere with him?
and I do not
I was examined
I know many times a day
suppose you have told this
story over at the Roequet club
and you mean as thoroughly
as you have told it here?
Yes -
and I cannot tell you a great
many times
I want you think it has gotten
in strength by reason of that
and I don't think so

I sworn to before me
this day of 1852

Police Justice

17/a

José Aymar being duly sworn
deposes and says

By the Court

Q where do you reside ?

A 55 West 26th Street

Q what is your age ?

A 28 almost 29 years

Q what is your business ?

A Lawyer.

Direct Examination

Q Mr. Buché and you were arrested
at the same time ?

A I was arrested on the evening of
June 8;

Q you were sitting at dinner with
him ?

A I was sitting at dinner with
him and that officer came
in, I think the officer that
is behind you, that gentleman
there (meaning) officer Ruggles

Q Tell the whole story of what
happened. give the narrative
of it. ?

A The waiter came in first and
the officer came in immediately
after the waiter and I asked
the conversation as near
as I can remember, what

POOR QUALITY
ORIGINALS

0778

the matter I was then told that he wanted to arrest the waiter, the question was then asked what it was for he stated immediately then or during the conversation that followed it was very likely ^{to} give the question and answers, but it was that the waiter was charged with a felony and that an affidavit had been made by a man and that the waiter had committed a felony and I asked him if he had a warrant and he said he had no warrant and I further inquired what the waiter had done and he said the waiter was charged with having stolen a pocket book which enclosed the sum of $2\frac{5}{100}$ dollars or three dollars and I inquired if he had a warrant and he said no and we then agreed that we should send for Captain Williams

18
2a

and I said I would abide by
Captain Williams decision
in the matter as to whether
he had a right to arrest a
waiter with or without a
warrant and he agreed to
that and we rang the tele-
graph to call a messenger
and we called a district
telegraph messenger for the
purpose and I went out
of the room meanwhile
he stayed in the room and
he sat down and I furnished
a chair to him and he sat
there for a while and he went
out in the vestibule with-
out attempting to touch the
door and he called to some
body who was on the out-
side of the door and used
words to this effect. Person
sent up for a platoon or some
thing that expressed a body
of officers I have forgotten
whether it was a body or pla-
toon, but to the best of my
recollection it was a platoon

POOR QUALITY
ORIGINALS

0780

and I went out of my room
a second time and spoke to
some gentleman I was scarcely
in the room 2 minutes or 3
minutes to the outside when
I heard a knock at the door
You mean you went in
there two minutes after com-
ing back, the last time?
Yes sir I heard a knock at
the door and Mr Bache
opened the door and as Mr
Bache was in the act of
opening the door the rest
of the man is small and he had
to get his body out of the
(describing) to swing the
door and as he was doing
so somebody on the outside
pushed the door and it came
in contact with Mr Bache
and the door being opened
I saw several officers coming
in and before I had time
to proceed to the hall this man
Riegler said arrest him and
turning to Mr Bache said
arrest that man. and

1930

notwith standing his saying
he didnt realize that he
was arrested he said that
he had committed no offence
I had on my dressing gown
and I was pulled in the hall
way

I just at that point I will call
your attention as to how
you were dressed at the
time

I was exercising and I
just had time to take a bath
I was exercising in the gym
nasium in the Ruequet
court I had on a pair of drawers
and a pair of socks and a
pair of low patent leather
pump shoes and a pyjama
vest or what we call a
blanket vest to put around
us after exercising to pre-
vent us from catching cold.
that comes down very long
and covers pretty near my
ankles.

Did you ask to be allowed
to change your clothes?

POOR QUALITY
ORIGINALS

0782

Q at the moment of going out of the door I asked to be allowed to go to my rooms which were at the very extremity of the hall

Q what did ~~you~~^{they} do to you when you made that request?

A I saw a club raised in the neighborhood of my head and I saw a blow struck for my head -

Q what officers had you, when you were under arrest?

A 212 and 2068.

Q Can you point them out? Ayesse (pointing to officers Schue and weeks)

Q you were taken to the station house by them?

A yesse

Q and what occurred as you were going down the stairs of the Raquet club building
A The body of my clothes caught at some thing and could not go down as fast as they wanted me I was pulled along, I then reached

POOR QUALITY
ORIGINALS

0783

20
4a

the head of the stairs and I heard a voice as near as I can tell say God damn his soul throw him down stairs and to the best of my recollection then I was struck by a club I saw a club moved in the direction of my head and I turned my head and I cannot say whether it touched my shoulder or not but I felt something hit me.

Q And you were taken to the station house through the streets?

A Yes sir without being allowed to dress or put on my hat.

Q Were there many people in the street?

A The street was quite crowded I quite a crowd collected to see the procession?

Q Yes sir all along 6th Avenue? Q When you got to the station house what was done?

A Before I got to the station house I looked to see the

POOR QUALITY
ORIGINALS

0784

numbers of the officers and
the officer on the left hand
side we were walking on
the east side of 6th Avenue
and the officer on the left
hand side saw me attempt
ing to look at his number
and he said damn you;
you can look at my number
I will tell you what it is
2068. I then went along
to the station house and
when I got there I was ushered
in the room in front of
the sergeant's desk and I
was placed in a certain
position (describing the
position he was placed in)
and as I stood against the
desk I believe in this po-
sition with my arm on
the desk (describing) I will
not say it was this arm
(referring to the left arm)
it must have been the
right arm and then officer
Ruzler took me this was
(describing) and he said

21 5-a

stood around this way or words
to that effect. and he caught
me in this way by (describ-
ing) by the coat collar)
and I said to the sergeant
can this be alluded or words
to this effect. and he pushed
me further after that and
then I heard the words from
the sergeant keep quiet
whether he meant me
or the officers I cannot
tell

Then you were searched?
I was then searched. the
officers officer Ruzer then
put his hand in my pocket
and I had a pen knife and
that was the only thing
they took from me and
when they searched me
in my unbuttoning the
garment. this way (describ-
ing) my drawers were falling
down and I stopped to fasten
them and I unbuttoned 2
of the buttons I remember
to draw up my drawers

0786

Q Did he ever succeed in
arranging my dream
I and you were then put
in a cell?

A Yes sir

Q And you remained there all
night?

A Yes sir

Q When you were taken to the
station house were you
told with what you were
charged?

A I was told I was charged with
interfering with an of-
ficer in the discharge
of his duty.

Q Did you do as?

A I had not

Q Did you resist officers Riegler
in any way?

A I did not

Q In what condition did
you find yourself in re-
spect to the injury on your
arm?

A When I got to the cell I
discovered my fingers
bleeding and swollen and

22 6 a

twitching as I supposed from
nervousness and when I
realized my position I was
found I had been struck on
the shoulder and when I
unbattered my neck I
could see where the blow
had struck me it showed just
as if the blood was oozing
through the pores where the
blow had been struck.

Q and as to your arm?

A my arm felt numb and had
a peculiar sensation in it.
I was it bruised?

A It had 2 bruises on it here
(indicating) and one a bruise
here (indicating)

Q you had them examined by
a physician?

A yes sir by two one of them
was Dr Pratt.

From to before
(the two days of 1882)

Police Justice

237a.

Valentine Matt being duly
sworn says.

Q By the Court.

Q Where do you reside?
A 62 Madison Avenue.

Q What is your age?
A 30 years.

Q What is your profession
A Physician and Surgeon.
Admit Ex.

Q You have practiced medicine
for how long?

A 11 years and something over
Q And you know Dr. Aymar?
A Yes

Q And you examined him on
the morning after the assault
on Aymar?

Q Did you find any injuries?
A I found 2 separate and dis-
tinct injuries on his person
one under his right shoulder
a severe contusion produced
in my mind by some blunt
instrument, and there was
also a number of injuries
on his fingers and which
were quite numb from
a blow of that sort

POOR QUALITY
ORIGINALS

0789

Said you made that examina-
tion?
ayes si

Sworn to before me }
this day of 1883 }

Police Justice

POOR QUALITY
ORIGINALS

0790

2nd pa

John Farrow being duly
sworn deposes and says
By the Court

Where does he reside?
A 212 West 125.

What is your age?
A 29.

What is your business or profession?
A Business down town as a
man

Will you state what you
know in respect to the loss
of your pocket book?

A On Tuesday evening the 6th
of June I was going up to Troy
and I called at Mr. Rushton's
Drug Store to buy some soap
and while I purchased the
and opened my pocket book
put it in and I left and
went down town and five
minutes afterwards when I
got in the car I missed my
pocket book and seeing
the small amount that
was in it I don't feel it
worth my while to go back.
and on Thursday evening when

POOR QUALITY
ORIGINALS

0791

I got back I asked the clerk
for my pocket book, and
he told me Mr. Ruskton ^{saw}
the colored man take it
from the counter and I
told him a colored servant
of Mr. Aymur was in the drug
store and he saw him lift
the pocket book from the coun-
ter where he was standing
and he asked him if the pocket
book belonged to him and he
said I didn't see you leave
it there and this is what
Mr. Ruskton told me. and
afterwards he said the colored
man took some money from
the pocket book and made
a purchase and he then told
me he was willing to make
an affidavit that he took
the pocket book. and I
asked him who it was and
he told me and I asked him
if he could identify him. and
he said yes and I went to
the racquet club and sent
a boy up stairs to tell him

POOR QUALITY
ORIGINALS

0792

25 9 a

to come down and I waited
five minutes and the colored
man came down stairs
and I said I want the pocket
book you took from Mr
Rushton's drug store and
he said its John you want
and I said if you are not John
I will send an officer up
stairs for him to arrest him
and he came back and said
if I wished to wait until
half past eight the warden
came down I was rather
insulted at this and I saw
officer Ringler standing on
the corner and I stated the
case to him and he asked
me who did you see the
man take the pocket book
and I said no and I said
Mr Rushton the proprietor
of the drug store saw him
take it and I asked him if
he would go and identify
him and he said there
was nobody in the store
but himself and could not
do

POOR QUALITY
ORIGINALS

0793

and the officer went up ^{stairs} to arrest the colored man and I waited in the hall for him to come to go to the station house and make a charge and I waited for 10 minutes and no officer appearing I went up to see what was the matter and the room was denied to me where that was in there by some gentleman. I do you know him now? and I was since told it was my name and I said I sent an officer up here to arrest a colored man with respect to stealing my pocket book and he said you must come in here and shut the door in my face and I heard a man from the inside of the room cry out go to Captain Williams and I said I sent an officer in here to arrest a man and I called back who is that shouting is

POOR QUALITY
ORIGINALS

0794

26 10a 1

that the officers said and
he said yes to and I went
to the Station house and
I told the sergeant and he
detailed 2 officers to go
back to the club house
with me, when the officers
came there I went up
stairs and there was quite
a gathering of the club around
the officers, the officers
were refused admission
to the room unless they
had a warrant. then came
a squad of men and I remained
in the vestibule down
stairs and then I went up
to the station house.

Q what occurred after that?
A I saw the two gentlemen
brought down in the custody
of the officers and the
colored man was brought
down in the vestibule
and the officer said you
will have to prefer a charge
against the colored man
and I did so and made
a charge against the colored

POOR QUALITY
ORIGINALS

0795

man for stealing a pocket
book and I was told to come
here at Jefferson market
the next morning

Q Did you know the officer that
you went to the station house
with?

A Yes officer Sweeney.

Q Was there a great deal of
excitement around?

A There was a great deal of
excitement and I didn't
expect any serious trouble
when it occurred.

Q Did you hear any threats
on the part of the officer?

A I don't know who made
the threat going to the station
house. somebody said they
would make it hot for
me and that was the reason
I got a lawyer.

Q Did you hear any threats
of breaching the officers?

A No sir I did not but there
was a great deal of talk
backwards and forwards.

Q Did you come to court the

0796

97 11a

next morning and I stated
all the circumstances of the
case and as I jumped off
the car I was met by Mr
Jenkins and he handed me
a letter and asked me not
to press it;

Witness reading letter offered
in Evidence and Def. 1.

0797

Did Mr Jenkins speak to you
about this matter?
Mr Ruskton said that he
thought in the interest
of all concerned it was
best to let the matter
drop and Mr Jenkins came
up and spoke to me very
kindly about the matter
the best and easiest way
was to drop it and not
to have any more trouble
about it but I would not
do anything until I saw
Col Spencer.

He was the counsel that
you engaged?
Yes Sir the night before
and I waited outside until
he came off of the car
and I told him as I did not
have much time to spare
and as I was a clerk
down town I would like
to withdraw the charge
against the rigger and
he said he would speak
to the other side, and have

0798

28 1/2 a

nothing brought against
me. and if he would do
it. I left the matter entirely
in his hands. and I sat
down in court and the
colonel man sent a purse
while I was sitting in
the back of the court
for me to take and Col
Spencer waived it away
and said he did not want
it. if there was a \$1000
dollar in it he would
not touch it. and I shook
my head and said no. but
I didn't want any purse
or money from him
and Colonel Spencer stated
the case to the judge and
said he didn't want to
prosecute and they were
all a little excitable and
he would like to have
the case withdrawn. and
he said the case is dismissed.
By the court

I was that the purse that was
passed to you ?

0799

Q It was not.

Q It was a purse with money
in it?

A I saw a purse with the
money in it.

Q Have you seen the pocket
book since?

A No sir.

Cross Examination

Q Did you see the purse that
was sent to you in Court
in the morning?

A Yes sir.

Q And was that your purse?

A No sir.

Q When was your purse lost
or stolen?

A On the evening of the 6th of
June.

Q What time?

A About 5:30 the boat leaves
at 6 o'clock.

Q For where?

A For Troy.

Q Can you describe that purse?

A It was a small little purse
that you buy on the street
for small change that had

0800

29 13a

\$70 dollars in bills in it
and I had to pay some car
fare and I took it out and
left the small change in
it. I guess it must have
been 2 or 3 dollars

Q what was the purse made
of?

A feather

Q what color?

A Black.

Q Can you give any further
description of it?

A Two little round knobs out
side

Q Have you seen it since?

A I have not

Q You have no knowledge that
John stole it?

A No sir

Q You never saw it in his possession
never

Q who is this Mr Jenkins whose
letter you have read?

A I don't know

Q You don't know if he was
authorized to speak for John
Doyan

0801

As he was introduced to me
Iyan dont know his hand
writing!

As do not

Iyan dont know that he had
any connection with this
case in any way?

As do not, when I was in
the Ruckton's store he came
to me and asked some
questions of me to try and
settle the case and I said
I refuse to speak any more
about it

0802

30 a

1

John C Rushton being duly
sworn deposes & says

By the Court

Q where do you reside?

A 203 west 48th St

Q what is your age?

A 42.

Q occupation?

A Druggist

Direct Examination

Q Mr Rushton state what you
know about this matter?

A on Tuesday afternoon Mr
Corson on June 6th came
into my store and wanted to
purchase some goods and he
purchased 75 cents worth of
then afterwards 25 cents worth
and I saw him take a one
dollar bill out of a small
pocket book and he gave it
to me and he said he was
going to buy and he picked
up his little packages and run
out of the store and got in
a car and was in the back
of the counter and he was
in front of it and I made

0003

a little place on the counter
where his bag stood (aluminum
bag) between the scales and
the counter when Mr. Corson
went out a gentleman
came in for some soda
water and I had to go around
the counter being the only
one in the store and another
gentleman came in and
showed me some goods
and stood there for 10 or 15
minutes and then John came
in and said he wanted some
candy and he stood at the
end of the case (describing
and I came from behind
the counter and as I got
around me both met at
the end and as I got there
I saw the pocket book and
he saw it as soon as I did
and I says is that yours and
he said yes and I said I
didn't see you leave it there
and he put his hand on it
and he says you don't see
everything and he picked it

0804

31 B

up and the spoke about about
cord cases and said he wanted
ride to get one and he got
the cushion and he put the
money in the centre of his
hand and he paid me with
the other for the cord case
and when he went out, I
noticed the color of it par-
ticular to some of those with
two nobs on it. The occurrence
impressed me so I felt uneasy
and thought it was not his
space: book and of course
I could not ask Mr Corson
as he said he was going out
of town and that passed
over until my sleep returned
and I told him of it and I
never mentioned it to the color-
ed man about it being his
and on Tuesday afternoon
I was out and Mr Corson
called there and said he
wanted to see me and my
sleep told him I would be
in the evening and when he
called he asked me and I
told him that I had seen

0805

The colored man take the pocket
book from the counter and
he went up in the slide
and he went up and what
transpired there I don't know
and that's about all I know
of the case

I was you down in court
the next day?

I came down the next
morning of my own will
and there was a great
deal of talk about it and
the less there is said about
this matter the better and
so I left and Mr Carson was
there and that's gone off in
the meantime and during
the time I left Mr Jenkins
called and left a letter for
me which I got the next
morning and on the strength
of that I met Mr Carson down
here and showed it to him and
we conversed, and I told him I
agreed with Mr Jenkins to smooth
the matter over

Given to before me
This day of 1882

Police Justice

0806

32 a

1
F
Frederick Ringler being duly sworn deposes and says
By the Court

Q. where were you born?

A. Germany

Q. what is your age?

A. 31.

Q. your occupation?

A. policeman

Direct Examination

Q. where do you reside?

A. 14 Bayard Street

Q. How long have you lived there?

A. Young an 8 years.

Q. What do you know about this transaction?

A. On the evening of June 8th a gentleman by the name of Mr. Casson called on me at 26th Street and 6th Avenue to arrest a man for stealing his pocket book and I asked him about the case and in a few words he told me he left it in Mr. Rustons store and I crossed over to see Mr. Ruston and I spoke to him about it and I asked him who it was and he said John Whitehurst

0807

and he was in the Racquet club and I asked Mr. Rushton to go along and point him out to me and he first declined but said he was willing to go to the police court and make an affidavit and I consented to make the arrest and I asked Mr. Rushton to point him out to me and I went around to the 26th Street entrance and there was John Whitehurst in the hall way and I stated my business to him and released him my prisoner under arrest on a charge of having stolen a pocket book from Rushtons store and he asked me if I had a warrant and I said it was not necessary to have it and he asked me to wait until he could get his coat and I followed him into the room and said mind you you are my prisoner so we went straight into the room where they were eating

0808

33

then dinner a room 9 or 12
feet and there was sitting
Mr. Asmar Back and another
man who I believe is here
now but wore side whisk-
ers then and Asmar asked
what is the John and white
hurst said I am arrested
and they said for what and
I said I arrest him for an
a charge of stealing a pocket
book and Asmar said how
you got a warrant to arrest
this man and to come in
our private room and take
out one of our servants
and I said it is not necessary
for a policeman to have a
warrant for a man that
is charged with felony. And
I said I arrested him in the
hall way and not in the
room and under the excuse
of following him into the
room I came in here to
let him get his hat and
Asmar said you cannot
take him out of here and
I said I will take him out

0810

33

The first part of the case
 was a general statement
 of the facts. The second
 part was a statement of
 the law. The third part
 was a statement of the
 facts. The fourth part
 was a statement of the
 law. The fifth part was
 a statement of the facts.
 The sixth part was a
 statement of the law. The
 seventh part was a
 statement of the facts. The
 eighth part was a
 statement of the law. The
 ninth part was a
 statement of the facts. The
 tenth part was a
 statement of the law. The
 eleventh part was a
 statement of the facts. The
 twelfth part was a
 statement of the law. The
 thirteenth part was a
 statement of the facts. The
 fourteenth part was a
 statement of the law. The
 fifteenth part was a
 statement of the facts. The
 sixteenth part was a
 statement of the law. The
 seventeenth part was a
 statement of the facts. The
 eighteenth part was a
 statement of the law. The
 nineteenth part was a
 statement of the facts. The
 twentieth part was a
 statement of the law. The
 twenty-first part was a
 statement of the facts. The
 twenty-second part was a
 statement of the law. The
 twenty-third part was a
 statement of the facts. The
 twenty-fourth part was a
 statement of the law. The
 twenty-fifth part was a
 statement of the facts. The
 twenty-sixth part was a
 statement of the law. The
 twenty-seventh part was a
 statement of the facts. The
 twenty-eighth part was a
 statement of the law. The
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 statement of the law.

POOR QUALITY ORIGINALS

0813

34

Q. How did you find out?

A. I found out because I saw you
in the car at the time?

Q. How did you find out?

A. I saw a man in

the car and I saw him

Q. How did you find out?

A. I saw him in the car?

Q. How did you find out?

A. I saw him in that position?

Q. How did you find out?

A. I saw him in the car and I saw

him in the car and I saw

Q. How did you find out?

A. I saw him

Q. How did you find out?

A. I saw him in the car and I saw

him in the car and I saw

Q. How did you find out?

A. I saw him in the car and I saw

Q. How did you find out?

A. I saw him

Q. How did you find out?

A. I saw him in the car?

Q. How did you find out?

A. I saw him in the car and I saw

him in the car and I saw

Q. How did you find out?

A. I saw him

POOR QUALITY
ORIGINALS

0819

31

I have long had your papers
and I have long had you been
in the forest
of the ever of papers.

Frederick Kringle
Paris Ind.

0820

38

14

Herbert Paul Henry duly sworn
deposes and says.

By the Court.

Q where do you reside?

A 258 East 78th Street

Q How old are you?

A 38.

Q what is your business?

A I am a musician at the
present time

Q what was your business in June
last.

A Janitor of the Racquet court
club

Q will you state what you
know about the arrest on
the evening of June 8 to?

A about 7 o'clock a gentleman
came to the door and asked
me if I could not send a
boy up stairs to care for a
addressed matter by the name
of John Whitehurst and I
sent a boy up stairs, that
is the gentleman (pointing
to Mr Carson) and I sent the
boy up stairs and I was busy
at the time and I don't know

0021

what his ^{answer} name was, and I found out afterwards, that Mr Carson had spoken to officer Ruzler in the lower part of the house. and then I saw officer Ruzler go into with Mr Carson, to Rusk's drug store and 5 minutes afterwards he came back and said do you know a colored man here by the name of John Whitehurst and can you point him out to me and I said yes and he said I want to arrest him for a felony and I said to the officer follow me and we went up to the front hall and John Whitehurst came out of Mr Snow's room and I said to Ruzler that is John Whitehurst and Mr Ruzler walked up to him they were standing in the hall. and I went down stairs to my office and in the meantime Mr Carson was walking in the hall, and on the sidewalk and about

0822

39
✓

Five minutes elapsed and Mr. Casson
went up stairs and knocked
at the door of the room and
then I heard officer Ruzler
shout from the room go
to Captain Williams tell him
I am locked in and he went
down stairs I don't know
if he went to the station
house or sent somebody.
and in about 6 minutes
six officers came and Mr
Morse came out of his room
and about a crowd of 100 or
12 gentlemen members of
the club had assembled
in the hall and wanted
to find out what it was and
I told them the colored man
was to be arrested and shortly
after Mr Morse arrived
2 other officers came and
they both went to the door
and knocked at it and deman-
ded admission and he asked
who it was and said they wanted
to get a warrant to
arrest this man, and officer
went out the other stood

0823

at the head of the stairs and he wanted to know if he could arrest a man for a felony without a warrant, and there were 25 or 30 members of the club and as soon as the platoon of policemen came they pushed in the door and then the crowd followed around them so they could hardly see the first man I think knocked at the door with his club and demanded admission, it was about a quarter of a minute after the order was given the door was opened in the inside and he struck the door with force and it opened and then they went in and came out with the prisoners the gentleman around them were very much excited and I saw 2 or 3 clubs raised and I heard the officers shout distinctly if they would interfere they would club them but I didn't see them club.

0824

40
34

anybody when they were taken
down stairs in a gymnasium
first between the officers
and then came Whitehurst
and Buckle

Was you in court the next
morning?

Yes but I was not called up
Did you see a pocket book
passed to Mr Carson?

I was sitting next to Mr
Carson and Isaac Hamilton
came with it to Mr Carson
and I heard him say John
Whitehurst sent it and not
to press the case and etc.
By the Court.

Are you familiar with the
style of locks on that door?
Yes there is one of the
locks on the door that
is sprung and the other one
has a key and one is above
the other it is a patent lock
and is manufactured by
Newman and Carson it
is locked on the outside
with a key and by a spring
on the inside

0025

I have never seen the door
locked with a key always
by the spring and you cannot
open the door when it is
locked unless you use
both hands, and when Mr
Morrow came out of his
room they asked him what
was the matter and he said
a policeman was trying to
arrest John.

I do not know if the spring
was on the lock that day
or not because I saw Mr
Morrow going in his room
and he had to use the key.

What were the circumstances
of your leaving the club?
A Mr Sharp told me I had
no business to admit policemen
in the rooms of the Club I had
nothing whatever to do with it
it was a private affair.

I and you were dismissed?
Yes.

Cross Examined

Were you not employed by
the Club?

0026

44 +

Q And he was employed by Mr
Thorp

A He is the owner of the club,
the landlord.

Q How large a crowd was there
around the door.

A For 9 policemen and at least
30 members of the club.

Q Where were you standing?

A Right on the head 5th feet
above from the crowd
Q You didn't see the arrest
made?

A I did

Q Did you see John Whitehurst
arrested?

A Yes

Sworn to before me)
This day of 1882)

James Justice

0827

42

v-x

James Inking being duly sworn

By the Court

Where do you reside?

A 671 8th Avenue

What is your age?

46

What is your occupation?

A policeman

What do you know about this matter?

A The evening of June 5th between 8 and 8:30 PM a man came to the Station House and said that he had left a pocket book on June 6th in Mr. Rushton's drug store and he went there on June 8th and Mr. Rushton told him that a colored man employed in the building had taken his pocket book. He stated he sent instructions to the colored man to bring it down to him and he failed to do so or he would not do so until half past 8 and if he would wait until then he would bring it down.

0828

and Mr Carson said he got officer
Ruzler and Mr Rushlow stated
to the ~~released man~~ officer that
it was the released man that
took it from the counter
and he told me the officer
had made the arrest of the
released man and that he
was in the room then in
the building and they refused
to allow him to come out
with his prisoner and I
sent officer Phelps to see
what the trouble was about
and to bring officer Ruzler
to the station house with
his prisoner, shortly afterwards
Phelps came back and said
he had a very peculiar case
and that Ruzler was locked
in the room and could not
get out and he was in there
with his prisoner and
didn't know what to do and
I called roundsman Corlie
and sent him there with 4
officers of the reserve platoon
and told him to go and take

0829

43
6x

officer Ruzler and his prisoners released and if they didn't open the door to force it open and also to arrest the parties who interfered with his prisoners and at nine o'clock the prisoners were brought to the station house.

June 8th 1882. 9 P.M.

John Whitehurst 24 years colored of 131. West 26th St arrested on complaint of John Carson of 212 W 125th St by officer Fred Ruzler who charged the prisoner with taking a pocket book containing about 2⁰⁰ from the same belonging to him from the trunk of Ruckstaus drug store on Tuesday night June 6th inst

Joseph Aymor and Thomas C. Bach of 55 West 26th St arrested by officer Ruzler for interfering with him while making an arrest for larceny by locking the door of room in which the prisoner was in and refusing to allow them the

0830

officer to go out with his pris
-ner without a warrant of
arrest.

Sworn to before me }
this day of 1882 }

Peace Justice

0031

44
x

Thomas P. Bache' Recalled
being duly sworn says.
By the Court.

Q what is your age?

A 25.

Q what is your business
a lawyer.

Q where do you reside?

A 55 west 26th Street.

withdrawn

— 04

0832

William Phelps being duly
sworn says:

By the Court.

Q where were you born?

A Canada

Q what is your age?

A 38.

Q where do you reside?

A 585 8th Ave

Q How long have you resided
there?

A 2 years

Q what is your occupation?

A policeman

Q State all you know about
this case?

A An Jimmie 8th Div was sent to
the Roquet club, to arrest
a colored man and bring
him to the Station House and
Linent there and found Officer
Ruyter locked in a room
and he spoke to me from
the inside and told me to
bring down a section and
we went down with Roub
man Cunley and we took
the prisoner

0833

46

Ex

How many people were there
there?

A probably 25 or 30

What did you do about
opening the door when you
went in

A The door was locked and
we started to force it Mr
ayman and Beebe were
next to the door Ruzler
was inside with the
colored man and as soon
as we went in he said
arrest these men for interfering
with me in the discharge
of my duty Mr ayman was
passed out to the officers
and I took hold of Mr Beebe
and brought him to the station
house

Was there an attempt made
to interfere with you as
you went down stairs
with the officers?

A As I came down the door
somebody hit me around
the back with a cane I
could not tell who it was

0834

Q Was anybody with you in charge of Mr. Beebe or were you alone?

A As I went down stairs an officer came up and wanted to assist me.

Q What officer was that?
Cross Examined

Q Where were you standing when somebody hit you with a cane?

A Just as I came out of the door in the narrow room in the hall.

Q Of the 3 prisoners who came out who were they?

A Mr. Aymer, Mr. Beebe and the rigger.

Q It was not either of the prisoners that hit you with a cane?

And Sir:

Sworn to before me } William Phelps
This day of 1882 }

Peace Justice

0035

46
94

Philander A Weeks being
duly sworn says.

By the Court.

Q where were you born?

A Long Island.

Q what is your age?

A 32.

Q where do you reside?

A 414 West 28th Street

Q How long have you resided
there?

A 1 year and 4 or 5 months.

Q what is your business?

A policeman

Q what all you know about
this case?

A On the evening of the 8th
of June I was sent down
with Roundsman Conlie
and 3 other men to the Raffle
club and when we arrived
there Roundsman Conlie
went to the door and tried
it and found it locked and
after the key was in the door
some body from the inside
said who is there and Rounds
man Conlie said a police
man and a voice said

0836

stay where you are and Cordie
said officer Ruizer are you
there he said yes and I am
detained with a prisoner but
the door in the door is locked
are me and the records man
stepped back and shoved his
foot against the door and
the door did not open and as
he was getting ready to try it
again the door opened and there
were 2 or 3 men against the
door ready to break in and
and as the door opened one found
Mey Aymar and Buche inside
the door and officer Ruizer
said this is my prisoner and
that is my prisoner and I
stood right at the door and Mr
Aymar was passed out and
I took hold of his left arm and
officer Lehee took hold of his
right and we walked him
along until we got in the
hall and at the head of the
stairs he said he wanted to
put his clothes on he had
an extra vest and I saw

0037

47

same thing black and thought
he had his pants on and I
got hold of him and at that
time my club was strong
right over my throat there was
several panties and they were
crowding up against me
and as we were going to the
station house I saw Dr. Aymon
looking around to see what
my number was and I said if
you want it it is 2068. and
we went on to the station house
and when we got there we stopped
in front of the desk & there we
let go of him.

Q Did you use your club on
anybody that evening?

A Yes I did not.

Q Did you see any club used by
any of the officers there?

A No I did not.

Q Did you get hit yourself?

A Yes on the hand

Q With what?

A A cane.

Q When was that?

A Just after I took hold of the

0838

prisoner, near the door
I did not come to the Station
house?

Answer:

Dunks hit you, it was not the
prisoner?

Answer:

I am you prepared to swear that
you did not see any clubbing
done?

I did not while I was there I
do not know what was done
after I left.

Dunks took Mr Aymar to the Station
house?

Answer: he & myself.

I affixed did not do a thing
I had nothing to do whatever with it?

Answer:

I swore before me
this day of 1882

Police Justice

0839

704

48

Newy Lehere being duly sworn
says.

By the Court.

Q where were you born?

A Germany

Q How old are you?

A 35 years

Q where do you reside?

A 332 west 16th Street

Q How long have you resided
there?

A not quite a month.

Q what is your occupation?

A policeman

Q Direct

Q you were one of the squad
that went down to the hotel
during this night?

A yes sir

Q and you have heard the testimony
made by the policeman as to
what took place?

A yes sir

Q Is it correct to your knowledge

A yes sir

Q did you strike anybody on that
night?

A no sir

0840

Q Did you see anybody struck by
the policeman?
A Not at all

Cross Examined

Q Are you prepared to swear that
nobody was struck by a club
on that night?

A I swear that I did not see
anybody struck with a club.
I went down with the Rounds
man and a squad

Q And you were there during all the
time the arrest was made?

A I was, I stood outside and I
saw the prisoners pass out
until I was called in and
then I saw Mr Aymar and I
heard somebody say liberate
him and I rushed in and held
them back and -

Q Did you get hit yourself?

A Yes sir

Q What is your number?

A 212 - my hat was knocked off
and I was knocked over my
hand

Q Was it by one of the prisoners
A I don't know by who it was
I swore to before me
this day of

1882

Henry Thomas

POOR QUALITY
ORIGINALS

0841

49 K

15

Thomas H. Conley being a man who
I know a man who is
1064 West 26th St.
I can't say you are a
a 33 years
I am your acquaintance
10 1/2 hours
I don't know what you mean about
this matter?
A man I arrived at the club
up front Phelps assigned a
man in which officer
Rugler was in answer
I went to the door and tried
it it was locked and I saw
an officer and a man
I saw a man and a woman
a man and a woman
I saw a man and a woman and you
also officer Rugler and he
was after I was detained with
a prisoner and I said can't
you come out and he said
no and he said that the door
and I stepped back and braced
the door with my foot and
then the door opened and
when the door was opened
Tom Bashi and Symon and

POOR QUALITY
ORIGINALS

0043

50

I am in that case your Honor
after a trial
copy & see

Sworn to before me } Thomas J. Carley
This day of 1853.

Mr. Carver Received
I have your question all the
description of that pocket
book you saw?
Copy I think so
I believe as you say?
I bought it in a Fair in the
State before 10 cents. its name
of the ordinary pocket book
with 2 columns?
Copy & see

Sworn to before me }
This day of 1853

Police Justice

POOR QUALITY
ORIGINALS

0044

Josi Agnar Peard
Did you hear the testimony
of O. H. Wiegler as to your
locking a door in the chair
room front of the door?

A Yes

Is it true or false?

A Utterly false.

Did you go out of the room
after that?

I went out a short time
before I went out.

After that?

I don't know.

A Mr. Bliss and Mr. Stewart
came in. Mr. Bliss went
up in the club and there
was another gentleman
who came in and went out
again.

I was the door at any time
locked or closed so as to bar
any person or signers.

A No. In the door was simply
closed and by turning the
lock you could open it. That
was all you had to do.

POOR QUALITY ORIGINALS

0845

51 m

I was never locked with any key
could be

I have heard the testimony of some
of the officers as to the fact
that appeared. I have also heard
report to the Station House.
He was the one I saw at
this time.

I want to know
what day

Police Justice

Mr. Justice
I have heard the testimony of
the officers as to the fact that
appeared.

I want to know what day
I was there and what time
I was there.

I was the door locked at that
time and was not locked at
any time. All you had to do
was to turn one key and then
the other.

By the Court

I will be the day is an
answer

POOR QUALITY
ORIGINALS

0040

I cannot say whether I opened
the door the night, but it was
opened for me and I went in
and saw Mr. Stewart and
Baugh smoking and I saw
Mr. Stewart sitting at the table
and I proceeded to do so
I heard a letter and saw
an address, mentioning the club
and I saw, among others, (the
address being for Miss [?]),
and I saw a letter of [?]
(was), and there was also in
the room Mr. Stewart, who
was lying on the sofa
and Stewart got up and
went across the room
for something or went out
and I sat on the sofa the
rest of the evening.

Were you not there when
the officer came in?

Answer

Were you there when Mr. Stewart
was sitting there?

Yes sir. He was sitting in the
dining room, and Mr. Baugh
came in and sat down

53

on this side of the table (I see he
and then said a few more words
but he sat down and he sat
down.

He was near the door?

It was about 10 (I am not sure)

He was in the room any body else
had seen the man and left the
room?

After he sat down there, there
was nobody there and he was
sitting there and he sat down
there until some body arrived
and he sprung up and as he went
was there.

I did not witness at that time but
the man and sat in a chair
and in John was also near the
table and Mr Stewart said
there is no other man and
the officer said all right and
put down, and as he went
back to clear the room the
officer jumped up from his
chair and said send for Cap-
tain Williams and for the
reserve squad.

I did not see the squad come?

As I then heard a knock at the
door and I went there and they
were all coming in the next
bule room and I saw the offi-
cers coming in the room
and the door was opened, and
I afterwards examined the door
and found it was not checked
but it was sprung and you
had to leave the door
open.

What did you really think
the officer was waiting in the
room for?

I thought that John had got
into some trouble with his em-
ployees and they had sent for an
officer and then I heard Mr
Morgan say what is the trouble.
And the officer said it was for
taking a pocket book and he
said what sort of a pocket book
was that? I said I did not know
but it must be used for some
purpose and then you
said it was no felony but that
it was a misdemeanor.

What did you understand

POOR QUALITY
ORIGINALS

085-1

14
6
The officer was standing there
for?

a I thought he was faintest in the
week and a good many times
the American appeared in a
the time.

I Mr. Richter ... that Back
and ...

There was no ...

I did you hear him call out
that he was a prisoner?

a I heard him call out till Capt
... to send a squad

Did you see any reason
why he didn't go with?

... ..

Did you go to the ... house?

a I did ... asked Captain ...
where he would take the prisoner
and he was to Jefferson ...
... ..

Dependants ...
The proceeding had against ...
Back and ... before ...
Justice ... in Evidence

POOR QUALITY ORIGINALS

0052

Rev. Stat. Vol. 1, p. 638 § 1, 2—Laws N. Y. 1833, p. 10. § 4, 5.
Laws Rel. to the City, p. 603, 54, 5,

(Copy)
2

District Police Court.

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

Frederick Ruigler

of the 29th Precinct Police, being duly sworn, deposes and says
that on the 9th day of June 1882 at the City
of New York, in the County of New York,

Joseph Aymar Thomas C.
Back and William A. Alley

(now here) w^{ere} in premises no 55 West 26th Street
Shelt. and that they were fighting, using profane, indecent, in-

sulting, and threatening language and behavior, making noise, and disturbing the peace; and did

then and there act in an abusive manner with
intent to provoke a breach of the peace and
whereby a breach of the peace might be occasioned
and that said defendants did obstruct deponent
in the performance of his duty as a police officer

Frederick Ruigler

Sworn to before me, this 9th day of June 1882

55

J. Henry Ford
Police Justice

POOR QUALITY ORIGINALS

0053

Copy

Form 68. "A"

Police Court 2^d District.

THE PEOPLE, Etc.,
ON THE COMPLAINT OF

1 Joseph Aymar
vs.
2 Hos C Baeker
3 William Dalley

Affidavit—Disorderly Conduct.

Dated June 9th 1882

Ford Justice.

Officer. Precinct.

WITNESSES:

Disposition, not. \$10 —
" 2. 10 —
Fined \$ " 3 dischgd.
\$ Bonds for h. Good Behavior

for _____ months.

Imprisonment not to exceed _____ months,

not. nos 2 paid
John Tracy
Police Clerk

0854

56

This is to certify that the within
copy of testimony is a true trans-
script, of the stenographic notes
as taken by me.

Sworn to before me
this 29th day of July 1885

J. J. [Signature]
Police Justice

POOR QUALITY ORIGINALS

0055

Ed Jones

BAILIED,

No. 1 by _____
 Residence _____
 Street, _____

No. 2, by _____
 Residence _____
 Street, _____

No. 3, by _____
 Residence _____
 Street, _____

No. 4, by _____
 Residence _____
 Street, _____

1163
 1173
 Police Court
 District
 10.37

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Jané Chapman

Fredk Ruagle

Parties

Offence, *Assault & Battery & unlawful arrest*

Dated *July 19* 188 *2*

Magistrate.

Officer.

Clerk.

Witnesses,
Thomas C. Paul

No. _____
Raymond Clark

No. _____
Marcell Jackson

No. _____
John W. H. H. H.



Filed Aug 2

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 _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named _____

_____ guilty of the offence within mentioned, I order h to be discharged.

Dated _____ 188 _____ Police Justice.

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Court.

Transcript Stenographer's Notes.

New York,

188

WITNESSES:

UNDERHILL & ADAMS,

Stenographers and Law Reporters,

Truene Building,

New York.

0857

Jefferson Market Police Court.

The People ex rel John W. White
vs. Thos. B. Rache and
Jose Aguar - is -
Friedrich Rungler, Philander F.
Weeks, James Lehne and
William Phelps

Before

Solou B. Smith Esq
Justice

New York, July 17 1882

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UNDERHILL & ADAMS.

STENOGRAPHERS AND LAW REPORTERS.

Tribune Building, New York

0858

Jefferson Market
Police Court

The People, ex rel
John W. Whitehurst,
Thomas C. Bache and
José Aymar

vs
Frederick Ringler,
Philander F. Weeks,
James Lehn, and
William Phelps.

Before
Solon B. Smith Esq
Justice

New York, July 17th 1882.

Appearances

Sutherland Tenney Esq.
For Plaintiffs
Wm C. Whitney Esq. and
Arthur H. Master Esq.
For Defendants

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Jefferson Market Police Court.

The People, ex rel
John W. Whitehurst,
Thomas L. Bache and
José Aymar

Before

Solon B. Smith Esq.
Justice.

vs
Frederick Bingley,
Philander F. Weeks,
James Lehue, and
William Phelps.

New York, July 19th 1882.

Appearances

Sutherland Tenney Esq.
For Plaintiffs.

William L. Whitney Esq. and
Arthur H. Master Esq.
For Defendants.

John W. Whitehurst, sworn and testified:

By Mr. Tenney.

- Q. For whom do you work?
- A. For Mr. Munroe and Mr. José Aymar.
- Q. And for Mr. Bache?
- A. Yes, sir.
- Q. Mr. Bache also lives there, at the Raquet Court, does he not?
- A. Yes, sir.

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2. You recollect being arrested? A. Yes, sir.
2. Who arrested you? A. Officer Bingley.
2. Do you see him here? A. Yes, sir;
[Witness pointing out Officer Bingley]
2. About what time of night were you arrested? A. Between eight and nine.
2. Where? A. In the Racquet Club, 55 West 26th Street.
2. What did he say and do at the time of the arrest? A. He came and asked if this is John Whitehurst. I says yes. He says, "I have got a warrant and I am going to arrest you". I asked him what he was going to arrest me for. He said "You have stolen a pocket book". I says, "I deny the charge, but I will go with you", and I was then going into the room ^{with a tray} and he walked in behind me.
2. Where? A. Into the dining room.
2. That is, Mr. Bourse's room? A. Yes, sir.
2. Well? A. Then they asked if he had a warrant for me. He says no, an officer is not supposed to have a warrant to arrest a man for larceny, and they refused to let me go with him; and he said, well,

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I should go with him, I was his prisoner and he was going to take me.

2. And he took you out, did he?

A. Yes, sir.

2. And as he was about taking you to the station house what did he do to you? A. Before going out of the hall at all he clubbed me.

2. How many times? A. He hit me two severe blows.

2. Where? A. One on the arm, and the other on the shoulder.

2. Hurt you? A. Very much, yes, sir.

2. Then where did he take you?

A. To the 30th Street station.

2. You were there all night? A. Yes, sir.

2. Mr. Pache and Mr. Symar were arrested at the same time? A. Yes, sir.

2. Did you notice Mr. Symar as he was being taken out? A. Yes, sir; I noticed two officers had him, and the one on his right hit him one very severe blow on the right shoulder, here [Illustrating], with his club.

2. Do you know which officer that was? A. That man sitting there [Witness pointing to Officer Dehne].

Cross-Examination waived.

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Thomas G. Bacher, sworn, and testified:
By Mr. Fenner:

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- Q. You are a lawyer? A. I am.
 - Q. You reside in the city of New York? A. I do.
 - Q. At 55 West 26th Street? A. Yes, sir.
 - Q. Are you a member of the Baquet club?
A. I am not.
 - Q. What kind of a house do you live in there? A. I don't understand you.
 - Q. You live in rooms there? A. Yes, sir.
 - Q. You and Mr. Bowser together? A. Yes, sir.
 - Q. Has that apartment any connection with the Baquet club at all? A. None whatever.
 - Q. Is it on the same floor with the Baquet club? A. It is not.
 - Q. Or with any part of the Baquet club?
A. It is not.
 - Q. You recollect the evening when you were arrested? A. I do.
 - Q. What day was that? A. The 8th of June, about half past eight in the evening.
 - Q. And when the officer first came into your room what were you doing?
A. I was dining, waiting for my desert.
 - Q. Who was dining with you? A. Mr. Alley, Mr. Symon and myself. Mr. Alley was not eating with us; he was there.
 - Q. Mr. Symon was dining with you? A. Mr.

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- Aymar was dining with me.
2. And Mr. Alley was not? a. Mr. Alley was sitting at the table.
2. Now, take up the narrative ^{from the time} when the officer came there? a. The first thing I saw was John coming into the door of our little entry room, and an officer followed him and declared that he arrested John.
2. State what he said? a. Officer Bringle said, "I arrest you". John appealed to us, and asked if the officer had a right to take him. We asked what the crime was, and the officer said felony. We asked if he had a warrant to arrest him, and he said no, and we asked when it was claimed to have been committed, and he said a day or two before. We asked if he could arrest a man in that way without a warrant. He said yes. We said we did not think he could, and the conversation was very pleasant.
2. Did he say what the felony was? a. He simply declared that it was felony. He then said, "Gentlemen, you don't want to interfere with me in

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the discharge of my duty". We said "Not at all, if you have a right to arrest this man we want to make the complaint complete." He said, "I will send for Captain Williams". We said, "Yes, if Captain Williams says you have a right to arrest a man in this way, it is satisfactory to us." It then appeared that the arrest was not for a felony but for a petit larceny; it was a pocket book that had been stolen.

2. And it was for that theft that the arrest was made? a. Yes, sir. I then got up from the table, and laid down on the sofa, and Bingley up to that time had been—
2. Right here I would like to call your attention; you have already stated when he said it was that the crime had been committed? a. Yes, sir.
2. And did he say how he came to make the arrest? a. I am not positive, but I think he said an affidavit had been sworn to — the complaint had been sworn to. After that he declared that he made the arrest at the instance of some people downstairs who claimed that the pocket book had been stolen by John.

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2. Did you ask if he had a warrant? A. Yes.
2. And what did he say? A. He said no.
2. Go on? A. I was lying down on the sofa, and Bingley was standing up, and the conversation, as I say, had been exceedingly pleasant, and I said, "Do you think, Officer, you have a right to make this arrest?" He then answered me in a manner that I can't attempt to describe or imitate, but in an exceedingly disagreeable way, that he had not come there to answer questions, but had come there to arrest this man. I considered that a man who had intruded himself in my room ought to speak decently, and I said "Now, I want you to get out of this room. No man talks to me in my room in that manner". With that he asked if I was going to murder him. I told him that that was not in my line of business. So then I got up and went and shut the door. He asked if I would let him out, and I said, yes, the sooner he went I would be the better pleased. "When Captain Williams comes and says you have a right to take this man

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you can take him, not before! I then sat down and ate my desert. I spoke to Mr. Aymar, and went and rang for a district telegraph boy, and when the boy came Bingley commenced talking to him, and I told him those were my rooms and that boy was my servant, and he must ~~not~~ give orders to him. We then sat down, and Bingley became pleasant again.

2. Where did he sit with reference to you? A. He sat with Whitehurst between the door and Mr. Aymar and myself; that is, he was six or seven feet nearer the door than we were. Mr. Alley afterwards came up and smoked. Then two officers came. I did not know they were officers at the time, but somebody knocked at the door, and I would not open it, and they were going to kick down the door. Mr. Morse said, "Officers, if you kick down that door you do it at your peril." Bingley then called through the door to Mr. Carson, the complainant against Whitehurst, and told him

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to go for a platoon of policemen, or
squad, and I told him again to go
and sit still, and he went in and
sat down; and presently Mr. Aymar
said, "I am going upstairs in the
club a moment". He went upstairs,
and was gone fifteen or twenty
minutes. The rooms there are
two separate apartments knocked
into one. The dining room is
quite distinct from the bedroom
and the bath room. The bath room
is separated by two or three walls.
At the time Mr. Aymar went out I
left the dining room and went into
my bath room. I suppose I was
in there between five and seven or
eight minutes. When I left the
room there was nobody in it
except Bingley, Whitehurst and Mr.
Bloise. Mr. Aymar and I then
went out into the hall together
leaving the door of our private
rooms wide open so that anyone
could pass in and out. Then I
went in the room for the pur-
pose of keeping out the gentlemen
of the Baquet Club who were a

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little inquisitive, and I heard a knock at the door, and I got up to open it and there were several policemen there, and as I opened the door they kicked it open and the edge of the door caught my hand and tore the skin up a little. I protested, and they shoved me up against a piece of wood that forms ^{between the dining room and the after-room} the archway. Mr. Bynard, who was starting to go out of the room with Bingley, came out and Bingley said, pointing to Mr. Bynard, "Arrest that man", then pointing to me said, "Arrest that man."

2. Who did he say that to? A. To Officer Phelps, I think his name is; and Phelps and some other man, whose name I don't know and whose face I don't think I remember, held me there, and Whitehurst was taken out by Officer Bingley, but three or four feet just outside of our door in the hall Bingley's left hand held Whitehurst and he backed out this way [Illustrating]— he held Whitehurst this way and took his club up this way and brought

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it down with what seemed to me all his might ~~on~~ Whitehurst - the blow seemed to be aimed at his head, and I thought the blow was warded off from Whitehurst's head by his arm. I protested, and, for my pains, was told to shut up. We were then brought up to the station house, and Officer Phelps turned to the man on my left-hand side and said, "I guess you can let him go, I don't think he will run". I assured him I did not wish to run, that I had no desire to run away. He had me this way, and he put his club right in my face and said, "Yes, God damn you! I would just like to see you try to run, just once." We were taken then up to the station house. He refused to allow us to get any things to put on. I was completely dressed except a hat. And when we were placed up in front of the sergeant's desk - Sergeant King sat behind the desk and they ranged us in a sort of line in front of the desk, and Mr. Symar stood leaning

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on the desk railing, his body at about that angle, and I stood right up by him and Bingler came up and took him this way [Illustrating], and then shoved him down against me and said, "Stand up there". Mr. Aymar protested, and I protested, to the sergeant, and he said nothing except keep quiet, and the examination went on. Bingler searched Mr. Aymar, pulled open his flannel ulster, and then Sergeant King directed that we should be taken into the cells, and we were taken in there. The conduct of Officer Bingler was exceedingly disagreeable to me on the way, but I suppose that is what we should expect.

2. You mean on the way to the cell?
a. Yes, sir.
2. And after you were into the cell?
a. Yes, sir. Just before I got to the cell. I wish to say, Mr. Tenney, before I forget it, that Officer Bingler did not attempt to go out of the room with the prisoner in any shape or manner until the other officers came, except in a

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verbal way, as I have already stated. There is a little passage-way that goes all around the cells at the station house, and to that passage way or corridor there is an iron door, and there are iron doors to the cells as well, but just as I got to that Bingle turned to me and said, "You are pretty lawyers down there. You didn't think this was going to turn out this way, did you?". I did not say anything, but Bingle commenced to sing, "In a prison cell I sit", which was rather an unpleasant thing for one in my position. I was in the station house all night.

2. When you were taken to the station house what crime were you told you were charged with? A. With interfering with the policemen in the discharge of their duty.

2. Did you interfere with them?
A. No, sir; I did not.

2. Or attempt to lay hands on them?
A. I did not.

Cross-examined by Mr. Whitney.

2. How many times have you told

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this story over at the Baquet club?

A. You mean in exact detail?

2. In conversation, yes? A. You mean as thoroughly as I have told it here?

2. No? A. I couldn't tell you; it has been a great many times.

2. Do you think it has gathered any in strength? A. Not a bit, sir; I think it has rather lost if anything.

Jose Aymara, sworn and testified;

By Mr. Tenney:

2. Where do you reside? A. 55 West 26th Street, I am 28 years of age, almost 29.

2. What is your business? A. Lawyer.

2. You were arrested at the same time with Mr. Bache? A. I was arrested on the 8th of June, the same time that Mr. Bache was arrested.

2. You were sitting at dinner with him on that day? A. Yes, sir.

2. And an officer came into your room? A. Yes, sir; an officer. That man [pointing to Officer Ringler] came into our room. Our waiter came in first. He came in immediately after

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the waiter. I asked the question, not of him in particular but expecting an answer from either him or the waiter, "what is the matter", as near as I can remember, those were my words. I was then told that he wanted to make an arrest of the waiter. The question was then asked what it was for. He stated, either immediately then or during the course of the conversation that followed (it is very difficult to give the questions and answers just as they occurred) but that the waiter was charged with a felony, that an affidavit had been made by a man that the waiter had committed a felony. I asked whether he had a warrant. He said he had no warrant, I further enquired as to what the waiter had done, and he said that the waiter was charged with having stolen a pocket book which enclosed the sum of two and a half or three dollars. I enquired whether he had a warrant. He said he had not. He agreed that we should send for Captain Williams, and I said that

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I would abide by William's decision in the matter, as to whether he had a right to arrest that waiter without a warrant or not. He agreed to that, and we used all diligence in sending ^{for} a messenger. We called a district telegraph boy for the purpose. I went out of the room. Meanwhile he stood in the room, sat down; I indicated a chair to him, and he sat down there for a while. After a short time he went out into the vestibule, without attempting to touch the door. He called to somebody who was on the other side of the door and said words to this effect: "Carson, tell them to send up for a platoon", something that expressed a body of officers; to the best of my recollection it was a "platoon". I went out of the room a second time and spoke to some gentlemen, and I had scarcely been in the room five minutes when I heard a knock at the door. Mr. Bache opened the door. As Mr. Bache was in the act of opening the door (the vestibule is small there and he

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had got his body ~~out~~^{of} the way so that the door could swing open) as he was doing this, somebody outside, who I could not see, pushed the door violently, whereupon it came in contact with some part of Mr. Bache. I was standing just on Mr. Bache's right, and as the door swung open I looked and saw several officers coming in. I had the intention in my mind of going into the hall to see what was the trouble, not understanding why these officers came in, but before I had time to proceed to the hall this man Bingle pointed to me and said, "Arrest that man"; then, pointing to Mr. Bache, "Arrest that man". Notwithstanding his saying that I did not realize the fact that I was about to be arrested, for I knew of no offense that I had committed. I was seized first here [Witness illustrates by taking hold of the lapels of his coat], and pulled forward, and I was taken by one arm. I had no coat on, simply a dressing gown. I was seized by one or both of my arms

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and pulled into the hallway.

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Q. Just at that point I will ask your attention to the way in which you were dressed at that time; did you have on such clothes as you have on at present? A. I did not, I had been exercising that afternoon and had just had time to take a bath.

Q. You mean you had been exercising upstair in the gymnasium of the Racquet Court? A. Yes, sir; and I had on a pair of drawers, and a pair of socks, a pair of low patent leather pumps; the upper part of what is known as a _____ suit, and over that I had what we call a blanket ulster, which we use after exercising to put around us so as to protect us from catching cold.

Q. Have you those garments here? A. I have,

Q. Will you produce them? A. Yes, sir; [Witness produces same].

Q. Did you ask to be allowed to put on your clothes? A. At the moment of going out of the door I asked to be allowed to go to my rooms

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which I indicated as being at the other end of the hall.

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2. What did they do to you when you made that request? A. I saw a club flourish in the neighborhood of my head, and I dropped my head to the best of my ability in hopes it would not come in contact with my head. I saw the blow struck at me.

2. What officers had you under arrest?

A. Number 212 and number 2068.

2. Can you identify and point them out? A. That man with his hat in his hand is one [Pointing to Officer Behne]; that man who is slightly bald is the other man [Pointing to Officer Weeks].

2. You were taken off to the station house by them? A. I was taken to the station house by them.

2. And what occurred as you were going downstairs of the Racquet court building?

A. I requested again to be allowed to put my clothes on, stating at that time that there could be no propriety in taking me in the street in the custom I was then in - as briefly as I could of course for

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I was hurried along—and saying that my rooms were right there, and I wanted to be allowed to dress, that I was perfectly willing to go but I wanted to be allowed to dress. I then reached the head of the stairs and I heard a voice—well, as near as I could tell by the sound, and by the fact that I did not see anybody in front of me who was speaking—I heard a voice saying, "God damn his soul! Throw him down the stairs", and to the best of my belief I was then struck again by a club. I saw a club moved in the direction of my head on each side of me, and I dropped my head. I could not look at my shoulder to see whether it actually touched my shoulder or not, but I felt something hit me. I was taken up to the station house through the streets without being allowed to dress or to put on my hat. In the street there was quite a crowd at the time.

Q. Quite a crowd collected around, was there? A. A large crowd on 26th Street, and all the way around the

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21. corner on Sixth Avenue. Before I got to the station house I looked to see the numbers of the officers, and the officer on my left hand side — we walked on the east side of Sixth Avenue — saw me looking at his number, and he said, "Damn you, you can look at my number, I will tell you what it is, it is 2068." I then proceeded with him and got to the station house, and when I got there I was ushered into the room in front of the sergeant's desk, and I was placed in a certain position —

2. Suppose you come around here and exemplify that? a. I was placed, to the best of my recollection, near the end nearest to the street of the desk, and I stood against the desk in this position [illustrating], leaning this arm on the desk. I will not swear positively it was this arm [left arm], it may have been this arm [right arm]. Officer Bringle took me this way, and ^{said} "stand around there", or words to that effect [illustrating] and I said, "Sergeant, can this be

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allowed here", or words to that effect. Nothing was said at all; he pushed me further than that, and then I heard the words from the sergeant, "Keep still", whether he meant them for me or for the officer I could not tell.

2. Were you searched? A. I was then searched. Officer Bringle put his hands in my pockets and took the things out. I had a pen knife, I believe I have it now. That was the only thing that was taken from me, and it was left at the desk. After he had searched the outer pockets he insisted upon my unbuttoning the garment which I had on, which was this ~~one~~ [the blanket ulster], and when I saw that it had to be done I proceeded to unbutton it to the best of my ability and as rapidly as possible. I had these drawers on, and having been jostled and hurried along part of my person was exposed. After I had unbuttoned the two top buttons I tried to hitch up my drawers, and the officer seized hold of this [the ulster] and pulled it open. I had, however,

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succeeded in arranging my drawers by that time.

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- Q. After that were you put in a cell?
A. Yes, sir; and I remained there all night when I was brought down here.
- Q. When you were taken up to the station house what crime were you charged with?
A. With interfering with an officer in the discharge of his duty.
- Q. Had you done so?
A. I had not.
- Q. Had you assaulted Bringer in any way?
A. I had not.
- Q. Now, when you got into the cell in what condition did you find yourself respecting your shoulder and your arm?
A. I observed my fingers moving as I supposed from nervousness, and when I realized my situation I cooled down a bit, for it certainly was exciting. I felt a pain in my shoulder and a numbness in my arm. I unbuttoned my waist, and I could look and see where the blow had struck me. It showed just as though the blood was about to exude through the pores. Then, as short a time as I could after the blow had been struck —

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2. How as to your arm? a. My arm felt numb, and this tingling sensation in it.
 2. Was it bruised? a. Yes, sir; I had two bruises here [Illustrating].
 2. You had that examined by a physician, did you not? a. Yes, sir; the succeeding day, by two physicians; one of them was Doctor Mott.

Cross-examination waived.

Dr. Valentine Mott, sworn and testified:
I reside at No 62 Madison Avenue,
I am 30 years of age, and am a
physician and surgeon.

By Mr. Tenney,

2. You have been practicing medicine about how long? a. Four years, and something over I think.
2. You know Mr. Szymar? a. I do.
2. And you examined him the next day after this arrest, did you not?
a. Yes, sir; I was called in to see him. I found two separate and distinct injuries on his person; one on the right shoulder, a severe contusion, evidently, to my mind, produced by a blow of some blunt instrument

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25 upon the shoulder along here [Illustrating] about six inches long and about two inches broad; the blood was all brought to the surface there, and it looked very black. There was also another one on the side of the arm just about the biceps muscle. He was also complaining of a numbness down his fingers ends and in his arm, which would naturally follow a blow of that sort; the nerves in the higher part of the arm being struck and injured.

2. By a blow of that sort do you mean the blow on the shoulder? a. By the blow on the shoulder or by the blow on the arm; both would tend to produce that feeling in the arm.
Cross-examination waived.

Jose Aymara, recalled.

By Mrs. Ferrary.

2. You have spoken of some injuries that you found on you at the station house; were those injuries on you, or any part of them, before you were arrested? a. They were not. I had occasion to observe it because I had

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taken a bath immediately before my dinner.

2. And you were all right then? A. I was all right then.

Plaintiffs rest

Defense

John Larson, ^{called on behalf of Defendants} and testified:-

I am 29 years of age. I am employed as a salesman downtown, and I reside at 212 West 125th Street.

By Mr. Whitney.

2. Will you state what you know about the loss of your pocket book on June 8th 1882, and about the arrest of John Whitehurst by Officer Bingley?

A. On Tuesday, the 6th of June, I was going up to Troy, and I called in Rushton's drugstore to buy some soap &c. to take with me. While there, after purchasing the soap, I opened my satchel to put the soap in and left a small pocket book that I carried for change on the counter. Just at that moment I saw a car coming, and I wanted to catch the boat, and I closed my satchel, hurried out and jumped on the car and went downtown. About five minutes afterwards I missed

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my pocket book, but knowing the small amount of money in it I did not think it worth while to go back after it. On Thursday evening after my return from Troy I went into the drugstore and asked for my pocket book. Mr. Rushton was not in, but his clerk said that Mr. Rushton had seen a colored man take it from the counter. He told me Mr. Rushton would be in soon, and to call again. I called back again about seven or a little after and saw Mr. Rushton. He told me Mr. Bourne's servant had been in his drugstore a short time after I had been there and he saw him lift the pocket book from the counter. Mr. Rushton said that he asked if that pocket book belonged to him, and he said yes. Mr. Rushton then said, "I did not see you leave it there", and the colored man answered saying, "You can't see everything". This Mr. Rushton told me. Afterwards, he said, the colored man took some money from the pocket book and made a purchase. He said he was

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willing to make an affidavit that he had seen the colored man lift it. I then asked the janitor of the Baquet building who the colored man was. He said he was a man by the name of John. I asked if he could identify him. I sent a boy upstairs then to tell John that I wished him to bring down my pocket book. A man came down, and I went up to him and says, "I want my pocket book". "Oh," he says, "it is John you want?" I said, "If you are not John will you please to tell him to send down my pocket book, or I will send an officer here". He went upstairs and came back to say if I wished to wait until half past eight he would come down, if not to send up my officer. I was rather nettled at that, and I immediately went to the corner and saw Officer Bingley standing at the corner and told him the state of the case. He asked, "Did you see the man take the pocket book?" I said "No". I says, "Mr. Rushton the proprietor of the drug store is willing to make an affidavit that he saw him take it". We went into the

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drug-store, and Mr. Rushton said, yes, Mr. Rushton said that nobody was in the store but himself, but that the janitor could identify the man. The officer went then to the club and went upstairs as I thought to arrest the colored man. I waited down in the hall or vestibule for him to come down to go to the station house to prefer the charge. I waited for ten minutes and no officer came, and the janitor told me to go up and see what was the matter, and I went up, and the room was pointed out to me that the officer was in. I went and knocked at the door. A gentleman opened it whom I then didn't know; that is the gentleman [Pointing to Mr. Ayman]. I said, "I sent an officer up here to arrest a man for taking my pocket book." He says, "You can't come in here." I heard a man call out, "Go up and tell Captain Williams." I said, "I sent an officer to arrest a man; it is his duty to do it." It was called a second time, and I says, "Is that the

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officer's voice?" He says, "It is, go up and tell Captain Williams." I went up to the station house and the captain was out, but the sergeant was at the desk and I told the case to him. He detailed two officers to go back to the club house with me. When the officers came there I went upstairs, and there was quite a gathering around. The officers were refused admission into the room, and told they could not get in unless they had a warrant. One officer remained there, and the other went to the station house and came back with a squad of policemen.

2. What occurred after that? A. I saw the two gentlemen brought downstairs in the custody of the officers, and the colored man was brought down, and an officer came to me in the vestibule and told me I would have to go to the station house and prefer a charge against the colored man. I said I would go. He walked beside me up Sixth Avenue to the station house, and I went in and preferred the charge on Mr. Rushton's affidavit

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against the colored man for stealing the pocket book, and then I was told to come down here the next morning.

2. Do you know the officer with whom you walked to the station house? a. I think that his the man [Pointing to Officer Sweeney].

2. Was there a great deal of excitement around at the time? a. Yes, sir; and there was quite a crowd around.

2. Were any threats made on the part of any of these gentlemen about breaking the officers? a. Well, I don't know who made the threats, but while on the way up to the station house I heard some one behind my back say they were going to make it hot for me, and that made me go and engage a lawyer because I thought if there was going to be any trouble I would keep on the safe side.

In the morning when I jumped off the car down here Mr. Rushton gave me a letter from a member of the club asking me not to press the charge against the colored man.

By Mr. Tenney.

2. Have you got that letter? a. I have, yes, sir.

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By Mr. Whitney

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2. Read it? A. [Reading] - "My Dear Mr. Buxton: I hope you are like me in respect to being decidedly a peacemaker. Mr. Carson lives so far from here that I cannot see him tonight to talk the matter over now, and write this note to you in the interest of the club, and do hope that if you see Mr. Carson tomorrow you will be able to convince him that it would be better for the club not to bring a charge against the negro. I will personally agree to pay Mr. Carson any loss he may sustain, and further, now, I will state that he (Mr. C.) will greatly smooth matters over and make everything more pleasant should he refrain from appearing against the colored man. I do sincerely hope, for the interests of all parties, you will use your influence to prevent Mr. Carson from appearing tomorrow, and know you will receive the kindest wishes of the Buxton court by so doing. Yours, sincerely,

Charles E. Jenkins, Member of the Club.
2. Did Mr. Jenkins talk with you about this matter? A. Mr. Buxton appeared first and gave me that letter. Mr. Jenkins then came up, and I told him I did not

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I wish to get any gentleman into trouble and if I could do so I would withdraw the charge, but I would not do anything until I had seen Colonel Spencer. He was the counsel I had engaged the night before. I waited outside until Col. Spencer came, and then I stated to him that I had not the time to spare myself, and I would like to withdraw the charge against the negro. He said he would arrange it. I left the matter entirely in his hands, and sat down in court. In court the colored man sent a purse ^{to me}, while I was sitting with Colonel Spencer in the back of the room, and asked if that was my purse. Col. Spencer waved it away, and said, "We don't want it, if there was a thousand dollars in it we wouldn't take it." Col. Spencer stated the case, and said that I did not wish to prosecute, that we were all a little excited the night before, and were willing to let it drop. The Police Justice asked if I wished to withdraw the case. I said yes, and he said, "Case dismissed."

By the Court.

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2. Did you see the purse that was passed to you? a. I did.
2. Was it your purse? a. It was not.
2. It was a purse with money in it?
a. Yes, sir; I saw the bills in it.

Cross-examined by Mr. Tenney.

2. When was your purse lost or stolen?
a. On the 6th of June.
2. What time? a. About half-past five; the boat leaves at six o'clock, and I was in a hurry to catch it.
2. What boat? a. The boat for Troy; I was trying to catch that boat.
2. Can you describe that purse? a. It was a little purse such as you can buy on the stands in the streets for ten cents. Before I started I had about seventy dollars in bills in it, and I took them out of it by chance and put them in my vest pocket, and left a few bills and small change to pay necessary expenses until I got out of town.
2. Amounting to how much? a. About \$3.
2. What was the purse made of?
a. Black leather.
2. Can you give any further description of it? a. It had two little round knobs

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- that clasped, the one passed the other.
2. You have no personal knowledge that John stole it? A. No, sir; I have no personal knowledge that he stole it.
2. You never saw it in his possession? A. Never.
2. Who is this Mr. Jenkins whose letter you have read? A. I don't know.
2. You don't know that he was authorized to speak for John? A. I don't know. He was introduced to me, and that letter was shown to me as his.
2. You don't know his handwriting? A. I do not.
2. You don't know that he had any connection with this case one way or the other, except what is shown by that letter? A. I do.
2. What do you know about it? A. While I was standing in Mr. Rushton's store after the policeman had gone to get further help he came up to me and asked some question to try to settle the case. I refused to speak any more about it. In the morning he said to me, "If you had listened to me last night this might have been smoothed over".

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I said; "Mr. Jenkins, the way I was treated last night made me feel a little angry, otherwise I should have gladly listened to what you said." That is all I know about it.

Q. When the policeman was sent to make the arrest who went with him? A. The janitor; I did not go.

Q. Didn't the janitor stay downstairs? A. I could not swear to that.

Q. Haven't you already said that the janitor spoke to you and told you to go upstairs? A. The janitor spoke to me, because after the policeman went upstairs I waited on the sidewalk and I went into the vestibule and saw the janitor.

Q. You went up with the other officers and they demanded admittance? A. Yes.

Q. Who spoke to you from the inside? A. I don't think any one did. It was from the parties outside in the hallway.

Q. And what did they say? A. That they could not come in without a warrant.

Q. Who were those parties? A. I could not say who they were; I was in the background, and I did not come forward.

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John C. Rushton, called on behalf of the
defendants, sworn, and testified:

By Mr. Masten.

2. Where do you reside? A. 103 West 48th
Street.

2. What is your age, and occupation?

A. Age 42; occupation druggist.

2. State what you know about this matter
from the beginning? A. On Tuesday
afternoon, June 6th, Mr. Larson came
into my store and wished to purchase
some goods. He purchased seventy-five
cents worth, and afterwards twenty-
five cents worth. I saw him take a
dollar bill out of a small pocket book.
He gave me a dollar bill. I thanked
him and he said he was going to Troy.
He took up his little bag and ran out
of the store and got into a car. He
was in front of the counter, in front
of the scales. After he went out a
gentleman came in for some soda
water, and I came out to go around
the counter, and waited on him. While
he was there a gentleman came in
and showed me some goods. While
talking to him, in came John, looked
at me, and said: "I would like some

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camphor." He waited at the end of the case in the front of the store [witness illustrated]. I came around towards him, and we both met near the end of the counter, and both saw the pocket book lying on the counter - he a little sooner perhaps than I did. He looked at it sharp. Says I: "Is that yours?" He says: "Certainly." "I didn't see you lay it down there." He said, "You don't see Everything." He took it up and spoke about purchasing a card case - said he would like to get one. He opened the pocket book, - put it into the centre of his hand, - and paid me with the change for the card case, then he got the camphor and went out. The pocket book is what you would call a little change pocketbook with two knobs on it; a dark coloured pocket-book. The occurrence impressed me so that when my clerk came in I stated the case to him. I felt annoyed. I felt it was not John's pocket book; but of course I had to let it go. I should have sent to Mr. Carson, and asked him if he had left his pocket-book there, but I knew he had gone

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out of town, and so did not do it.
I never mentioned anything about it.
On Thursday afternoon Mr. Carson called,
said he wanted to see me; that he had
left his pocketbook there when he did
some trading with me on Tuesday.
I was not in when Mr. Carson called,
and he called again in the evening,
when I told him that I had seen this
man taking the pocketbook from the
counter, and all about it. He went into
the Club, and what transpired there
I do not know. There was a big excite-
ment. That is about all I know about
it.

By Mr. Whitney-

Q. Were you down to Court the next day?

A. Yes sir; there was a great deal of
talk about it. My clerk says to me
"You had better go home and avoid
this, for the less said about this
matter the better." So I left, and Mr.
Carson had gone out in the meantime
and employed counsel, and he wanted
me down to Court the next morning.
Mr. Carson went to my house for me
that evening. He rang the bell and
they did not hear him because it

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was quite late; and during the time I left Mr. Jenkins called in and left a letter for me, and on the strength of that I met Mr. Carson down here and showed it to him; had a conversation with him and told him I had agreed with Mr. Jenkins to smooth the matter over.

Cross Examination waived.
Frederick Ringlew called on behalf of the defendant, sworn, and testified:

By the Court.

- Q. Where were you born? A. In Germany.
Q. What is your age, occupation, and residence? A. Age 31; occupation policeman; residence 14 Bayard Street; I have lived there 8 years.

By Mr. Masten.

- Q. State what you know about this transaction? A. On the evening of June 8th Mr. Carson called on me on 26th Street near 6th Avenue to arrest a man for stealing his pocketbook. I asked him about the circumstances of the case, and in a few words he said that Mr. Rushton knows all about it; that he had left a pocket book in Mr. Rushton's drug store. I crossed over to see

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Mr. Rushton about it. He said a colored man picked up Mr. Carson's pocketbook from the counter. I asked Mr. Rushton who this colored man was. He said John Whitehurst who works in the Racquet Club. I asked Mr. Rushton to come around in the Club and point out this man to me. Mr. Rushton first declared that he was willing to go to the police Court and make an affidavit that the colored man had stolen the pocketbook. I asked Mr. Rushton to come along and point out the colored man. He said he could not go then as there was no one in charge of the store but himself, but if I would call at the main entrance of the Club, the janitor would undoubtedly point the man out to me; so I went and stated my case to the janitor, and told him to point out the man to me. We went up one flight of stairs, and there was the colored man John Whitehurst, and I declared him under arrest for having stolen the pocket book in Rushton's drug store. He demanded a warrant. I declared it was not necessary to have

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a warrant to arrest a man on a felony. He then asked me, as he was specially engaged serving dinner, to excuse him for a moment to carry a tray with several dishes on it into the dining room. I said "Very well, but mind you, you are my prisoner and I will follow you into that room." We went into the dining room. We passed through an anteroom, and there was sitting at the table several men, Symar, Bache, and another man who is ^{not} here - he may be here, but I cannot identify him - at least he had full whiskers then; I think he has them shaved off now. Symar asked: "What is this, John?" Whitehurst said: "I am arrested." They asked what for. I said "I arrested him for stealing a pocketbook." They said "Have you a warrant?" Symar said, "Have you a warrant to arrest this man - to come into our private rooms and arrest this man." I said, "It is not necessary to have a warrant to arrest a man charged with felony." They said "Well, you had no right to come into our room to arrest him." I said "He was my prisoner before

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I entered your room." Aymar said "Well, you can't take him out of here." I said "I will"; and I tried to bring him out with me, when Aymar jumped up and shut the door, and said "You cannot leave here except you show a warrant of some authority to make this arrest." I said "You know I am a policeman." So Bache followed Aymar to the door and declared I could not leave; said if I would leave the room alone without my prisoner certainly I could go. Of course I declared I would not go without him. So Mr. Aymar called another colored waiter who was in the front room, and he sat down on a chair with his back against the door and ordered his colored man to bring out some part of the dinner - strawberries, ice cream, or whatever it was. Bache stood with his back against the door, and while we were talking there pretty loud the colored man remained in the door entrance to the dining room, and I stood alongside of him. A man knocked at the door and inquired if there was a policeman in there that was called

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on to make an arrest. I said: "Who are you? Go up to the station house and notify Captain Williams that I have a man here under arrest, and tell him to come down and get me out of here." In the meantime one of the men of the Club offered the colored man a chair to sit down on, and another man asked me to sit down. So ten or fifteen minutes perhaps passed, when they mutually agreed to send for a telegraph boy. He came, and they told him to go to Captain Williams to argue points of law whether a policeman had a right to make the arrest. I told the telegraph boy to call any policeman he saw in the street. Shortly after this policeman Phelps - I recognized his voice - I don't know whether Phelps asked to be admitted or not, but he did not enter the room - Phelps asked if I was inside. I said "Yes; go up to the station house turn out a part of the reserve section and burst the door in." So after about 15 or 20 minutes had passed, several policemen came, and after an attempt was made to burst the door in,

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a man, whom I arrested afterwards, opened the door from the inside. I held on to my colored man, and pointed out to the policemen to arrest Aymar and Bache. — Alley escaped in the rush and excitement. So I took the prisoners to the Station House, and stated the case. While we were in the room the colored man had a purse in his hand, or showed it to Mr. Aymar and Bache and said; "This was the pocket book which I had, and it is my own." When I searched him at the station house nothing was found in his possession except a knife; no pocketbook of any kind." Of course the prisoner was discharged the next morning as the complaint was withdrawn. Aymar and Bache were fined by the Police Justice.

Mr. Tenney objects.

2. When you got out of the room with the prisoners finally, how many people were there around the hall? A. That is more than I can tell; the hall was packed full of people — policemen and civilians.
2. What do you say about this clubbing

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that is talked about? - Did you see any clubbing of the prisoners at all?

A. None whatever.

2. The colored man says you struck him twice; what do you say to that?

A. I did not.

Cross-Examination by Mr. Tenney.

2. You say you did not strike the colored man twice. Did you strike him once?

A. No sir.

2. You did not strike him at all? A. No sir.

2. You swear positively to that? A. Yes sir.

2. You say you arrested the colored man on the statement of Mr. Carson, and the statement of Mr. Rushton? A. Yes sir.

2. What was the crime charged against him? A. Stealing.

2. Stealing what? A. Stealing a pocket-book containing several bills.

2. Of what amount? A. I did not inquire.

2. Didn't he tell you? A. No sir; not until we got to the station house.

2. You did not inquire what it was?

A. Not at the time.

2. And you did not know? A. I did not.

2. When did he say the crime had been committed? A. At the time he spoke to me first he did not say, and I was

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under the impression that it had been committed a short time previous, until the case was established what had occurred.

Q. What do you mean by the case being established? A. When he had stated the case to me.

Q. But prior to the arrest you did not know when it had occurred? A. No sir.

Q. And you did not inquire? A. I did not. The way the statement was made to me I was under the impression that the crime was committed just a few minutes previous.

Q. Did he say so? A. He did not.

Q. And you did not inquire when it was committed? A. No sir.

Q. Where did you make the arrest of the colored man? A. In the hall-way, one flight of stairs up, in the Racquet Club.

Q. About what time? A. It must have been then about 8 o'clock, because when I took out my watch after I was locked in the room it was five minutes past eight.

Q. What did you say to the colored man?
A. I said to him "I arrest you for stealing"

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-larceny."

Q. Is that all you said before he spoke?

A. Yes, sir.

Q. Well, what did he say? A. He asked me if I had a warrant to arrest him. I said, "no"; that it was not necessary to have a warrant when a man is arrested for a felony.

Q. Did you say that he was arrested for a felony? A. Yes, sir.

Q. What is your idea of a felony?

Objected to.

Sustained. Exception taken.

Q. What did he then say? A. He then said that he could not go very well. I said, "never mind that." He said, "Well, excuse me for one moment, and give me a chance to change my clothes." I said, "I will follow you into that dining room."

Q. And you went in? A. Yes, sir.

Q. And you found the gentlemen eating their dinner? A. I found two gentlemen sitting at the table, and the third one I am satisfied was sitting down too. It was a kind of a long round table. Symar was sitting at this end of the table, Bache at the other end

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- of the table.
- Q. Was the third man sitting at the table? A. Yes, sir; but I don't know whether he was eating, or not.
- Q. Who was the third gentleman?
- A. If I should give my opinion of it, it is that gentleman sitting there. [pointing to Mr. Blois.]
- Q. You think he is the man?
- A. I am satisfied in my own mind that he is the man.
- Q. Can you swear to it positively?
- A. No; I could not.
- Q. What did you say when you went in?
- A. I was asked first.
- Q. What were you asked? A. If I had a warrant for his arrest.
- Q. Didn't you declare that you had arrested him? A. After the colored man declared, on their question, that he was arrested.
- Q. Then Symon asked if you had a warrant? A. Yes, sir; I said I had no warrant; that it was not necessary to have a warrant. I said he was charged with having stolen a pocket book in Rushton's drug store.
- Q. Did you state he was charged with a

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felony? A. I did.

Q. Did you state when he was charged to have stolen the pocket book?

A. I did.

Q. Did you state the amount? A. I did not.

Q. What did they say then? A. The colored man then said that the thing had occurred two nights previous to the arrest.

They called on a man, who is present in Court, on account of his being a lawyer, to give his opinion of the case. He said I had no right to make the arrest. I insisted on it that I had a right to make the arrest.

Q. What then occurred? A. Symar said that I could not make the arrest, and got up from his chair and started for the door. I got hold of my man trying to drag him out of the dining room, and Symar closed the door; he shut the door. I don't know how the locks are arranged there; I never examined them.

Q. When you took him to the station house you stated that he had locked the door, did you not? A. I may have said so.

Q. Did you not state that the door was locked? A. No; the question was asked

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- me and I said the door was closed.
- Q. Did you not state here before Judge Ford that the door was locked? A. I did not; I merely stated that the door was closed on me.
- Q. When he shut the door what did you do? A. Bache got up in the meantime and joined Aymar in standing guard against the door. I had hold of my man and walked towards the door trying to convince them that I was in the right, and of course they would not listen to anything, and declared, in short, that I should not leave the room. In the meantime Carson had communicated with me through the fanlight over the door, and Aymar sat down then against the door inside the room.
- Q. He put the chair against the door and sat down so that you could not go out? A. Yes, sir. That is the man. [pointing to Aymar.]
- Q. There can be no mistake owing to his having on different clothes? A. No, sir.
- Q. You are confident that he was the man? A. Yes, sir.
- Q. How long did he stay there?

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A. I did not keep time - 5 or 10 minutes.

Q. When he got up did somebody else sit against the door? A. There was a man by the name of Steley in there, and he stood up against the door.

Q. And prevented you from going out?

A. Prevented me from going out.

Q. How long were you in that room?

A. Until the police arrived - from five minutes past eight until about twelve minutes of nine.

Q. Nearly three-quarters of an hour?

A. Yes, sir.

Q. How many people were in there during that time? A. Including the colored man six, or seven, or eight.

Q. Did some people come in while you were there? A. While I was in there I did not see them coming in. I saw them in, but I did not see them coming in.

Q. Did not some people go out while you were in there? A. No, sir; except the telegraph boy.

Q. Did not Mr. Symar go out while you were there? A. Not that I saw. My whole attention was principally on my colored man. I do not know

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- whether he went out or not.
- Q. Were there not, in point of fact, people passing in and out there all the time?
A. Not as I saw.
- Q. Do you know whether they did or not?
A. I don't know.
- Q. And was it not perfectly feasible for you yourself to pass out at any time?
A. No, sir.
- Q. Or a large part of the time?
A. No, sir.
- Q. Was it not perfectly feasible and easy for you to pass out alone without the colored man?
A. Yes, sir; alone, but without my prisoner.
- Q. Didn't you testify the next morning here before Justice Ford that Mr. Ayman did not leave that room at all?
A. I don't know whether I did or not.
- Q. You say you were born in Germany?
A. Yes, sir.
- Q. How long have you been in this country?
A. About 17 years.
- Q. You are a citizen?
A. Yes, sir.
- Q. Got your papers?
A. I have.
- Q. How long have you been on the force?
A. A little over seven years.

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Werner Brand, called on behalf of the defendants, sworn, and testified;

I reside at 258 East 78th Street. I am 30 years of age. I am a musician at the present time.

By Mr. Master.

Q. What was your business in June of this year? A. Janitor of the Racquet Court building.

Q. Will you state what you know about the arrest of this colored man?

A. On the evening of June 8th, about 7 o'clock, a gentleman came to the door and asked me if I could not send a boy up stairs to call for a colored waiter named John Whitehurst.

Q. Is that the gentleman who came to you there? [indicating Mr. Carson.] A. Yes, sir; and I sent a boy up stairs, and I don't know what answer the boy brought back, but I found out afterwards that Mr. Carson was speaking to a policeman Ringlee in front of the house, and I saw him ^{in the} lower office. I afterwards see Mr. Ringlee go with Mr. Carson into Mr. Rushton's drug store, and about five minutes afterwards Ringlee came back and says: "Do you know a colored man named John Whitehurst,

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I want to arrest him for a felony." I says, "Yes." I says, "Please follow me," and I went up stairs into the first hall. When we got there John Whitehurst had just come out of Mr. Munroe's room, and I said to Ringler, "That is John Whitehurst;" Ringler walked up to him, and they stood in front of the heater which was in the middle of the hall. I immediately went down stairs again into my office, as I did not care to know what was going on. Mr. Carson in the meanwhile was walking sometimes on the sidewalk, and sometimes in the lower hall, and there was about eight or ten minutes elapsed, when Mr. Carson said that he was getting disgusted with the delay, and to tell the officer either to make the arrest or get some other officer. So we went up stairs. I saw Mr. Carson knock on the door of the room, and then I heard Ringler say: "Go to Capt. Williams, or to the Sergeant, and get a squad of policemen." Mr. Carson then went down stairs, and in about 5 or 6 minutes two officers came. Before the officers came Mr. Munroe went into the room and came out again, and a crowd of

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10 or 12 gentlemen, members of the Club, had assembled in the hall and wanted to find out what it was. I told them the colored man was being arrested. Shortly after Mr. Munroe's arrival the two other officers came, and one of them knocked at the door, and Mr. Munroe told them they could not get in, that they would have to go and get a warrant, and told them that they were a fine set of men not to know that they could not arrest a man without a warrant. One officer went off, and six or seven members of the Club argued with the other officer, and the officer said that he knew his business. About eight, or ten minutes afterwards, a platoon of policemen, about eight men, came. A number ^{of} gentlemen, members of the Club, were standing around. They, of course, were all very much excited, and as soon as the platoon of police arrived and pushed open the door, they formed a dense crowd around the policemen. The sergeant knocked on the door and demanded immediate admission. It was, I should think, about a quarter of a minute

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before the order was obeyed, and just when he was ready to burst in the door, the door was opened from the inside; but he struck out, and the blow struck the door just the time it was opened. From that time to the arrest was about half a minute. The officers went in, and came out immediately with ^{the} prisoners. The gentlemen around were very much excited, and a great many raised their hands against the officers, and I saw 3 or 4 clubs raised, and I heard the officers say if the men interfered with them that they would club them; but I did not see any clubbing; and then the prisoners were taken down stairs.

By Mr. Whitney—

Q. Were you in Court the next morning?

A. Yes, sir; but I was not called up.

Q. Did you see the pocketbook offered to Mr. Carson? A. Yes, sir; I was sitting alongside of Mr. Carson, and I saw Mr. Hamilton, the lawyer, come with the pocketbook and offer it to Mr. Carson, and I could not hear the talk that passed, but I could understand the name John Whitehurst, and I saw Mr.

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Carson refuse it.

Q. [By the Court.] - Are you familiar with the kind of a lock which was on the door? Ans. - Yes, sir; it looks like an ordinary one, with a knob and a key hole underneath, like that on the door there [indicating]. There was another one above it - a lock manufactured by Newman & Capron - a spring lock, which can be opened from the outside, only, with a key, of course, if the latch is down. Mr. Munroe went in and out of the room 2 or 3 times, and he was asked by several gentleman out in the hall, "What is the matter?" and he says, "They have got a policeman locked up in there"; and then they all laughed.

Q. Do you know whether the spring was on the latch that day? A. Yes, sir; because I saw Mr. Munroe go in the room, and he had to use his key.

By Mr. Whitney.

Q. What were the circumstances attending your leaving the club? A. Mr. Tubbs discharged me. He said the governors of the club were pressing him to discharge me on account of my admitting the policeman. But it was certainly

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a private affair, and not the business of the Club members at all.

Q. You were discharged, were you?

A. I was discharged. I was sacrificed - traded off for the nigger. The nigger was to be discharged too, but he has not been.

Cross Examined by Mr. Tenney.

Q. You were not employed by the Club, were you? A. No, sir; I was not; I was employed by Mr. Tubbs, the proprietor of the building.

Q. You say you saw the roundman push in the door? A. Yes, sir.

Q. How large a crowd was around the door at the time? A. About 8 or 9 policemen, and at least 30 members of the Club. I was standing on the heater. The door was a little sideways.

Q. You did not see the arrest made?

A. I did not.

Q. Did you see John Whitehurst arrested?

A. No, I do not mean that. I mean I saw the other gentlemen and John Whitehurst taken out of the room.

James M. King, called on behalf of the dependants, sworn, and testified:

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I am 46 years of age, and by occupation am a policeman.

By Mr. Masten.

- Q. What do you know about this matter, Sergeant? A. On the evening of June 8th, between 8 and half past 8 o'clock, Mr. Carson came to the station house and said that he had left a pocket book in Mr. Rushton's drug store on the afternoon of June 6th; that he went there on June 8th after it, and Mr. Rushton told him that a colored man employed in the building had taken his pocket book; that he had sent a messenger up to this colored man to bring it down to him; that he offered to do so, but told him he would not bring it down until half past eight, that he (Mr. Carson) then saw officer Ringler and stated the case to him, and officer Ringler went in to see Mr. Rushton, and Mr. Rushton stated to the officer that he saw the colored man take the pocket book from the counter.
- Q. He detailed to you the circumstances as he has stated it? A. Yes, sir; and then he told me that officer Ringler had made the arrest, and that he was

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locked up in the building there, and they refused to allow him to come out with his prisoner. I called officer Phelps and sent him down there to see what the trouble was, and to bring his prisoner to the station house. Shortly afterwards Phelps came back and said that he had a very peculiar case; that officer Ringler was locked up in a room and could not get out, and he did not know what to do. I called roundsman Carley, and four officers of the reserve section, and told them to go down there and tell them who he was, that he wanted the release of officer Ringler and his prisoner, and that if they did not open the door to force the door open, and to arrest all parties that were detaining officer Ringler in there with his prisoners. At 9 o'clock the prisoners were brought to the station house, [reading]: "John Whitehurst, 24, years, waiter, of 131 West 26th Street, on complaint of John Carson of 211 West 125th Street, charged with petty larceny. Arrested by officer Ringler. Charged with taking a pocketbook containing about \$2. belonging

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to complainant from the counter of Rush-
tons drug store on Tuesday night, June
6th."

2. When was that entry made? A. That
entry was made on June 8th at 9 o'clock.
At the same time [reading] "José Aymar,
29 years, lawyer, of 55 West 26th Street,
arrested on complaint of officer Freder-
ick Ringler on the charge of interfering
with an officer in the discharge of
his duty."

By Mr. Tenney-

2. Are those entries in your handwriting?
A. They are, yes, sir. At the same time
[reading], "Thomas C. Bache, 25 years,
a lawyer of 55 West 26th Street," on the
same complaint; the charge here is
interfering with an officer while making
an arrest, and refusing to allow the offi-
cer to go out with his prisoner without
a warrant of arrest.

Cross-examination by Mr. Tenney.

2. Does it appear who had Bache and Aymar
in custody? A. No, sir.

2. Do you know who brought them in?

A. I do not. There was some 50 or 60 citi-
zens there at the time.

2. When you directed officer Carley to go down

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with the reserve squad, he went, did he not? A. Yes, sir.

2. And did he come back with the prisoners? A. Yes, sir.

2. What was done with the prisoners?

A. I took their pedigrees, and the complaint from the officer, and ordered them to be locked up.

2. You were in charge at that time?

A. Yes, sir.

2. And they were locked up? A. Yes, sir.

2. And detained all night? A. Yes, sir.

By Mr. Tenney-

2. Did you observe and rude treatment of these gentlemen by the officer?

A. Nothing unnecessary at all.

2. No slubbing? A. No, sir.

[Mr. Rushton at this point identifies and points out John Whitehurst as the man whom he charged with lifting the pocketbook in his drug store.]

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William Phelps, called on behalf of the defendants, sworn and testified:

I was born in Canada; I am 38 years of age, and reside at 585 8th Avenue; my occupation is that of a policeman.

By Mr. Maaten.

- Q. State just as briefly as you can your connection with this affair? A. On June 8th Sergeant King sent me down to the Baquet Club. I went down there, and the door was locked and they would not let me in. Officer Ringler spoke to me and told me to go back to the station house and tell the sergeant to send down the reserve section. I did so, and Roundman barley came down there with some men, and we went up there and took out the prisoners.
- Q. What took place? A. The Roundman went up to the door and knocked, and asked Ringler if he was in there, and he answered that he was. The Roundman then told them to unlock the door and we started to push on the door, and just then the door opened. Mr. Bache and Mr. Byman were next to the door, Ringler was inside with the colored man, and as

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soon as we went in he took out the colored man, and I took care of Mr. Pache and took him to the station house.

2. Was there any attempt made to interfere with you as you went downstairs with your prisoner? A. Some one hit me over the back with a cane, I couldn't tell who it was; I pushed him aside and came out with the prisoner.
2. Was anybody with you in charge of Mr. Pache, or did you have him alone? A. Yes, as I came downstairs an officer came up, but I told him to go back, that I was able to take him alone.

Cross-examined by Mr. Fenney.

2. Where were you standing when somebody hit you with a cane? A. Just as I came out of the door Mr. Symax came out first in front of me, and then Mr. Pache came next, and we stopped there, and the negro came out and went on downstairs by us.
2. It was not either of the prisoners who hit you with the cane, was it? A. No, sir.

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Philander F. Weeks, called on behalf of the defendants, sworn and testified:

My age is 32; I reside at 414 West 28th Street; I am a policeman.

By Mr. Master.

2. State what you know about this matter? A. On the evening of June 8th I was sent with Roundman Carley to the Racquet Club. When we arrived there Roundman Carley tried the door, found it fast, and then he knocked on the door with a stick. Some one on the inside says, "Who is there?" Roundman Carley said, "Policemen; open the door", and some one says again, "What do you want", and then the Roundman says, "Officer Brigler, are you there?" He says, "Yes, I am detained here as a prisoner, burst the door in", and the Roundman shoved his foot against the door and was just about to repeat it when the door opened. I should say five or six inches. We then, two or three of us, got against the door and shoved it in. As we opened the door Mr. Aymar and Mr. Bache stood just inside of the door between

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Officer Ringler who stood just back of them with the colored man. Officer Ringler said, "This man is my prisoner, and that man is my prisoner"; and I stood then right at the door and Mr. Aymar was passed out then. I took hold of his left arm and Officer Leink took hold of his right arm. He did catch hold of the door and tried to hang back, and just as he was going downstairs he says, "I want to put my clothes on", I looked down then and I supposed he had his pants on — something dark that I thought was pants. I was sure he had his pants on or I should have let him put them on. He then caught hold of the bannisters with his right hand. The string of my club was on my arm in this way, and my club hung down so [Illustrating] And as he caught hold of the bannisters, I reached up and took hold of his wrist and pulled his hand away from the bannisters. We then walked right on with him, and there was no more trouble. ~~On the way~~ ^{On the way} to the station house. I saw that Mr. Aymar

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appeared to be looking around to get my number and I says, "If you want my number it is 2068." There was no oath used at all, for that is something I don't do, and no man can ever say he heard me do that. I am bad enough, but I don't do that. That is about all that happened. We went to the station house, and we stopped right up in front of the desk, and there we let go of him.

2. Did you use your club on anybody that evening? A. I did not.

2. Did you see any clubbing by any of the officers there? A. I did not.

2. Did you get hit yourself? A. Yes, sir; I got hit on my hand; the scar is there now [showing].

2. What did you get hit with? A. With a cane.

2. Where was that? A. Just after I took hold of the prisoner, right near the door. I knew who hit me, but he did not come to the station house.

2. You carry the mark or scar on your hand now, do you? A. Yes, sir.

Cross-examined by Mr. Fenner.

2. Who hit you? A. I don't know his name.

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2. It was not one of the prisoners? A. No, sir.
2. Are you prepared to swear that no clubbing was done? A. I would not. I went out first. I don't know what was done after I went out.
2. Who took Mr. Symar to the station house? A. Officer Link and myself.
2. Officer Lehne did not? A. No, sir; he had nothing to do with it whatever.
2. What was Lehne doing; was he there? A. He was there; yes, sir.
2. Did he take any prisoner? A. I don't recollect that he did; I don't know; I was not there more than a minute or so I suppose.

James Lehne, called on behalf of the defendants, sworn and testified:

By Mr. Master.

2. You were one of the squad that went to the Baquet club? A. Yes, sir.
2. You have heard the testimony given here of the janitor and the policemen as to what took place there? A. Yes, sir.
2. Is their testimony correct, to your knowledge? A. Yes, sir.
2. Were any of these men in your custody

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at the time? A. No, sir.

Q. Did you strike anybody? A. I did not strike anybody.

Q. Did you see anybody struck by a policeman at all? A. Not at all.

Cross-examined by Mr. Fenney.

Q. Are you prepared to swear that anybody was not struck by a policeman with a club? A. No, sir; I will not. I will swear that I did not see anybody struck.

Q. You went down there with barley and the squad, did you? A. Yes, sir.

Q. You went back with them? A. I did.

Q. And you were there during all the time that the arrests were being made? A. I was.

Q. What were you doing all the time? A. I was going along with the parties. When the door was opened and I see that I was in the way, and this man Mr. Aymar was arrested then by two officers, and by passing out I see I was in the way, so I stepped outside, and I seen the other prisoners coming out and that there was no necessity for me to be there unless I was called on, and as Mr. Aymar

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was near the stairs somebody rushed in and says, "There are not all policemen here, there is somebody else here," and tried as I thought to liberate Mr. Byman, so I rushed in and tried with my arm to push them back.

Q. Who were those? A. I don't know, I don't see them here.

Q. What is your number? A. 212.

Re-Direct by Mr. Waster.

Q. Did you get hit yourself? A. I did, I got struck over the head with a cane or something of that sort.

By Mr. Fenner.

Q. Who hit you? A. I don't know; I can't say who hit me.

Q. It was not either of the prisoners, was it? A. I can't say.

Thomas F. Carley, called on behalf of the defendant, sworn and testified:

I reside at 164 West 25th Street. I am 33 years old, and my occupation is that of a policeman.

By Mr. Waster.

Q. What do you know about this matter?

A. When I arrived at the Club Officer Phelps designated the room. I tried the

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door, it was fastened, I rapped with my club - night club; a voice came from the inside, "Who is there?" "Policeman." "Stay there", I says, "Are you there Officer Ringler?" Yes, he says, I am here detained with the prisoner." I says, "Can't you come out". He says to us, "No, you will have to burst in the door." I then asked if they would open the door. There was no answer, and I stepped back from the door and raised my right foot to it. The door did not open, and I stepped back again, and then I saw as though the bolt was taken back from the door, and the door went open and I pushed in with it. When the door opened Mr. Ayman and Mr. Bache was by the door as it first opened. Officer Ringler was so that he would have to move Mr. Ayman and Mr. Bache in order to pass through the door. Officer Ringler says, "These two men interfered with me and prevented me from leaving this room." Two officers took Mr. Ayman. ~~Officer~~ ^{I took} hold of Mr. Bache and passed him out, and passed him to Officer Phelps. I then went back to the room.

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and Bingle was still there with the colored man, and he came out and passed through. I waited until they all came out, and I followed them down. The first time I saw Mr. Aymar after leaving the door of the room was up near 29th Street. He was the first man taken out. I did not see any clubbing done.

Cross-examined by Mr. Fenner:

Q. You didn't do any yourself, I suppose?
A. No, sir.

Q. Are you prepared to swear that there was no clubbing done in that room or around that door?
A. There was no clubbing done in that room or around that door. If there was, it was after they went out.

Q. You are not prepared to say that there was no clubbing in the hallway?
A. I am not. I did not see any.

Q. But you are not prepared to say that it was not done, are you?
A. No, sir. I didn't see it.

John Carson, recalled.

By Mr. Fenner.

Q. Have you given all the description you

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can of that pocket book? a. Yes, sir; I think so.

2. Where did you buy it? a. On Broadway, at a stand. I paid ten cents for it. It was a small round one, with nickel plated rim around it, and two little knobs that clasped.

Rebuttal

José Ayman, recalled.

By Mr. Tenney.

2. Did you hear the testimony of Officer Ringler as to your sitting down on a chair in front of the door? a. I did.

2. What have you to say as to that?
a. That it is utterly false.

2. Did you pass out of the room while the officer was there? a. I was out of the room twice whilst the officer was there.

2. You went out and came back twice?
a. Yes, sir.

2. Did other people pass in and out?
a. Yes, sir; Mr. Blois came in. There was Mr. Stewart came in. Mr. Alley went up in the club to get some cigars, and came down again. There was another

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- gentleman, Mr. Patrick Grant, of Boston; he came in whilst I was out of the room, and went out again, so he has told me since and so I have been informed by parties who saw him.
2. Was the door at any time locked or closed so as to bar ingress or egress?
a. The door is usually closed so that it would bar ingress without the use of the key, but it was closed as on ordinary occasions. You had only to turn the knob to open the door and go out. It was not locked with any key whatsoever. It was simply closed as ordinarily.
2. You have heard the statement of some of the officers as to the fact that Officer Behne did not go with you to the station house? a. Yes, sir.
2. What have you to say as to that?
a. The number that the ^{who held me} Officer had on his hat was 212, the officer who held me by the right arm.

Thos. C. Bache, recalled.

By Mr. Ferrery.

2. You have heard the testimony as to Mrs. Agmar's sitting on a chair in front

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of the door? A. I have.

2. What have you to say as to that?

A. Mr. Byman never sat down on any chair that was against the door, referred to by Officer Bingler. I shut the door myself, contrary to what Officer Bingler said. The door was not locked at any time, and I have often opened that door with one hand, not turning both of the knobs together, which is a physical impossibility, but by turning one and then turning the other. [Witness here illustrates how the knobs operate when opening or closing the door]. It was perfectly easy to get out, and men did come in and go out. I saw Mr. Grant come in, I saw Mr. Stewart come in, I saw Mr. Blois come in, and I saw Mr. Alley come in and go out. There are two doors but only one is used. Mr. Alley went in and out of the room several times, and it was on the coming in of Mr. Grant that I closed the door the second time, as I testified before, because a great many of the men had a curiosity to get in there, and that

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was the cause of the shutting of the door at that time. Officer Bingley testified before the Magistrate the next morning positively that the door was locked, so positively that the question was repeated two or three times, and he said the door was locked. I called the attention of Mrs. Elisha Root to the fact that the door was not locked, and he asked Bingley if the door was locked and Bingley said yes. Mr. Root asked, "Are you sure of it?" "Yes, sir". "Did you try to go out?" "No, sir".

By the court.

2. Did you say to Bingley that he could not go out of the room unless he sent for Captain Williams? A. No, sir. He did not then have the prisoner with him; the prisoner was in the dining room. The officer was alone.

By Mr. Whitney.

2. I understand that your position was that he had not a right to take the prisoner without a warrant? A. Yes, sir.

2. And that you would not let him take him — ? A. No, sir.

2. [Continuing] He might go himself, but

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he should not take the prisoner without a warrant? A. No, sir; that is not my position. If Officer Ringler had offered to go out of the room with his prisoner I would have allowed him to go.

2. Did you hear him call and say he was a prisoner there, and to go for the other policemen? A. I think I did.
2. Did it occur to you that his reason for calling out was that you refused to let him? A. I suppose that he thought so, but it did not occur to me at that time.

Eugene J. Blois, sworn and testified:-
I am 37 years of age, and am an attorney and counsellor at law.

By Mr. Tenney.

2. You were a visitor at the apartments of Messrs. Munroe and Bache on the evening of the 8th of June last?
A. I was.
2. When you went in whom did you see there? A. I called in there about twenty minutes past eight. I went to Mr. Munroe's room and rapped, and no

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answer being given I went to Mr. Aymar's
rooms and repeated the operation, and
the door was opened; but the door—
I being left-handed I always turn
the handle with my left hand. I went
inside and saw Mr. Bache and Mr. Alley.
Mr. Alley was smoking. I found Mr.
Aymar sitting at the table and I
spoke to him, and as I went forward
I nearly fell over an officer. Then I
looked around the room and I saw
the colored man sitting in the corner.
2. Which corner? a. The room is shaped
very much like this room, but the
entrance way is there [Illustrating].
The officer was walking up and down
in front of that door, and beyond
that were the two vestibules through
which I had to pass in coming in.
One of the gentlemen was smoking in
the vestibule, and the other was not
smoking. They invited me to have
some desert, and I declined and sat
down and smoked. I asked what the
trouble was, and one of the gentlemen
said, "No matter, it will all be over
very soon". There was also in the
room at that time Mr. Stewart, Mr.

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- Stewart was lying on the sofa. He got up and went across the room for something or other. I then lay down on the sofa and occupied that position. I was not there when the officer went in first. Mr. Byrnes was sitting there on the sofa - say, like about where you are [Illustrating]. Mr. Bache came in and sat down at the table. The officer sat down on the chair right by the door, door of the room.
2. Was there any one between him and the outer door of the room after he sat down? A. There was no one there, except those passing in and out. He sat there until some one rapped on the door when he sprung up and asked who was there. Ten or fifteen minutes, or perhaps half an hour - I heard the sergeant say it was nine o'clock when they were brought to the station house, so I must have been in there about forty minutes.
2. Did Mr. Byrnes at any time shut the door and sit down on a chair to prevent any one from going out? A. No, sir; a part of the time every one left the room except the Officer,

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John and myself.

2. The Officer and John were between you and the door? A. Yes, sir. Then after that Mr. Stewart came back and John got up and assisted in clearing off the table. The officer got up and followed John into a further room, and Mr. Stewart said, "There is no other entrance, officer", and he said, "All right", and went back and sat down. The gentlemen were back and forwards in the rooms. Shortly after I heard a bang on the door, and before I could jump up and get to the door they were all pouring into the room, and I saw three of them seize Mr. Aymar. At the same time two others seized Mr. Bache, and just before they seized him the officer who was in the room said, "That man obstructed me", pointing to Mr. Aymar, "bid that man". But there was no parking about the door before the door was opened, and I afterwards examined the door, and there were no scratches on it. I then tried to get out in the hall but could not. John was quietly walking out when two men came to Officer Brigler's assistance

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and dragged him out.

Cross-examined by Mr. Whitney.

Q. What did you learn the officer was waiting for when you came in the room? A. I thought at the time that John had done something - had got in some trouble, and they had sent for the officer for themselves.

Q. When he followed John into the other room? A. He did not follow John; he only went into a connecting bed room.

Q. Then you saw John was his prisoner? A. Yes, sir.

Q. You were there all the time the policeman there? A. Not all the time. I saw Mr. Munroe come in; asked what the trouble was, and John said he was accused of taking a pocket-book. And then either John, or the officer, said that there was two or three dollars in it. Then Mr. Munroe says 'that is petty larceny'; and the officer said yes; it was not a felony.

By Mr. Tenney-

Q. He said it was ~~not~~ a misdemeanor - not felony? A. Yes, sir.

By Mr. Whitney-

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Q. What did you think the officer was sitting there for? A. I thought he was very foolish to sit there, because the door was open all the time and he could have left if he wanted to.

Q. He testified himself on the stand, didn't he? A. Yes, sir; he testified that I was in the room when he came there, but I was not.

Q. The officer testified that Mr. Boche and Mr. Symar refused to let him go with the officer? A. I saw no such refusals.

Q. You did not see that there was anything to prevent the officer taking his prisoner and going off with him? A. No; I did not.

Q. Did you hear him call out that he was a prisoner? A. I heard him call out to some one outside the door to go to the station house for policemen.

By Mr. Tenney.

Q. Did you have a conversation with Capt. Williams afterwards? A. I had a conversation with Capt. Williams at the station house.

Q. Did you state to him that the man

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could not go away with his prisoner?
A. Cassin. I first asked Capt. Williams where and at what time the trial would be, and he told me it would be down at Jefferson Market at 8 o'clock the next morning. The second question I asked him was whether he considered it obstructing an officer in the performance of his duty by asking him whether he should not have a warrant for his prisoner. He told me that merely looking at an officer was obstructing him.

Testimony closed

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Court.

Transcript Stenographer's Notes.

New York,

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WITNESSES:

UNDERHILL & ADAMS,

Stenographers and Law Reporters,

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Wendell Goodwin, being duly sworn, testified as follows:

By Mr. Tennyson:

- Q. Where do you reside? A. No. 25 West 26th Street, at the Basket Club.
- Q. Do you know Mr. Symar? A. Yes, sir.
- Q. Did you see him arrested on the night of the 8th of June? A. I saw him brought out of his room under arrest.
- Q. Who had him under arrest? A. Some officers.
- Q. Did they have hold of him, one on each side? A. I think that the one on his left had hold of him, and the one on his right, at the time I saw him, I am under the impression, he just let go as he came through the door to attend to some other matter.
- Q. Did you see what they did to him then; if so, state it? A. I saw one man strike with his club, and, although I did not see the club descend actually on the man, I saw Mr. Symar flinch and cry out.
- Q. By one man do you mean one of the policemen who had him? A. One of the policemen; yes, sir.
- Q. Can you give a description of that man? A. I cannot.

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Cross-examination by Mr. Whitney.

2. Could you identify the man if you saw him? A. I could not positively swear to it, there was so many around us at the time, such a crowd, that it was to a certain extent indistinct in every respect.
2. You say there were so many people around that you could not identify any of those who were there? A. No; I say I could not identify the officers who came to arrest the men. The men who were arrested were there; the governors of the club were there.
2. Give their names? A. Mr. Williams, R. Travers, Mr. Le Martine and Mr. Sturges. They were three that I remember.
2. Were there any other gentlemen there besides those you have named? A. Oh, yes, sir; Mr. Jenkins was there, and different men who have been brought up here as witnesses.
2. Who were those? A. Mr. William L. Stewart, and the rest of the men I do not personally know, I merely know them by sight, and Mr. Dulos, although that I can't state

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- for I did not know him at the time.
But Mrs Charles Jenkins I will swear to.
2. And there were other members of the club that you know by sight and whose names you cannot recollect?
a. Yes, sir.
2. How many of those would you say there were? a. Half a dozen.
2. How many policemen do you recollect seeing there? a. Three; officer Bingley who was inside, the two men who were on the outside; and, if my recollection serves me, a sergeant with four men. I can't swear to the actual number, but I can swear that I saw that number.
2. And where were all these men standing? a. Around the door in the upper hall of the club.
2. Around the door of the room where officer Bingley was? a. No, sir; the officer was standing at the door, and these men were standing back in the hall of the club. I, personally, was standing on the left hand side of the door, leaning against it; and they were all in a bunch when they came out.

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2. Have you finished explaining the position of the parties? a. As far as I remember, when the officers came out of the room with the men in arrest the bystanders were in a bunch, as naturally men are; I can't give the individual positions of each man, but as they did stand between the stairs of the Backet Club and the door of Mr. Monroe's room, and the rest of the men were dispersed around in the hallway - naturally, as men congregate.
2. The most of the crowd, then, was about the head of the stairs and in the hallway, as I understand?
- a. Yes, sir.
2. How large was this hallway? a. I should say twenty feet wide at that point.
2. Where were these officers and Mr. Ayman at the time this clubbing took place?
- a. Just as they came out of the door, Mr. Ayman was pushed from behind and naturally as he came out he was expostulating, and he was struck at that moment. I was standing within two feet of him at the time; I was leaning against the side of the door when the officers came through - I was

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on the outside.

2. What do you mean by exostulating?

a. Well, looking around naturally as a man would, not offering any resistance with his hands because he was unable to, simply leaning back as they brought him forward.

2. Talking? a. Yes, sir; saying, "Put on my hat", or something like that.

2. Was he struggling any? a. No, sir.

2. From which direction was this blow that you speak of; was he struck from behind? a. I should say he was struck from behind.

2. Did you see who struck the blow — the full figure of the man?

a. I saw the full figure of the man, and the arm belonging to it with the club in it.

2. And at what place was the blow directed? a. I can't say which shoulder it was, but somewhere near here [Indicating shoulder].

By Mr. Tenney:

2. You have spoken of the hall of the Racket Club, do you mean by that the public of that building? a. I mean the hall up one flight.

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2. Through which all the tenants come? a. Up, six; the hall that the rooms about on.
2. That is no part of the club? a. It is the Backet Court building; the club proper only occupies the upper parts of the building, and the rooms below are rented to tenants, and this is the hall up one flight.

By Mr. Whitney:

2. Not occupied by the club, or not adjacent to the premises they occupy? a. It is directly under the premises they do occupy, connected by one flight of stairs.

By Mr. Tenney:

2. When you said on your direct examination that you did not see the club actually strike Mrs. Aymar did you mean that you did not see the impact of the blow? a. That is what I meant.
2. You saw the club raised and brought down? a. I saw the club raised and brought down.
2. Mrs. Aymar did not strike any one, did he? a. No, sir, not that I saw.

By Mr. Whitney:

2. You say Mrs. Aymar cried out?

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2. Do you remember what he said?
A. No, sir, it was an indistinct cry, as I remember, "Oh, don't!", or something corresponding to that, I can't give you the exact language, but it conveyed to me that he was hurt, it was a cry of pain.
2. You said there was a man on each side, an officer on each side, of Mrs. Agnew at this time? A. As he came through the door, yes.
2. This blow was not struck by either of those officers, was it? A. I think it was, sir; I think it was one of the men who had hold of him as he came through the door.
2. Struck him from behind? A. Struck him from behind as it appeared to me.
2. Do you know which hand the club was in, of the man who struck?
A. I can't swear positively to it. I have my idea in regard to it.
2. It was after he had come out of the door— Was it in the room or in the hall? A. In the hallway.

{ Adjd to Wednesday
July 19th at 10 A.M.