

0556

BOX:

402

FOLDER:

3733

DESCRIPTION:

Bauer, William

DATE:

07/01/90



3733

0557

Witnesses:

Off Moorey

Counsel,

Filed

day of

July 18 90

Pleads,

THE PEOPLE

vs.

State of Delant

D

William Bauer

F 23 90

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), Page 1059, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Francis Higgins

Foreman,
Post III December 1890

Pleads Guilty

Fined \$30

0558

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William Bauer*

Question. How old are you?

Answer. *49 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *211 Cherry street about 12 years*

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 and demand a trial by jury*

William Bauer

Taken before me this

day of

1885

Police Justice.

0559

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

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

Dated July 8, 1888 J. Henry Bond Police Justice.

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

Dated July 8, 1888 J. Henry Bond Police Justice.

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

Dated July 8, 1888 J. Henry Bond Police Justice.

0560

BAILLED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William J. Moroney

vs.

William Bauer

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4

Offence

Violating

Dated

1888

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

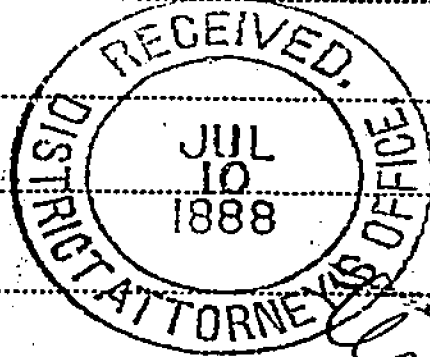
Street.

No.

Street.

\$

to answer



Bailed

0562

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their respective rooms late at night, were required to enter the hotel through the door leading from the street into the restaurant, and from thence into the hall-way leading to their room.

That shortly after one o'clock on the morning of the 8th. day of July, 1888, while this deponent was sitting in the restaurant awaiting the arrival of one of his guests, there came a knock at the door; that this deponent thereupon unlocked the door and saw a stranger standing outside; that the stranger pushed his way into the restaurant and asked this deponent for a glass of beer, which request this deponent refused, this deponent informing the stranger that it was after hours, and that he did not sell anything at that hour in the morning, whereupon the stranger who was a policeman in citizens dress, requested this deponent to accompany him to the station house, where he charged this deponent with having violated the Excise Law, in ^{not} keeping his said place closed.

This deponent further says, that at the time he was arrested, he had locked up his said place of business for the night, and that he had no intention of violating the law.

This deponent further says, that for the past two years, he has been seriously ill, that by the advice of his physicians, he sold said restaurant and hotel a year

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ago and retired from ^{said} business, and removed to Staten
Island, where under the advice of his physicians he can
obtain the benefit of the sea air. That he has never
been arrested for any crime, except for the charge
contained in the indictment herein

SWORN TO BEFORE ME THIS

15th DAY OF DECEMBER, 1890.

William E. Day
Commissioner of Deeds
N. Y. City

William Barnes

COURT OF GENERAL SESSIONS

THE PEOPLE OF THE STATE OF NEW

YORK,

against

WILLIAM BAUER

AFFIDAVIT

Henry J. Appel, Jr.,
Atty. for Deft.,
49 Beekman St.,
N. Y. City.

0564

0565

Excise Violation—Keeping Open on Sunday.

POLICE COURT

3

DISTRICT.

City and County } ss.
of New York,

of the 11th Precinct Police William J. Mooney Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 8th day
of July 1888, in the City of New York, in the County of New York,

of William Bauer (now here)

being then and there in lawful charge of the premises No. 211 Cherry St
Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be
drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of
the statute in such case made and provided.

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

Sworn to before me, this 8th day
of July 1888.

J. H. Thompson Police Justice. William J. Mooney

0566

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Bauer

The Grand Jury of the City and County of New York, by this indictment, accuse *William Bauer* of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *William Bauer* late of the City of New York, in the County of New York aforesaid, on the *eighth* day of *July* in the year of our Lord one thousand eight hundred and *Eighty eight* the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure, and suffer and permit to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0567

BOX:

402

FOLDER:

3733

DESCRIPTION:

Bleoo, James J.

DATE:

07/15/90



3733

Paul fixed at \$1000

Witnesses:

James M. M. M.
170 2nd Street

Bailed by
Leo Hunter
133 East 81 St.
July 16/90

For the reasons stated in the accompanying
my memorandum of this date, and in
the accompanying affidavit of James J.
Bleas, Johanna Young, Edward Grogan,
Robert Ellis, and Philip J. Kinty
I recommend the dismissal of these
indictments.

Dec 27/90. Ad. Barker

John D. D. D.

Paul
Louis Grant
311 July 190

Counsel,
Filed 15 day of July 1890
Pleads *W. D. D.*

THE PEOPLE
vs.
James J. Bleas
ASSAULT IN THE THIRD DEGREE
(Section 219, Penal Code).

JOHN R. FELLOWS,
District Attorney

(In paper book)

A True Bill

Ad. Barker
Foreman.

On the 29th of Dec.
Ad. Barker
Dec 29/90

0568

0569

Court of General Sessions.

-----X
The People &c.

Agst.

James J. Bleece

-----X
City and County of New York, SS:

Robert Gill being duly sworn deposes and says; I am 26 years old and reside at 304 East 34th Street. I am by occupation a traveling salesman, representing the Globe Manufacturing Co. of Worcester, Mass., manufacturer of household goods.

On the 26th day of June last about eight o'clock in the evening I was on the corner of Third Street and Avenue C. I saw officer Bleece, with whom I was never acquainted, being followed by the complainant, in this case, Johanna Young. She followed him from Third Street and Avenue C to Houston Street and Avenue C, the officer offering no violence but walking away from her. She was apparently extremely angry and excited and used loud and abusive language to him. The officer told her to go away and not annoy him on his post. She cried repeatedly that she would come on his post; that she would come whenever she pleased, and that he could not keep her away, and she said: "You God damned leafer, I want you to do right, I want you to come and meet me." The officer used no violence to her during all this time, but simply told her that she must not annoy him on his post. When they got to the corner of Houston Street and Avenue C the officer was about to cross the Avenue and had stepped off the side

0570

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walk to do so, when she followed him. She told him she would come when she pleased, and would follow him on his post. At this point a crowd of between one and two hundred people having collected about them, the officer turned around and took her by the arm and said "Now, I will take you in; I will have to take you in." He didn't strike her with his hand or club in any manner. She struggled when he seized her, but finally went with him. I stood within from three to four feet from the officer at this time. There were at least one hundred witnesses to this state of facts, and I declare most positively and solemnly that the officer didn't assault the complainant in any manner whatever. On the contrary, he only used such force as was necessary for the purpose of arresting her; that she was most disorderly and violent towards him, repeating many times the expressions I have mentioned above.

I have never spoke about this case to Officer Blee, until about seven or eight days afterwards, when, having observed a great many representations in the newspapers, which were totally untrue, and which threw all the blame upon the officer, and declared that he had violently and unjustifiably assaulted the girl, I felt it the part of ^{let} justice to ~~make~~ the officer know that I had seen the whole transaction and was willing to testify to the facts precisely as they happened. At the time of making this resolution, I was talking to a former fellow employe of the girl, who told me considerable about her character, at the time, and I went in company with him to the station

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house of the 13th Precinct, where I was informed where
Officer Blease might be reached, and I saw him shortly
after and told him the facts of the case. I had never,
as before stated, had any previous acquaintance with him;
and I have made this affidavit simply in the interests
of truth and justice, because the statements given to the
public by the newspapers were grossly and outrageously
false.

Sworn to before me this

20th day of December 1890.

Morris Myers ⁸⁷
Notary Public
N. Y. C.

Robert Glee

THE PEOPLE OF THE STATE OF
NEW YORK

against

James J. Wilson

Applicant
of
Robert G. L. L.

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY

0572

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COURT OF GENERAL SESSIONS

-----X

The People &c.

Agst.

James J. Bleee

-----X

City and County of New York, SS:

Edward Coogan being duly sworn deposes and says:

I am 25 years old and reside at 430 East Houston Street in this City. I am by occupation a lumberman, working for Darnet and Pell at the foot of Broome Street East River. Prior to the 26th day of June I never spoke to Officer Bleee, and I have never spoke to the complainant in this case, in my life. On the said date, about eight o'clock in the evening I was at the corner of Houston Street and Avenue C. I saw the defendant and the complainant standing on the corner there and about them a crowd of between one and two hundred people. The officer was in uniform, and the complainant was swearing at him, talking loudly and violently and appeared very angry and excited. I heard her repeatedly use the expression "You God damned leafer", at him. I heard him tell her that she must not come after him on his post. I heard her say that she would come whenever she pleased, and that he could not keep her away; that she would follow him over his post. I heard her say: "I want you to do right; I want you to meet me." To all this abuse the officer only replied that he didn't want her to follow him on his post. He was then proceeding across the Avenue, when she followed him. The crowd having

0574

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gathered by this time, as I have above stated, the officer said to her: "I will have to arrest you; you will have to go with me" or words to that effect. He laid his hand upon her arm, and put her under arrest. I saw clearly the whole proceeding, standing only about seven feet away, at the furthest, from the officer. I distinctly saw all that passed, and I declare most positively and solemnly that the officer never laid his hand upon her, never struck her with his fist, knee or club or in any manner whatever, but arrested her with as little force as was necessary. She struggled when he put her under arrest but soon after went with him. During the following few days I saw the newspaper accounts of the transaction and was struck by their utter falsity, unfairness and lack of foundation. I felt that it was my duty to represent what I had seen, and being in that vicinity about a week after I saw the officer on post and gave him my address and told him that I would testify to what I had seen, any time he might call upon me. I have never seen him since until today. My affidavit is made in the interests of justice merely, and I have been brought to the District Attorney's Office under subpoena.

Sworn to before me this
20th day of December 1890.

Morris Myers 87
Notary Public
Ch. 7.60

Edward Corgan

County of General Sessions
City and County of New York

THE PEOPLE OF THE STATE OF
NEW YORK,

against

James J. DeLoe

Arrested on 3^d Degree

Affiant of Edward Coogan

JOHN R. FELLOWS,
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY.

0575

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0576

COUNTY OF NEW YORK, ss.

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

An indictment having been found on the 15th day of July
1890, in the Court of General Sessions of the Peace, of the County of
New York, charging James J. Bleo

with the crime of Assault in the third degree

~~You are therefore Commanded~~ forthwith to arrest the above named James J. Bleo
and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the
City Prison of the City of New York, or if he require it, that you take him before any Magistrate
in that County, or in the County in which you arrest him, that he may give bail to answer the
indictment.

City of New York, the 15th day of July 1890

By order of the Court,

[Signature]
Clerk of Court.

0577

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,
against

James J. Bless

Bench Warrant for Misdemeanor.

Issued

July 15th 1890

☒ The defendant is to be admitted to be bail
in the sum of _____ dollars.

Arrested by
Insp Steers
July 16/90

0578

COURT of General Sessions.

-----X
The People &c.

Against

James J. Bleco

Assult in the 3rd
degree.

-----X
City and County of New York, SS:

Johanna Young being duly sworn deposes and says: I am in my 21st year, and reside at 135 Allen Street, in this City. It was upon my complaint that the above named defendant was held upon the charge of assaulting me on the 26th day of June last. I desire to make a full and true statement calmly and impartially of the facts in the case.

For about a year previous to the 26th day of June last I had known the defendant and had had sexual relations with him under promise of marriage. I became pregnant with him, and expect shortly to be confined with his child. He had frequently visited me at my house, and had made an engagement to meet me there on the 26th day of June, during the earlier hours of the day when he was off duty. This he failed to do without assigning any reason. I was very much disappointed and sought him upon his post. I did not do so for any other reason than that he failed to meet his promise. We had had no difficulty, and our relations had always been very pleasant. He had not broken his promise to me nor refused to comply with it, and he has never done so to me to this day, so that I had no hard feelings against him when I went to visit him on his

0579

a.

post on that day, except that I was angry and excited because he had not met me, as he promised. I was at that time in about the third month of pregnancy, and I don't know but that fact had something to do with my excited condition. I met the defendant on the corner of Third Street and Avenue C. He was on post and in uniform. I was very angry from the outset, and immediately asked him excitedly, why he hadn't met me as he promised, and I followed him as he walked his post. He told me not to annoy him on his post, but in spite of that I followed him for two blocks down to Houston Street and Avenue C., talking very excitedly to him, in fact, scolding and upbraiding him in a loud voice. It was a warm evening and about eight o'clock, and in that neighborhood many people were on the street at that time. Some were attracted by my actions and talk and following him and he being in uniform was quite conspicuous. When we came to the corner of Houston Street and Avenue C, he turned to cross the Avenue, as he did so I followed at his side. He turned about and told me to not annoy him on his post, but I kept by his side. He then swung his hand about and with the back of his hand struck me lightly on the face. The blow was a very light one and did not hurt me at all; and I am not prepared to swear whether it was intentional, or whether it was merely the motion of his arm to take hold of me and place me under arrest which he did immediately afterwards. At any rate, it was nothing more than a tap upon the cheek. He then took me by the arm immediately without

0580

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any violence at all, and exerted no more force than necessary, and told me I must go with him. I struggled and tried to get away from him but could not as he held me tight. There was some people about us by that time naturally. The officer used no force more than was necessary and that was necessary only through my struggles. I was extremely excited and angry from the moment I went on his post until the whole thing was over.

The officer did not strike me anywhere except as above stated; nor kick me or offer any violence to me at all. I have never told anyone he kicked me or struck me except as above stated, or that he used his club upon me. If I have made any such statement in writing or signed any such statement in writing it was incorrect and made under misapprehension and under circumstances of great excitement. Immediately after my discharge I was beset by a great many people who urged me to make the charge, and who made statements to me as to the treatment which I had suffered, that I accepted as correct, being still very excited and angry, and taking for granted that what they said was true. Many representatives of newspapers have made statements which are not true concerning my treatment, and urged me to do and say many things of which I have not and never had any recollection or memory.

A day or two after the 26th of June, I felt a little pain back of the left hip. I did not see any bruise there or any abrasion, but feeling the pain I put a little liniment there and that only once. The pain did not attract my attention until the day after, and I do not know or

0581

4.

recollect that the officer in any way struck me there. The officer had to continually resist my struggles to escape, and I may have barked myself in some way, and if the pain which lasted only a short time arose on that occasion I have no recollection of it being inflicted by the officer.

If the blow upon the cheek was delivered by the officer intentionally I desire to withdraw any charge against him for it. I gave him considerable provocation through my actions and scolding on that day, and the injury he inflicted upon me was very slight, and the blow didn't hurt me at all.

I expressly declare that I have not been influenced in the making of this affidavit by the defendant or anybody else, but that I make it of my own free will and not at anybody's solicitation. I only desire to tell the whole truth about the matter, and should never have made any charge at all if it hadn't been for the importunities and pressure brought to bear upon me by people at the time in my excited condition.

Sworn to before me this

day of December 1890.

0582

4.

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Sworn to before me this

day of December 1890.

0503

THE PEOPLE OF THE STATE OF
NEW YORK.

against

James J. Bleed

Account m. 3rd Degree

City

Affidavit of Johanna Spring

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY

0584

COURT of General Sessions.

-----X

The People &c.

Against

James J. Bleco

Assult in the 3rd
degree.

-----X

City and County of New York, SS:

Johanna Young being duly sworn deposes and says: I am in my 21st year, and reside at 135 Allen Street, in this City. It was upon my complaint that the above named defendant was held upon the charge of assaulting me on the 26th day of June last. I desire to make a full and true statement calmly and impartially of the facts in the case.

For about a year previous to the 26th day of June last I had known the defendant and had had sexual relations with him under promise of marriage. I became pregnant with him, and expect shortly to be confined with his child. He had frequently visited me at my house, and had made an engagement to meet me there on the 26th day of June, during the earlier hours of the day when he was off duty. This he failed to do without assigning any reason. I was very much disappointed and sought him upon his post. I did not do so for any other reason than that he failed to meet his promise. We had had no difficulty, and our relations had always been very pleasant. He had not broken his promise to me nor refused to comply with it, and he has never done so to me to this day, so that I had no hard feelings against him when I went to visit him on his

0585

a.

post on that day, except that I was angry and excited because he had not met me, as he promised. I was at that time in about the third month of pregnancy, and I don't know but that fact had something to do with my excited condition. I met the defendant on the corner of Third Street and Avenue C. He was on post and in uniform. I was very angry from the outset, and immediately asked him excitedly, why he hadn't met me as he promised, and I followed him as he walked his post. He told me not to annoy him on his post, but in spite of that I followed him for two blocks down to Houston Street and Avenue C., talking very excitedly to him, in fact, scolding and upbraiding him in a loud voice. It was a warm evening and about eight o'clock, and in that neighborhood many people were on the street at that time. Some were attracted by my actions and talk and following him and he being in uniform was quite conspicuous. When we came to the corner of Houston Street and Avenue C, he turned to cross the Avenue, as he did so I followed at his side. He turned about and told me to not annoy him on his post, but I kept by his side. He then swung his hand about and with the back of his hand struck me lightly on the face. The blow was a very light one and did not hurt me at all; and I am not prepared to swear whether it was intentional, or whether it was merely the motion of his arm to take hold of me and place me under arrest which he did immediately afterwards. At any rate, it was nothing more than a tap upon the cheek. He then took me by the arm immediately without

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any violence at all, and exerted no more force than necessary, and told me I must go with him. I struggled and tried to get away from him but could not as he held me tight. There was some people about us by that time naturally. The officer used no force more than was necessary and that was necessary only through my struggles. I was extremely excited and angry from the moment I went on his post until the whole thing was over .

The officer did not strike me anywhere except as above stated; not kick me or offer any violence to me at all. I have never told anyone he kicked me or struck me except as above stated, or that he used his club upon me. If I have made any such statement in writing or signed any such statement in writing it was incorrect and made under misapprehension and under circumstances of great excitement. Immediately after my discharge I was beset by a great many people who urged me to make the charge, and who made statements to me as to the treatment which I had suffered, that I accepted as correct, being still very excited and angry, and taking for granted that what they said was true. Many representatives of newspapers have made statements which are not true concerning my treatment, and urged me to do and say many things of which I have not and never had any recollection or memory.

A day or two after the 26th of June, I felt a little pain back of the left hip. I did not see any bruise there or any abrasion, but feeling the pain I put a little liniment there and that only once. The pain did not attract my attention until the day after, and I do not know or

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4.

recollect that the officer in any way struck me there. The officer had to continually resist my struggles to escape, and I may have bunked myself in some way, and if the pain which lasted only a short time arose on that occasion I have no recollection of it being inflicted by the officer.

If the blow upon the cheek was delivered by the officer intentionally I desire to withdraw any charge against him for it. I gave him considerable provocation through my actions and scolding on that day, and the injury he inflicted upon me was very slight, and the blow didn't hurt me at all.

I expressly declare that I have not been influenced in the making of this affidavit by the defendant or anybody else, but that I make it of my own free will and not at anybody's solicitation. I only desire to tell the whole truth about the matter, and should never have made any charge at all if it hadn't been for the importunities and pressure brought to bear upon me by people at the time in my excited condition.

Sworn to before me this

19th day of December 1890.

Morris Myers 87
Notary Public
N.Y.C.

Miss Johanna Young.
Miss Johanna Young.

0500

THE PEOPLE OF THE STATE OF
NEW YORK.

against

James J. Blew,

Defendant in 3^d Degree

[Signature]

Affiant of Johanna Young

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY

0589

~~TO THE CHIEF CLERK~~

~~Please send me the Papers in the Case of~~

PEOPLE

vs.

James J. Bless

~~Assault on~~

Witness

Johanna Young

170 Second St.

June 27

Bill ~~order~~

District Attorney.

0590

COURT OF GENERAL SESSIONS.

-----X
The People &c.

Agst.

James J. Bleoo
-----X

City and County of New York, SS:

James J. Bleoo being duly sworn deposes and says; I am the defendant in this action, and I have been and am since the 12th day of January 1889, a member of the Municipal Police force attached to the 13th Precinct. During that time my record is clear. I have never been found derelict in duty.

I have known the complainant for about a year prior to the 26th of June last. My relations have been as detailed in her affidavit submitted upon this application.

On the 24th day of June, I made an engagement to meet her on the corner of Fifth Street and Avenue B, at about two o'clock, as I was not to go on duty until six. I failed to keep that engagement, and went on duty about six. At about eight o'clock on that evening, she approached me on my post, and in a very angry, violent and excited manner began to upbraid me for not meeting her. There had been no difficulty between us before that, and our relations had always been pleasant, as she says. She asked me why I didn't meet her. I told her not to annoy me on post; not to bother me, and I would see her some other time. She thereupon grew profane and abusive; called me a God damned loafer. Told me that she would annoy me

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on post and that she would come there whenever she pleased, and I could not keep her away, and that she would follow me on post too, and she asked me to do right, and meet her. I simply repeated my former request to her, and walked down Avenue C, as far as Houston Street. She followed me all this time continuing her violent and abusive language. I was in uniform, of course, at that time being on duty. A crowd gradually collected at the spectacle, until it was quite considerable at the corner of Houston Street and Avenue C. I arrive at that point I proceeded to cross over the Avenue, hoping that she would leave me every moment, but she didn't, and proceeded to follow me across. From her conduct and actions I considered it my duty to put her under arrest for disorderly conduct, which I immediately did, stating to her that she would have to come with me and taking her by the arm. I expressly declare that I didn't assault her in any way; either with club, fist, foot or hand. I don't recollect, and I don't believe, that I ever even touched her face with my hand, if I did so, it was purely accidental, and in no wise an intentional assault. When I arrested her she struggled violently, but finally came with me.

I have heard read the affidavits of Edward Coogan and Robert Gill, made upon this application. Their statements are correct not only in all the essential details of what took place at that time, but also in the fact of the manner in which they came into contact with me. I was never acquainted with either of the gentlemen before, and never saw them or communicated with them until now,

0592

3.

when they were brought down under subpoena.

I have never influenced or endeavored to influence
Johanna Young to make any statement in this case.

Seorn to before me this

22nd days of December 1890.

Morris Myers 87
Notary Public
N.Y.C.

[James J. Blew

0593

Complaint of General Deceit

THE PEOPLE OF THE STATE OF
NEW YORK.

against

James J. Bleo

defendant in 3^d degree

Affiant of James J. Bleo.

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0594

COURT OF GENERAL SESSIONS.

-----X
The People &c.

Agst.

James J. Bleco
-----X

City and County of New York, SS:

Philip J. Kuntz, being duly sworn deposes and says: I am thirty years old and a poultry dealer by occupation. I reside at 124 Ridge Street in this city and do business at West Washington Market.

I do not know the defendant in this case except that I have at various times seen him on his post, and never exchanged a word with him prior to the 26th day of June. On that day about a quarter to eight in the evening I was at the Corner of Houston Street and Avenue C. On Avenue C between Houston and Second Street, I saw the defendant approaching Houston Street with the complainant three or four feet behind him. The officer was in Uniform. The complainant was talking to him violently and profanely. She kept continually talking without any response from the officer except, that he didn't want her to annoy him on his post. He told her that he had to do his duty; that she should not follow him on post; that she should go home and not bother him on his post. To that she replied that she would not go; that she would come to see him there as frequently as she pleased; that she would follow him on post and that nobody could make her go away. She called

0595

2.

him a God Damned loafer at least half a dozen times in my hearing, and asked him why he didn't do right and why he didn't meet her. To all this the officer made no reply other than I have above mentioned. When they got to the corner of Houston Street and Avenue C, the officer was about crossing and the woman about following him. A crowd had gradually collected at the spectacle, numbering about over a hundred people, to the best of my judgment. At the last mentioned point the officer turned around and said I will have to arrest you, and you will have to come with me. He took her by the arm without any violence; didn't strike her with hand, club, foot or knee or in any manner whatever. I was within six feet of him during this occurrence and can swear positively as to this fact. She struggled to get away and the officer merely restrained her without offering any violence or using any undue force. I saw him take her to the Station House.

The next night I was at home and reading the Evening Sun as to the occurrence, and I saw that its essential statements concerning the assault were entirely false and without any foundation in fact. I spoke to my wife about it and determined to do what I could to right any false consequences which might flow from such representations. The ^{same} following evening, ^{later on} I met officer Foster of the 13th Precinct with whom I am acquainted, upon his post, and I asked him about this man who was in this trouble and who he was, and he told me. I told him that I had noticed the false and unfounded account of the affair and he asked me to disclose what I knew for the sake of justice if the

0596

man was not guilty of what was charged against him. I asked where I could see the defendant, and he told me. I saw the defendant next evening at Avenue C/ and Third Street, and told him I had seen the whole affair and was willing to testify to the facts. I gave him my address. I never saw him again until at Police Headquarters at the hearing of the case before the Commissioners, where I was ready to testify but was not called. I have never seen him from that time until yesterday when the subpoena was served upon me, to tell the contents of this affidavit.

I expressly declare that I am not influenced in any way save by the desire to do strict justice and to remedy what is certainly, in my opinion, a grievous wrong against the defendant.

Sworn to before me this

22nd day of December 1890.

Philip J. Meyer
Morris Myers 87
Notary Public
N.Y. Co.

0597

Court of General Sessions

THE PEOPLE OF THE STATE OF
NEW YORK.

against

James J. Blew

Arrest in 3rd Degree

Affiant of Philip J. Runk

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY

0598

Court of General Sessions.

The People, &c.

v.

James J. Bless.

Assault.

The defendant, a police officer, was, on July 15 last, indicted for an assault and battery upon one Johanna Young. The indictment was found by the Grand Jury without any preliminary examination by a magistrate, Johanna Young being the only witness for the People, and the prosecution being based entirely upon her testimony.

As her testimony, then given was of the most unsatisfactory character, I have examined the case thoroughly, taking in affidavit shape the testimony not only of herself and the defendant, but of such eye-witnesses of the occurrence as I could procure. Those affidavits (five in all, of Johanna Young, James J. Bless, Edward Coogan, Robert Gill and Philip J. Kuntz respectively) are herewith submitted. They recite the story in detail, & it is unnecessary to repeat their substance here. It is sufficient to say that every one of them shows the prosecution to have been hasty, ill-advised, & utterly without foundation. The disinterested motives of the affiants are clearly set forth, and seem to me to lend additional weight to their statements.

0599

Upon the contents of those affidavits I re-
commend that the indictment be dismissed.

A. D. Parker

Acting Dist. Atty.

New York, Dec. 27, 1890.

Court of General Sessions

The People, vs.,

v.

James J. Blasco,

Assault, 3^d degree.

Clerk, recommending dismissal.

Dec 27/90.

0600

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James J. Bless

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

James J. Bless

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

The said *James J. Bless*,

late of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *June*, in the year of our Lord one thousand eight hundred and *eighty* at the City and County aforesaid, in and upon the body of one *Johnna* *Young*, in the peace of the said People then and there being, with force and arms, unlawfully did make an assault, and *then* the said *Johnna* *Young* did then and there unlawfully beat, wound and ill-treat, to the great damage of the said *Johnna Young*; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0601

BOX:

402

FOLDER:

3733

DESCRIPTION:

Bose, John

DATE:

07/02/90



3733

Witnesses:

Off J. Henry

The officer in this case

is dead. The certificate

of Capt Bergher filed

herein.

May 27/92 J. M. Davis
Capt.

This indictment

I ask to have

dismissed as

the officer in

this case is dead

May 31st 92 G.S.A

K. D. A.

Counsel,

Filed

Pleas,

1890

THE PEOPLE

vs.

John Doe

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday)
[U. Rev. Stat. (7th Edition), Page 1089, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

May 23. 1892

A True Bill.

Off J. Henry

Chas. H. Haggins

Foreman.

Part 2. May 31, 1892, Med

Part 2. May 31, 1892, Med

On motion of District Attorney

Indictment dismissed

0602

0603

Sec. 195-200

CITY AND COUNTY
OF NEW YORK, } ss

District Police Court.

John Rose

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

Question. What is your name?

Answer.

John Rose

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Germany

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

Answer.

1071-10th Avenue

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 may think will tend to your
exculpation?

Answer.

*I am not guilty. And I
demand a jury trial if held
after examination*

John Rose

Taken before me this

188

Police Justice.

0604

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

John Rose

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

Dated July 9 188 John Rose Police Justice.

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

Dated July 9 188 John Rose 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.

0605

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

1072 District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

2

3

4

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

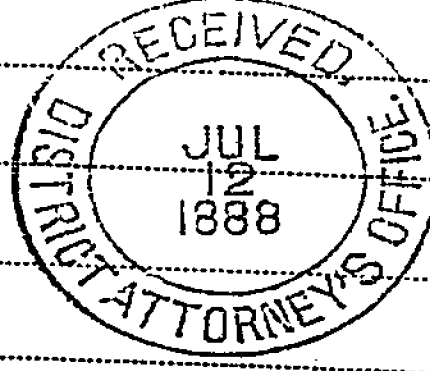
No.

Street.

No.

Street

\$ 100 - to answer



Bailed

0606

Excise Violation-Keeping Open on Sunday.

POLICE COURT-5 DISTRICT.

City and County of New York, ss.

Michael J. Finner
The City of New York, being duly sworn, deposes and says that on SUNDAY the _____ day of _____ 188____, in the City of New York, in the County of New York, being then and there in lawful charge of the premises No. _____ Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of the statute in such case made and provided.

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

Sworn to before me, this _____ day of _____ 188____
John B. [illegible]
Police Justice.

0607

95

Police Department of the City of New York.

Precinct No. 23 Sub

New York, May 25 1892

To whom it may concern

That is
to certify that Officer Patrick T.
Feeney attached to the 26th Precinct
died on the 10th day of August
1891

Wm. L. F. Bessford

Capt 23 Sub Precinct

0608

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Dose

The Grand Jury of the City and County of New York, by this indictment, accuse *John Dose* of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *John Dose* late of the City of New York, in the County of New York aforesaid, on the *eighth* day of *July* in the year of our Lord one thousand eight hundred and *eighty-eight*, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure, and suffer and permit to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows
JOHN R. FELLOWS,

District Attorney.

0609

BOX:

402

FOLDER:

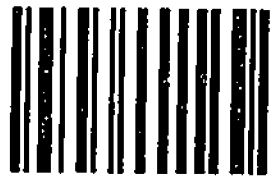
3733

DESCRIPTION:

Bowers, Frank

DATE:

07/14/90



3733

06 10

BOX:

402

FOLDER:

3733

DESCRIPTION:

Zimmerman, Adam

DATE:

07/14/90



3733

0611

If Witnesses:

Ch. Ch. and Mrs.
Louis Levy

Counsel,

Filed

Pleads,

1890

THE PEOPLE

Assault in the First Degree, Etc.
(Sections 217 and 218, Penn. Code.)

Frank Bowers

and

Adam Zimmerman

2- arrested by Capt. [unclear] 25/91

Aug 5-91 JOHN R. FELLOWS,

Att. Gen. & N.P.C. District Attorney.

Sub 1 Sept 23

A True Bill.

[Signature]

Foreman.

Sept. 24/91

Vol. Jury & Foreman

of [unclear] 24/91

24th 10 Mrs. [unclear]

Sept 10/91

0612

21
The People
Frank Bowers { Court of General Sessions. Part I
Jointly indicted with Adam Zimmerman for assault in the first degree.
Before Recorder Smyth. September 3. 1890.

Morris Markus, sworn and examined through the Interpreter. I live 110 Suffolk St. and am a cap maker. I recollect the 7th of July of this year, the day on which I was hurt; it was between eleven and twelve o'clock at night and on a Monday. I live in the rear of 110 Suffolk St. and in the front there is a grocery store belonging to Mr. Epstein. I was around the grocery store all evening. I saw Bowers and Zimmerman; they were standing outside the grocery store watching a boy; then they ran into the grocery store and commenced to fight with the boy; they struck him with the fist. When they began fighting this boy in the store I was there and Esther Markus and Abraham Epstein, the owner of the store. I commenced to holler and told Bowers and Zimmerman to stop the fight, and when I said that then Bowers took a bottle and hit me and Zimmerman ran up to the counter and took the knife. Bowers hit me across the nose with the bottle and Zimmerman hit me on the shoulder with a knife and cut me, it went through the clothing and went

0613

into the flesh. I had no club or weapon of any kind. I did not do anything but halloo for them to stop. Bowers called me a son of a gun or something like that when he struck me with the bottle. The wound is sewed up now. Bowers and Zimmerman ran out in the street. I was fleeing so much that I could not run after them. I remained in the grocery store. Then two policemen came and brought me to the Attorney Street Station house; then an ambulance came and I was taken to the Governor hospital and the wounds were stitched. I remained one night and a day in the hospital. Then I was brought to the Essex Market Court. I did not return to the hospital, but I used to go to the doctor every day for treatment; the doctor came to my house about four weeks. I had known Bowers before this night. I am sure he is the man who hit me with a bottle. I saw him in Essex Court when he was arrested. I never had any trouble with him before that night. I had not been drinking that night.

Cross Examined. I know the defendant about nine months. I did not play cards with him. He lives up stairs. It was about four

06 14

o'clock in the afternoon when I was brought to the Essex Market; my wife was with me and a boarder. It is not true that we all charged the defendant with stabbing me. I was bandaged up and I could not see very well, and the policeman said, "Who were the people that injured you?" I said Zimmerman cut me with a knife and the other man hit me with a bottle. I never sent out for beer and drank it with the defendant in this grocery store. I never sent anybody to Mr. Simon to settle this case, but people came to me and talked with me about it. I never went with my wife to Mr. Simon's house to talk about the case. I met her but did not talk with her. Abraham Epstein, sworn. I keep a grocery store at 110 Suffolk St. and saw the complainant and the defendant in the store on the 27th of July and also Zimmerman; they were standing outside watching a boy; then the boy came into my store and they ran after him into the store and commenced to fight, and when I saw the fight was going on I went for a policeman. The complainant was standing at the ice box drinking some water. He did not say anything until Berens and Zimmerman commenced to fight.

06 15

and then he told them to stop. I could not find a policeman. I was about fifteen minutes away, and when I came back Marcus was bleeding and Bowers and Zimmerman were not in the store any more. Louis Levy was in the store when I went back. I know the defendant ten months. Zimmerman also lived in the same house, 110 Suffolk St.; his father and mother are there; he is not in the house any more, they don't know where he is. I did not see when the defendant hit the complainant with the bottle. The knife that was used was my bread knife. I could not see the wounds on the complainant because he was full of blood; he was bleeding from his arm and from his face.

Louis Levy sworn. I am a tailor. I lived then at 110 Suffolk St. and now at 104 Suffolk St. I was living with the complainant. I was in the grocery store on the night he got hurt. I was in the store when Bowers and Zimmerman rushed into the store together. When they came in they commenced to fight with a boy named Harry Smith, a cousin of Epstein. The complainant said, "Boys, why do you fight here, stop, don't fight," at the same time Bowers took a bottle

06 16

and hit me across the face. Adam Zimmerman took from the counter a big knife and hit him on the shoulder. Then they ran away; we could not get hold of them; they disappeared in the street. Markus was bleeding profusely and his face was all covered with blood and his shoulder was bleeding. Then two policemen came and they took Markus to the station house and I went there; they telegraphed for an ambulance and he was taken to the hospital. Markus did not strike or offer to strike Bowers or Zimmerman; he simply said, "Why do you fight?" He had no weapon in his hand.

Cross Examined. I am a tailor and live in a room in the rear of the grocery store. Markus has three rooms and I am sleeping in one of his rooms. Markus did not tell me what to swear to when I came to Court. I was in the grocery store all the evening. I have been in this country four years. When the fight began there was in the store Markus, Bowers, Zimmerman, Smith, the boy, who is a cousin of Epstein, Abraham Epstein, Esther Markus and myself.

Esther Markus sworn. I am the wife of the complainant. I was in Epstein's store on the night of the 7th of July at 110 Suffolk St.

06 17

I was there when Bowers and Zimmerman came in; as soon as they ran in they commenced to fight Epstein's cousin, Smith. My husband said to them, "Stop fighting; what are you fighting with that boy?" Bowers took the bottle from the table and hit him on the face. Zimmerman took the knife from the counter and cut him on the shoulder. Then they pushed the door and ran away. Louis Levy and Abraham Epstein, ^{and Smith} were in the store when they commenced to fight. Two policemen came and they took my husband to the hospital.

Cross Examined: We rent three rooms from Epstein. Andrew Keiser swears. I am an officer of police; the defendant gave himself up at the station house Tuesday morning the 8th of July about two o'clock. I was not in the station house at the time he gave himself up, but he was turned over to me to take to the Police Court. I took him there and he was held in this chair. On the way I asked him how it happened, who did the assault on Markus? He told me there was a fight in the store with the boy and Zimmerman hit the boy; there was several men in the place backing Zimmerman. Bowers told me this; he said he was

06 18

on the sidewalk and then he went in and took Zimmerman apart and then one of the men in there hit him and he hit the man and went out. The defendant was not under the influence of liquor when I arrested him and he was not bruised or cut in any way; he had no marks of violence on him that I saw. The boy Smith told me he fired a weight and it went through the plate glass. He received a black eye; he has gone out of the city. I don't know where he is.

Cross Examined. I tried to find Zimmerman. I saw the complainant next in the station house about twelve o'clock that night. He had a cut over the nose and a cut on the shoulder. I searched the grocery store and the whole house but could not find him. I could not find Zimmerman. The defendant gave himself up at two o'clock in the morning, the same night of the trouble. I was not there at the time. When I took the defendant to the police court I did not take notice of any cut on his head or any other part. He told me he was hit on the head but I did not take notice of any blood. I do not recollect that he told me he had a bloody shirt or bloody collar. Bowers told me he

0619

hit some one, but he never told me he struck the complainant. I brought Bowers before Markus and I asked him, "Is this the man that stabbed you?" He said, 'yes'. This was in Essex Market Court. He had a Counselor and he (the Counselor) said, "We will change this affidavit (Rosenthal was his name) and he (the complainant) said he did not know the one that stabbed him, but he (the defendant) was the one that struck him. Rosenthal had the affidavit changed so as to read that Zimmerman stabbed him and Bowers struck him. I visited the complainant in the hospital, and he told me there that it was the defendant who stabbed him. He repeated the same statement in Essex Market. He never charged the defendant with striking him with a bottle, but always with a knife.

By the Court Did the complainant say to you that that man (the defendant) cut him with a knife? I did not put the word 'knife' to him. I asked him did he cut him? I asked him, "Is that the man ^{that} cut you?" He said, 'yes'. My conversation with the complainant was in German.

0620

The Case for the Defence.

Mary Simon sworn. I live 110 Suffolk St and am Housekeeper there. I remember the night that Markus was injured. We were sitting in the front door on the stoop, then the grocer's cousin stood at the door. Across the way little boys were throwing pieces of water melon over there and the cousin of the grocer went over and caught hold of the little boy and turned his arm. I said to the grocer's cousin, "it is a shame for you to do that to the little boy. Then he said to me, "you old bitch; come here and I will break you in pieces." Adam Simon is my son; the name is not spelled right - not Zimmerman. Powers and my son came along and I said to my son and Powers, "Keep quiet, I don't want any fight." Then I remained sitting at the door on the stoop till 11 o'clock. Then I said to the grocer, "you had better close up your business because I would not have a fight in the house. Then he closed the grocery, and when I went up stairs he opened the grocery again. Then my son heard that the young man inside called me a bitch. They were talking about me and calling me bad names. I did not see the fight in the grocery store.

0621

Frank Bowers sworn. I live at 110 Suffolk St. I have been boarding with Mr. and Mrs. Simon for the past six or seven years. I was convicted for an attempt at larceny and sent to prison for ~~three~~^{two} years by Judge Cowing. I came out a year ago last August. I have been peddling. I am 22 years old. On the 7th of July I was coming home from an excursion and I got home about ten o'clock. I sat outside on the stoop for about an hour or so and Zimmermann's son came home (Simon) I told her I heard that this Smith was insulting Simon's mother. ~~Smith~~^{Simon} came home about 11 o'clock. I told him about Smith insulting his mother. I was smoking; he said, "I guess I will go in and buy a cigar myself." He went in the store and this Smith insulted him. I did not see him strike him. Somebody cried out there was a fight. I got up and looked in the store. I saw Smith and Simon in a row, they were clinched together. Markus and the owner of the store were there also. I went in with the intention of quelling the disturbance. I saw Smith jump behind the counter. He said, "What the hell do you want?" He picks up three weights and he throws one - he

0622

Threw three weights altogether - and the second one struck me. I struck Smith with my fist. The third weight went through the window I was bleeding. I did not strike Markus. I had no cause to do so. I know him eleven months and lived in the same house with him. I have played cards and drank beer with him and was always on friendly terms. I have often lighted fires for him on Saturday morning as he said it was against his religion to do so. I went off after the fight with Zimmerman as far as the Park at Seventh st. and then I came back again. Then people accused me of stabbing Markus. Markus' wife accused me, and I said, "the best way to settle this is to go to Court." She accused me in front of my own door while I was going up the stoop to go to bed. I says, "the only way you can settle this is to come to the station house." She walked with me to the station house. She, the boarder, Levy, and Smith all accused me in the station house with stabbing Markus. There were three officers in there at the time and they heard the statement. In the afternoon I was placed before Markus and he charged me in the Police Court with stabbing him.

0623

I saw a lawyer there named Rosenthal whom Mr. Markus hired. The clerk of the Court took Markus' complaint that I stabbed him in the shoulder. I told him that I never stabbed the man. I said I struck Smith in the face with my fist, but I never struck Markus with anything. Rosenthal went back and talked with Markus' witnesses and he came running up and got hold of the paper; he says, "There is a mistake in this." The officer said, "What are you going to do? You accused him and you cannot change the charge." When I got up before the Judge they accused me of striking him with a bottle. I never heard anything of a bottle before that.

Cross Examined: I am 22 years old. I was sent to the State prison on Dec. 7th 1887 for an attempt at larceny stealing clothes valued at fifty dollars from a wholesale clothing store in Broadway. I was convicted under the name of Bowers. That is the only time I have ever been in a penal institution. I was never in the Reformatory. I never had any trouble with Epstein, Markus or his wife or Levy. I was on the best of terms with them. Mr. Osborne was the lawyer whom I had at the Police Court.

0624

After Zimmerman and I left this place we went to Tompkins Park. He went away from the house because there was such a crowd of people there. Zimmerman came back with me that night to the house between half past one and two o'clock. I was on the Pitt street church excursion that day. I was not a member of the church. Mrs. Wyron gave me a ticket to go. I took a girl friend of mine home and then I went home myself. Zimmerman had been in the store from three to five minutes before I went in. Smith and he were at the end of the counter clinched, and when I got in the store they separated. Smith picked up a handful of weights and I know he threw three of them. He said, "What the hell do you want?" and with that he threw the weight at me and struck me on the head. Zimmerman was standing two or three feet away from me. Half an hour before this trouble I struck Smith with my fist somewhere on the face in the street for insulting me. I do not remember striking anybody in the store. I was sober. Smith ran in the store and pick up two bottles. I hit him with my fist before that.

0625

After I was stuck in the head with the weight I called the officer's attention to the blood that was upon my shirt and collar. I told the Sergeant the same story, but I do not whether he entered the complaint on the blotter or not.

Dennis Ryan sworn. I am a tailor and work at 28 Madison St. I remember the night of the occurrence between the complainant and the defendant. I was living in 806 and 110 was next door and the grocery store was between both houses. I was janitor there. I was standing outside of the door and I saw Zimmerman (a Simons, the housekeeper's son) and Smith, the cousin of Epstein; they had loud talk in the store. I was listening for a little while, I thought they were fighting, but they were fighting. I heard some one crying I did not know what the trouble was. I saw the defendant come to the door and I saw Smith fire weights and one smashed the window. I saw this man put his hand to his head. Two detectives came along and they came to the door and asked this man to go with them. He first refused, but the detective pulled out his badge.

0626

and the defendant walked with him to the station house. Cross Examined. I saw Bowers with his hands on the shoulders of these persons in the store trying to separate them. I did not see Markus strike anybody.

Charles Miller sworn. I live at 167 Allen St. I was at 110 Suffolk street on the 7th of July when this trouble occurred at the grocery store. I was standing on the top of the stoop between 11 and 12 o'clock Bower was standing at the end of the stoop. I heard some loud talking inside. I looked over and saw Adam Simon and Smith commence to fight. Bowers went in to try to stop it. Smith jumped behind the counter and picked up some iron weights and fired them at Bowers and one of them went through the window. I saw Markus, the complainant in the store. I did not see Bowers at any time he was in the store hit the complainant.

Cross Examined. I am a paper hanger and painter. I noticed that Markus did not have anything in his hand; he had no bottle or no knife. I saw the whole fight. Bowers did not have time to do anything because the weights were fired. The moment he entered the door of the store Smith and Simon let go hold of each other. I was subpoenaed as a witness in this case.

The jury rendered a verdict of guilty of assault in the second degree.

0627

11

Testimony in the
case of
Frank Powers
filed

July 1891

0628

Police Court District.

City and County of New York, ss.:

of No. 110 Suffolk Street, aged 30 years,

occupation Cap Maker being duly sworn

deposes and says, that on 7th day of July 1890 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Frank

Barnes (nowhere) and Adam Zimmerman. Not yet-
arrested. The defendant
Barnes struck deponent many
violent blows in the face with a
bottle he then and there held in his
hand cutting deponent's face. And
the said Adam Zimmerman
wilfully cut and stabbed deponent
in the left shoulder with a butcher
knife he then and there held in
his hand cutting deponent several
deep wounds further says that said
assault was committed

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 dealt with according to law.

Sworn to before me, this 7th day

of July 1890

[Signature]
Police Justice.

0/7/90 1265

0629

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Frank Bowers

Question. How old are you?

Answer.

22 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

110 Suffolk St. 10 mo

Question. What is your business or profession?

Answer.

Shoemaker.

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

Frank Bowers.

Taken before me this
day of *July* 189*8*

Police Justice.

0630

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

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

Dated *July 8* 18 *90* *[Signature]* Police Justice.

I have admitted the above-named.....

to bail to answer by the undertaking hereto annexed.

Dated..... 18..... Police Justice.

There being no sufficient cause to believe the within named.....

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

Dated..... 18..... Police Justice.

0631

#102 ✓ 3 District. 6

THE PEOPLE, &c.;
ON THE COMPLAINT OF

✓ Morris Markus
vs. Frank Brown

Offence Account
felony

1
2
3
4

Dated July 8 1890
Hoguen Magistrate.
✓ Weir Officer.

Witnesses
✓ Morris Markus

No. 110 Suffolk Street.
Local Attorney

No. 110 Suffolk Street.
Abraham Epstein 110 Suffolk
Anna Epstein 110

No. 580 to answer G.S.

DM

BAILED,
No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

✓ by John Marks
423 1/2 Ave
City

0632

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank Bowers
and Adam Zimmerman

The Grand Jury of the City and County of New York, by this indictment, accuse
Frank Bowers and Adam Zimmerman
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Frank Bowers and Adam Zimmerman, both

late of the City of New York, in the County of New York aforesaid, on the
seventh day of July in the year of our Lord
one thousand eight hundred and ninety, with force and arms, at the City and
County aforesaid, in and upon the body of one Morris Markus
in the Peace of the said People then and there being, feloniously did make an assault
and him the said Morris Markus
with a certain knife and also with a certain glass bottle

which the said Frank Bowers and Adam Zimmerman
in their right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

3
with intent him the said Morris Markus
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Frank Bowers and Adam Zimmerman
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Frank Bowers and Adam Zimmerman, both

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 Morris Markus in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and him the said

with a certain knife and also with a certain glass bottle

which the said Frank Bowers and Adam Zimmerman
in their right hand then and there had and held, the same being a weapon (and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully strike, beat, cut, stab 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 R. T.

0633

THIRD COUNT—

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

Frank Bowers and Adam Zimmerman
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Frank Bowers and Adam Zimmerman*, both

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 said

Morris Markus in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and

him the said *Morris Markus*
with a certain *knife and also with a certain glass bottle*

which *they* the said *Frank Bowers and Adam Zimmerman*
in *their* right hands then and there had and held, in and upon the *face and*
shoulder of *him* the said *Morris Markus*
then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said *Morris Markus*.

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

JOHN R. FELLOWS,

District Attorney.

0634

BOX:

402

FOLDER:

3733

DESCRIPTION:

Britton, Frederick

DATE:

07/14/90



3733

0635

Witnesses;

Off. Kemp.
John Pickens.
Rosita Palmer

Counsel,

Filed

Pleads,

1890

THE PEOPLE

vs.

Grand Larceny Second degree.

Fredrick Britton

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. L. Carter

Foreman.

July 15/90

Heard & tried

C. H. Carter
R. M.

0636

Police Court- 2 District.

Affidavit-Larceny.

City and County }
of New York, } ss.:John Pickings
of No. 49 West 95th Street, aged 50 years,
occupation Retired, being duly sworndeposes and says, that on the 6 day of July 1890 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:Three overcoats
of the value of the value of twenty
five dollars; one tennis cap of the
value of fifty cents - all of the
value of twenty five dollars
and fifty cents \$25.50the property of Deponent and members of his
family and then in Deponent's careand that this deponent
has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen,
and carried away by Frederick Britton(now here) and another (not arrested) under
the following circumstances: - The said
goods were on the hat rack in the
hall of Deponent's house at 49 West
95th Street, and were stolen therefrom
about 11:30 o'clock A.M., on said
date and Deponent is informed by
Zeta Palmer now here that about
the said hour she saw the defendant
Britton in company with another
not arrested, coming down the front
stoop of Deponent's residence, and
the defendant Britton then had
a bundle of clothing in his hands
which Deponent believes was

Sworn to before me this

day

1890

Police Justice.

0637

the said clothing stolen from
Deponent's residence Deponent
asks that defendant be
dealt with as the law directs;

Sworn to before me this

7

day

of

July

1890

John P. McKenna

Police Justice.

0638

CITY AND COUNTY }
OF NEW YORK, } ss.

Zeta Palmer

aged 24 years, occupation none of No.

46 West 35

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

John Puckett

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

Sworn to before me, this

7

day of

July

1882

Zeta Palmer

Samuel B. Kelly

Police Justice.

0639

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Fredrick Brutton 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. *Fredrick Brutton*

Question. How old are you?

Answer. *14 years*

Question. Where were you born?

Answer. *Yes*

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

Answer. *947 West 41st St - 3 years*

Question. What is your business or profession?

Answer. *None*

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. *Mother boy named
Walter Knapp took
clothes and gave them
to me.**Fred Brutton**the other*

Taken before me this

day of

1885

John J. Knapp

Police Justice

0640

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.....

Frederick Gruttor

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

Dated *July 7* 18*90* *So. A. R. R.* Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

0641

#88 2 1057
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Pickings
43. W 35
J. A. Britton

Offence
Sarcasm
Selling

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

2 _____
3 _____
4 _____

Dated July 7 1890
O. Kelly Magistrate.

Kemp Officer.
Precinct.

Witnesses Hugo Schuster,
No. 23 de Street.

Geta Palmer
No. 46 W 35th Street.

No. _____ Street.

\$5.00 to answer

COMMITTED.

0642

Telephone, 458 Law.

OFFICE OF
DANIEL P. INGRAHAM, JR.
ATTORNEY AND COUNSELLOR-AT-LAW,
16 AND 18 EXCHANGE PLACE,
ROOMS 12, 14 & 15 POST BUILDING.

New York, Dec 18th 1890

My Dear Judge

On the 16th of July 1890, you committed a boy by name, Fred. Britton aged 14 years to the Catholic Pro-
- tectory for stealing with two or three other companions a Pug dog. I am informed the boy was never guilty of the offense. I am also informed that the other boys jointly indicted were sub-
- sequently discharged. I am well acquaint-
- ed with this boy's brother, he is a very good young man and is earning a good living. He assures me, that if in the exercise of your wise dis-
- cretion his brother is released, that he will be responsible for his future good conduct and I ask you if consistent with law and justice, that this boy be discharged.

Yours sincerely,
Daniel P. Ingraham, Jr.
Judge Martin

0643

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 Britton

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

Frederick Britton

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

The said

Frederick Britton

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

three overcoats of the value of nine dollars each, and one cap of the value of fifty cents

of the goods, chattels and personal property of one

John Pickens

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.

0644

SECOND COUNT—

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

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

The said *Frederick Britton*

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,

*three overcoats of the value of
nine dollars each and one cap
of the value of fifty cents*

of the goods, chattels and personal property of one

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

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

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

JOHN R. FELLOWS,
District Attorney.

0645

BOX:

402

FOLDER:

3733

DESCRIPTION:

Bromberg, Samuel

DATE:

07/11/90



3733

0646

Witnesses:

Alphina Kornfeld
Adeline Delmont

After examination, I recommend
the dismissal of this indictment.
Aug 5/90. Ad B. Baker
Dist.

#46 459.
B. S. Shuster

Counsel,

Filed

day of

1889

Pleads

THE PEOPLE

vs.

I

Samuel Bronberg

Grand Larceny, 2nd degree
(MISAPPROPRIATION)
(Sections 528 and 531 of the Penal Code).

JOHN R. FELLOWS,

District Attorney.

A True Bill.

R. L. Carter

Foreman.

Aug 5. 1890

Wm H. O. D. A. Aug
Inverness, Dec
Mass. 7/13

0648

ever having met defendant.

Wherefore defendant charges the said defendant with feloniously taking stealing and carrying said sum of money away and prays he may be arrested and dealt with according to law.

Servants before me } Sophia Herzog
this 2^d day of July 1890 } Kornfeld
Mark
Police Justice

0649

Sec. 198-200

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Samuel Rosenberg

Question. How old are you?

Answer.

28 years old

Question. Where were you born?

Answer.

Russia

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

Answer.

22 Norfolk St. 2nd floor

Question. What is your business or profession?

Answer.

Shirt-maker.

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

Sam Rosenberg

Taken before me this

July 18 1944

Police Justice.

0650

Sec. 151.

Police Court 3 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by *Sophia Kornfeld*
of No. *46 Forsyth* Street, that on the *or about 6* day of *April*
18*99* at the City of New York, in the County of New York, the following article to wit:

Good and Lawful money of the
United States to the amount and
of the value of *five hundred* Dollars,
the property of *deposited*
w *as* taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by *Samuel Rosenberg*

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the bod *of* of the said Defendant
and forthwith bring *him* before me, at the *3* DISTRICT POLICE COURT, in the said City, or in
case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the
said charge, and to be dealt with according to law.

Dated at the City of New York, this *2* day of *July* 18*99*

[Signature]
POLICE JUSTICE.

0651

Police Court 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Sophia Kornfield
vs.
Samuel Blumberg

Warrant-Larceny.

Dated July 2d 1890

Hogan Magistrate

Barkley Officer.

The Defendant

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

Officer.

Dated 7/1 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated

188

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

Police Justice.

The within named

July 2/90
28
LU
Russia
28 Norfolk

0652

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

defendant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *100* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *July 2* 18 *90* *[Signature]* Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

0653

Ex July 5th 10³⁰ A.M.
\$1000 bail

Police Court---

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Sophia Kempfeld
46
Samuel Bromberg

1
2
3
4

Offered
Lancaster

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated July 2 1894

H. G. van der Meer Magistrate.

Beckley Officer.

East Precinct.

Witnesses Charles Lerner

No. 53 Orchard Street.

Anna Schmitt

No. 46 1/2 1/2 Street.

John J. Schmitt

No. 46 1/2 1/2 Street.

\$1000 to answer

0654

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Samuel Bronberg

The Grand Jury of the City and County of New York, by this indictment, accuse
— *Samuel Bronberg* —
of the CRIME OF *Grand* LARCENY, in the second degree, committed
as follows:

The said *Samuel Bronberg*
late of the City of New York, in the County of New York aforesaid, on the
— *ninth* — day of — *April*, — in the year of our Lord
one thousand eight hundred and ~~eighty~~ *ninety* at the City and County aforesaid, being
then and there the clerk and servant of *agent and trader of*
one Sophia Kumpf.

and as such ~~clerk and servant~~ *agent and trader* then and there having in his possession, custody and control
certain moneys, goods, chattels and personal property of the said

Sophia Kumpf,

the true owner thereof, to wit: *the sum of fifty dollars*
in money, lawful money of the United
States of America, and of the value
of fifty dollars, —

the said *Samuel Bronberg* — afterwards, to wit:
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,
did feloniously appropriate the said *sum of money* —

to his own use, with intent to deprive and defraud the said *Sophia Kumpf*
of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and
personal property of the said *Sophia Kumpf*,

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

JOHN R. FELLOWS,
District Attorney.