

0349

BOX:

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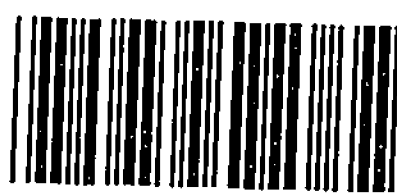
2103

DESCRIPTION:

Murphy, Edward

DATE:

03/24/86



2103

0351

Police Court—2 District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Walter J. Flinn
 of No. 218 West 32. Street, aged 32 years,
 occupation Expressman being duly sworn
 deposes and says, that on the 20 day of March 1886 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the night time, the following property viz:

One live horse. one Express wagon
 one set of Single Harness. one
 blanket. one front apron. & one
 feed bag. of the value together
 of about Three hundred and
 fifty dollars. (\$350.00)

the property of The Westcott Express Company
a Company duly incorporated under
the laws of the state of New York. And in the
Care and Custody 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 Edward Murphy (now here)

And a man unknown to deponent
 and not yet arrested. from the fact
 that at about the hour of 8.30 O'clock
 P.M. on said date. deponent left the
 aforesaid property standing in front of
 his residence at the above address.
 and went in the house. And shortly
 thereafter when deponent came out
 of the house. the aforesaid property
 was gone. And at about the hour of 12.
 O'clock. P.M. on said date deponent
 saw the defendant in company with
 said unknown man in the aforesaid
 wagon driving the horse up 7th Avenue

Subscribed to before me this 18th day of March 1886

Police Justice

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Near 32nd Street. Dependent caught
the horse by the head and held him
when the defendant and the unknown
man jumped out and the unknown
man ran away. The defendant stood talking
with dependent for about 15 minutes when
the defendant left dependent and turned in
to West 32nd Street and went into the house
no 209 said Street. Dependent then met
Officer John Carey of the 29th Precinct Police
and caused the arrest of the defendant
wherefore dependent charges the defendant in
company with the aforesaid unknown
man with feloniously taking stealing and
carrying away the aforesaid property
and prays he may be held and dealt
with according to law. H. S. Thomas

Sworn to before me
this 21st day of March 1886

Police Justice

Police Justice.

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

Police Justice.

Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

1.
2.
3.
4.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street.

No.

Street.

No.

Street.

\$

Sessions.

to answer

0353

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK.

District Police Court.

Edward Murphy

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

Question What is your name?

Answer

Edward Murphy

Question How old are you?

Answer

24 years old

Question Where were you born?

Answer

Ireland

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

Answer

209 West 32 St. About 5 years.

Question What is your business or profession?

Answer

Painter

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

Edward Murphy

I declare before me this

day of *March* 188*6*

at New York

Police Justice.

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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 Asferdau

~~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 March 6 1885 W. J. Smy 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

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Police Court 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Walter S. Flinn

718 West 32nd

Edward Murphy

2 _____
3 _____
4 _____

*Grand
Arresting
Officer*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *March 21st* 1886

Power Magistrate

John. Barry Officer.

22 Precinct.

Witnesses _____

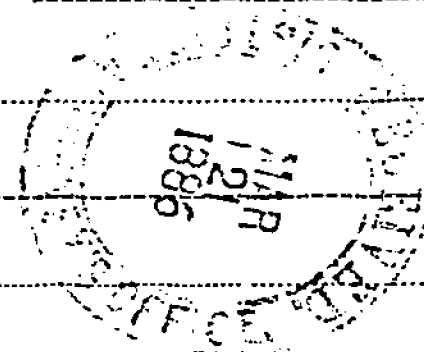
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer *Guarantee*

Conu



The People
vs.
Edward Murphy.

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

March 1886.

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The People
vs.
Edward Murphy.

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

March 26, 1886.

Indictment for grand larceny in the second degree.

~~Walter~~ Asst. Dist. Atty. Fitzgerald, for the people.

Mr. Barnett counsel for the Defendant.

A Jury was empanelled and sworn.

Walter S. Flynn sworn and examined.

By Mr. Fitzgerald. Q. Mr. Flynn where do you live?

A. No. 218 West 32nd Street.

Q. What is your business, Mr. Flynn.

A. Expressman.

Q. By what company are you employed.

A. Westcott's.

Q. Westcott's Express Company.

A. Yes sir.

Q. Do you remember the 20th day of March last?

A. I do, yes sir.

Q. You drove for that company.

A. I do.

Q. Did you have a horse and wagon belonging to them in your care and custody that day?

A. I did, yes sir.

Q. About half past eight in the evening where were you?

A. I stopped in my house just about that time.

Q. Where is that? A. 218 West 32nd Street.

Q. In this city? A. Yes sir.

Q. You had a horse and wagon with you?

A. I did.

Q. Did you go in your house?

I A. I did, I blanketed my horse outside the door and went in.

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the house to change my clothes on account of it being raining. I had extra work to do that night.

Q. What was the value of the horse and wagon about?

A. I should judge about \$350, between that and \$400.

Q. How long did you remain in the house.

A. I was in the house about six minutes, not more than that, just enough to change my clothes, I was in a hurry to get through.

Q. When you came out was the horse and wagon there.

A. No sir; my mother-in-law went out in the meantime to give the horse an apple.

Q. Did you look for the horse and wagon?

A. I did sir.

Q. How long were you looking for them before you found them?

A. From that time until half past eleven; leaving the 30th Street station and turning into the 7th Avenue I met two men.

By the Court. Q. How long after?

A. About half past eleven.

By Mr Fitzgerald. Q. This was half past eight or eight o'clock.

A. Yes sir.

Q. You saw the horse and wagon at that time.

A. Yes sir.

Q. Did you see any people in charge of it.

A. Yes sir.

Q. Look at the defendant Edward Murphy, was he one of the men.

A. Yes sir.

Q. You say somebody else was there with him.

A. Yes sir.

2 Q. Do you know what became of the other man?

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A. He ran away.

Q. What did Murphy do?

A. Murphy went into the house, that is he walked down from the corner of 32nd Street where we caught him and walked into the house 209 32nd Street, I went across the street and got Officer Carey and had him arrested.

Q. Did you ask Murphy any questions about your property.

A. I did; when I first got the horse, I says, what are you doing with the horse and wagon? He says, what do you want. I said, I am the driver of the wagon. He said, you go to hell, and started to drive ahead, I called my brother-in-law to go for an officer and they both jumped out of the wagon, one man ran away and he went in the house.

Q. Was there anybody with you that night?

A. Yes sir.

Q. Who? A. My brother-in-law and a friend.

Q. What is your brother-in-law's name.

A. Luik.

Q. What is your friend's name.

A. Andrew Roof.

Q. They were with you at the time you found the wagon.

A. Yes sir.

Cross Examined.

Q. Did you tie that horse Mr. Flynn.

A. No sir, it was not necessary.

Q. You did not tie him did you?

A. No sir, I did not.

Q. Was there a place to tie him there.

A. No sir.

Q. You just left him standing in front of the door.

3 A. Yes sir, as I have done ever since the 2nd of December.

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Q. There was nothing in the wagon?

A. Nothing but the storm apron, the blanket, the feed bag and a box containing --

Q. You found all these?

A. No sir, I found the tail-board of the wagon, the feed bag and the box of ropes gone.

Q. You did not find the wagon until three hours and a half after.

A. Yes sir.

Q. Are you in the habit of driving your wagon home.

A. Yes sir, I stop every night for my supper before I go to the stable.

Q. You generally do that.

A. Yes sir.

Q. What kind of a horse was this.

A. I should judge --

By the Court. Q. What color and size was it.

A. About sorrel, a small sized horse.

By Counsel. Q. And the wagon was painted plain in letters "Westcott's Express Company?"

A. Yes sir, very plain, both sides of the wagon, Westcott's Express, No. 723.

Q. So a man who stole that wagon would know what it was he was stealing, everybody would know that it belonged to Westcott's Express Company, no doubt about that.

A. No doubt.

Q. You say there were two men on the wagon.

A. I did.

Q. What kind of a looking man was the other man.

A. He was a little taller, he had a light overcoat, a light

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moustache and a small derby hat as near as I could judge.

Q. How were they driving the wagon.

A. They were driving the wagon very fast.

Q. What was the condition of the men as to sobriety, were they drunk.

A. They did not appear to me so.

Q. You did not think so, are you positive of that.

A. Yes sir.

Q. Did you observe whether they were on a lark.

A. I was too glad to get the horse and wagon back.

Q. Did you observe whether or not they were men on a lark, were a little under the influence of liquor.

A. No sir.

Q. You do not know whether they were or not.

A. No sir, both of them jumped off together, the prisoner had the lines in his hand, he told me to go to hell.

Q. You told him that you wanted that wagon and he told you to go to hell.

A. Yes sir.

Q. Suppose a man came to you at eleven o'clock and you were driving a wagon what would you naturally do.

A. If I picked it up in the street I should ask him if it was his or I would have taken him to the Station House.

Q. You might do something else feeling your importance as a driver.

A. No sir, I do not think I would, that is just what I would do.

Q. Where did you find these men that you speak of in the wagon.

A. I seen them as I turned 30th Street and 7th Avenue. I ran after them, I had no officer with me, I had my brother-in-

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law and his friend, I went up and caught the horse by the head at 32nd Street and 7th Avenue.

Q. You stood between that man and the wagon you speak of.

A. Yes sir.

Q. What did the prisoner do.

A. He walked into the house at 209, I turned the horse's head into 32nd Street.

Q. Do you know whether he lived there or not.

A. I have heard so since, that he did.

Q. Right near his own house.

A. Yes sir.

Q. What would be the natural thing for a man to do if he found your horse and wagon in the street.

Ob. ected to. Questions withdrawn.

Q. Well, do you know whether or not these men took that horse and wagon from your door, do you know anything about that at all.

A. That I could not certify, I found them in possession of it.

Q. The horse might have started off.

A. No sir, because I have stopped there every night from the 2nd of December and have stopped in the house and had my supper and changed my clothes and he never wandered off, he is not known to do anything of that kind.

Q. Does a horse do every day the same thing as he did before under the same circumstances, does a horse always do exactly the same thing to-day that he did yesterday and to-morrow that he did to-day.

A. Well, when I drive him he is --

Q. Do horses generally

A. I do not know anything about that, I only know the horse that I drive continually --

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Q. Will you swear that it is impossible for that horse to have wandered off by himself?

A. Yes sir, and I will swear that he knows his way home as well as I do.

Q. What was the direction to the stable.

A. 32nd Street to 6th Avenue and 6th Avenue to 42nd Street; the stable is between Lexington and Third Avenues.

Q. That is the way he would naturally go.

A. Yes sir.

Q. Never deviate from that.

A. No sir, I leave the foot of Jay Street, the West Shore road --

Q. You mean to tell me it is impossible for that horse to have wandered off by himself.

A. Yes sir.

Q. What is ~~your basis~~ the basis of your knowledge of the fact that that horse could not start off?

A. Experience.

Q. Simply that the horse has generally stood there.

A. Nothing else.

Q. Do you say it would be impossible for that horse to have started away.

A. Unless somebody was to start him.

Andrew Roof sworn and examined.

Q. Mr. Roof, you are acquainted with Flynn the last witness.

A. Yes sir.

Q. Do you remember the 20th of March last.

A. Yes sir.

Q. Were you with Mr. Flynn that night looking for a wagon.

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A. Yes sir.

Q. Did you see the defendant Edward Murphy here.

A. That is the man

Q. You saw him.

A. Yes sir.

Q. Where did you see him.

A. I seen him on the wagon.

Q. And at what time of night.

A. About half past eleven.

Q. And in 32nd Street I suppose.

A. No, it was not on 32nd Street, he was coming up 7th Ave.

Q. Were you there at the time of his arrest.

A. Yes sir.

Cross Examined.

Q. Mr Flynn said that you and he were together and when you saw the wagon it was just going into 32nd Street, is that right.

A. We come from the 30th Street Station House and when we saw the wagon coming up 7th Avenue we stopped them at 32nd Street and 7th Avenue.

Q. Did this man say anything when you saw him.

A. Yes sir.

Q. What did he say.

A. He did not want to give up the wagon.

Q. Well, what did Flynn do.

A. Flynn held the horse.

Q. He went to the horse's head didn't he.

A. Yes sir.

Q. What did he say.

A. He told his brother-in-law to go for an officer and the two jumped off and one walked away.

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Q. What did he say to this man about the wagon, to the prisoner.

A. He told him he wanted the wagon.

Q. What did the prisoner say.

A. The prisoner said nothing.

George W. Luik sworn.

Q. Are you acquainted with Flynn, the complainant and the last witness, Mr Roof.

A. Yes sir, he is my brother-in-law.

Q. Were you looking for a wagon on the night of the 20th of March last, along with them.

A. Yes sir.

Q. Where did you see the wagon.

A. We met it coming up 7th Avenue, we turned from 51st Street.

Q. Did you see Edward Murphy, the prisoner here.

A. Yes sir.

Q. Where was he.

A. On the wagon with another man.

Cross Examined.

Q. Whereabouts was that.

A. This was on 7th Avenue.

Q. On 7th Avenue.

A. Yes sir, we saw it.

Q. Was it not in 32nd Street.

A. No sir, we caught him at 32nd Street corner, just caught him there, my brother-in-law at least.

Q. Was there an officer with you at the time.

A. No sir.

Q. You sent for an officer?

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A. I was told to go for one but when I was told to go for one two men got down, one went away and the other went to the door, I did not go, I stopped, I went a little ways, I came back again when I saw that and then my brother-in-law went himself.

Q. Did Mr. Flynn say something to the prisoner.

A. He asked him for the wagon.

Q. What did he say.

A. He made the remark to him. --

Q. Don't be bashful, tell us what he said.

A. He told him to go to hell.

Q. What was the manner of Mr. Flynn at that time, was he not holding the horses head.

A. Yes sir, he was holding the horse, he was not holding him as though he wanted --

Q. Did he tell him who he was.

A. Yes sir, he told him he was the driver of the wagon.

Q. And the first thing he did was to run up and catch the horses head was it not.

A. Yes sir, the first thing he done was to stop the horse.

Q. And threw the horse back.

A. He did not throw him back, no, only stopped him slowly.

Q. He said, I want this horse and wagon.

A. He said to him he wanted the horse and wagon and he told him that he was the driver of it.

Q. That was one of Westcott's Express wagons was it.

A. Yes sir.

Q. A man could not drive that wagon as far as you saw the wagon without everybody knowing what it was.

A. I would know it and everybody would know it.

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Q. It had a big sign.

A. Yes sir, a sign on each side.

Q. Every one would know it was Westcott's Express wagon wouldn't they.

A. Yes sir.

John Carey sworn and examined.

Q. You are a police officer attached to the 20th precinct in this city.

A. Yes sir.

Q. Did you arrest the defendant Edward Murphy on the 20th of March.

A. Yes sir.

Q. Where did you see him Officer?

A. I arrested him in his house 209 32nd Street.

Q. What time.

A. About a quarter past twelve.

Q. On the complaint of Mr Flynn charging him with taking a horse and wagon.

A. Yes sir.

Q. Did you ask him anything about the crime, Officer.

A. I asked him what he took this horse and wagon for? He said, what horse and wagon? He made that remark several times going to the station house and at the Station House.

By Counsel. Q. Had you him under arrest.

A. Yes sir.

Counsel. Then I object to any testimony as to what was said.

The Court: Objection overruled.

Counsel: Exception.

Witness: At the Station House when he was asked by the sergeant

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what he took the horse and wagon for he said he had a right to take it as he found the horse going around 31st Street corner and he was going up home to tell his people that he was going to lead the horse home. I asked him who the other man was that was with him? He said, there was no man.

By Counsel. Q. He said there was no other man.

A. Yes sir.

By Mr. Fitzgerald. Q. Anything further, Officer.

A. Then he said it was a put up job on him. I asked him why he should suppose --

Counsel: All this is under objection and the same exception.

The Court: Yes.

Witness: I asked him if he knew those men.

By Mr. Fitzgerald. Q. Who did he mean.

A. The complainant and witness, and he said no. I asked him if he ever done anything to them that they should put up any such job on him and he said no.

Q. Go on, Officer.

A. That is about all.

Q. Now did you see the wagon.

A. Yes sir.

Q. The wagon had all these signs on.

A. It was night time.

Q. Did you see the horse.

A. Yes sir.

Q. No mark on the horse was there.

A. No sir.

Mr. Fitzgerald: That is our case.

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The Case for the Defence.

Counsel: I move that your Honor direct an acquittal upon the ground that there is no felonious intent shown here whatever. It was shown by the prosecution that they left the horse last in front of a certain house and that they subsequently found it in possession of the prisoner, which I submit does not permit the jury to draw the legal presumption that he was feloniously in possession of the horse and wagon.

The Court: The situation is one that calls for an explanation. The defendant is found some three hours after the horse is missed, his conduct at the time of leaving the wagon, what he said and all affords some basis for an inference. The motion to direct an acquittal is denied.

Counsel: I take an exception.

Edward Murphy sworn and examined.

Q. Mr. Murphy tell your story to the jury of what occurred that night.

A. I was at 37th Street and 7th Avenue when this horse and express wagon was going up the avenue and I seen no driver in it; so I stopped the horse and got in the wagon with the intention of leading it up to the stable and finally when I got to 32nd Street I intended to turn the street and go down and tell my folks, it being late, where I was going. So with that I believe as far as I understand I think it was five men run over to me and stopped me just as I was pulling up to the walk and they demanded the horse from me. So the driver said, this is my horse and wagon, I demand it. I do not remember seeing any

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expression whatever to him but got down out of the wagon and I seen nothing more about it, I walked off right into my own door, opened it with a latch key and went upstairs. Finally in about half an hour after that I was undressing going to retire to go to bed and an officer, I believe the driver and another man, I could not say whether there were two men or not but anyway I was taken to the 29th precinct and charged with the theft of it. If I took that horse from 42nd Street I am certain I would not go around the street again with that horse and wagon.

Q. You heard where Mr Flynn said he hitched the horse.

A. Yes sir I did, I heard that.

Q. How far was that from where you were arrested.

A. That was I should judge about ten doors.

Q. Where the horse was hitched.

A. Yes sir.

Q. At the time you were taken how long after was it.

A. I was there half an hour.

Q. At the time they found you in the wagon three hours and a half was it not.

A. The time I got the horse and wagon was about eleven o'clock.

Q. Was that the first you ever saw of the horse and wagon.

A. That was the first I seen of it.

Q. What did you intend to do with that horse and wagon.

A. Leave it at the stables.

Q. Did you expect to get anything.

A. That was my intention, I thought I might get a reward.

Q. Was there anybody with you at the time you took that horse and wagon.

A. Not to my knowledge, I could not say.

Q. What was your condition.

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A. I was drunk at the time, I do not remember if there was anyone in the wagon, I cannot say.

Q. Did you intend to steal that wagon.

A. No sir, I did not intend it.

Q. What was your only object on getting on the wagon.

A. To leave it to the stable as I stated before.

Cross Examined.

Q. Now Murphy, where had you been that night up to the time you saw the horse and wagon.

A. Oh, I was in several places.

Q. Tell us where they were.

A. In liquor stores.

Q. Any place else.

A. I was down to an uncle's of mine.

Q. Where does your uncle live.

A. He lives in 32nd Street.

Q. What is the number.

A. 420.

Q. What time did you leave your uncle.

A. Well, I should judge between half past seven and eight o'clock.

Q. What were you doing from that time up to half past eleven.

A. Well, I was going around, walking around from one place to another..

Q. Did you meet anyone at all that you knew.

A. No sir.

Q. Did not meet a scully that you knew.

A. No sir.

Q. How many liquor stores were you in.

A. Well, that I could not say, how many.

Q. About how many.

A. I might have been in six or seven.

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Q. All alone in all these liquor stores.

A. There was no one with me.

Q. Were you drinking in all the liquor stores.

A. Yes sir.

Q. Tell us what you drank.

A. I was drinking whiskey.

Q. Now you remember seeing this horse and wagon, don't you.

A. I remember seeing it at 31st Street and 7th Avenue.

Q. You were sharp enough to notice there was no driver in the wagon.

A. I saw a horse walking languidly along, the blanket was on him, I pulled it when I got on the wagon, on my knees.

Q. Did anyone help you to get on the wagon.

A. No sir.

Q. You remember getting up.

A. I remember getting up.

Q. You remember thinking of the reward you were going to get when you got to the stable.

A. That was my intention.

Q. You recollect all that.

A. I do.

Q. You cannot remember whether there was a man in it or not.

A. I do not recollect that, they say there was.

Q. When did you get out of the Penitentiary, Murphy.

A. August.

Q. What were you up there for.

A. Larceny it was but I was not guilty of that.

Q. You were not guilty. A. No sir.

Q. You were innocent of that crime too.

A. Yes sir.

16 Q. What did the jury unjustly convict you of.

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Objected to..

The Court: You may show he was convicted of stealing.

By Mr Fitzgerald. Q. What were you convicted of?

A. Larceny.

Q. What were you charged with stealing.

A. This was a watch.

Q. A watch? A Yes sir, but the gentleman that it was taken off I never took it off, he knows it himself, he knew that I did not take it but I was convicted.

Q. How many times have you been in the Penitentiary.

A. I never had been in it before.

Q. When were you in the State prison.

A. Never.

Q. Do you mean to say that was the only time you were ever convicted.

A. Yes sir.

Q. What have you been doing for a living.

A. I have not done anything lately because I have been sick, I lost a leg.

Q. What do you work at when you do work.

A. The last thing I worked at was driving, as a general thing I work at driving.

Q. Is not that your signature, Mr Murphy? (Paper shown.)

A. Yes sir.

Q. When you were asked in the Police Court what your work was what did you tell them.

A. Painter, that is my trade but I have not been working at it lately.

Q. Who did you paint for.

A. I have painted for several parties, he is dead now, his name was McKenna, plain painting.

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Q. What kind of a painter do you call yourself.

A. I am only a plain painter, that is what I was working at with McKenna.

Q. Do you mean white washer.

A. No sir, I do not mean white-washer.

Q. How long had you had this horse and wagon at the time the express man came up and claimed it, the time Flynn came up and claimed it.

A. Only when I got on the wagon at 31st Street to 32nd St.

Q. Just long enough to drive from 31st to 32nd Street and 7th Avenue.

A. Yes sir.

Q. You only had it in your possession a single block.

A. Yes sir.

Q. You found it at 31st Street and 7th Avenue.

A. Yes sir, going up the avenue.

Q. How fast.

A. Walking.

Q. The horse walking.

A. Yes sir.

Q. Nobody in the wagon.

A. No sir.

Q. Where were the reins.

A. I could not say whether they were tied, they were tied to something.

Q. They were not down under his feet.

A. No sir, they were not hanging down.

Q. Walking along quietly. A. Yes sir.

Q. Other people around.

A. It was raining very hard at the time, I did not see anybody around.

0375

Q. Did you have an umbrella? A. No sir.

Q. Where do you live.

A. 209 West 12nd Street.

Q. And where had you been, where did you come from when you found the horse and wagon.

A. I came through 31st Street and then I stood on the corner.

Q. From what avenue. A. From 9th Avenue.

Q. You came over from 9th Avenue to 31st Street.

A. Yes sir.

Q. You live in 12nd Street. A. Yes sir.

Q. You had been over on 9th Avenue, you were on your way home

A. Yes sir, I intended to stop in a place between 31st and 32nd Street before I would go home, the last place.

Q. Whose place.

A. A liquor saloon, a lager beer saloon.

Q. Who keeps it.

A. He is a German man, I cannot think of his name.

Q. You were standing on the corner of 7th Avenue.

A. As I was going up the street I saw the wagon and I seen there was no driver on it.

Q. What were you standing on the corner for.

A. Nothing that I know of, no one with me, it was raining.

Q. And then you saw the horse coming up the avenue from 30th Street a block below you.

A. Yes sir.

Q. You were all alone. A. I was alone, yes sir.

Q. Nobody in the wagon.

A. No sir, if there was I would not have got in, I stopped the horse before I got in.

Q. How did you take hold of him.

19 A. I went up to his head.

0376

Q. Stopped him and then got in.

A. Yes sir.

Q. Did it have a cover to it, this wagon.

A. Yes sir, there was a cover to it.

Q. Was the rear part of it closed up or open.

A. That I could not say.

Q. You do not know.

A. No sir.

Q. If there had been anybody on the seat with you for a single block you would have known it.

A. Yes sir.

Q. You did not have possession of the horse more than a couple of minutes.

A. I could not have more than that.

Q. You drove on a walk.

A. Yes sir, on a walk.

Q. Do you remember saying anything to Flynn when he came up and claimed the wagon.

A. No sir.

Q. You do not remember anybody else getting out of the wagon and running away.

A. No sir, all I remember was standing there I think a few minutes, I walked off then and went home.

By Counsel. Q. Do you know whether there was anything in that wagon at the time.

A. I seen nothing in the wagon.

Q. Just an empty wagon. A. Yes sir.

By Mr. Fitzgerald. Q. Did you know where Westcott's stables were.

A. In 43rd Street.

Q. What place. A. Over near Third Avenue.

20 Q. Have you ever been there.

0377

A. Oh, I never have been there.

Q. How did you know where they were.

A. I have often seen it.

Q. That was the only information you had? A. Yes sir.

By Counsel Q. You had been passed there.

A. O yes, often.

Q. You had seen the sig. of Westcott's stables.

A. Yes sir.

By the Court. Q. Where were they.

A. In 43rd Street, near Third Avenue.

Q. Which side of the street.

A. On the uptown side.

Q. How near Third Avenue, nearer to Third than to Fourth.

A. I could not say how near.

Q. Between Fourth and Third Avenue.

A. Near Third Avenue, yes sir.

Q. Nearer Third than Fourth.

A. The depot is right there at Fourth Avenue.

Q. The question is, where this stable is.

A. As far as I know it is near Third Avenue, I cannot recollect, it is so long since I have been there.

Q. On the north side of the street.

A. Yes sir, I believe it was.

Q. There is where you started for.

A. Yes sir, I started to drive there, I had an idea it was 43rd Street near Third Avenue, at least I passed through there, I seen it.

Walter S. Flynn recalled by the Court.

Q. Between what Avenues do you reside.

A. Between 7th and 8th.

0378

Q. It was there that you left the horse.

A. Yes sir.

Q. Facing east or west.

A. Facing east.

Q. That is facing east towards 7th Avenue.

A. Yes sir, toward Seventh Avenue.

Q. When you saw the defendant with the horse on 7th Avenue and stopped him how fast was he traveling.

A. Pretty good pace, it was as much as I could do to catch him.

Q. On a walk or on a trot. A. On a trot.

Q. Where was the other man.

A. On the wagon, on the seat, he had a blanket wrapper around him.

Q. Where is the stable.

A. On 4th Street between Third and Lexington Avenues.

Q. Which side, south or north.

A. On the north side.

By Counsel. Q. Do you know where Murphy lives.

A. I do now, yes sir.

Q. How far from him do you live.

A. Well, his number is 309 and mine is 318 on the other side of the street.

Q. In the same street. A. In the same street.

Q. And you found him within probably two hundred feet of your own door, didn't you.

A. I found him at 7th Avenue and 32nd Street.

Q. Within two hundred feet of your own door.

A. I could not judge of the number of feet.

Q. Was it not three hundred feet.

A. Well, probably that.

0379

Q. Three hours and a half after the horse disappeared, is that true.

A. About that time.

Q. Have you any idea of what became of the horse in the meantime.

A. From what I understand it is an old game of some of the gang that hang around there that they use a wagon for the purpose of transporting plunder instead of carrying it home, being known by the police.

Q. Then what do they do with the wagon.

A. Leave it on the street again, that is what I was told, that is what I understood.

Q. Is that your theory of this case.

A. No sir, that is not my theory, I have got no theory of it at all.

Q. Didn't it strike you as a little singular that three hours and a half after this wagon had disappeared that you should find it within two hundred or three hundred feet of your own door, driving it towards your own house.

A. No sir, I found the tail-board down and the chain down, they must have had something in it, it was merely an empty box with a few nips in it; they were not going by my door; they might have been going to Harlem.

Q. Weren't they turning the corner?

A. No sir, I turned the horse on the corner.

Q. Did not you tell me on the witness stand a little while ago, and this jury that the first time you saw that wagon it was turning the corner.

A. No sir, I said I turned the corner of 7th Avenue.

Q. Where was the horse and wagon going.

23 A. Going up 7th Avenue, I caught him just on the crossing.

0380

Q. Was he in 32nd Street.

A. In the center of it, I turned the horse's head in.

Q. It was not over four hundred feet from your house.

A. No, I should judge not.

Q. You missed the horse when.

A. About half past eight.

Q. And this was when.

A. Half past eleven.

Q. You heard Mr. Murphy's testimony as to where the stables were.

A. Yes sir.

Q. That was correct in the main, that was about the location was it not.

A. Not exactly.

Q. It was about the location, the north side of 32nd Street, near Third Avenue, is not that correct.

A. Yes sir.

Counsel. I ask your Honor to direct an acquittal in this case upon the ground that there is no evidence of a felonious taking of the property in question; and upon the further ground that the only evidence in the case upon the part of the prosecution is the fact that the horse and wagon was found in the defendant's possession about three and a half hours after it had been left unfastened by the driver, and the defendant's possession at that time is explained by his own testimony which stands uncontradicted, that he found the horse and wagon straying on Seventh Avenue. And further I ask your Honor to direct a verdict of acquittal on the ground that the fact of finding the property in the possession of the defendant is not presumptive evidence that he was wrongfully in possession unless it further

0381

appears that there had been a previous felonious taking charged in this case of which there is no evidence, the only evidence being that the horse and wagon was left unfastened in front of that door and that it was found in somebody's possession three and a half hours afterwards, there being now evidence of any felony here at all on the part of anybody but merely that my client was found three and a half hours afterward in possession of the property and that is no evidence of the fact that he stole or intended to steal the property. I ask your Honor therefore to direct the Jury to bring in a verdict of acquittal.

The Court: The motion will have to be denied. It seems to me that the evidence is of such a character that the jury should pass upon the questions to which you have called the attention of the court. There is no direct evidence it is a case of a circumstantial evidence, I will submit it to them fairly, I do not feel justified in taking it from them.

Counsel. I except to your Honor's decision.

0382

The Judge's Charge.

Judge Cowing charged the Jury as follows:

Gentlemen of the Jury:

This defendant, Thomas Brady, is in your charge accused of committing the crime of grand larceny in the second degree. He has been jointly indicted with a man by the name of James Smith, but Brady only is on trial, they having elected to be tried separately, a

2/2
T. Brady
C. Smith
James Smith
1889

0384

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Murphy

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

Edward Murphy

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

The said *Edward Murphy*

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-*six* —, at the Ward, City and County aforesaid, with force and arms,

one horse of the value of
one hundred and fifty dollars,
one wagon of the value of
one hundred and fifty dollars,
one set of harness of the value of
forty five dollars, one blanket
of the value of ten dollars, and one
feed bag of the value of five dollars, —
of the goods, chattels and personal property of *one* a certain corporation
then and there known and designated as
The Westcott Express Company.
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.

0385

SECOND COUNT--

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

Edward Murphy—

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

The said

Edward Murphy

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

one horse of the value of one hundred and fifty dollars, one wagon of the value of one hundred and fifty dollars, one set of harness of the value of twenty five dollars, one apron of the value of five dollars, one blanket of the value of ten dollars, and one feed bag of the value of five dollars.

of the goods, chattels and personal property of ~~one~~ *a certain corporation then and there known and designated as The Westcott Express Company,* by ~~a certain person or persons~~ to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *corporation,*—

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

Edward Murphy,—

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

RANDOLPH B. MARTINE,

District Attorney.

0386

BOX:

212

FOLDER:

2103

DESCRIPTION:

Murphy, John

DATE:

03/15/86



2103

Witnesses

J. G. Schroeder

Off Hogan

This indictment

was found in 1886.

Sergeant J. Hogan

in 1886 was in the

central office - He

is now in the 1st

precinct - He

recalls the case &

knew the prisoner

personally - Prisoner

was a consumptive

when arrested -

Sergeant Hogan tells

me the defendant died

about 6 years ago -

gallies were kept with

this indictment being

made - J. A. A. A.

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knew the prisoner

personally - Prisoner

was a consumptive

when arrested -

Sergeant Hogan tells

me the defendant died

about 6 years ago -

gallies were kept with

this indictment being

made - J. A. A. A.

1886

Counsel, Stacomp & Spener

Filed 15th March 1886

Pleas, McNulty & M.

THE PEOPLE

vs.

B

John Murphy

Grand Larceny, 2nd Degree.
(From the Person.)
[Sections 528, 531, Penal Code.]

RANDOLPH B. MARTINE,
District Attorney.

A TRUE BILL.

Geo. B. Deane

May 26th 1886

June 1st 1886

June 1st 1886

June 1st 1886

June 1st 1886

June 1st 1886

0388

In the matter of
Estate of 2 189
vs
John Murphy

William Gallagher being duly sworn says
that he knew the above named defendant for a
number of years

That he said John Murphy died during
the year 1887 -

That he had attended the funeral of said
John Murphy and knew him to be the party men-
tioned in the annexed original papers

Subscribed and sworn before me
this 24th day of May 1893
J. G. Maguire
Clerk of Court
W. J. Gallagher

0389

~~People~~
~~v. s.~~

~~John Murphy William Gallagher~~
~~being duly sworn,~~
~~says that he knew the~~
~~above named defendant~~
~~for a number of years~~
~~and was intimate with him.~~

~~In the year 1887 the~~
~~defendant & the~~
~~above William Gallagher~~
~~attended his John Murphy~~
~~funeral~~

0390

Police Court—10th District.

Affidavit—Larceny.

City and County } ss.
of New York,of No. 212 Washington St. aged 37 years,
occupation Confectioner being duly sworndeposes and says, that on the 5th day of March 1886 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession ~~and~~
person of deponent, in the day time, the following property viz:

One single-faced gold watch
and gold chain of the
value of Sixty Dollars
\$60 00
100

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 John Murphy (now here)

for the reasons following to wit: De-
ponent was standing at the
corner of Grand Street and
the Bowery said defendant
was standing in front of
deponent. Deponent at that
time having the said watch
to which was attached the chain
the said watch being in the left
pocket of the vest which he
then had on as a portion of
his bodily clothing. Deponent
feeling a tug at the said watch
saw the said defendant having

Sworn to before me, this

day

Police Justice

0391

the said watch and a part of the chain in his hand.

Wherefore de-
fendant charges the said defendant
with taking, stealing, and
carrying away the aforesaid
property from his possession
and person

Sworn to before me }
this 5th day of March } James G. Schroeder
1886 }

Samuel C. Bullett Police Justice

0392

Sec. 108-200.

CITY AND COUNTY
OF NEW YORK,15th District Police Court.

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

Question. What is your name?

Answer

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty of the charge
I was standing in the crowd looking at
the strikers and I was not near the
complainant*

John Murphy

Taken before me this

day of

1886

Police Justice.

0393

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 Murphy

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 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 5th 1888 Samuel O'Reilly Police Justice.

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

Dated March 5th 1888 Samuel O'Reilly Police Justice.

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

Dated _____ 188 _____ Police Justice.

0394

Police Court

15290 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Julius Schrodner
212 Washington
John Murphy

Office of the person

BAILED

No. 1, by

Residence

109 Mulberry Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

188

Magistrate

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

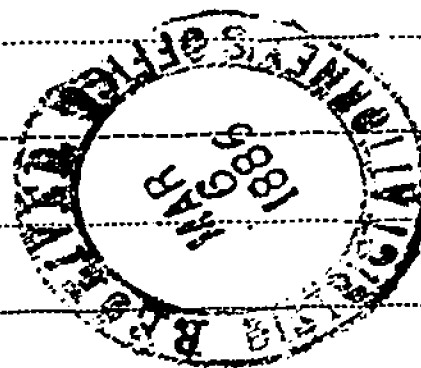
No.

Street.

\$ 1000

to answer

Bailed



0395

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

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

To

of No.

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of May 1893 at the hour of 10½ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dated at the City of New York, the first Monday of in the year of our Lord 1893

DE LANCEY NICOLL, District Attorney.

At 11½ o'clock A.M. See Mr. Bedford

To Off. Hogan Sergeant
1st Precinct C. O. Street

John Murphy

1886

0396

The Grand Jury calls witnesses in whatever order its Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's Officer or Clerk in the witness room know this at an early moment.

If you do not obey this Subpoena, or do not explain your absence, the Court will enforce your attendance by attachment, and fine you.

If you are ill when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, and another case taken up, you may know—unless otherwise advised—that the Grand Jury do not care to examine you; and you may then retire, mentioning your withdrawal to the officer or clerk.

If the Grand Jury adjourn, and you have not been called without explanation, inquire of the Chief Clerk in the District Attorney's office, if you are wanted again and when.

John Murphy dead
about 6 years

George R. Hogan
y at present

0397

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY THE COURT OF GENERAL SESSIONS.

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

To Julius Schroeder
of No. 8 2nd St. Hoboken Street

At 8 o'clock Mr. Bedford

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of May 1893 at the hour of 101/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

John Murphy

Dated at the City of New York, the first Monday of
in the year of our Lord 189

DE LANCEY NICOLL, District Attorney.

0398

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 Murphy

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

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

The said *John Murphy*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
27th day of *March*, in the year of our Lord one thousand
eight hundred and eighty-*five*, in the *day* time of the said day, at the Ward, City and
County aforesaid, with force and arms,

one watch of the value of forty

five dollars, and one chain of

the value of fifteen dollars.

of the goods, chattels and personal property of one *Julius F. Schneider*,
on the person of the said *Julius F. Schneider*,
then and there being found, from the person of the said *Julius F. Schneider*,
then and there feloniously did steal, take and carry away, against the form of the statute in such case made
and provided, and against the peace of the People of the State of New York and their dignity.

Randolph B. Martin,
District Attorney.

0399

BOX:

212

FOLDER:

2103

DESCRIPTION:

Murphy, Peter

DATE:

03/31/86



2103

0400

Witnesses:

James Murphy

Mr. Jeffers,
Seneca County
on Saturday for
appearance at the
Court.
He appears to be
a gentleman
man. The same should
not be removed

7d

202

Counsel,

Filed day of

Pleads

March 1886,
M. J. Murphy

THE PEOPLE

vs.

Peter Murphy

Assault in the Second Degree.
(Section 218, Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Chas. B. Roberts

Clerk of Court,
Foreman.

14. 7. 50
J. J. Murphy

0401

Police Court 2 District.

City and County { ss.:
of New York,

of No. 255 West 30th St Street aged 27 years,
occupation Lawyer being duly sworn

deposes and says, that on the 21 day of March 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Peter

Murphy who stabbed deponent
in the left thigh with a
pocket knife.

with the felonious intent ~~to take the life of deponent~~ 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

22 day

March 1888

G. H. Murphy

upson Police Justice.

0402

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—Felonious Assault & Battery

James Murphy
vs.
Mr. Murphy

2

8

4

Date

188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

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.

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

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

Dated 188 Police Justice.

0403

Sec. 108-200.

CITY AND COUNTY OF NEW YORK, ss

2 District Police Court.

Peter Murphy 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 to see fit to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Peter Murphy

I taken before me this

day

1886

Police Justice.

0404

Sec. 151.

2 District Police Court.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by James J. Murphy
of No. 755 Mar 30 Street, that on the 21 day of March
1886 at the City of New York, in the County of New York

he was violently Assaulted and Beaten by

John Murphy
who stabbed him with a knife
Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the 27 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 27 day of March 1886

John J. Ower POLICE JUSTICE.

0405

POLICE COURT, _____ DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Murphy

vs.

Peter Murphy

Warrant-A. & B.

Dated *March 23* 1886

Forner Magistrate.

Nixon Officer.
Peter Murphy
The Defendant

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

Wm B. Storer Officer

Dated *March 22nd* 1886

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, *March 22 1886*

Native of *U.S.*

Age, *25*

Sex _____

Complexion, _____

Color *White*

Profession, *Carpenter*

Married *Yes*

Single, _____

Read, *Yes*

Write, *Yes*

L. J. Storer

0406

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 *March 27* 188 *6*

my Omer
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 he to be discharged.

Dated _____ 188

Police Justice.

0407

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James Murphy
255 West 30th St.
John Murphy

Officer
Thomson
Waller

1 _____
2 _____
3 _____
4 _____

Dated *May 27* 188 *6*

Conner Magistrate

Nixon Officer.

62 Precinct.

Witnesses _____

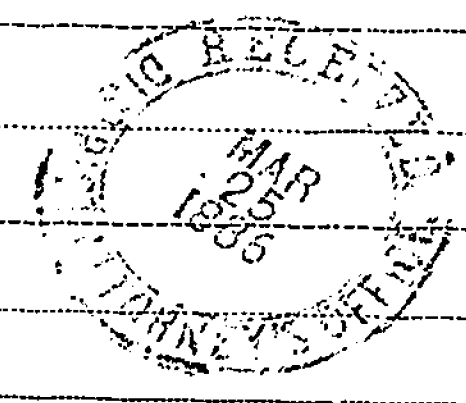
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *500* to answer *General Session*

Con



0408

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 Murphy

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

Peter Murphy

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

The said Peter Murphy

late of the City and County of New York, on the ~~twentieth~~ day of ~~March~~, in the year of our Lord one thousand eight hundred and eighty ~~six~~, with force and arms, at the City and County aforesaid, in and upon one

James H. Murphy

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said

Peter Murphy

with a certain ~~knife~~ which ~~he~~ the said

Peter Murphy

in ~~his~~ right hand then and there had and held, the same being then and there an ~~instrument~~ likely to produce grievous bodily harm, ~~him~~, the said ~~James H. Murphy~~, then and there feloniously did wilfully and wrongfully strike, beat, ~~stab~~, bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0409

SECOND COUNT:

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

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

The said *Peter Murphy*

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 one

James H. Murphy

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault: and the said

- James H. Murphy -
the said *Peter Murphy*

with a certain *knife*

which *he* the said *Peter Murphy*

in *his* right hand then and there had and held, in and upon the *left thigh* of *him* the said *James*

H. Murphy
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 wrongfully inflict grievous bodily harm upon the said *James*

H. Murphy to the great damage of the said *James H. Murphy* against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

04 10

BOX:

212

FOLDER:

2103

DESCRIPTION:

Murray, Joseph

DATE:

03/05/86



2103

0411

Witnesses:

Off Mc Mahon

#447

Counsel,

Filed

day of

1886

Pleads,

THE PEOPLE

vs.

R

Joseph Murray

W. J. Murray

Burglary in the Third Degree,
[Sections 498, 506, 528 & 531.]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Charles B. Folsom

Foreman

W. J. Folsom

Pleads Guilty

Am. One year.

0412

Police Court 2 District.

City and County } ss.:
of New York,

of No. 127 West 34th Street, aged 26 years,
occupation Horse Dealer being duly sworn

deposes and says, that the premises No 127 West 34th Street,
in the City and County aforesaid, the said being a Single Story Brick
Stable

and which was occupied by deponent as a Stable
and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly Breaking
and unloosing the fastenings of
the Stable door

on the 1 day of March 1886 in the Evening time, and the
following property feloniously taken, stolen, and carried away, viz:

A Couple
Set of Carriage Harness, of the
Value of
Twenty five Dollars \$25.00

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

Joseph Murray (now here)
The said premises were locked and fastened
for the reasons following, to wit:

At the hour of three
o'clock a.m., on the night of the
above date, Officer James J. Mahon
met said deponent with said property
in his possession, and being satis-
fiedly arrested him and identified
deponent, who is sent to the Station House
and identified said property as his,
Wherefore deponent prays that said Deponent be
with as the law directs. Michael Carroce &

04 13

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 26 years, occupation Police man of No. the 29th Precinct

Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Michael Carrot
and that the facts stated therein on information of deponent are true of deponents own
knowledge.

Sworn to before me, this

day of March

188

James M. Mahon
Police Justice.

0414

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK,

2 District Police Court.

Joseph Murray 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

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

Joseph Murray

I taken before me this

day of

Police Justice.

04 15

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 _____

James Murray
_____ 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 2* 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

04 16

Police Court

2 273 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Archibald G. Groll
127 W. 3rd St.

Joseph Murray

Office of the
Magistrate

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

188

Magistrate

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street,

No.

Street,

\$

to answer

Curr

0417

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Murray

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

Joseph Murray

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

The said *Joseph Murray*

late of the *East 12th* — Ward of the City of New York, in the County of New York, aforesaid, on the *21st* — day of *March*, in the year of our Lord one thousand eight hundred and eighty-*six*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *Stable* of one

Michael Carroll the younger,

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

Carroll the younger,

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

04 18

SECOND COUNT—

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

of the CRIME OF

Joseph Murray
Grand LARCENY in the second degree, committed as follows:

The said

Joseph Murray

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

one set of harness of the

value of seventy five dollars

of the goods, chattels and personal property of one

Michael Carroll the younger,
in the *stable* of the said

Michael Carroll the younger,

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

Randolph B. Martin,

District Attorney

0419

BOX:

212

FOLDER:

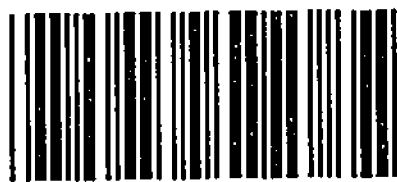
2103

DESCRIPTION:

Myers, Charles F.

DATE:

03/30/86



2103

0420

BOX:

212

FOLDER:

2103

DESCRIPTION:

Soper, Annie

DATE:

03/30/86



2103

Vote Bill

Vote Bill

Section 297 Penal Code.

Section 297 Penal Code.

0422

STENOGRAPHER'S MINUTES.

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Mary A. Martin
vs.
C. F. McGee
Anna Cooper

BEFORE HON.

POLICE JUSTICE,

188

APPEARANCES:

For the People,

For the Defence,

188

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Ante-Mortem
inquisition.

Statements of
Mary Ann Martin

1 16

M. J. Cheney

Official Stenographer.

0423

City and County
New York, S.D. Statement of
Mary Ann Martin, now
lying dangerously wounded
at 36th West 31st St. in
the 20th Ward of District
City and County, on the
19th day of March 1886

Ques What is your
Name?

Ans Mary Ann Martin

Ques Where do you live?

Ans Centre St. Elizabeth. N. Jersey

Ques Do you now
believe you are about to
die?

Ans Yes.

Ques Have you
any hope of recovery from
the effects of the injury
you have received?

Ans No.

Ques Are you willing to make
a true statement, how,
and in what manner, you
came by the injury
from which you are now
suffering?

0424

2

Mrs My husband, George
Martin keeps the
Landerbier House
at Landerbier Landing
Green Island. He
keeps two other places
outside of that one
on the same name.
One is the Atlantic
Hotel at Fort Gadsden
and the other is, I think
called Mechanics House.
He lives in the Lander-
=bier House altogether;
with a French woman.
I left ^{him} on Jan 1st 1883
(2)

0425

3

That is three years and
two and a half months
ago. I was married
to him when I was 18
years of age, on Aug 3rd
1876. I gave birth to
two of his children,
one, George Martin Jr
who was six years old
on December 19th/885
and the other little
Hattie Martin was
four years old on
January 8th/86. I
left my husband
because he was such

3

0426

H

A dirty Abusive man
And beat me so I
had to leave him.
He came home and
went out when he
pleased. When I left
him I took my boy
George, with me. I
left my girl Hattie
with him, and it
took me two years
to get her from him.
I had her carried
away on a Trigon
in October 1884. I
was published in the
newspapers at the time

0427

5

I took the child to
Bay Ridge L.I. and
from there to Whitestone
L.I. Mrs Anna Lynch
told my husband, before
me to his face that
she was intimate with
him and then she
left him and told
me she would stick
to me. I was introduced
by her to Jacob Jerney,
who is a very respectable
man, who has done
very much for me.
He kept me hiding away
3-

0428

(6)

from my husband. He
took good care of me
and lived with me
as man and wife.
He is a builder and
has a wife and nine
children. Capt Cornelius
Vanderbier Silvery was
also intimate with me.
* He was the father of the
child from the effects
of the abortion of which
I am now suffering.
Capt Silvery is Capt
Silvery of a Grand St
Terry Boat. 6

0429

4

He gave me the ring
I now have on my
left hand wedding
finger and promised
to marry me. He
wanted to marry me
in New Jersey but I
would not marry
him because my
husband was living
yet. My mother is
to blame, she sent
him after me, I
have forgiven her.
My Mother would
not give me a home

4

0430

8

So I went to Spring
St, Elizabeth New Jersey.
+ My Mother sent him
there after me. I was
running away from
him, and told him I
could not marry him,
he became criminally
intimate with me there,
and then forsook me.
Mr Jamesy provided for
me all along. He pitied
me and found I could
not support myself and
my two children without
him. He was the father
8

9

of two other children which
 were killed by Dr C. F. Myers
 of 33rd St and Broadway
 S.E. corner now, but
 formerly lived on the
 N.E. corner. When I
 was pregnant in the
 Spring of 1884 five
 weeks by Dr Jacob
 Jannetty, I told Mrs
 Anna Lynch who is now
 a ^{tramp} living at 34th St and 8th
 Av and she took me
 to Dr C. F. Myers,
 who put a red flex-
 ible instrument into
 me.

9

0432

10

About a foot long.
It looked as though it
were made of red
rubber. He left this in
me for several hours
and I went back to
Sing Sing New York.
When Mr Jannery had
started a Hotel for me.
I got over the effects of the
abortion easily this time.
In March 1885 I was
3½ months in the family
way when Anna Lynch
took me to Dr. C. F. Meyer
again he used the

10

0433

//

Some Kind of a red,
long thin and flexible
instrument on me
again. He had a
whole lot of them in
his pocket, they are of
different thicknesses but
about the same length.
He used various sizes
on me. He let it re-
main in my womb
for some time. I went
to Newark New Jersey.
I lived at No 17
Charlton St, in that
City. I got very sick
//

0434

1/2

And sent for Dr. ⁶ F. M. Myer again. He came to New York to see me and said I had nothing but inflammation of the bowels and that the child had passed away from me, but he made a mistake because it did not pass away till three days afterwards. It was a little bit of a Baby. I had to pay him 50 dollars each time before he operated on me.

12

He operated on me each time
 in his office in the presence of
 Mrs. Anna Lynch, I think she
 brought him other customers of
 the same kind and received some
 part of the money from him
 that the women who he oper-
 ated on paid him. I first saw
 him yesterday two weeks ago
 about this last case of mine or
 the third abortion he performed on
 me. I met him on the street, on
 33rd St. between Broadway and Sixth
 Ave. He was chewing a toothpick. He
 said how are you, have you had
 your courses lately. I said I had not
 had them for some months. He told
 me to come to his office on the
 corner. He spoke to me about oper-
 ating on me. He would not operate
 on me unless I first paid him
 fifty dollars. I could not raise
 that much money until Thursday a
 week ago when I went to his office
 and then he on that afternoon Thurs-
 day March 11th 1886 at five o'clock
 introduced a red, flexible, thin in-
 strument into my womb and I
 felt bad after it. He said he
 would have me free of the child
 and all well in a week. I was

in the family way or pregnant in other words for a little over five months this last time he operated on me. He wanted money so bad and I would not trust him. I got him to give this receipt which he wrote himself in pencil before I gave him the fifty dollars. He did not wish to give a receipt at all and refused to give me one, before that at the other two times that he committed abortions on me. He would not write in the amount I paid him. After he received my fifty dollars and had operated on me and after I told him I felt very bad he said he knew a nice boarding-house in West 31st St. where he had a lady friend, whom he had committed an abortion on, successfully and that he would get me a room there which would cost me two dollars a week. He then brought me himself to No. 362 W. 31st St. and introduced me to Miss Annie Soper. She said in her presence that he had committed an abortion on her and she acknowledged that he had. He said he had never lost a mother in such cases and was always successful. On the same evening Thursday March 11th 1886

at nine o'clock he operated on me
 with the same instrument in the
 presence of Annie Soper. She operated
 again in the same manner in the
 presence of Annie Soper on Friday
 morning March 12th 186 at (9) nine
 o'clock, and on the same day at 12
 o'clock noon, the child was born
 dead. Dr. C. F. Myers and the
 woman Annie Soper were present when
 the child was born. Dr. Myers took
 the child away and wanted ten
 dollars to bury it. He said he
 would call in another doctor and
 we would have to pay three
 dollars to Dr. Gray. I had not the
 money to pay him because I had
 paid ten dollars and fifty cents
 for board. In the evening Annie
 Soper told me that the landlady
 did not know she was receiving men
 and having sexual intercourse with
 them. Annie Soper then asked me
 for twenty-six (26.00) dollars for
 nursing me when I told her I
 had not it she said she must
 undress and go to bed with one of
 her male visitors she had many of
 them about one an hour. She said
 she was intimate with them. Dr. C.
 F. Myers told me if anything

happened to keep it a secret and not tell on him. She is a scoundrel - Mr. Gray is a good man and religious. She showed me all care and attention and brought Mr. Griswold to see me who is a good man also. Mr. Jenney is innocent. She knew nothing of this abortion. I would not hurt a hair of his head. Mr. Jenney has been more of a father to me than any thing else. She is a good square and honest man. I have turned a Roman Catholic last night, made a confession. I was a High Episcopal before, but did not follow my religion. Mr. Jacob Jenney provides well for his family and is innocent of this whole matter. Knows nothing of it.

0439

District Police Court.

Prote = as
= Morten

Statement of
J. A. Martin

STENOGRAPHER'S TRANSCRIPT.

Mar 19

188

BEFORE HON.

Justice.

Official Stenographer.

Copy

Deer v. The People (1864)
29 N.Y. 525-527
Parker, Corbett
1864 83

0440

June 23rd 14

My Dear Mr. Martin,

I am sorry to hear of your illness. Please
try, and call some afternoon
this week. I am
you by a remedy, of that pain
of which you complain, and
the bearing down pain also.

The weather will not be
so dreadfully oppressive now.

I was glad to get your
note, and am certain that you
were around again feeling like
yourself once more. I can

give you some good suggestions.

I am eager to see you,
so please arrange to come

0441

This week to the city.

You are young as yet
in business. "Come was not
built in a day," You know.

You will do better,
when you are better
known.

I shall then meet to
see you this week. You
can be got well.

Yours Truly

1282 Broadway,
New York City
2

0442



ESTABLISHED 1780.
Caswell, Hazard & Co.
132 Thames St., Newport, R. I.,
Fifth Avenue Hotel Building,
(Fifth Ave., cor. 24th Street.)
AND
Sixth Avenue, cor. 39th Street,
New York City.

Feb 9th 80,
Received in full of
all demands *C. H. Hazard & Co.*

0443

TORN PAGE

Feb 9th - 85 -
Received from Mrs Rose Martin -
Three finger rings as
pledges until forty five dollars
are paid. C. F. Myers D.D.

TORN PAGE

0444

L.

March 17th 83.

St Patrick's Day.

Mrs Martin,

I will now fully take
charge of the case. You
must dismiss the other doctor.
He has been harmful, and not
at all beneficial. "Too many cooks
spoil the broth."

I will send you by mail a fine large
bottle Syringe. You ought to
get it by noon. Take 3 pints
of hot water, and a small tea-
spoonful of Alum, and thoroughly
syringe once or twice a day.
Take 15 drops from the little bottle
about every 3 hours, and keep quiet.
If there is any tendency to falling
again, put hot cloths tight against
the parts. Now you will soon
be all right. You must not get into

0445

TORN PAGE

trouble again if you keep the
pump and hot water, and ^{of you} are half
careful. You will soon be as well
as ever.

Anything I hear of yours will be
perfectly safe and secure.

You can eat nearly anything
you want. Light food, easily digested.
When you bandage let the bandage
be placed low down, and press it
upwards, i.e. the bandage.

Then take no more castor
oil.

You are doing admirably. No fever
nor bad symptoms at all.

Keep and use postal card
now & then.

Just leave everything to me.
I will mail in morning the
syringe.

3 tubes T.C.

Yours C. Hayden
Broadway 433-21st, N.Y. 65 West 38th St.

0446

TORN PAGE

June 14th 1914

My Dear Mrs. Mother,

Your letter received. I did hope to see
you Saturday & the weather has been very
cold. The hotel's all about Long Branch,
Honey Island have done almost nothing
owing to the weather of late. Was
glad to hear you were better.
Please send me note how you
are this week. You must not over-
do or you will be.

In the Spring time you do not feel
strong anyway. If I could see
you I would prescribe what
would soon restore you again.

So please let me know
when you can come
to the city. I am afraid you
did not take good care of yourself.

Best with a little more
kindly.

0447

TORN PAGE

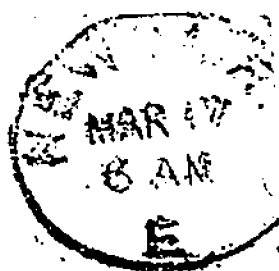
It is safe for you to come to N.Y.
It is no use lying up now,
even if you feel weak. Best
to gently keep on the move.

Please come yourself
if you can. I am anxious
to know how you are.
I will prescribe or send
nothing, till after you which
I hope will be in the near future.
Use hot water injections. Write
please or come when done.

Yours, C. Myers M.D.
1285 Broadway

L

0448



L

Mrs Rose Martin
46 Charlotte Street,
Newark, New Jersey.

0449

May 20th 84,
15 West 33,

My Dear friend,

N.Y. City.

I have some patients, and
personal friends in the city whom
I shall influence to spend at least a
part perhaps all of their summer
vacation at your house.

Viz Mrs Judge Wood, widow,
about 55 yrs old, and her aged
servant, or Companion Mrs Redding.
Mrs Wood has plenty money. She is
rather a fine lady. A little inclined
to be opinionious. She was to
manage her is always to put
in plenty extras. Her address
is 176 East 27th St. She boards
with a Mrs Gibson in the
winters.

You might write Mrs Wood
sometimes even suggesting your
house & any inducements you

0450

Could make her, then
make it up by extras.

Also a Mrs. Frame, her
husband is a Travelling Agent
now in Europe, she has
a mother, and one daughter
They have plenty of money.
Mrs. Frame lives 167 on
Madison Avenue.

Please call on
Saturday at my office or
let me know how you are

D. Myers
15-16/35th St

L.

0451

The People
vs
Meyer &
Soper
Letters &c recd. from Dr. Gray

District Attorney's Office.
City & County of
New York.

0452

Received from Mrs. Mary Anne
Martin a bundle of letters in
~~reference~~ herein contained on
March 22/1886.

Joseph F. Gray M.D.
314 W. 31st St.
City & County of
New York
District Attorney's Office.

0453

Wednesday
March 18th

Doctor Bryers

I received your
note yesterday noon and
sprung to V day early.

I am still on my
back in my sick bed.
Still for all I manage
to scribble a few
lines to you am about
the same no more signs
of falling was in the
Great-V fever on and
off yesterday it was
to me more like a
mild fever but am
better to day of that

0454

I am so alarmed by
the feeling that I am
most afraid to move
I do leave the case
now in your hands
Trusting never to be
troubled in my future
through this affair
as I have never been
troubled before in my
life such as the falling
and so " have always
felt very good inwardly
so I cannot say otherwise
in any change & so
far. But shall rest
in bed until I hear
from you and have
your consent of getting
up. Many thanks

0455

for Syringe you sent-
me, ~~thought~~ you
were to mean to
think of me by
sending it - as you did
but I appreciate
your thought -
hope to hear soon
excuse all here, as it
is not a very comfortable
possession No. 1

Respectfully
Yours
Mrs M

(No 1)

0456

Falling of Mearab.
mole 18th St.

0457

RECOGNIZANCE TO TESTIFY.

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

Be it Remembered, That on the
Eighth day of *September* in the year of our
 Lord, 188*6* *Mary Anne Martin* Principal,
 of No. *18 High St* Street, in the City of
New York, Brooklyn
 and *Louis B. Cohen* Surety
 of No. *327 E 119* Street in said City

personally came before the undersigned
 of the City of New York, and acknowledged themselves to owe to the People of
 the State of New York, that is to say, the said
Mary A Martin Principal, in
 the sum of *One Hundred* Hundred Dollars,
 and the said *Louis B Cohen* Surety in
 the sum of *One* Hundred Dollars,
 separately, of good and lawful money of the State of New York, to be levied and
 made of their respective goods and chattels, lands and tenements, to the use of
 said People, if default shall be made in the condition following, viz:

The condition of the above recognizance is such, That if the
 above named *Mary A Martin*
 shall personally be and appear at the *Sept* term of Court of General Ses-
 sions of the Peace, held in and for the said City and County of New York, to
 give evidence on behalf of said People against *Charles H Meyer*
and Annie Cohen who stands charged
 with *Abortion*

as well to the Grand
 Jury of the said Court, as to the Petit Jury, and also in like manner personally
 appear at any subsequent term of said Court, to which the proceedings in the
 premises may be continued, or to any Court where the defendant above-named
 may be called for trial; and do not depart the said Court, without leave, then
 this recognizance to be void and of no effect, otherwise to remain in full force.

Mary A Martin Principal.
Louis B Cohen Surety.

Taken and acknowledged before me,
 the day and year first aforesaid

Wm. R. Anderson
W. R.

0458

And we, the undersigned principal and surety in the annexed recognizance, do hereby Stipulate, Agree and Consent, That in case said recognizance shall be forfeited, that a copy of the order of the Court forfeiting the same, together with this recognizance, be filed in the Office of the Clerk of the City and County of New York, and that judgment may be entered for the several sums set forth in said recognizance, and that execution issue forthwith thereon according to law.

Witness.....

May A. Master.....Principal.

David C. Cook.....Surety.

0459

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

of No. *327 E 119* Street, the Surety named in the annexed Recognizance, being
duly sworn, deposes and says that he owns, in his own right, ~~real estate in~~ *property*
~~consisting of~~

*and is worth the sum of two hundred
dollars over and above his liabilities*

and that the same is of the value of not less than
Dollars, and is subject to no incumbrance except

and that he owns personal estate in
and that its value is not less than
that it consists of

Dollars,

and that it is subject to no incumbrance except

and that the amount of his debts and liabilities of every kind, absolute and conditional, does
not exceed Dollars, and that there are no unsatisfied
judgments or executions against him, and that he is under no recognizance except

and that he is worth, in good property, not less than
Dollars, over and above all debts, liabilities and lawful claims against him, and all liens,
incumbrances, and lawful claims upon his property.

Sworn to before me, this

8

day

of

September

1886

James C. Cohn Surety.

NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, &C.,
ON THE COMPLAINT OF

Pr. vol. 77. 1176
Wm. J. Dockel

vs.

Charles Meyers
Amie Laper

Taken the *8* day of *Sept* 188*6*

RECOGNIZANCE TO TESTIFY.

Filed *8th* day of *Sept* 188*6*.

Approved as to form and sufficiency.

8th
Dated *8th* day of *Sept* 188*6*

at V. H. H. H. H.
District Attorney.

0461

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN ANTE-MORTEM INQUISITION,

Taken at

No. 362 W. 31st St Street, in the 20th Ward of the City of New York, in the County of New York, this 19th day of March in the year of our Lord one thousand eight hundred and 86 before Michael B. Messener Coroner, of the City and County aforesaid, on view of the Body of Mary Ann Martin

Upon the Oaths and Affirmations of *sic* good and lawful men of the State of New York, duly chosen and sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said Mary Ann Martin was injured, do,

upon their Oaths and Affirmations, say: That the said Mary Ann Martin came to her ^{present} condition by several criminal operations performed by Dr. C. F. Myers at 1293 Broadway and at 362 W. 31st St on March 11th & 12th 1886 which operations produced a criminal abortion from the effects of which Mary Ann Martin is now suffering at 362 W. 31st St.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition set our hands and seals, on the day and place aforesaid.

JURORS.

John W. McGlin

Peter A. Murphy

John Deering

James Russell

John H. James

Francis B. Zinecke

402 W. 31st St462 W. 32nd St

684-90th

525 W. 27

410 W. 28th559 W. 51st

Michael B. Messener

CORONER, I. S.

Statement of Mary Ann Martin ^{now lying}
rously wounded at 362 N. 31st St in the 20th Ward
of City and County, on the 19th day of March 1886

Question.—What is your name?

Answer.— Mary Ann Martin

Question.—Where do you live?

Answer.—211 Centre St. Elizabeth C. J.

Question.—Do you now believe that you are about to die?

Answer.— *Yes*

Question.—Have you any hope of recovery from the effects of the injury you have received?

Answer.— 

Question.—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering?

ANSWER.—My husband George Martin keeps the Vanderbilt House at Vanderbilt Landing Staten Island. He keeps two other places outside of that one on the same Avenue. One is the Atlantic Hotel at Fort Wadsworth and the other is I think called Mechanics House. He lives in the Vanderbilt House altogether with a French woman. I left him on January 1st 1878 that is three years and two and a half months ago. I was married to him when I was 18 years old on August 3rd 1876. I gave birth to two of his children, one George Martin Jr. who was six years old on Dec 19/85 and the other little Hattie Martin was four years old on January 1886. I left my husband because he was such a dirty, abusive man and beat me so I had to leave him. He came home when he pleased and went out when he pleased. When I left him I took my boy ^{George} with me. I left my girl Hattie with him and it took me two years to get her from him. I was carried away on a tugboat in October 1884. I was published

Question.—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering?

Answer.—My husband George Martin keeps the Vanderbilt House at Vanderbilt Landing Staten Island. He keeps two other places inside of that one on the same Avenue. One is the Atlantic Hotel at Fort Wadsworth and the other is I think called Mechanics House. He lives in the Vanderbilt House altogether with a French woman. I left him on January 19th 1896 that is three years and two and a half months ago. I was married to him when I was 18 years old on August 3rd 1876. I gave birth to two of his children, one George Martin Jr. who was six years old on Dec 19/85 and the other little Hattie Martin was four years old on January 1896. I left my husband because he was such a dirty abusive man and beat me so I had to leave him. He came home when he pleased and went out when he pleased. When I left him I took my boy ^{George} with me. I left my girl Hattie with her and it took me two years to get her from him. I was carried away on a tugboat in October 1884. I was published

0463

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, DISTRICT.

of No. 314 West 31 Street, aged 23 years,
occupation Mercantile Being duly sworn deposes and says,
that on the 7th day of March 1886

at the City of New York, in the County of New York, I saw
Mrs. Mary Ann Martin at
367 West 31st St on a bed,
in a room of said premises
and her condition is now
seriously critical; all indications
when deponent saw her today
at 3.30 P.M. were evidences
of speedy death.

J. H. Gray M.D.

Sworn to before me, this
day of March 1886

Police Justice.

0464

JOSEPH F. GRAY, M. D.

NO. 314 WEST 31ST STREET.

OFFICE HOURS:
8-10 A. M.
1-2 P. M.
6-8 P. M.

New York, Mch. 25-1886

I saw Mrs. Mary Anne
Martin, 362 W. 31, today.
I find her condition
unchanged since my last
report. She is still extremely
critical.

J. F. Gray M.D.
314 W. 31

0465

to Prison Off member
 March 24/87

Dear Sir

I saw Mr Parrie today and
 had a talk with him on the sub-
 ject of bail - I asked him if he
 would accept \$10,000 bail - He
 said he could conduct Mr Martine
 & let me know by 4:30 PM - At
 that hour I sent over to his
 office - He sent word back that
 the Dist. Atty left the whole
 matter ^{of the amount & sufficiency} of bail to your discretion
 I gave him the names of the bail
 (Mrs. McKenna & Mrs. Meyers &
 a memo. of their real estate)
 He said he could not come up
 today - Now I trust you would
 communicate by telephone with
 Dist. Atty's office & verify my
 statement before I get here
 tomorrow which will be in
 the morning about 9:30.

As to Anne I fear I understand
 & Dist. Atty leaves the question
 of her discharge or commitment
 over to you

Yours truly
 A. R. Drake

Wm. M. Power

0466

At a General Term of the Supreme
Court of the State of New York, held at ~~the~~
the County Court House in the city of New
York, on the 2nd day of March 1887.

P r e s e n t ,
Hon. Charles H. Van Brunt, P.J.
" Charles Daniels, and
" John R. Brady, JJ.

The People of the State of New York
Respondent.
against

C h a r l e s F. M e y e r s, Appellant

The defendant and appellant above-named having ap-
pealed to this court from a judgment rendered by the Court
of general Sessions of the Peace in and for the City and
County of New York on the 8th day of November 1886, and
also from the order of said court denying the defendant's
motion for a new trial, and said appeal coming this day on
to be heard; and after hearing A. R. Dyett Esq., of counsel
for said appellant, and McKenzie Semple Esq., Assistant
District Attorney, of counsel for said respondent; due
deliberation being had thereupon; it is now, on motion of
Randolph B. Martine, District Attorney of the ~~City~~ City and
County of New York,

ORDERED, That the judgment and conviction and order
so appealed from as aforesaid, be and the same hereby are

W.H. L.
in all things affirmed.

*At Gory
James A. Black, W.H.*

0467

N. Y. Supreme Court

General Term

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Charles B. Meyers

Order

RANDOLPH B. MARTINE,
DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0468

Office Hours:
8-10 A. M.
1-2 P. M.
5-8 P. M.

I visited Mrs. Mary Anne
Martin, 362 W. 31 Street,
today. I find her condition
unchanged since my last
visit. Everything still
points to a fatal result.

J. F. Gray M.D.
314 W. 31 St.

JOSEPH F. GRAY, M. D.

NO. 314 WEST 31ST STREET.

0469

JOSEPH F. GRAY, M. D.

NO. 314 WEST 31ST STREET.

OFFICE HOURS:
8-10 A. M.
1-2 P. M.
6-8 P. M.

New York, Mch. 26, 1886

I visited Mrs. Mary Anne
Martin, 362 W. 31 Street,
today. I find her condition
unchanged since my last
report. Everything still
points to a fatal result.

J. F. Gray M.D.
314 W. 31 St.

0470

JOSEPH F. GRAY, M. D.

NO. 314 WEST 31ST STREET.

OFFICE HOURS:
8-10 A. M.
1-2 P. M.
6-8 P. M.

New York, N. Y. March 24 1886

I hereby certify that I
visited Mrs. Martin 362
W. 31 at 2 o'clock P. M.
today. I find her
condition extremely ~~and~~ critical.
All the indications
point to a speedily fatal
issue. She is even worse
today than yesterday.

Joseph F. Gray

0471

W. Reid Gould, Law Blank Publisher and Stationer, 107 Nassau St., N. Y.

The People of the State of New York, TO
Hon. Maurice J. Fowler Police
Justice of the City of New York

GREETING:

CERTIORARI
TO CERTIFY CAUSE OF
DETENTION.

Seal
We Command you, That you certify fully and at large to the Hon
Charles Donohue Justice of the
Supreme Court
at the New Court House in the City of New York
on the 26th day of March 1886 at 3-30 O'Clock P.M.
the day and cause of the imprisonment of Annie Soper tall
the depositions & evidence upon which you have
committed her to the custody of the Warden of the
City Prison of the City of New York
by you detained; as is said, by whatsoever name the said
Annie Soper

shall be called or charged; and have you then this writ.

Witness, Hon. Charles Donohue Justice of Supreme Court
the 26th day of March 1886

Townsend Dyett & Sinsken Attorney
By the Court
James A. Flack Clerk.

For the Relator
247 Broadway New York

0472

Supreme Court
The People Ex Rel
Annis Soper

vs
James Fenn &
Maurice J. Power
Writ ^{con} Election

Townsend Dyett & Co
Attys Relator
347 Broadway
N.Y. City

Writ allowed this
26th day of March 1886
C. Donohue

3.30 PM

0473

W. Reid Gould, Law Blank Publisher and Stationer, 168 Nassau St., N. Y.

The People of the State of New-York, TO

James Finck Warden & Keeper
of the City Prison of the City
of New-York

GREETING:

We Command You, That you have the body of Annie
Soper

HAB. CORPUS
TO BRING UP PERSON.

by you imprisoned and detained, as it is said, together with the time and
cause of such imprisonment and detention, by whatsoever name the said

Annie Soper is called or charged, before
the Hon Charles Donohue Justice of the Supreme
Court at the Room of the Circuit Part I
in the New Court House in the City
of New-York on the 26th day of March
1886 at 3-30 O'clock P.M.

to do and receive what shall then and there be considered concerning her and have you
then there this writ.

Witness

Hon Charles Donohue Justice of the Supreme Court
at the City Hall in the City of New-York
the 26th day of March one thousand eight hundred and eighty six

Townsend & Hinckley Attorneys

Attorneys

John A. Flack CLERK.

247 Broadway N.Y.

0474

Est
Cowan

Supreme Court
The People Ex Rel
Annice Sofer

vs
James Fenn &
Mamie J. Power

vs
Writ Habeas Corp

Townsend Dyer & Son
attys for Relator
247 Broadway
N.Y. City

Writ Allowed this
26th day of March 1886
C Donohue

2

0475

W. Reid Gould, Law Blank Publisher and Stationer, 108 Nassau St., N. Y.

The People of the State of New York, TO

Hon. Maurice J. Horner, Police
Justice of the City of
New York

CERTIORARI
TO CERTIFY CAUSE OF
DETENTION.

GREETING:

We Command you, That you certify fully and at large to

Charles Donaldson, Justice of the
Supreme Court
at the New Court House in the City of New York
on the 26th day of March 1886 at 3:50 o'clock P.M.
the day and cause of the imprisonment of Annie Spear
and all the deprivation & servitude upon which you have
imprisoned her to the custody of the Warden of the City
Prison of the City of New York
by you detained; as is said, by whatsoever name the said Annie Spear

shall be called or charged; and have you then this writ.

Witness

Hon. Chas. Donaldson, Justice of Supreme Court
at the New Court House in the City of New York
the 26th day of March 1886

Coronant Dye & Co. v. J. A. H. v. J. A. H.
Attorney's

Clerk.

for Relator

247 Broadway N.Y.

0476

Supreme Court

The People Ex Rel
Annie Soper

vs

James Quinn &
Maurice J. Powers

Writ Certiorari

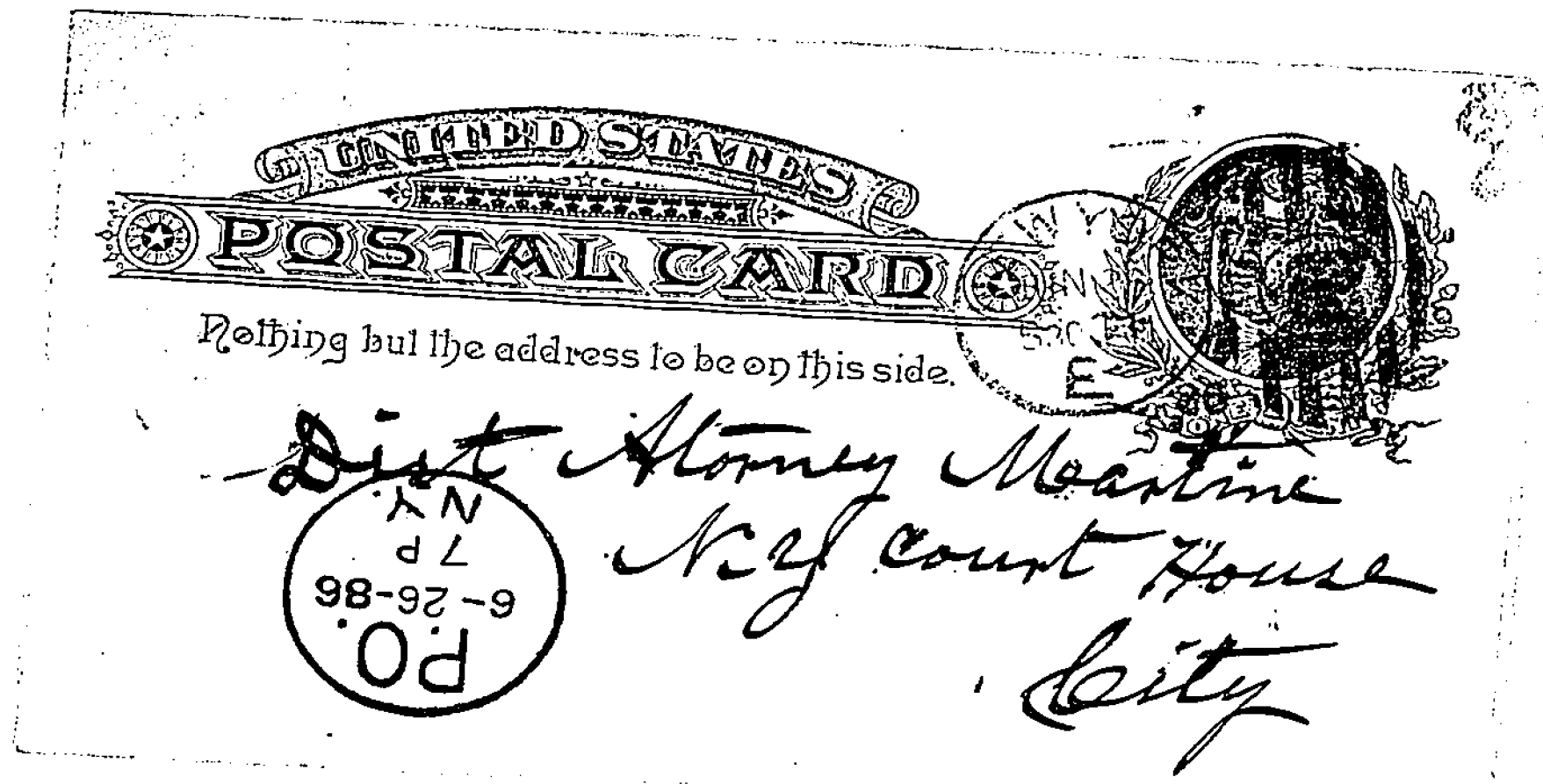
Townsend Dyett & Austin
Attys for Relator
247 Broadway
City City
Powers

Writ Allowed
this 2nd day of June 1886
Grover

0477

N.Y. June 26 - 1886
Be sure & put Anna Linch who
is at service 262 W 37th St in the
house of Detention as she knows
all about Dr Meyers of 1293 Bway.
he said Purdy is in his power &
with Anna Linch you are sure
to convict him of Abortion on Mrs
Martin & from your friends

0478



0479

District Attorney's Office.

PEOPLE

vs.

Meyers &
Loper.

File this Postal
with these papers
J. May 9/86 P.B.M.
To Mr. Conman

0480

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

December 13, 1888.

Sir:

Application for Executive clemency having been made on behalf of Charles F. Meyers..... who was convicted of abortion..... in the county of New York.....and sentenced November 9, 1886, to imprisonment in the Sing Sing Prison.....for the term of two years, six months.....I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

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

I am,

Hon. H. A. Gildersleeve,
Judge General Sessions,
New York City.

very respectfully yours,

William G. Rice
Private Secretary.

0481

Answered

Dec. 29th 1898



0482

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

October 24, 1888.

Sir:

Application for Executive clemency having been made on behalf of Charles F. Meyers,----- who was convicted of ---Abortion--- ----- in the county of New York,---- and sentenced Nov. 8, 1886----- to imprisonment in the Sing Sing Prison----- for the term of two years and six months,----- I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

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

I am,

very respectfully yours,

William J. Rice
Private Secretary.

Hon. John R. Fellows,

District Attorney,

New York City.

0483

RECEIVED

DEPT. OF AGRICULTURE

1900

forwarded
Dec. 29 1888
J. P. R.

RECEIVED

0484

~~Room of General Sessions~~
At a Special Term of the Supreme Court of the State of
~~New York~~, held in and for the City and County
of New York, at the County Court House in the
City of New York, on the ~~14th~~ day of
~~December~~, in the year of our Lord one
thousand eight hundred and eighty

Present,

The Honorable Frederick Smith, Recorder

of the said City and Justice of said Court

THE PEOPLE OF THE STATE OF NEW YORK,

Respondents.

against

Charles E. Mergers

Appellant.

Whereas, heretofore to wit: at a Court of General Sessions of the Peace, held in and
for the City and County of New York, at the City Hall in said City, on the ~~27th~~
day of ~~October~~, in the year of our Lord one thousand eight hundred and eighty
~~1880~~, the above named appellant was in due form of law convicted by the verdict of a
jury of a felony to wit: ~~Robbery~~

whereupon it was considered by the said Court of General Sessions of the Peace, and ordered and
adjudged, that the said appellant for the felony aforesaid whereof he was so convicted as aforesaid
be imprisoned in the State Prison at hard labor for the term of ~~two years and~~
~~six months~~ —

And Whereas, the appellant aforesaid, thereafter duly appealed from the said judgment
to this Court ~~the Supreme Court of this State~~.

And Whereas, at a General Term of ~~this~~ ~~Court~~, held in and for the First Judicial
Department, to wit: at the County Court House in the City of New York, on the ~~second~~
day of ~~March~~, in the year of our Lord one thousand eight hundred and eighty ~~seven~~,
the said judgment of the said Court of General Sessions of the Peace, was by the judgment
of ~~this~~ ~~Court~~ in all things affirmed.

And Whereas, the appellant aforesaid, thereafter duly appealed from the said judgment
of this Court, to the Court of Appeals of the State of New York.

0485

And Whereas, at a term of the said Court of Appeals, held at the Capitol in the City of Albany, on the ~~ninth~~ day of ~~December~~, in the year of our Lord one thousand eight hundred and eighty-seven, the said judgment of ~~this~~ ^{said Supreme} Court was by the judgment of the said Court of Appeals, in all things affirmed, as appears by the remittitur of the said Court of Appeals filed herewith.

Now therefore, on reading and filing the said remittitur and on motion of Randolph B. Martine, Esquire, District Attorney, it is

Ordered, that the said judgment of the Court of Appeals, be and the same is hereby made the judgment of this Court, and it is further

Ordered, that the said judgment of the ~~said~~ ^{said} Court of General Sessions of the Peace, and the said judgment of the said General Term of ~~this~~ ^{said Supreme} Court, herein, be, and the same are hereby directed to be enforced, and carried into execution and effect.

Enter
FD
J

0486

Rand. B. Martine

~~THE PEOPLE~~

City and County of New York

~~SPECIAL~~

THE PEOPLE,

~~Respondents.~~

vs.

Charles E. Marger

~~Appellant.~~

ORDER ON REMITTITUR.

RANDOLPH B. MARTINE,

District Attorney.

POOR QUALITY
ORIGINAL

0487

S. T. Smith, 14 Park Place, N. Y.

STENOGRAPHERS' MINUTES.

Court of General Sessions,
City and County of New York.

The People

vs

Charles F. Hayes,
Abortion

BEFORE

Hon. Henry A. C. Edwards,

and a Jury

Oct. 26th, 1886

Witnesses:

Direct.

Cross.

Re-Direct. Re-Cross.

The Motion to Dismiss,

213-225

The Charge,

226-238

0488

213

~~MR. PYETT: Your Honor, I have a motion to make, although for my own part I would be willing to waive the motion and allow the case to go to the jury without it. Still I consider it my duty to make the motion.~~

The Defendant's Counsel here
~~I will ask the Court to advise the jury to acquit the prisoner. My reasons are these, if your Honor please.~~
for the following reasons
The Code of Criminal Procedure, and I will recall

~~the language to your Honor, says: "A conviction cannot be had upon the testimony of an accomplice, unless it be corroborated by such other evidence as tends to connect the defendant with the commission of the crime."~~

~~Suppose, if Your Honor please, that we assume for the moment, that Mrs. Martin is an accomplice. It will not be seriously contended that there is any corroboration of her evidence. Your Honor will observe the language of the section, "Evidence that tends to connect the defendant with the commission of the crime."~~

The crime charged in this indictment is laid under *the Penal Code*
~~one of the subdivisions of the 294th. Section. It alleges as follows: (Reads the Indictment). That is the specific offense. The corroboration must be evidence that tends to~~

corroborate her statement that, ~~I again quote the indictment,~~
~~(Reads from the indictment),~~ and that an abortion was pro-
 duced by an instrument. ~~I say again that I do not think~~
~~it will be seriously contended that there is any corrobora-~~
 tion.

~~MR. PURDY: The Shaler case has decided that. Wilson stood~~
~~in exactly the same relation.~~

The Court Said:
~~THE COURT:~~ I do not think that it is worth while to argue
 that question. ~~Mr. Dyett.~~ It is one that frequently is
 presented, and I shall leave it to the jury to say whether
 there is evidence outside of the statements of the complain-
 ant, tending to show that the crime was committed. There
 is some evidence, and it requires very little to bring it
 within the law, even if your proposition is sound. Mrs.
 Martin was seen at the office of the defendant, on the day
 in question, by Mr. O'Malley. He was seen at the room
 where the operation occurred, by Miss Soper, and he himself
 called in Dr. Gray, and had some conversation with Dr. Gray.

MR. DYETT: If the court will bear with me for a moment.
 The court's mind, I find, runs in the old channel. This
 is a very recent amendment, and it has changed the law.
 Your Honor's mind is running in the old channels, and Your

Honor's mind is entirely correct as to what was the law before the Code went into effect. This section is stated in a note to the original edition of the Code. It is said that it was intended to introduce a new rule, and to overrule and override the previous rule on that subject. Now, I will tell Your Honor what the previous rule was. It is laid down in the case of "The People v. Lyndsay, in the 63 N. Y., at page 154. This is the rule, (Reads) .

It was not necessary, until the Code introduced this rule, that there should be evidence aliunde, connecting the prisoner with the offense. It was established in England, years ago, and it remained established in this State until the Code was adopted, that it was only necessary to corroborate the complainant in some parts of his or her story, as Mrs. Martin was corroborated here; and, prior to that amendment, it would be sufficient. But now comes in the amendment, and says this, (Reads) .

Evidence aliunde of the commission of the crime. Now, there is no such evidence here. It is true that the fact that she saw the doctor is corroborated, and that the doctor was seen at her room. But suppose that a man should come up and say that Your Honor or I had been guilty of participation in the robbery of a store, and somebody should say, "Yes, I saw Mr. Dyett at that store. I saw him talk-

ing to this man." Now there is some corroboration of the story. Is that evidence, under this section, which tends to connect me with the commission of the offense? The rule has been intelligently and distinctly altered by the Legislatures, and the rule is that it now must be such evidence as tends to connect the defendant with the commission of the crime.

Your Honor sees, in a moment, how easy it would be to violate this provision, and that this provision, under this construction which your Honor has suggested, would fall dead, and might just as well not have been passed. Because there could be scarcely a case, in which the accomplice in testifying to the guilt of somebody else could not be corroborated in some part of his or her story. If he chooses, he can stretch or extend it, so as to bring some evidence of somebody that some part of the story was true. But that is not the Code. It is evidence tending to connect the defendant with the commission of the crime.

THE COURT: There is some evidence of the character to which I have alluded that might justify the inference.

Dist. Atty.
MR. PURDY: But does your Honor hold that Mrs. Martin is an accomplice? The law provides an entirely different punishment for her, under an entirely different section of the

law. Judge Barrett held differently.

THE COURT: But, I think, Judge Barrett is wrong there. I differ with him.

Def. Counsel
~~Q MR. PYRETT: I think there is something more than that. I will show Your Honor a provision of the Statute, which was not called to the attention of Judge Barrett, and I afterwards suggested it to the counsel of General Shaler, and they said they had not thought of it, and it is this.~~

~~Prior to the Code -~~

MR. PURDY: And the point has also been adjudicated upon by the General Term in the Ogle case. Two witnesses testified that they were present at the murder, and that one of them took away the knife, and concealed the crime, and the Recorder was asked to charge that they were accomplices, and the Recorder held that they were accessories after the fact, and needed no corroboration, and the General Term upheld that view of the case.

Def. Counsel
~~MR. PYRETT: Prior to the adoption of this Code, as Your Honor well remembers, the rule was familiar that in misdemeanor all were principals - in felonies nobody was a principal, unless he was physically present or was concerned by~~

0493

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his agent in the commission of an offense. All other persons were called accessories before the fact, or sometimes principals in the second degree, ^{and} ~~or sometimes~~ accessories after the fact. ~~In the 99 N. Y. Reports, page 215, there is an allusion to that. The court says, (Reads) That was the rule before the Code. Now, the Code, as my learned friend will concede~~ allows no accessories before the fact. Felonies are on the level with misdemeanors. Everybody is a principal or not guilty at all. Accessories after the fact are defined by the Code to be only those who aid or assist in the escape of the prisoner. ~~Now, Your Honor, a principal is thus defined by section 29, (Reads)~~

Now, Mrs. Martin said herself, this, in substance:
 "I wanted the doctor to commit this offense. I knew what he was doing. ^{It} I went and got the money for him, and gave it to him, and submitted to the operation." ~~Can anybody that has sense say, that~~ she did not aid, abet and counsel the commission of this offense? It is very true that there is a section, 295, that says, a woman who permits instruments or drugs to be used upon her is guilty of a crime. But Your Honor will see that the section was put in for abundant caution. It might happen that she alone had pro-

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cured this offense, by means of a Pennyroyal pill or turpentine, as in this case. She would have been the principal and would be properly indicted under that section.

But, where there is another person connected with her, and who is an active participant in the crime, then this other section becomes necessary, and both sections can stand together, neither one being a mere surplusage as to the other. So that Mrs. Martin, under section 29, aiding abetting and counselling, and, under this, allowing it to be done by the doctor, might be put in this indictment as a principal. There is no doubt about it. ~~You might as well doubt the existence of this day-light.~~ She is not only an accomplice but she is a principal.

Dist. Atty.
MR. PURDY: Is there any distinction between an accomplice and a principal?

Def. Counsel
MR. DYETT: I don't think it is necessary to draw any distinction.

MR. PURDY: ~~Is there any law upon the subject?~~

MR. DYETT: ~~Yes, sir.~~

Dist. Atty.
MR. PURDY: And the law says the accomplice must be corroborated; not the principal.

Def. Counsel
MR. DYETT: But the accomplice is swallowed up in the principal.

pal. ~~The principal is broad enough to swallow up the ac-~~
~~complice. The Court of Appeals says, (Reads). That is~~
~~the definition of the Court of Appeals, citing "Russell on~~
~~Crime," and the 44 N. Y.~~ It is the same identical crime
 that she is guilty of. The Code says so. Now, I con-
 cede, if your Honor please, that where there are distinct
 crimes, there can be - a party may be guilty of some part
 of that crime, an element of it without being an accom-
 plice.

THE COURT: You need not argue that.

Defendant Counsel
 MR. DYETT: If Your Honor is against me as to the fact that
 there is corroborative evidence - .

THE COURT: I shall hold that they are accomplices, and I shall
 submit to the jury the question whether there is corrobor-
 ative evidence.

Defendant Counsel
 MR. DYETT: I shall take an exception, Your Honor, to Your
 Honor's refusal to direct an acquittal on that ground.

(Exception)

MR. DYETT: I have another ground. The indictment is for
 introducing this instrument, with intent thereby to produce
 a miscarriage.

Of course, you cannot prove an intent to produce a

miscarriage, without you show that the act was calculated to produce a miscarriage, and would have produced one. There is not a scintilla of evidence in this case that what she alleges the doctor did would have produced a miscarriage. We had Dr. Gray on the stand and all the other medical witnesses, and there was no evidence of that kind, not a particle of evidence to show that it would have produced it. To reiterate briefly, suppose that a man is indicted for poisoning another. The proof is that he even said, "I am going to poison that man." You prove that he gave him arsenic, and prove that the man is dead. Can you convict him on that, without showing that arsenic is a poison, or without showing that he gave him enough arsenic to produce death?

THE COURT: The evidence of Mrs. Martin is that it did produce the miscarriage. She says, that she was in good general health -

Defence Counsel
~~MR. DYETT.~~ She says that he used an instrument and changed it, some hours after that miscarriage took place. There is not a particle of evidence to show that that bougie would produce or did produce the miscarriage, except by mere guess work.

THE COURT: She said, that her general health was good, and

that she suffered no inconvenience or discomfort, unusual from her pregaant condition, at the time the doctor did what she says he did, and then the pain began, and resulted in the miscarriage.

Def. Counsel
~~MR. DYETT~~: And their own evidence, by their own doctor, was that sufficient cause existed for the miscarriage. He said that the falling of the womb, etc., would produce it. Going further in the illustration of poisoning, I will add that the man had consumption, and that the doctor said he might die in 24 hours, and somebody should prove that I gave him a bit of arsenic and that he died. Could I be convicted of poisoning him? We proved before the jury, that, in 19 cases out of twenty, there were causes that would produce abortion anyhow.

THE COURT: I will charge the jury that, if they find that the abortion resulted from these causes, not from the insertion of the instrument, they must acquit the defendant.

(Exception) *Def. Counsel*

Def. Counsel
~~MR. DYETT~~: My next point is that there is no proof that the alleged abortion was not necessary to save her life. Has any doctor been examined to say so? On the contrary, all the proof is that it was necessary. Can the jury guess

at that? ~~Can you take a respectable doctor, who attends a woman, and, supposing for the sake of the argument that the doctor did it -- can you rest right there, and ask the jury to guess that it was not necessary? Can this man be guessed into State Prison? Could not she have described her symptoms, and some doctor have said that it was not necessary to save her life? Because proof is difficult, does the law therefore ^{do} get away from it? Does the law therefore dis- pense with it? A great many crimes are very difficult to prove, but ^{the} law does not help the prosecution. They must prove that affirmatively, and, if they do not, the prosecution falls. Is there any evidence that it was not necessary to preserve her life? Anything in the testimony, even of Mrs. Martin? She knows nothing of medicine. That is my third ground.~~

Now, ~~my~~ last ground is this, 'if your Honor please. Apart from the question of an accomplice, Mrs. Martin, - though perhaps Your Honor may say the same as in regard to the question of corroboration. Mrs. Martin in this case, acknowledged that the statements which she had made, material statements, at a time when she was ^{of her} making a dying declaration, when she supposed she was dying, and those dying de-

clarations, as ~~Your Honor~~ knows are admitted in court as depositions, the fact that a person is about to die, being considered equivalent to an oath, she admitted, although she swore differently here, were untrue. She swore that Captain Silva was criminally intimate with her, and deserted her and that Jenney was not criminally intimate with her. Now, she swears that Jenney was the father. He was a guilty participant in the crime, and now he keeps away, and probably the other man is entirely innocent. That is only one contradiction.

Deputy
MR. PURDY: Will you allow me to call your attention to the fact that the dying declaration is not in evidence.

Deputy
MR. DYETT: I asked her whether she didn't think she was dying at the time.

THE COURT: They are before the jury as declarations made before the coroner when her life was in danger.

Deputy
MR. DYETT: The rule "Falsus in uno, falsus in omnibus,"
The Court of Appeals has passed uponⁱⁿ the case of The People v. Evans. In the opinion of Judge Mason, the court says (Reads). Judge Cowan says, in another case, that of Dunlap v. Patterson, (5 of Cowan) as to the rule of "Falsus in uno, falsus in omnibus," (Reads).

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Now, as I said before, I suppose that Your Honor, on that point, probably will adhere to your ruling that there is some corroborating evidence, and I make the point and take an exception.

THE COURT: It is our practice to say to the jury, when that question arises, that it is a good reason why they should discredit all the testimony, and it is not safe to convict any person upon the uncorroborated evidence of a person who has already sworn falsely as to any material matter.

Deft. Counsel
MR. DYETT: And there is no proof here, Your Honor, that it was not necessary to preserve the life of Mary Martin.

THE COURT: I think there is evidence for the jury, if they think that the evidence justifies them in inferring that it was not necessary. I shall submit that to them, as a question of fact, and they must be satisfied of that, from all of the evidence before ^{them,} there can be a conviction.

Deft. Counsel (Exception) *Deft. Counsel*
MR. DYETT. I have some requests to make to charge.

THE COURT: With your permission I will make the charge, and, if I do not cover them fully, I will receive them, and I will pass upon them.

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The Court charged:-

Gentlemen of the Jury;

Charles F. Myers, the defendant at bar, is charged with the crime of abortion.

The Penal Code, which contains the law of this State and under which we are now living, and which is ~~our~~ guidance for our acts, provides as follows.

"Section 294 - a person who, with intent thereby to procure the miscarriage of a woman, unless, the same is necessary to preserve the life of the woman, or of the child of which she is pregnant,

"Uses, or causes to be used, any instrument or other means, is guilty of abortion." The Section sets forth some provisions, which are not applicable to this case. I have read to you such portion of the law as is applicable to this case. This indictment has been drawn under that Section of the Code, ~~and~~ ^{and} alleges that the defendant used an instrument for the purpose of producing an abortion.

You will remember, as I have had occasion to say to you, several times during the term which is about to close, ~~this~~ (this is the last case it will be your duty to pass upon,) that the People are bound to make out a clear case. They

are bound to satisfy you by evidence that you believe is entitled to credit, worthy of having weight and force in your minds. They are bound to satisfy you of the truth of the allegations set forth in the indictment. They are bound to prove what they charge against the accused, before they are entitled to a verdict in their favor.

So that, in this case, you must be satisfied, beyond any fair and reasonable doubt, the presumption being that the defendant is innocent, that the defendant used an instrument upon Mrs. Martin, with intent thereby to procure her miscarriage. Then you must be satisfied from the evidence, and as to each element necessary to constitute the offense, beyond any fair and reasonable doubt, that what he did was not necessary to preserve the life of the woman or of the child of which she was pregnant.

The Court having held that Mrs. Martin is an accomplice of the defendant, Myers, there must be evidence outside of her statement, tending to connect the defendant with the commission of the crime. That is, believing what Mrs. Martin has stated, being satisfied of the defendant's guilt upon her statement alone, she being an accomplice, if there were an entire absence of other evidence, you would

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not be justified in convicting the defendant. Because the Code provides that there can be no conviction upon the testimony of an accomplice, unless corroborated by such other evidence as tends to connect the defendant with the commission of the crime. Now, Gentlemen, the responsibility is with you to decide whether the allegations have been established. Does a fair construction of all of the evidence in the case carry to your minds the conviction, the irresistible conviction, that the defendant at bar, with intent to produce a miscarriage, used an instrument upon Mrs. Martin, and that the act was not necessary to save her life, or the life of the child of which she was pregnant?

The People claim that the evidence that they have produced made out a prima facie case, such as, in the absence of explanation or denial, would justify you in rendering a verdict of guilty.

On the question of evidence, let me say that the credit to be given to the evidence is a question for you to determine, under such instructions as I shall give you, and have already given you. Where there is contradiction, you must harmonize those differences, those contradictions, if you can. If you find that Mrs. Martin has made dif-

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ferent statements in respect to the same matters, at different times, and you are unable to harmonize them, then, you must determine, if you can, which statement is the correct one; and, if you are unable to determine that, you must leave that matter out of the case entirely, because you ought to be influenced in your conclusion only by such evidence as you think worthy of reception by you and entitled to credit. In passing upon a matter like that, you must take into consideration, the surrounding circumstances under which the statements are made. The lapse of time, the faults of memory, the excitement that may have existed at the time the statements were made. The principle of law has been alluded to by the learned counsel for the defendant, and will be invoked, I assume, in this case, and it is this - that, where a witness deliberately and intentionally testifies falsely in respect to any material matter it is a very good reason why none of the testimony of such a witness should be received and given any credit whatever. Some cases go so far as to say that there should be, there can be, no lawful conviction upon such evidence.

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I have generally gone so far as to say that certainly there should be no conviction upon the uncorroborated evidence of a person who, in respect to a material matter in the case, testifies falsely. Now, whether a witness does or does not testify falsely, in respect to a material matter, is for the jury to decide, bearing in mind all of the evidence and the statements of all the witnesses.

Upon the question of evidence, outside of the statements of Mrs. Martin, tending to connect the defendant with the commission of the crime, I direct your attention to the evidence of Dr. Gray, a witness introduced by the People and to what he stated the defendant, Myers, said to him, without stopping to repeat it, and assuming that you will remember it.

Then several of the witnesses introduced in behalf of the defendant testified to certain matters to which, in this connection, I direct your attention, especially to the statement of Mr. O'Malley, who says, that he saw Mrs. Martin at the doctor's office, on the afternoon of the evening upon which, according to the statement of Mrs. Martin, the defendant committed the act, which, it is alleged, constituted the offense in this case; and also to the state-

ment of Annie Soper, now Mrs. Adams, who stated that Dr. Myers told her, in the presence of Mrs. Martin, that the foetus was dead, and would have to be taken away to save Mrs. Martin's life. The defendant, before the foetus came into the world, according to the statement of Mrs. Adams, had some conversation with her in respect to it, and, according to her statement, that is some of the language that he used.

If, in that evidence, you see evidence that corroborates the testimony of Mrs. Martin, as to the commission of the offense by the defendant, it is a matter for you to consider. Outside of her testimony, if that were left out of the case, in this evidence to which I have alluded, ~~do~~ you see something that tends to connect the defendant with the commission of the crime, assuming that the crime was committed? ~~do~~ you see it? It is a question for you.

Circumstantial evidence is evidence as to ^{collateral} ~~general~~ matters which afford the subject of an inference. In drawing an inference from circumstantial evidence, if you draw an inference adverse to the accused, an inference of guilt, it must be to the ^{ex-} ~~con-~~clusion of every other reasonable hypothesis. If you can account for this evidence, to which

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I have just called your attention as collateral evidence, if you can account for the happening of all of the ^{events} ~~evidence~~ and incidents, that that evidence sets forth, upon the theory of the defendant's innocence, it is your duty to do it. If you can account for it upon the theory that he was not connected with the commission of the offense, and that it does not constitute in any way a corroboration of the testimony of Mrs. Martin, it is your duty to do so.

Gentlemen, what is the defense, in this case? First, is it not that the principal witness for the People, and without whose testimony there can be no conviction, is not entitled to credit, is unworthy of belief; that the People have not made out a clear case? They have not shown, it is claimed, even if the defendant did commit the act charged - using an instrument for the purpose of producing a miscarriage - that it was not necessary to save the life of Mrs. Martin. They are bound to satisfy you of that. If you do find that he used the instrument, and you find that it was not necessary to do it, it must be a matter of inference from all the evidence in the case, and especially from her own statements as to what her condition was on the day in question, when she called upon the defendant and from

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what subsequently occurred. Do those circumstances justify the inference that the act was not necessary? If you find that they ^{do} ~~do~~, that element in the case, necessary to establish the charge, is made out.

The defendant's statement, by way of defense, as I understand it, is about this: "I did not use an instrument on Mrs. Martin, with intent to produce a miscarriage. Mrs. Martin says I used a bougee"- a bougee is brought into court here, and Mrs. Martin undertakes to, and does identify it as an instrument of the character and kind which the defendant used - "I did not use that instrument or any other instrument, with intent to commit a miscarriage." Then, he tells what the instrument that he did use, was, and he says further, "when I first introduced the speculum, and made an examination of Mrs. Martin's uterus, ~~the~~ I then discovered that it was in a condition that indicated to me that a miscarriage was imminent, that an abortion - the terms seem~~ed~~ to be used synonymously, although the Professor told us, yesterday, that the term abortion was proper up to the seventh month. He explained to you the condition of the uterus, and said, that the condition of the uterus, through the medicines that she had used, show^{ed} that an abortion was

imminent, and likely to occur, and that what he did was not for the purpose of producing a miscarriage, but calculated to allay the inflammation he found there, at the time.

Then he explained what he did, and how, after inserting this tampon, he subsequently took it out, and throw it into the grate.

It is for you, gentlemen, to take into consideration all of the evidence, and give the defendant the benefit of any fair and reasonable doubt, not forgetting the principles of law that I have tried to make clear to you, and that must be your guide in coming to a conclusion, and render such a verdict, as the evidence in your judgment warrants. Your verdict should be guilty or not guilty.

Mr. Dyett, I will ^{hear} ~~see~~ now what requests you have to make.

MR. DYETT: I think your Honor has covered some of them. I ask your Honor to charge the jury -

THE COURT: I desire to add, gentlemen of the jury, that, in stating to you what I understood to be the defense in this case, I did not intend to take from you any view that you think proper to assume in respect to the defense; nor did I undertake to allude, of course, to all that the de-

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fendant said; simply, briefly, to state that as the general nature of the defense.

MR. DYETT: I ask your Honor to charge the jury, and perhaps you have done it, but perhaps I did not clearly understand it: If the jury believe that Mrs. Martin wilfully swore falsely, either in her statement before the coroner, or at this trial, the jury have the right to disregard her testimony, and should do so, unless she is corroborated in her testimony as to the commission of the offense.

MR. PURDY: I object, on the ground that there is no evidence that she swore before the coroner or anybody else.

THE COURT: I think I have substantially covered that principle, gentlemen. I think that request is substantially correct, except that it does assume that there was an oath before the coroner, when such is not the case.

Left Court
~~MR. DYETT:~~ I contend that it was equivalent to an oath.

and I (Exception)

~~MR. DYETT:~~ I ask your Honor to charge: The law presumes every man, not only innocent, but of good character, and that presumption the prisoner is entitled to rest upon, and need not prove his good character until it is attacked.

THE COURT: I so charge. The character of the defendant is not attacked here, except by the evidence in this case.

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On the other hand, there has been some evidence of good character introduced by him.

Def. Counsel
~~MR. BYRDE:~~ Now, in regard to the letters, I ask your Honor to tell the jury that the defendant testified that he had no letters of Mrs. Martin relating to this case. That they all related to past transactions, and were irrelevant here. The jury would not be authorized in assuming that there was anything in those letters relating to this case, or otherwise unfavorable to the prisoner.

The Court
~~THE COURT:~~ I wish to pass upon that request. There was testimony of the defendant, although it is not for me, gentlemen, to say just what he did say or did not say. You will be obliged to remember for yourselves. But it is my recollection that he did say that there was nothing in these letters that referred to the charge at issue.

Def. Counsel
~~MR. BYRDE:~~ I state that - that she wrote nothing to him, after this last abortion.

Def. Counsel
~~MR. BYRDE:~~ I ask for that charge.

The Court
~~THE COURT:~~ Gentlemen, you must not assume to know anything about the contents of letters that were not produced, or allow them to have any weight with you.

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Dyle Counsel

~~MR. DYER:~~ That is satisfactory, your Honor. Now, if there was anything relevant in those letters, the People after notice to produce them to the prisoner, might prove the contents by Mrs. Martin.

THE COURT: Yes.

Dyle Counsel

~~MR. DYER:~~ The jury must throw aside and ardently disregard any evidence, however slight, as to any offense or supposed offense committed by the prisoner at any other time. He can only be called upon to answer for this offense.

THE COURT: I so charge.

Dyle Counsel

~~MR. DYER:~~ The parts of the deposition of Mrs. Martin which were read, were read to contradict her, and the People had the right to read any other part of the same deposition on the same subject, tending to modify those read by the counsel for the defendant.

THE COURT: The court has so stated during the trial.

Dyle Counsel

~~MR. DYER:~~ One more, and I am done. I ask your Honor to charge that evidence equally consistent with the prisoner's innocence, as with his guilt is not evidence corroborating Mrs. Martin, or tending to connect the defendant with the commission of the offense.

THE COURT: That is correct. I so charge.

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Def. Purdy
~~MR. PURDY:~~ I ask your Honor to charge, that, in view of the testimony of the defendant that he had never before committed an abortion upon Mrs. Martin, and also the testimony as to what he had treated her for, that his refusal to produce the letter that was marked for identification and was offered in evidence by me, may be taken and considered by the jury, as to whether that and the other communications would not, if produced, tend to contradict his statements with regard to other abortions.

Def. Purdy
~~MR. PURDY:~~ You could not contradict that. You were bound by his denials.

THE COURT: I think that is a little involved, Mr. Purdy, I do not think I will instruct the jury in any different way from that in which they have been instructed. Gentlemen, the case is now with you.

The jury found the defendant

guilty. The Court subsequently
The defendant was ordered to pay
the costs of the proceedings and
was committed to the State Prison
for a term of one year.
And for reasons to you

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Return made
to Co Clerk
Dec 22/86

Cont of General Session

The People
vs

Charles F. Myers,
Attorney

STENOGRAPHERS' TRANSCRIPT.

Oct. 26th, 1886

Frank J. Beard,
Official Stenographer,

John D. McArthur Esq.
Robert Murray

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N. Y. Supreme Court

General Term

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Charles F. Meyers

Order

RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

05 16

At a General Term of the Supreme
Court of the State of New York, held at ~~the~~
the County Court House in the city of New
York, on the 2nd day of March 1887.

P r e s e n t ,
Hon. Charles H. Van Brunt, P.J.

* Charles Daniels, and
* John R. Brady, JJ.

The people of the State of New York
Respondent.
against

C h a r l e s F. M e y e r s, Appellant

The defendant and appellant above-named having ap-
pealed to this court from a judgment rendered by the Court
of General Sessions of the Peace in and for the City and
County of New York on the 8th day of November 1886, and
also from the order of said court denying the defendant's
motion for a new trial, and said appeal coming this day on
to be heard; and after hearing A. R. Dyett Esq., of counsel
for said appellant, and McKenzie Semple Esq., Assistant
District Attorney, of counsel for said respondent; due
deliberation being had thereupon; it is now, on motion of
Randolph B. Martine, District Attorney of the ~~City~~ City and
County of New York,

ORDERED, That the judgment and conviction and order
so appealed from as aforesaid, be and the same hereby are
in all things affirmed.

James d. J. Vell

[Signature]

0517

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK,POLICE COURT, 2^d DISTRICT.

DISTRICT.

Stephen Carmick
 of the 20th Precinct Police, being duly sworn, deposes and
 says that on the 19th day of March 1886

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

deponent was informed that Charles F. Meyer, Annie Soper and Jacob Jennings (all now here) did commit a felony ~~for~~ in having committed and procured an abortion to be committed on the person of one Roe Martin otherwise Foster who is at present confined at No. 362 West 31st Street in the City of New York suffering from the effects of an abortion committed on her person. Deponent further says that he received said information from Coroner ~~the~~ Messenger of the City of New York and he further says that he was informed by said Roe Martin otherwise Foster at said number 362 West 31st Street in the presence of said Meyer and said Soper that he said Meyer committed the abortion on ~~three~~ different occasions assisted by said Soper on the last occasion.

Deponent further says that from the information given he believes that said Roe is in danger of death from the injuries inflicted, and asks that said defendants be committed and dealt with according to law.

Sworn to before me this
 19th day of March 1886

by Power Police Justice.

Stephen Carmick

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Police Court 2d District.

THE PEOPLE, &c.
ON THE COMPLAINT OF
Stephen Carmick
vs.
Charles F. Meyer
James S. Soper
3 Gusto Johnson

Dated March 19th 1886

John S. Soper Magistrate.
Anna M. Carmick Officer.
Witness, Doc

1
2
3 discharged

Henry S. Soper
Henry S. Soper
Henry S. Soper
356 West 3rd St

Stephen Carmick
vs. 93rd St.
March 20.2
22
arriving March 23 4 P.M.
11 A.M.

05 19

Sec. 198-200.

22

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Charles F. Meyer

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 *Charles F. Meyer*

Question How old are you?

Answer *40 years*

Question Where were you born?

Answer *Canada*

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

Answer *1293 Broadway, 8 months*

Question What is your business or profession?

Answer *Physician*

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*

C. F. Myers

Taken before me this

day of

1886

Police Justice.

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Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, { ss

22 District Police Court.

Annie Soper

being duly examined before the under-
signed, 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 *she* see fit to answer the charge and explain the facts alleged against *her*
that *she* 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 *Annie Soper*

Question How old are you?

Answer *26 years*

Question. Where were you born?

Answer. *New Jersey*

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

Answer. *362 West 31st Street*

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. *I am not guilty*
Miss Annie Soper

Taken before me this
day of *March* 188*8*

Police Justice

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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

Charles F. Meyer and Annie Loper
guilty thereof, I order that they be held to answer the same and be admitted to bail in the sum of ~~Hundred Dollars~~ Twenty Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he is legally discharged.

Dated March 27th 1886 Aug. Owe 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0522

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

Police Court 22nd St District.

PEOPLE, &c.,
THE COMPLAINT OF
Stephen Carmick
vs.
Charles F. Meyer
Amie Soper
Offence Mortgage

Dated March 19th 1886
Dr. J. F. Gray Magistrate
Stephen Carmick Officer.
20th Precinct.

Witnesses
No. 111 Street.
Mar Ann Martine
No. 1502 Street.
Mrs Ann Jones
355 North Ave.
No. 1886 Street.
Do 1886 Home to Europe
to answer Baltimore Harford
Dr. H. Grimald
1545 St. Mt. Fitzrovia, S.S.

0523

in the papers at the time I took the child to Bay Ridge L.I. and from there to Whitestone L.I. Mrs. Anna Lynch told my husband right before me to his face that she was intimate with him and when she left him and told me that she would stick to me. I was introduced by her to Mr. Jacob Jarmey who is a very respectable man, who has done very much for me. He kept me hidden away from my husband. He took good care of me but lived with me as man and wife. He is a builder and has a wife and nine children. Capt. Cornelius Vanderbilt Silver, was also intimate with me. He was the father of the child from the effects of the abortion of which I am now suffering. Capt. Silver is Captain of the Grand St. Ferry Boat. He gave me the ring I now have on my left hand wedding finger and promised to marry me. He wanted to marry me in New Jersey but I would not marry him because my husband was living yet. My mother is to blame. She sent him after me, but I have forgiven her. My mother would not give me a home. So I went to Spring St. Elizabeth St. my mother sent him there after me. I was running away from him. There I told him I could not marry him. He became very intimate with me there and then forsook me. Mr. Jarmey has provided for me all along. He fitted me and found I could not support my two children naturally. He was the father of two other children which were killed by Dr. C. F. Myers of 33rd St. Broadway. He lives on the S. E. corner now but formerly lived on the S. E. Corner. When I was pregnant in the Spring of 1884 five weeks by Mr. Jacob Jarmey I told Mrs. Anna Lynch who is now a tramp living at 37th St. 4th Ave. and she took me to Dr. C. F. Myers who put a red, flexible instrument into me, about a foot long. It looked as though it were made of red rubber. He left this in me for several hours and sent back to Sing Sing N.Y. where Mr. Jarmey had started me in a hotel. I got over the effects of the abortion very easily then. In March 1885 I was three and a half months in the family way when Ann Lynch took me to Dr. C. F. Myers again. He used the same kind of a red, long, thin and flexible instrument on me again. He has a whole lot of them in his pocket. They are of different thicknesses but about the same length. He used various thicknesses or sizes on me. He let it remain in my womb for some time. I went to Charwick N.Y. where I lived then. I lived at No. 17 Charlton St. in that city. I got very sick and sent for Dr. C. F. Myers. He came to Charwick N.Y. to see me and said I had nothing but inflammation of my bowels and that the child had passed away from me, but he made a mistake because it did not pass away until three days afterwards. It was a little bit of a baby. I had to pay him fifty dollars each time before he operated on me. He operated on me each time in his office in the presence of Mrs. Anna Lynch. I think she brought him other customers of the same kind and received some part of the money from him that the women who he operated on paid him. I first saw him yesterday two weeks ago about this last case of mine or the third abortion he performed on me. I met him on the street, on 33rd St. between Broadway and Sixth Ave. He was chewing a toothpick. He said how are you, have you had your course lately. I said I had not had them for some months. He told me to come to his office on the corner. He spotted me, about operating on me. He would not operate on me unless I first paid him fifty dollars. I could not raise that much money until Thursday a week ago when I went to his office and paid him fifty dollars and then he on that afternoon Thursday March 11/86 at five o'clock introduced a red, flexible, thin instrument into my womb and I felt bad after it. He said he would have me free of the child and all well in a week. I was in the family way or pregnant in other words for a little over five months this last time he operated on me. He wanted money so bad and would not trust him. I got him to give this receipt which he wrote himself in pencil before I gave him the fifty dollars. He did not wish to give a receipt at all and refused to give me one before that at the other two times that he committed abortions on me. He dares not write in the amount I paid him. After he received my fifty dollars and had operated on me and after I told him I felt very bad he said he knew a nice boarding house in West 31st St. where he had a lady friend whom he had committed an abortion on successfully and that he would get me a room there which would cost me ten dollars a week. He then brought me himself to No. 362 W. 31st St. and introduced me to Miss Annie Roper. He said in her presence that he had committed an abortion on her and she acknowledged that he had. He said he had never lost a mother in such cases and was always successful. On the same evening Thursday March 11/86 at nine o'clock he operated on me with the same instrument in the presence of Annie Roper. He operated again in the same manner in the presence of Annie Roper on Friday morning March 12/86 at 6/12 o'clock and on the same day at 12 o'clock noon the child was born dead. Dr. C. F. Myers and the woman Annie Roper were present when the child was born. Dr. Myers took the child away and wanted ten dollars to bury it. He said he would call in another doctor and have some more money to pay the doctor. I had not the money to pay him because I had paid the bill Mrs. Mary Ann Martin and fifty cents for board. In the evening Annie Roper told me that the landlord did not know she was receiving men and was having sexual intercourse with them. Annie Roper then asked me for twenty six (26) dollars for nursing me when I told her I had not it. She said she must have more and so I told her one of her male friends. She had many of them about one on her. She said she was intimate with them.

0524

MEMORANDA.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.
Years.	Months.	Days.	England	62 W. 31 st St

Will be 28 next October

Mrs. Martin
maiden name
is Connell
St. Geo. Library
314 W. 31st St
St. Henry
off W. 31st St
more called

Mrs. Annie Jones
355 9th Ave
Nurse
Mrs. Mary Ann Connell
9 Henry St.
Brooklyn L. I.
(Priester)

Willoughby Connell
19th Henry St.
Brooklyn
(Priester)

Mrs. Margaret Salyard
Cousin of
362 W. 31st St
George
Mrs. Burdett - daughter
of Salyard -

AN ANTE-MORTEM INQUISTION

On the VIEW of the BODY of

Mary Ann Martin

whereby it is found that she was
injured by instruments
in the hands of
C. F. Meyer of
1293 Broadway
on March 11th & 12th
1886 at 1293 Broadway
+ 362 W. 31st St
Taken on the 19th day
of March 1886
before

W. H. M. Mead
Coroner.

Committed
Buried
Discharged

Approx made
by order of
Coroner
of the body
examined and
affixed the
signature of
the coroner
(to be made in
the presence of
the coroner)

0525

AN ANTE-MORTEM INQUISITION

On the VIEW of the BODY of

Mary Ann Marten

whereby it is found that she was injured by instruments in the hands of C. F. Myers of

1293 Broadway on March 11th 1886 at 1293 Broadway + 362 N. 2nd St

Taken on the 19th day of March 1886 before

My J. J. Messers

Coroner.

Committed
Dailed
Discharged

Mrs. Annie Jones
355-9th Ave
Nurse

Mrs. Mary Ann Connell
9 Henry St.
Brooklyn L. I.
(Mother)

Mrs. Agnes Connell
9 Henry St.
Brooklyn
(Sister)

Mrs. Margaret Balghel
Cortlandt St.
362 N. 3rd St.
Nurse
Mrs. Bantman - daughter
of landlady -

Mrs. Marten's
maiden name
is Connell
Dr. Geo. F. Gray
314 N. 3rd St.
Dr. Henry Bantman
off N. 3rd St.
now called

Will be 25 next October

AGE.	Years. — Months. — Days.	PLACE OF NATIVITY.	WHERE FOUND.
27		England	314 N. 3 rd St.

MEMORANDA.

0526

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

POLICE COURT,

DISTRICT.

J. J. Gray

of No. 314 West 31st Street, being duly sworn, deposes and
says that on the 16th day of March 1886

at the City of New York, in the County of New York, he called on

Mr. Mary Ann Martin at
362 West 31st and found her
sick. Defendant attended her
and then continued to act as
her medical adviser. From
defendant's examination he
found that said Mary Ann
Martin was suffering from the
effects of an abortion produced
in defendant's opinion by the
use of instruments.

Said Mary Ann Martin is
now in a very critical condition
and her life is in great danger.

Sworn to before me

This 21 day of March 1886

J. J. Gray

Police Justice

J. J. Gray M.D.

0527

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

POLICE COURT,

DISTRICT.

of No.

Charlton Cunningham

says that on the

20th

day of

March

1886

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

I called at
362 West 31 St, in company with
Asst. District Attorney Lundy and
Detective Cornack, and took the
following from Mary Ann Martin,
who was lying in a bed in
a rear room, on the second
floor of said residence, and
the following statement I read
in the presence of Dr C. F.
Meyers, and Annie Sopher;

Q

How do you feel?

A

I feel a little better, but I don't
feel out of danger

Q

Do you feel yourself in danger

A

I believe I have been dead
almost twice, but have I but I
believe I have been brought back
to life to speak to some one.

Q

Have you any fear of death?

A

I have no fear whatever. I
have been Christianed, and I
am God's child

0528

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

POLICE COURT,

DISTRICT.

of No.

Street, being duly sworn, deposes and

says that on the

day of

188

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

Q

^{No 4}
Do you believe from your present system you are about to die?

A

From my present system I believe am about die.

Q

Have you any present hope of recovery?

A

I am in hopes that God will recover me from this sick bed.

Q

Have you no hope of recovery?

A

I have no hope of recovery unless God intercedes.

Q

Have you abandoned all hopes of living?

A

I have abandoned all ~~hope~~ earthly hope of living.

Q

And you think you are about to die?

A

I have no hope of earthly aid ~~only~~ but only from God. I have been brought to my death by a bad man.

0529

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

POLICE COURT,

DISTRICT.

of No.

Street, being duly sworn, deposes and

says that on the

day of

188

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

Q Who is ^{No 3} ~~that~~ ^{this} bad man?

A Dr Myers is my murderer and slaughterer

Q You have been a bad woman?

A I have been a bad wicked woman for the love of my children, but by the grace of God I hope to be good hereafter

Q If you have no hope of surviving this sickness?

A No I have no hope, and I think I am about to die.

Q By Mr Lundy
Now tell us what shall happen.

Mary Ann Martin, the sick woman then said:

I met Dr Myers at 33 St and 6 Ave, a week before the abortion was performed. He said. "How do you do?" Mrs Martin I said. "How do you do, Doctor?" He was coming from dinner with a toothpick in his mouth.

0530

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

POLICE COURT,

DISTRICT.

of No.

Street, being duly sworn, deposes and

says that on the

day of

188

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

4
He said, "Wont you step up to my office? I said, No, I have nothing to tell me up to your office, doctor."

He said, "I insist on you, Mrs Martin. I want to speak to you about a little bill."

I went up to his office and I said, "I will go if you insist upon it if it is about a bill."

He said in the office, "Do you know there is a little bill ~~the~~ account standing between us ~~for~~ and I said of \$15. and I said "do you know, doctor, that you stole a ring off my finger last winter when you had me under the influence of landanum?"

He said, "How are you in sickness?" Mrs Martin?

I said, "I am all right about that." He said: "You are not all right. I can tell from the looks of you that you are not all right."

I said: "To tell the truth, I have not been sick since the 10th of last November."

0531

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

POLICE COURT,

DISTRICT.

of No. _____

says that on the _____

day of _____

Street, being duly sworn, deposes and

188

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

No 5

Then he said, "That is too bad. So you know you have a husband living and you must have that child go away, or your husband will get a divorce, and perhaps, put you in prison, and see what a shocking thing that would be."

He then said, "Well! see here, it is about a nice time to take that child away, and I can do it."

I said, "If I have gone to feel life, I don't want you to touch me, for I will face the world, and bring the child into the country."

He said it would be all right. That I hadn't felt life, he would have me in bed in a week, and over it, and no one would know the difference.

I said, "How much will you charge me?"

He said, "You have some gentlemen that have \$100, and that they will give it to you."

0532

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

POLICE COURT, DISTRICT.

of No.

Street, being duly sworn, deposes and

says that on the

day of

188

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

No 6

I am sure"

I said, I cannot afford that I
have my two children to
support."

He said "well I will tell you
that I'll do, I'll make it
\$50."

I said.

"You will settle the old bill
for that, and return the gold
ring"

Wm. W. Cunningham

Sworn to before me
This 20 day of March 1884
cc'g. Over

Augustus

0533

POLICE COURT—SECOND DISTRICT.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK. } ss.Michael J. Kelly
of No. 411 West 62nd Street, being duly sworn, deposes

and says, that on the Twentieth day of March 1886

at the City of New York, in the County of New York, in the house known as no. 362 West 31st St., & in a room in said house occupied by one Mary Ann Martin he, at the hour of four o'clock or thereabouts took down stenographically the examination of said Mary Ann Martin: that at the time of such examination the questions were being propounded by the Hon. Ambrose Purdy, the Assistant District Attorney of this City, & to the questions so put the woman replied —

Subsequent to such examination the prisoners C. F. Meyer and Annie Sofer were called in and in their presence the testimony of the Mary Ann Martin was read over by Depovent. That subsequent thereto the counsel for defts. Mr. Dyatt cross examined said Mary Ann Martin — That subsequently prior to such cross examination by Mr. Dyatt the prisoners were called in and identified by the woman Mary Ann Martin as the physicians who

0534

And

performed the operations
and as the assistant.
in That the above
examination was taken
down by ^{deponent} me as a stenographer.
That the above notes
were taken at the request
of the Hon. Ambrose Purdy.
Michael J. Kelly-

Sworn to before me this }
Twentieth day of March 1886. }
clerk J. P. Over
Police Justice.

Police Court — Second District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Offence,

Dated,

188

Justice.

Officer.

Witnesses,

surety.

Committed in default of \$

Bailed by

No

Street.

0535

New York March 25th 1886
Second District Police Court
Before His Honor Justice Powers

The People
vs
Charles F. Meyers
Annie Lopher

Indict

Direct Cross

Mary Ann Martin 3. 21. 14.

Michael J. Reilly
Stenographer

0536

New York: March 20th 1886.
Second District Police Court
Before His Honor Justice Power.

The People
vs
Chas. F. Meyers &
Annie Sophia

Prior to the arrival of
the stenographer the
minutes of the examination
were taken in long hand
by ^{capt} the ammannensis for
counsel, Mr. Purdy.

These minutes were
subsequently sworn to
by the ammannensis, Mr.
Cunningham and then
placed in the hands
of the Police Court clerk
for future reference.

0537

3

The examination was then taken by the stenographer and proceeded as follows.

Mary Ann Martin's examination continued.

By Mr. Rudy.

Q. After that what did he say, or you said to him: "You better settle, or do it, if you settle the old bill - and the ring was stolen from me -

A. He says: "Well, when you bring the money I will give you a receipt in full -

Q. For the \$50, I will give you a receipt in full?

A. I will give you the receipt in full without any soreness, sickness or shame.

Q. Then what did he do to you?

A. I did not give him the money that night for I had not got it, but I told him I would think it over, and let him know. So he did not consent

0538

to give me my ring, and I wrote from my home in Elizabeth, and told him if he did it. I wrote to him and told him if he receipted the \$50 and gave me my ring all right, and if no to say so at once and drop it, and he wrote back the letter which I think some one has it, and he said he would secure it and to come right at once and not delay.

Q. Then you came to New York?

A. Well my little girl was sick, I could not come for three days - two days - I came down on Tuesday, Wednesday.

Q. Then what took place?

A. I came down on Wednesday - I went to his office. I went to see a gentleman friend and asked him if he would lend me about \$65.

0539

5

2 You came to his office
A. I got the money and
came to his office &
I paid him his \$ 50⁰⁰/₁₀₀,
and then he said: "I
have a beautiful room
for you, and I have a
lovely lady friend of
mine that I have just
got over an abortion
with her, and she is
coming out all right and
she will wait on you
and give you all the
care you want. No
one in the house will
know and she will
attend to you and wait
on you and everything
else and be with you,"
and I paid him the
money and he used
some kind of an
instrument and he says:
"It is too bad & leave
it so late". I said, "Don't
dare touch me if I have
felt life", and he says:

0540

putting the instrument right
away and using some
kind of a rubber instrument,
he said, "That is, all
right, I have examined
you and you have not felt
life," and when I got up
I felt it pretty bad, and
I came to this house
and then I met the
lady in the front room,
Miss Minnie Sofer and
she says she did not
occupy the two rooms
but that the doctor had
told her he had a lady
friend about two months
that way, and that he
wanted her to take care
of her and she says -
she was very agreeable -
she would see the lady
of the house and
ask her what she would
let me have this room
for, and the lady
says - ten and a half
a week, and board and
sheets and everything

0541

7 found. I paid her
the ten dollars and a half
and came in the
evening. The doctor came
between nine and ten
o'clock and he used
a rubber - a real rubber
instrument, and he says:
"I am going to use a
little rubber to stretch
the womb," and he says,
"to make the parts open
for the child to pass,"
and I lay in bed. On
that night from ten until
three I ~~was~~ in terrible
pain, and from three
until five I slept. From
five until ten I was
in pain again. He came
and he took one
instrument out and he
said he had to use a
larger one, and he did
so, and then I went to
bed, I was in full
pain, and he said that
would only last a little

0542

while until labor came on, but I was in terrible pain, and he said: "I will be back at two o'clock, and from twelve o'clock labor commenced. I did not see him until four, and I called out, "Oh, you bad, bad, bad doctor, you are going to kill me, ain't you," and he says: "No," and he laughed and he said: "It is your imagination, you have got to bear a little pain," and I said: "I have borne more pain with this than I have borne with my two children, a boy and a girl." And he said: "Call in the helper." She stood by me and done every thing and at six o'clock the child was born. Miss Annie Sofer was present at the time. Mr. Jacob Jennings was there also but not at the

0543

9

operation, ^{or} ~~was~~ did he know anything further than he dropped in just as the child was born.

Q. Had he nothing to do with it at all?

A. He had nothing to do with it at all.

Q. The doctor and Sofer knew all about it?

A. Yes, sir; she helped him, she was with him and waited on him and every thing and anything.

Q. Sofer was with him?

Q. Yes.

Q. Sofer was with him at the time of the operation and at all times?

A. Yes - no, sir - excuse me - he called her and said: "It is all right now, help her into bed". She did not witness the instrument being put to me. He ordered her out of the room for a few minutes.

Q. Do you think she knew?

0544

Q. She knew all about it
far she says: "Mrs Martin,
I have been through the
same thing but I was
not quite as far gone.

Q. When did she say that
to you?

A. "And he has drawn
me through it all right,
but I don't feel at all
well". He said that she
should look after me,
but she said that she
received gentlemen and
could not look after
me. When I was in the
greatest pain she came
in, and said: "Really I
am very sorry, I have to
go in and undress, I
have a gentleman inside,
I will be with you in
ten minutes.

Q. You believe yourself
about to die and make
these declarations under the
solemnity of death?

A. This is all the truth.

10

Q. 2

And you believe you

0545

11

are about to die?

A. I have a little hope that my father will save me.

Q. What father is that?

A. My Father in Heaven.

Q. You believe in God?

A. I believe in God; I am his child; I have been a bad woman.

Q. You have been christened in the Catholic Faith?

A. Yes; which I have been long seeking for.

Q. You have no earthly hope of life except through Divine aid?

A. Except by Divine grace. They dragged me out of bed and gave me - he says: "I insist on it, I cannot give you any syringe in bed - that way with my sore arm.

Q. You have had what is known in the Catholic Faith as Extreme Unction?

A. Yes.

0546

Q And have made your confession?

A Yes.

Q To Father Murphy?

A Yes.

Q Preparatory to death?

A Yes.

Q Before that you were not a Catholic?

A No.

Q But you were espoused into the Catholic Church on your death bed?

A Yes, by it; although faith first struck me, after lying and rolling in bed with pain, asking God to kill me, and I was going in the bath room to let the tap run on me and drown me. Then I got on my knees before my sister Agnes here and read a prayer, and I said, "Oh God, give me faith and send some one that will put me in the way of becoming a Roman Catholic."

0547

13

which I long thought
to be my prayer was
answered.

Q You make these statements
under Extreme Unction and
under the solemnity of
death?

A Yes.

Counsel - Mr. Purdy, here
directed the prisoners to
be brought in the presence
of the witness, and the
above testimony as also
the testimony as ^{previously} taken
by Mr. Purdy's amanuensis
was then read over to
witness in their presence
and hearing, & that of their Counsel.

Mr. Dyett, Counsel for
the prisoners then desired
the stenographer to make
the following entries on
the minutes.

All the previous examination
except the last sentence

0548

was taken in the absence of both the prisoners, and they were forbidden to be present.

Mr. Bundy: But the statement in full has been read over in the presence of the prisoners.

Mr. Dyett: And as counsel for and on behalf of the prisoners I protest that the whole proceeding is irregular.

The witness was here
Cross-examined by counsel
for the prisoners as follows:

Cross Examination By Mr. Dyett:

Q Who is your attending physician, madam?

A Dr. Grey.

Q When did you see him last?

A About two hours ago.

Q And did he not tell you then as to your condition?

0549

15

A.

He told me that I was a little better but that I must keep still and must be very quiet and must have confidence in God alone or I cannot get better, it is utterly impossible.

Q

Did the doctor tell you that if you did keep quiet and take care of yourself there was a chance for your recovery?

A.

Yes, not by medicine.

Q

How did the doctor tell you you ~~would~~ get better by rest and quiet?

A.

By rest and quiet and faith and that alone, otherwise nothing can save me.

Q

How old was this child if it was born?

A.

It was about five months. The doctor snatched it and would not let any one see it but I got a sight of it.

0550

2 Do you know yourself
it was five months?

A. No, only by what the
doctor said.

2 You knew how long it
was since you had been
unwell last?

A Yes.

2 Was that as much as five
months?

A. I could not tell on account
of the - taking the nine
days and such things.

2 You signed another paper
Mrs. Martin?

A Yes, yesterday.

2 Do you recollect stating
in that that you had
lived with Mr. Jennings as
man and wife?

A Yes.

2 How long did you and
Mr. Jennings live as man
and wife?

A We never acknowledged
each other as man and
wife.

16 2 But you lived with each
other as man and wife?

0551

17 Q. Yes.

2 For how long?

A. I have been two years, he has kept me more to keep me out of bad company.

2 Just during that time have you been faithful to him?

A. No, sir.

2 Did he know of your infidelity?

A. He did not.

2 Have you any objection to state any other person with whom you have been intimate?

A. This party that came after me hunted me to my mother's, I went from my mother's, I could not stay there under certain circumstances.

2 Can you state his name? Are you willing to state that name?

A. Yes.

2 What was it?

A. Captain Cornelius Davenport.

0552

Silvie.

Q When did you see him last?

A I cannot tell you exactly.

Q About how long?

A He hunted me up & said I should not live by was living or poor, that he would support me; he wanted to marry me in Jersey, but I objected because my husband was living.

Q Have you seen him in a year?

A Yes.

Q Within six months?

A Yes.

Q Was there any other person with whom you were intimate except Captain Silvie?

A No.

Q One man & Jennings?

A Yes.

Q Did Mr. Jennings support you entirely?

A Mr. Jennings gave me any money I wanted.

0553

192

Did Captain Silvie give you any money?

A. No, he hunted me up in a different way altogether.

2. Did you have any other source of income but what Jennings gave you?

A. No.

2. Then you have no other income?

A. I have sent to my husband & to much. He refused to give me any.

2. Then you received none except from Jennings for the last year?

A. No.

2. Then, in regard to this room you did not hire it from Miss Sofer?

A. No, sir.

2. You understood she merely boarded here like you did?

A. I understood certainly from the doctor that she occupied the two rooms and would give me one.

0554

2. But she rented them from Mrs. Daglish.

Q. She rented from the lady of the house.

2. And you paid the lady of the house?

A. I was recommended to her and she said that that made no difference, about anything else.

2. You paid the lady of the house?

Q. Yes.

2. Do you say that Sofer was present when the child was born?

Q. Yes.

2. Did she assist at all in bringing the child into the world?

A. She pulled my hands & helped me a little.

2. How did she help you; in what way?

A. In no way except in giving me medicines and such things as that, that the doctor left orders for, and giving me assistance.

0555

2¹ Q. When did she give you those medicines, after the child was born?

A. Yes.

Q. Now during the operation you speak of, can you tell anything that ^{Dr. Myers} Dr. Sofer did?

A. Yes.

Q. What was it?

A. It was about when I was in my worst trouble, the day after the child was born, she demanded, she said Dr. Myers told her I was to give her \$26.

Q. I want to know what she did while the doctor was operating on you?

A. I said she was not in the room. ~~He~~ She said, "It is all right, all settled, come in, and you can attend to the medicines."

Q. Then, as I understood you, Miss Sofer was not present there at the operation or when the child was

0556

Born?

A. She was when the child was born but not at the operation.

Q. And when the child was born she held your hand?

A. Yes, helped me.

Q. In bringing the child into the world?

A. Yes, I felt sorry at the time.

Q. Is that all you recollect she did?

A. Yes.

Q. You forgive Annie Sofer?

A. I forgive her about the little money, it was Dr. Meyer's fault - not her's.

Q. Why do you call Dr. Meyers a bad man?

A. Don't you think he is bad & tell me with the child - that I was not as far gone as I was.

Q. Why do you call Dr. Meyers a bad man?

A. Because he has put me here and slaughtered me; he has not seen to me

0557

23

in the right way as he promised to do.

Q Is that the reason, you made no objection to his treating you?

A I could not object, he filled me with mercury. he kept me under the influence of -

Q Do I understand you to say that you understood for what purpose he made the operation, did you understand his purpose was to produce an abortion? Did you understand when he operated on you he intended to produce an abortion.

A. Certainly I did.

Q And you wanted him to do so?

A No, sir, not if the child was as far as it was.

Q You expected that that would have to take place?

A. I did not wish it to take place if it had gone

0558

as far as it was, he knew it was and told me it was shorter.

2. But you did want to have an abortion, you wanted the abortion, but you thought it was a three month's child.

A. Yes, sir.

2. Did you take any pills?

A. He gave me pills and a dose of stuff that burned my mouth so that I had to get the woman who washed for me to assist me to ~~wash~~ my mouth so that I had to do that three or four times, to get the taste out & I have not been right in my head since.

ReDirect:

2. Did you see the child when it was born?

A. I got a sight of it.

2. What did the doctor do with it?

24 A. He put everything

25

together and ran away with it.

Q Did you see the head?

A I did; it was perfectly red; mottled.

Q Did you see the child in your body before it was born?

A I had a dreadful labor that I did not feel before.

Q And what did he do with it, when born?

A I don't know, he said he ought to have ten dollars for undertaker's money but he would be satisfied with five, and I said: "You have got fifty and I cannot give you any more."

Q He said he wanted to have ten for the undertaker?

A The undertaker would take it for five or ten, and I said: "I gave you fifty; that lies on your responsibility."

Q This is the Miss Sofer you have spoken of?

0560

A Yes, sir

Q And this is Dr. Myers of whom
you have spoken?

A Yes, sir

The examination here
terminated and the
parties proceeded to the
Police Court before Justice
Pomeroy.

0561

New York March 20th 1886.

Second District Police Court
Before His Honor Justice Power.

The People
vs
Chas. J. Meyers
+
Annie Sofer.

City & County of New York N. S. S.

Michael J. Kelly being duly
sworn says as follows:

That he is the official
stenographer of the Third Civil
District Court in the City of New
York, and while so engaged in the
discharge of his official duties on
this ^{the twentieth of March 1886} day, was requested by the
assistant District Attorney, Hon. Ambrose
Purdy, to take down stenographically
the statement of one Mary Ann

0562

Martin then lying at the point of death at No. 362 West 31st St.

That subsequently and in compliance with such request he proceeded to the above mentioned house and there met the various parties and took down stenographically the statement as uttered by said Mary Ann Martin.

That he subsequently returned with the parties to the presence of his Honor Justice Power, and afterwards at the request of Counsel for the People and made a verbatim transcript of the aforesaid stenographic minutes, and which verbatim transcript is herewith attached.

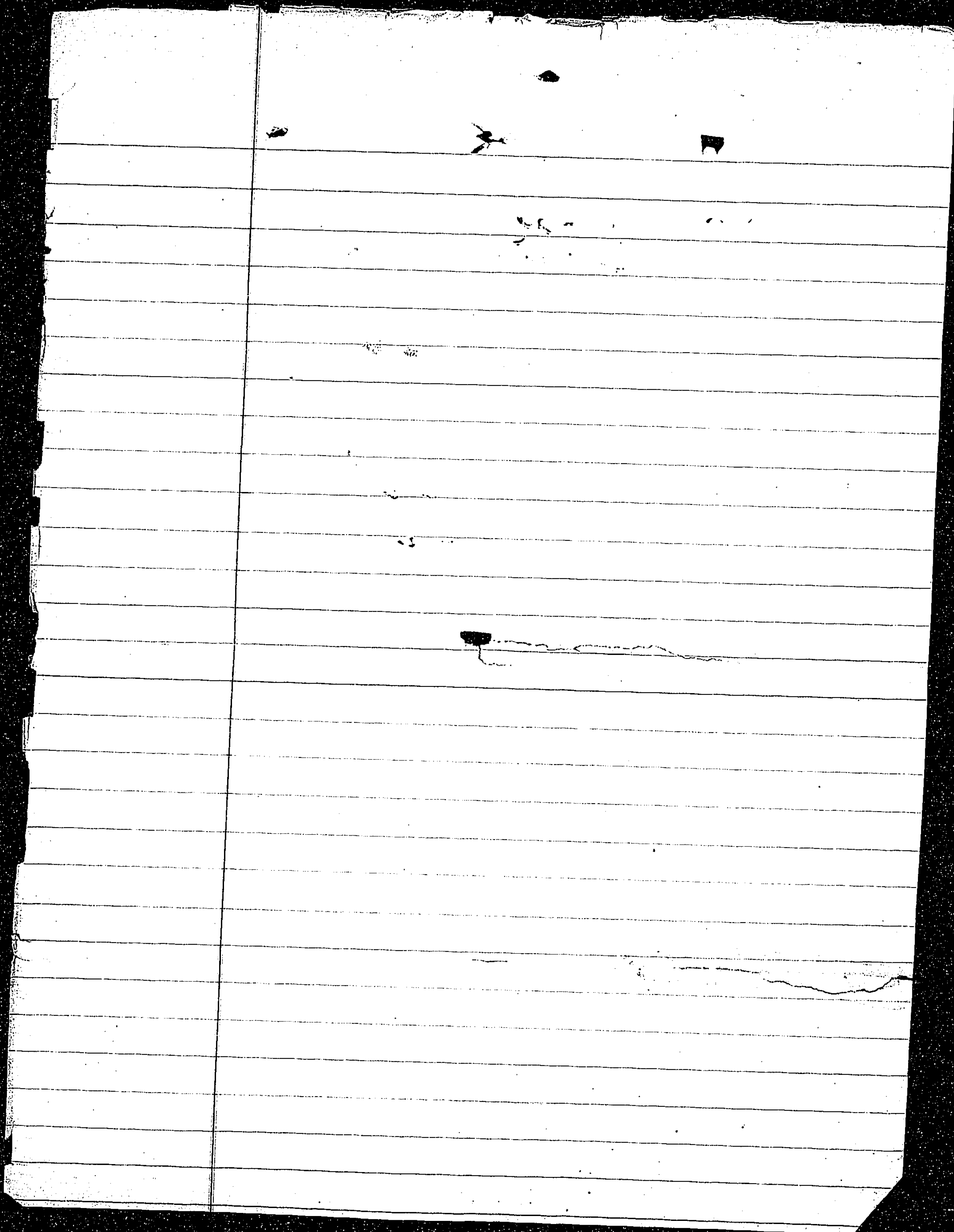
Mich. J. Kelly—

Sworn to before me }
this 22 day of }
March 1886 }

Wm. J. Power

John J. Power

0563



0564

52

Second
District Police

Countdown
Hon Justice Kinn

People
Wey

Meyer
to per

Manuscript
Manuscript

Mr. J. Kelen
3rd Civ. Dist. Court
Clerk 10-11-12-13

280
500
500
200
1000

0565

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 E. Muger
and Annie Sawyer

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

Charles E. Muger and Annie Sawyer
of the CRIME OF Abortion, —

committed as follows:

The said Charles E. Muger and Annie Sawyer, each —

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-six, at the Ward, City and County aforesaid, unlawfully and feloniously, in and against the person and life of Mary A. Martin, who was then and there a woman pregnant with child, feloniously and unlawfully did make an assault, and did then and there feloniously and unlawfully use a certain instrument, the name of which instrument is to the Grand Jury aforesaid unknown, but then and there feloniously, unlawfully and inserting the said instrument up, into and upon the womb and body of the said Mary A. Martin, with intent thereby to produce the miscarriage of the said Mary A. Martin, the said use of the instrument aforesaid

not being necessary to reserve the title
 of the said Mary A. Martin, or of the
 title in the said case so frequent
 as I observed, against the form of the
 Statute in such case made and
 provided, and against the case of
 the People of the State of New York,
 and there discharging.

Randolph A. Martin,

District Attorney.

0567

BOX:

212

FOLDER:

2103

DESCRIPTION:

Myers, Frederick

DATE:

03/16/86



2103

Witnesses:

Charles Hiley
Off M. C. Gandy

#152

Counsel, *Wm. C. McLeod*
Filed *16* day of *March* 1886
Pleads, *March 11*

THE PEOPLE

vs.

R

Frederick Myers

RANDOLPH B. MARTINE,

District Attorney.

Entered in the Third Degree.
Sections 498, 506, 528 and 532.

A True Bill.

Chas. B. DeLoach

Magd. 23/4
Foreman

Spicer (Manager of)
John J. Langens
Letty from New day.

0568

0569

Police Court—5 District.City and County }
of New York, } ss.:James M. Lawrence
of No. 238 East 128th Street, aged 23 years,
occupation Milk dealer being duly sworndeposes and says, that the premises No. 238 East 128th Street,
in the City and County aforesaid, the said being a One story frame
Building
and which was occupied by deponent as a Storage house for milk
and in which there was at the time no human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking
open the rear dooron the 13 day of March 1886 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:One Milk Can Containing
forty quarts of Milk
being together of the value
of five dollars and seventy
five centsthe property of deponentand deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away byFredrick Meyer (nowhere)for the reasons following, to wit: that at about seven o'clock
P.M. of the above date deponent
securely locked, fastened and bolted
the aforesaid premises and
deponent is informed by Charles
Wiley that about one o'clock A.M.
of the 14th day of March 1886 he placed
the aforesaid property in the above
named premises and at that

0570

time the aforesaid rear door was closed. Deponent is further informed by Officer Daniel J. McInerney of the 12th Precinct that he arrested said defendant on the corner of 2^d Avenue and 124th Street at about two o'clock A.M. of March 14th 1888 acting in a suspicious manner with the aforesaid property in his possession.

Deponent has since seen said property and fully identifies it as being his property and therefore charges said defendant with burglarizing the aforesaid premises and feloniously taking, stealing and carrying away the aforesaid property at the time and in the manner herein described.

Sworn to before me *James Lawrence*
this 14th day of March 1888.

J. T. V. V. V.
Police Justice

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street.

0571

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Wiley
aged 26 years, occupation Milk Wagon driver of No.

207 East 129th Street, being duly sworn deposes and

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

Sworn to before me, this 14

day of March 1886

Charles Wiley

[Signature]

Police Justice.

0572

CITY AND COUNTY }
OF NEW YORK, } ss.

Daniel J. McInerney
aged 47 years, occupation Police Officer of No. the 12 Precinct Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of James N. Lawrence
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 14 day of March 1888 } Daniel J. McInerney

J. H. Smith
Police Justice.

0573

Sec. 108-200.

District Police Court.

CITY AND COUNTY {
OF NEW YORK, } ss

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

I am not guilty. I was going along and saw the car skidding against the wall & I took off my hat and put it on the car. The officer came up and F. Meyer arrested me.

Taken before me this

day of March 1888

Police Justice

0574

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 Meyer

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 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 14 1886 *J. Williams* 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

0575

Police Court

3705
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James M. Lawrence
1230 East 178th St
Frederick Meyer

Offence Burglary

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

1 _____
2 _____
3 _____
4 _____

Dated March 14 1886

Ford Magistrate

McInerney Officer.

17 Precinct.

Witnesses Charles Wiley

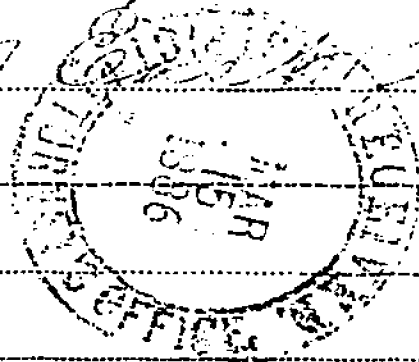
No. 207 _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer G.S.

Corn



0576

The People
vs.
Frederick Myers.

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

March 23, 1886.

Indictment for burglary in the third degree.

James H. Lawrence sworn and examined. I live 230 East 128th Street in this city and am in the milk business. I remember the night of the 13th of March last, I have a one story frame building which I use as a milk depot, it has a front and rear entrance, the front entrance is 128th Street and the rear entrance is in the yard of the same street, there are two small windows on the side of the building, I closed up that place on the night of the 13th at seven o'clock, the rear door was hooked from the inside and the front door was locked, I had no property in there at the time, I have a young man in my employ named Wiley, I next saw the premises when I was called up by the officer between two and three o'clock in the morning, I found the rear door of the building had been forced open, the staples were drawn from the inside and one can of milk was taken, I saw a milk can next morning in court which I recognized as my property which had milk in it worth \$5.75, the first time I saw the prisoner was in the court on Sunday morning, I had no conversation with him.

Cross Examined. I cannot distinctly say when the can was brought to my place, it was not there when I went away; the staple was in the door and the place was closed at seven o'clock the night before.

Charles Wiley sworn. I live at 208 East 128th Street and work for Mr Lawrence on the 13th of March last, I was in the premises 208 East 128th Street, I was there in

I

0577

the neighborhood of seven o'clock in the evening and went there again about one o'clock in the morning. I was delivering nine cans of milk there, I took them off and Mr Myers dumped half a can so I only delivered eight and a half cans, I put them in this place, I noticed that the doors were closed and I locked the front door, I saw one of these cans afterwards in the Station House which I identified as one of the cans I left there, it was filled with milk at the time and was worth \$5.75. When I first saw Myers he came around when I was unloading my milk and asked for a fellow named Jack Smith and he took hold of a can and dumped it and I saved eighteen or twenty quarts, I asked him to pay for it. He said he would like to know where the devil the money was to come from, I had never seen him before that night, he went towards Third Avenue, I did not see him again until he was arrested. The can was on the sidewalk in front of the office when he took hold of it, I should say he was under the influence of liquor. The can that he dumped never got into the store but the can that I identified in the Police Court got into the store, it was painted green and has the letters J. D. H. on it.

Daniel J. McInerney sworn. I am a police officer attached to the twelfth precinct and know the premises East 123th Street, I remember the morning of the 14th of March, I saw the defendant a little before two o'clock on the corner of 127th Street and Seventh Avenue about ten feet from the corner, my attention was attracted by hearing a noise as if a milk can was put down on the street and I saw Myers standing up close against the can and he was straightening up after putting down the can, he took off

0578

his hat and fanned himself a few times, I went quickly over to him and said, where did he get that can? He said he did not know, I said, you have got that can from some of these groceries around the block. He says, I will never tell you, I put the nippers on him and took him down to two grocery stores in the block and asked them if the can was theirs and they told me no, I took him to the Station House and locked him up and went back and found that a large quantity of milk had been spilled on the sidewalk and I traced it back to the milk depot in East 128th Street and when I went inside I found that the fastenings of the inside door had been wrenched off, I got ~~Mr~~ Lawrence and he ~~is~~ and the other man identified the milk can.

Frederick Myers sworn in his own behalf, testified I am twenty-one years old and never was arrested before, I drove a wagon up in Harlem for Mr Strinski, on this night in question I did not break into this milk depot, it is true that I dropped a can on the sidewalk but I could not balance myself, I did not take the can out of the place, I do not know how I got it, I got as far as Second Avenue and 127th Street when the officer came and put the nippers on me, this was the first time I was out late at night, I was paid off that night and drank lager beer, I could not tell how many saloons I went into, Smith was a fellow I used to work with, I do not remember what I told the witness about Smith, I did not see anybody carrying a milk can that night.

The jury rendered a verdict of guilty with a recommendation to mercy.

0579

George Fisher a head man of all
pieces of timber in the

Testimony in the case of
Frederick Myers

filed March

1886

0580

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Fredricka Muzio

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

Fredricka Muzio,

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

The said *Fredricka Muzio,*

late of the *East 12th* — Ward of the City of New York, in the County of New York, aforesaid, on the *thirteenth* day of *March*, in the year of our Lord one thousand eight hundred and eighty-*six*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *Building* of one

James St. Lawrence,

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

James St. Lawrence,

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

0581

SECOND COUNT—

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

Fredricka Myers —
of the CRIME OF *Petit* LARCENY, — committed as follows :

The said *Fredricka Myers*.

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

*fourty quarts of milk of the
value of eight cents each
quart, and one milk can
of the value of three dollars.*

of the goods, chattels and personal property of one

James H. Lawrence, —
in the *building* of the said

James H. Lawrence, —

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

Randolph Brant
District Attorney