

0763

BOX:

194

FOLDER:

1958

DESCRIPTION:

Zimmermann, William G.

DATE:

10/30/85



1958

**POOR QUALITY
ORIGINAL**

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

-----:
The People, etc

Before

against

Hon Henry A. Underhill;

William G. Zimmerman.

And a Jury.

Indicted for Rape

-----:
Tried- January 12th 1886.

Appearances:

Assistant District Attorney Bedford, for the People,

~~Howe and Tunnel for the Defence.~~

Amy Lowe, a witness for the defence,

called by Mr. Howe, being duly sworn and examined, testified
as follows:

Q. (By Mr. Howe) Are you married ?

A. Yes Sir.

Q. Where do you live ?

A. 189 Fourth Street, Williamsburgh.

Q. What is your Husbands business ?

A. Fresco Painter.

Q. Are you the daughter of this man, the defendant ?

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A. Yes Sir.

Q. And that girl, the complainant, who was upon the stand yesterday, is your Sister ?

A. Yes Sir.

Q. She told this Jury that, on the 19th of October, she came over to your house, in Williamsburgh, or Brooklyn, I forget which, and saw you, and told you that her Father had outraged her, and that she showed you her garments, which were bloody. Is that true ?

A. No Sir, she never told me any thing at all. She never showed me any thing.

Q. Never showed you any soiled garments, or told you that he had attempted any violence upon her ?

A. No Sir.

Q. Did she tell you that he had kept her clothes ?

A. She says she wants her clothes. She had two black dresses, but she did not need her clothes.

Q. Do you remember when she went to the Police Court ?

A. On a Sunday she went into the Police Court, and I don't know any thing about it then.

Q. You were not there then ?

A. No Sir.

*will show diffidence
admitting that she
showed her garments*

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Q. And the first that you heard of the alleged rape was after your Father was locked up ?

A. Yes Sir, she came home, and was crying, and she said her Father was locked up, and she had no Father any more; and I asked her why she had him locked up, and she said, "Father didn't give me my clothes, and I had him arrested." She wanted her clothes, and Father would not give them to her.

Q. Even a week after, she did not say that he had raped or violated her ?

A. No Sir, I didn't hear any thing at all. She was there on Monday. She came at five o'clock in the evening. She was working until five o'clock, in the segar ^{shop} ~~store~~, and she came out, and I asked her why she came out to me, and I said, " Why did you come out ?" She said, " My Father is always abusing me about my work, and I will not work with him any more."

Q. And she was at your house for at least six days, and you, her sister, a married woman, and she said nothing about the alleged outrage ?

A. Not as I know of.

Q. Well, she could not say any thing of that kind without your knowing of it ?

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A. Not that I know of ;I did'nt know any thing about it until she got my Father arrested.

Q. What is her reputation for telling the truth ?

A. I don't know, your Honor.

Q. Is she a truthful girl, or in the habit of telling stories ?

A. In the habit of telling plenty of stories.

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Cross-examination:

Q. (By Mr Bedford) Your husband caused the arrest of your Father, upon a charge made by your sister that he had raped her. Is not that so ?

A. No Sir. I was down on a saturday. I went down to Washington Market, and she ran away from me on the market. I could not hold her. She ran away, and said, "I will go home. I would not walk with you," and I said, "What is the reason?" She said, "I don't know. I don't care. I will not go home with you." I said, "I'll go home ~~with~~, then." She then commenced to cry, and I asked the reason why she cried, and she would not tell me, and I told my husband, when I got home, to ask, and she would'nt tell, until Sunday morning. Saturday night, she told me, about six o'clock."

Q. What did she tell you ?

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(Objected to, as immaterial, irrelevant and incompetent.)

Q. (By Mr Howe) Were you present, were you there at the time ?

A. Yes Sir .

(Objection withdrawn)

Q. (By Mr Bedford) Go on ?

A. She said, "I want my Father arrested," and my husband said, "Why", and she said, "He would not give me my clothes, and I am going to get him arrested, because he tries to do something to me like that." My husband says, "Are you sure about it?" and she says, "Well, I want my clothes. That's all I want, and, if he don't give me my clothes, I get him arrested."

Q. (By Mr Howe) That was a week afterwards ?

A. Yes Sir, two weeks after Mother died.

Q. And a week after the alleged assault ?

A. Yes Sir; it was every thing ^{all} right, the whole week.

Q. (By Mr Bedford) How long ago did you marry ?

A. Since last August .

Q. When did you cease living with your Father ?

A. What's that ?

Q. When did you stop living with your Father ?

A. The very same week .

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Q. In August last ?

A. Yes, Sir; a year ago .

Q. Why did you leave your Father ?

(Objected to, as immaterial, irrelevant and incompetent.) (Objection sustained)

Q. Did you ever say to Officer Young and Officer Jenkins that the reason you left your Father was because he had attempted to rape you, and have sexual intercourse with you ?

(Objected to, as immaterial, irrelevant and incompetent, and utterly improper)

(Objection sustained)

Q. Did you ever state to Officer Jenkins and Officer Young that your Father---

(Mr Howe objects, and asks the Court to prevent the District Attorney from completing the question.)

The Court:

Certainly. The proper way is to ask her whether she ever made any such statement, Mr Bedford. You are conveying to the Jury the statement, before the Court has an opportunity to determine whether it is evidence, or not. You should first ask whether she

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has any reasons. Ofcourse, I do not mean to charge you with any impropriety, for a moment, but, upon that theory, you could repeat any statements that may have been made to you, as having emanated from this woman. First, find out whether she ever assigned any reasons whatever for leaving her Father's house .

Q. (By Mr Bedford) Did you, on any occasion, make any remark concerning your Father to Officer Jenkins and Officer Young ?

(Objected to)

By Mr Howe:

I desire the Stenographer to take this motion.

May it please your Honor, Mr Judge Bedford has just stated, in the hearing of Jury, that, in order to test the credibility of this witness, he proposes to ask her if she made made certain statements to certain Officers; and that, in the event of her denying it, he should call these Officers to contradict her.

I ask your Honor, as a mat-

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ter of law, to instruct the Jury to disregard every word of that. First, upon the ground that it is in utter opposition to the decision of the Supreme Court, in the Rosensweig case, and, secondly, that it is utterly incompetent under any circumstances. The Court of Appeals held that, in order to bring up the matter of remarks by the District Attorney, the motion must be made.

By the Court:

The Court is bound to say that the Jury must not be influenced by what either counsel say. When the case goes to the Jury, it is proper for counsel, on either side, to state their own theories and inferences, and urge them upon the Jury as reasonable deductions and conclusions from the evidence. Remarks or opinions, during the trial, are not to influence the Jury. You must, Gentlemen, pass upon this case, above all others, perhaps, upon the evidence in the case, the proper evidence in the case.

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Now, Mr Bedford, if you were prepared to show, by other ~~persons~~^{persons}, that this witness had stated to them that Martha Zimmermann, the complainant, had told her of the alleged assault, or shown her soiled garments, or any other statement material in this case, and this witness denied it now, I should, ofcourse, allow you to show by others that she made such statements to them. But you seek to show this witness's want of credibility by introducing a line of testimony that is not proper evidence, namely, her statements to another person as to why she left her Father's home. Now, it is true that, although it may not be proper to show why she left her Father's home, in order to admit other, legal, evidence—~~it~~ would have to go out. But, is not this collateral matter, any way? Suppose, as Mr Howe properly says, that this witness should say no to that question. Are you not estopped from contradicting her, on the ground

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that it is collateral matter ?

Now, her Father may have attempted to murder her, or assault her with a knife, and have driven her from the house. She may have left because she was afraid of being raped by him. A great many reasons may be conjectured^{we} for her leaving, besides the reason she has assigned, as the evidence stands now, that she was married. But why she left is not, as I see it, material as to the question whether the defendant did or did not make the assault upon the younger daughter.

By Mr Bedford:

Your Honor overruled me upon the question why she left, and most properly so, but now, adopting your most sensible ruling as a suggestion, I ask the witness; did she have any conversation with Officer Jenkins and Officer Young, and if so, I call for it.

By the Court:

Now, if she had any conversation with them,

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or other persons, in which she made statements contradicting any statements that she has made here, then we can attack her credibility, and attack it in that way. But you cannot originate matter yourself, which she has not testified to, and which is not evidence in the case, and as to which she has not sworn. You may as well state that, a year ago, this woman told a lie about something else, and bring that person here to swear that she told such a lie. It has nothing to do with this case.

By Mr Bedford:

I know that the latitude of a cross-examination is absolutely under the Judge's control.

By the Court:

But this is not the cross-examination. The question now before the Court is whether you can attack this woman's credibility in the manner you propose, by showing that in ref-

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erence to some matter which you say is not material to the case, she made some statement, which she may now deny. She has not denied them yet.

Q. (Question repeated by Mr Bedford)

(Objected to, as before) (Allowed) (Exception)

A. I don't know.

Q. (By Mr Bedford) Well, refresh your memory. Here is Officer Jenkins. Look at him, and try to refresh your memory.

A. I never spoke to the gentleman.

Q. You never spoke to the gentleman?

A. I only saw him in the Court here; that's all.

Q. Will you swear that you never told Officer Jenkins or Officer Young that you left your Father because he attempted to have sexual intercourse with you?

(Objected to, as immaterial, irrelevant and incompetent, and utterly unfair and improper)

By the Court:

That has nothing to do with the case, Mr Bedford. Suppose that you could show by this woman, and half a dozen other witnesses, that he had raped this woman. Would it not

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be a most egregious error ? Would it not defeat any conviction which you might have, if you should obtain one, and defeat the ends of justice, by allowing this man to go.

By Mr Bedford:

Do I understand your Honor to say that, if I prove that in the affirmative, they would discharge this man ?

By the Court:

I think the General Term would, if they had a chance, if you prove, at some other time, that he did commit a rape .

By Mr Bedford:

They want to show his character. I desire to attack his character.

By the Court:

You do not want to obtain a conviction in such a way it would not be worth anything. You now say you want to attack this man's character. You see, if you should attack this man's character, and I should allow you to do it, Mr Howe would only have to rest his case, and the man would get his liberty rest-

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pretty promptly, on appeal .

(Objection sustained)

Q. (By Mr Bedford) Do you recollect being in Court, with Martha Zimmermann and your Father, the day after he was arrested and brought into Court, to answer this charge ? Do you remember that you three were sitting together, and conversing, on that occasion, talking together ?

A. Who ? Who do you mean ? Me and my Father and my sister ?

Q. I mean just what I asked you . You answered all Mr Howe's questions, and mine is simple enough . I ask you whether you recollect the morning when you and Martha Zimmermann, your sister, and your Father were in court talking together ?

A. Yes, Sir.

Q. You ~~yes~~ recollect that your Father offered you and Martha Zimmermann ten dollars a piece, and some articles of furniture, if you would not press this charge ?

A. Well, I don't know.

Q. I ask for yes or no ?

Q. (By the Court) If you recollect what he said, in reference to that matter, you may state it ? If you recollect that he said what was asked, you may say yes.

Q. (By Mr Bedford) Do you recollect that, on that occasion, your

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Father offered you and Martha Zimmermann ten dollars a piece, and some furniture, if you would not proceed in this matter?

Yes or no.?

A. No Sir. ///

Q. You don't recollect it ?

A. No Sir. ///

Q. Will you swear that your Father did not make any such offer?

Yes or no ?

A. No Sir.

Q. You would not swear to it ?

A. No Sir, I wont swear.

Q. But you say you don't recollect ?

A. No Sir; I don't recollect.

Q. Do you recollect, when your Father offered you the ten dollars, that you were willing to take it, and persuaded her to take it, too ?

A. No Sir.

Q. You don't recollect it ?

A. No Sir.

Q. And that she declined to take it ?

A. No Sir.

Q. Will you swear that you did not say so ?

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A. No Sir.

Q. Then, Officer Young, who swore here, yesterday, that he heard your Father offer you ten dollars, and heard you say that you were willing to take ^{it} and coax ~~ed~~ your sister to take it, perjured himself? He swore falsely?

(Objected to, as improper)

By the Court:

The question, in its present shape, must be excluded. (Excluded)

Q. (By Mr Bedford) You were originally subpoenaed ^d to come here in behalf of the People, to give testimony against your Father

(Objected to, as immaterial, irrelevant and incompetent.)

A. No Sir.

By the Court:

Well, she has answered it. It does not seem to be material, but let it stand.

Q. (By Mr Bedford) How often, after your Father was arrested for the rape on his daughter Martha, did you go to the Tombs, and visit him?

A. I went a couple of times to see him, and bring him something.

Q. What did you bring him?

A. Some food, and some little things to eat.

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Q. How much money or furniture have you received from your Father, since he has been indicted for this rape ?

(Objected to, as the question contains an assumption)

Q. Have you received, since your Father was indicted for rape, any furniture or money ?

A. I have not received any money .

Q. Did you receive any furniture ?

A. I had to take it, on account of it not being put in the street, it would be taken away . So I took care of it.

Q. Where did you take it too ?

A. My house .

Q. And you have it there yet ?

A. Yes Sir; and there is nobody else to take care of the furniture, and there is no friends, or anybody, except me.

Q. (By the Court) So you are taking care of it ?

A. Yes Sir.

Q. (By Mr Bedford) When your Father was arrested, and arraigned on this terrible accusation, you were standing by him; were you not ?

A. I was standing by the box, where I was called to.

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Q. In the Court ?

A. Yes Sir; where my sister and husband were standing .

Q. Did you say anything, in his presence, before the Magistrate,
on that occasion ?

A. No Sir, I did not speak atall; I was'nt allowed to speak.

Q. Did you attempt to speak ?

A. No Sir.

Q. Then how do you know you were not allowed to speak ?

A. Well, I seen ~~o~~ that nobody was speaking atall. So I did'nt
speak there. I was not asked anything, so I thought I was
not to speak.

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RE-DIRECT EXAMINATION:

Q. (By Mr Howe) You are not a lawyer; are you ?

A. No Sir.

Q. You don't know the practice of Courts ?

A. No Sir; I was never to a Court before .

Q. (By the Eleventh Juror) Was your sister in the habit of vis-
iting you before this occurred ? Did your sister come to
see you before ?

A. When ?

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Q. (By Mr Howe) You left your Father's house in August ?

A. Yes Sir, when I got married .

Q. And then you went to live where ?

A. The first house was in Houston Street.

Q. Did your sister come to see you in Houston Street ?

A. My Mother lived in the same house; they moved from Essex Street .

Q. (By the Court) Was your sister in the habit of visiting you after you were married ?

A. Not often; only with Father and Mother. Mother was sick, and had to have some one at home, to attend to her.

Q. (By Mr Howe) Was she over to see you during that week ?

A. No; only she came to see me, and tell me my Mother was dead, and that was the first time she came to my house in Brooklyn.

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RE-CROSS EXAMINATION:

Q. (By Mr Bedford) How often have you visited Mr Howe's office, since the trial commenced .

A. How many times ? I think only once .

Q. Will you swear that you went there no more than once ?

A. I had no business to go there; only once, I think; to ask

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something .

Q. (By Mr Howe) You never spoke to me before in your life, before today ?

A. No Sir; I have seen you, but never did I speak to you .

The defense rests.

EDWARD FELLOWES JENKINS, a witness called in rebuttal by Mr Bedford, being duly sworn and examined, testified as follows.

Q. (By Mr Bedford) You are an Officer in this City ?

A. Yes Sir; Superintendent and Secretary of the New York Society For The Prevention of Cruelty to Children.

Q. How was it you had the prisoner at the Bar arrested ?

(Objected to, as immaterial, irrelevant and incompetent) (Objection sustained)

Q. Did you have a conversation with, did you see Amy Lowe, the married daughter of the prisoner ?

A. Yes Sir.

Q. Did you, at any time, have a conversation with her ?

A. I did Sir.

Q. Where ?

A. In this building; in the corridor below.

Q. At what time, in what month ?

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A. Sometime in the month of November.

Q. On what occasion was that ?

A. This case was pending; she was then summoned here, as a witness in this case for the People .

~~_____~~

Q. State the conversation that, on that occasion, you had with Amy Lowe .

(Objected to, as immaterial, irrelevant and incompetent.)

The Court:

If she made any statements of a different character from those that she made as a witness here, today, the Officer may state them. I could not allow the witness to go on, and state everything that occurred, because there might be something that might be entirely incompetent. If she made any statements different from those she made as a witness, in this case, Mr Jenkins may state them .

(Mr Howe objects to the ruling, and excepts.)

Q. (By Mr Bedford) Did you have any conversation, with regard

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to this case, with Amy Lowe ?

A. I did .

Q. State it.

(Objected to, for the grounds previously stated,
as incompetent, irrelevant and immaterial.)

(Allowed) (Exception)

A. I noticed the witness that was here before, Amy Lowe, talk-
ing to a gentleman in the hall.

(Testimony objected to, and motion to strike out)

(Denied) (Exception)

A. (Answer continued) I approached her, and asked her why she
was talking to that gentleman, and took her to task, and she
made some excuse in regard to it, and I called Mr Gerry, who
was then in the corridor, and I told him that the witness for
the People was talking to one of the Counsel for the defence.
Mr Gerry came up then. I then asked her if the statements
that she had made previous to that, in regard to her Father,
were true, or the statement that I understood--- the state-
ment that she had made. That statement was to the effect that
her Father had the same to do with her as with Martha, that
he had attempted to have connection with her, and so forced
her to leave the house, and get married on that account.

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(Testimony taken subject to the same objection,
and exception)

A. (Answer continued) I also asked her if she had not been offered ten dollars, in the Police Court, to withdraw the case, and she, at first, denied it; and, subsequently, admitted that he had made it; and she said that she had visited her Father, once or twice in the Tombs, and didn't want to go against him; she felt sorry for him now.

Q. (By Mr Bedford) How long has Martha Zimmermann, the complainant, in this case, been under your direct charge and custody ?

A. Over two months; since the next day after the arrest.

Q. How often have you seen her, every twenty four hours, during the last two months, since she was placed in your custody ?

(Objected to, as immaterial, irrelevant and incompetent.) (Overruled.) (Exception)

A. I have seen her at least three times a day; sometimes more than that; at least at each meal time I have seen her.

Q. From what you have seen of her, and your association with her, did she give you the idea, that she masturbated ?

(Objected to, as immaterial, irrelevant and incompetent) (Overruled) (Exception)

A. No Sir.

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Q. It never entered your head ?

A. I never had any complaints at all; I never noticed anything about it.

Q. And, from your personal observation, did any such idea ever enter your head ?

(Objected to, as immaterial, irrelevant and incompetent) (Overruled) (Exception)

A. No Sir.

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By Mr Howe: *After this extraordinary action of Mr Bedford,* I withdraw what I have already said about

the medical examination. I shall go no further. *It would be undignified in me to do so* We have finished our case, and we ask the Court to direct the Jury to acquit the Prisoner.

(Motion denied) (Exception)

By Mr Bedford:

I will sum up the case.

By Mr Howe:

I will listen to the learned gentleman, with great pleasure.

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Court of General Sessions of the Peace

The People

vs
John G. [unclear]

STENOGRAPHERS' TRANSCRIPT.

Jan. 12th, 1886

Frank S. Bond,

Official Stenographer,

Part 2.

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

| | | |
|-----------------------|---|----------------------------|
| ----- | : | |
| The People | : | |
| against | : | Before |
| William G. Zimmermann | : | Hon Henry A. Gildersleeve, |
| Indicted for Rape. | : | And a Jury. |
| ----- | : | |

Tried - January 11th, 1886.

Appearances :

Assistant District Attorney, Gunning S. Bedford, for the People,
Messrs Howe & Hummel, for the defence.

The Jury were chosen, after a careful examination
both for the defence and the prosecution, and were sworn.

Martha Zimmermann, being examined by Mr Bedford,
testified that she was the daughter of the Defendant, and
between 14 and 15 years of age.

In October 1885. she lived with her Father, at
179 Second Street. Her Mother died on the 11th of October.

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She was in the room

She went to bed, in her bedroom, at 179 Second Street, at 10 o'clock on the night of October the 18th. She did not know exactly how long she had been asleep, when her Father awoke her by pushing her arm. He had a knife in his hand. She identified the knife shown by Mr Bedford. Her Father said, "If you don't do anything, I will point the knife at you." Then he put the pillow over her head, so that she could not scream. She wanted to cry out, and struggle. He jumped into bed, and assaulted her. He had previously locked the door.

She left her home, the next morning, and went to the house of her sister, Mrs Amy Lowe, in Brooklyn. She took her stained clothes with her, and showed them to her sister. *What did my father say to me next day at the party?*
Under cross-examination, by Mr Howe, she said the time of the assault was midnight. There were four people living on the same floor. Her Father was ~~was~~ undressed when he came into the room, and had his knife in his hand. She repeated, in German, the words that she said her Father used, and they were translated by the Interpreter. He said, "If I would not do it, then he would stick me with the knife. That he would do the bad thing with me, and that he would

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lie upon me." He said, "I want to do the bad thing with you." She was a Virgin at that time, and had never had any intercourse with any other male than her Father. It was a week later that she had her Father arrested. On Monday, the day following the assault, she went to her sister's house and on the following Sunday her Father was arrested. She had not been to see her Father in the mean time. Her Father came over to her Sister's house, to get her to go back home, several times during the week. Her Sister lived at 189 Fourth Street, Brooklyn. She had not been intimate, before the alleged assault by her Father, with a Mr Sicora, of 333 East 38th Street, Mr Slovatch, of 75 Columbia Street, or any other man, or boy, and her Father, or Sister, had never re-monstrated with her, on account of any familiarity with boys, men. She had not been charged with stealing by Mrs Weinberger, of 127 Broome Street. Her Mother, during her last hours, had told her to keep away from her, because she made frequent complaints to her Mother about her Father, because her Father would not let her alone, and was constantly taking indecent liberties with her. She had never been caught acting indecently on the roof at 127 Broome Street, or 142 Essex Street, with a boy, or at any time, or at any place. She went to her

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Mother's grave, with her Father, on Sunday, the 15th of October, and he cut a stick, to mark her Mother's grave, with the knife with which he threatened her, on the night of the assault.

Her Father refused to give up her clothing, which she needed, and, when she went to the Police Court, on the Sunday following the assault, she was with her Brother-in-Law, and Sister, and first complained that her Father kept her clothes from her.

Cornelia S. Simpson, M.D., a practicing Physician in the City of New York, a Physician to the Society for the Prevention of Cruelty to Children, testified that she examined the complainant, Martha Zimmermann, on October 27th.

On examination, she found that the Vulver of the complainant was inflamed, torn and bleeding, the Hymen was ruptured, and the shreds were still hanging to the parts, and the parts were very much congested, and very sensitive to the touch. There was also an intense inflammation and congestion in the Vagina, showing that force had been used. As a practicing Physician, her opinion was that, the condition of the genital organ of the complainant was the result of a forcible introduction of the male organ of generation. The examination took place at the witness's office, at 57 Lexington

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Avenue. The inflammation extended from the entrance of the parts, to the mouth of the womb, about three and a half, or four inches.

Under cross-examination, the witness testified that, she knew there were many causes for the rupture, or destruction of the Hymen, and that it had been produced by masturbation, or by the voluntary introduction of an instrument known as an India rubber imitation of the male genital organ, but, in her opinion, the condition of the genital organ of the complainant was produced by the introduction of the male organ, with considerable force. In her opinion, as a Physician, the introduction had taken place within nine or ten days before the examination.

Officer George Weiss, of the Third District Court Squad, testified that he arrested the Defendant, in his rooms at 179 Second Street, upon a warrant, on the morning of Sunday, October 25th. He told the Defendant that he was an Officer, and that he, the Defendant, was charged with Rape upon his daughter. He, the Officer, asked the Defendant, "Where is the knife that you had at the time you committed the rape on your daughter, the knife that you used on your daughter. I want that knife." The Defendant went into his bedroom, and

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brought out the knife, and handed it to the witness. He spoke in German to the Defendant.

Prisoner asked Weiss to let him talk with his daughter.
George K. Young, a Special Officer of the New

York Society for the Prevention of Cruelty to Children, corroborated Officier Weiss, whom he accompanied to make the arrest. The arrest took place between the hours of half past eleven, and twelve o'clock, in the forenoon, of Sunday, October 25th. When the Prisoner was arraigned in the Police Court, he, the witness, heard the Prisoner say to the complainant, and his other daughter, Mrs Lowe, "Don't press the charge against me. I will give you each half of my furniture, and ten dollars besides." The Complainant refused to accept the furniture or the money, but Mrs Lowe said that she was willing to do so, and begged her Sister not to press the charge.

Under cross-examination, the witness testified, that the original charge against the Prisoner, Zimmermann, was not for stealing his daughter's, Martha's, clothing. That charge was mentioned, but the charge against him was for having sexual intercourse with Martha, against her will.

The Complainant, Martha Zimmermann, being recalled, by Mr Howe, testified that her Father would not give her clothes up to her, and she went to the Court to make a com-

**POOR QUALITY
ORIGINAL**

0797

plaint against him for keeping the clothes, but she had told her Sister, and her Brother-in-law, of her Father's assault upon her, and made that charge against him in the Police Court.

Barbault
Lena Miller, a married woman, being duly sworn, testified that she lived at 179 Second Street, on the same floor with Zimmermann, and his daughter Martha.

On the morning of Monday, the 19th of October, while she, the witness, was drawing water at the hydrant, Martha Zimmermann passed her in the hall, and went into the room. It was a quarter past seven o'clock in the morning. She did not notice anything unusual in the appearance of Martha Zimmermann, at that time.

The People then rested.

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Mr Howe then moved that the Court advise the Jury to acquit, on various grounds that he cited.

The Court denied the motion, and Mr Howe excepted.

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**POOR QUALITY
ORIGINAL**

0798

THE DEFENCE:

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Amy Lowe, of 189 Fourth Street, Brooklyn, testified that she was a married woman, and that her husband was a Fresco Painter. She was a daughter of William G. Zimmermann, the Prisoner at the Bar. It was not true, as testified to by Martha Zimmermann, her Sister, the Complainant, that, on the 19th of October, Martha came to her, the witness's house, and showed her blood stained clothing, and complained of an assault made by her Father. The only complaint was that her Father had kept her clothing, and she did not want to live with him any more. She said her Father had licked her. She came to the house at five o'clock in the afternoon, of Monday, October 19th. She said she had been working in the Segar Manufactory, until that time. She said that her Father was always abusing her about her work, and she would not work with him any more. She remained in the house for six days, but said nothing whatever of the charge. She, the witness, knew nothing of the charge of assault, until she, Martha, had the Prisoner arrested. The Complainant, Martha, was in the habit of telling stories.

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**POOR QUALITY
ORIGINAL**

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Under cross-examination, the witness testified,
" I was down on that Saturday, and I went down to Washington Market. She ran away from me on the market. I could not hold her. She ran away, and said, ' I will go home. I would not walk with you.' I said, 'What is the reason.' She said, 'I don't know. I don't care. I want go home with you.' I said, 'I'll go home then.' She commenced to cry, and I asked the reason why she cried, and she would not tell me . I told my husband to ask, and she would not tell until Sunday morning. Saturday night, she told me, about six o'clock. She said, 'I want my Father arrested.' My husband said, 'Why.' She said, 'He will not give me my clothes, and I am going to get him arrested, because he tries to do something to me, like that.' My husband says, 'Are you sure about it.' She says, 'Well, I want my clothes. That is all I want, and, if he don't give me my clothes, I get him arrested.' " She, the witness, never said to Officer Jenkins, or Officer Young, of the Society for the Prevention of Cruelty to Children, that she, the witness, had left her Father's home, and got married, because her Father had attempted to rape her. She did not recollect that any such conversation, as Officer Young had testified to, occurred between her Father, Martha and her-

**POOR QUALITY
ORIGINAL**

0800

State v. ...
self, in the Police Court, when he was arraigned. She did not have any conversation whatever with Officer Jenkins, or Officer Young. She had not received any money from her Father since his arrest, but she had taken charge of his furniture, because there was no other place than her home to put it in.

Moses Kind, a resident of the Hotel Vendome, and a Manufacturer of Segars at 154 & 156 South Fifth Avenue, testified that he had known the Prisoner for five years, and had had him in his employ, as a segar maker. When his, the Prisoner's, wife, was in good health, she worked at the same bench with her husband, in the factory. He had never heard anything to the detriment of the Prisoner, and believed him to be a man of good character. He was a respectable, quiet man, that came to his work early, and went away late. He had heard that the Prisoner had worked hard all day, and nursed his sick wife at night. The Complainant, Martha, worked with her Father, after her Mother's death, they worked together up to Saturday, October 17th.

Under cross-examination, the witness testified that he knew nothing of the domestic relations of the Def-

**POOR QUALITY
ORIGINAL**

0001

endant, and had never seen him outside of the factory. The Complainant, Martha Zimmermann, did not work with her Father on Monday, October the 19th, or ever thereafter. Zimmermann came to work as usual, on the morning of Monday, the 19th.

Philopoena VanBorgen, a married woman, of 127 Broome Street, testified that she lived with her husband, and worked as a cigar maker. She knew the Complainant, Martha Zimmermann. She complained to Martha frequently about Martha's making trouble between her, the witness, and Martha's Mother. Martha was in the habit of telling stories, and she would not believe Martha under oath.

Under cross-examination, she testified that she had never heard any one else say that they would not believe Martha under oath. She had had trouble with the Mother, through Martha.

Christina Schopp, testified that she had known Martha Zimmermann for about four years, and had known many people who knew her. She had been a story teller, so far as she, the witness, knew, that was her reputation.

Under cross-examination, she said she was the House-keeper of the house in which Martha Zimmermann had

**POOR QUALITY
ORIGINAL**

0802

lived, and that people made complaints to her, of her. She named Mrs VanBurgen, the previous witness, and Mrs Hoares, as the only persons she could recollect as having made complaints. As to Mrs Hoares, she came to say that, about Martha through childrens troubles. This was said about Martha three years ago, and she had heard nothing about her in the last three years. There was also a Mrs Candy, who said that the Complainant was a story teller. That was also three years ago.

William Gustav Zimmermann, the Defendant, testified that he was married in 1862. He had had eight children, six boys and two girls. All the boys were dead. His wife died on October 11th, 1885. His wife was sickly for three months before she died, and he worked during the day, and nursed her at night. He was a severe Father, because he wanted to bring up his children right. Both in Germany, and in this country, he and his wife had had trouble with Martha. Martha had made him move five times in New York. In every house he and his wife had to watch her. She had to sleep with his wife, because, when she was left alone, she would run away out of the room. If he were asked to say so, he could say a great many bad things about her. Three weeks before

**POOR QUALITY
ORIGINAL**

0803

his wife died, she shut her hands (Illustrating), and said,
" My God, what shall we do with that girl." She was in the
habit of masturbating from her fifth or sixth year. He did
not assault her on the night of October 18th, or at any time.
He did not threaten her with a Dagger at any time. He was
impotent, and for two years was unable to have intercourse
with any woman.

Mr Bedford said , that he had not a single ques-
tion to ask, under cross-examination.

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In rebuttal, Edward Fellowes Jenkins, a Special
Officer, and Superintendent of the Society for the Prevention
of Cruelty to Children, testified that he had had a conver-
sation with Amy Lowe, in the corridor of Part I of the
General Sessions, and she had told him that she had to quit
her Father's home, because her Father had attempted to rape
her, or had raped her. In the same conversation, he, the
witness, had asked her about the conversation between herself,
her Father, and Martha, in the Police Court, when her Father
was first arraigned, and she, at first, denied that there was
any such conversation, but subsequently admitted it. He

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**POOR QUALITY
ORIGINAL**

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had seen the Complainant, Martha Zimmermann, in the house of the Society for the Prevention of Cruelty to Children, at least three times daily, at meals, and at other times, and had observed her conduct. It was that of a modest decorous young girl.

The case was summed up on both sides, and the Jury found the Prisoner guilty. He was remanded for sentence, and on the day fixed for the sentence, January 18th, 1886, Mr Howe moved for a new trial, on various grounds that he cited, and Judge Gildersleeve denied the motion, and sentenced the Prisoner.

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**POOR QUALITY
ORIGINAL**

0005

INDICTMENT FILED - OCTOBER 30TH, 1885.
Court of General Sessions of the Peace

THE PEOPLE

AGAINST

WILLIAM G. ZEMMERMANN

Indicted for Rape.

STENOGRAPHERS' TRANSCRIPT.

Tried - January 11th, 1886.

2-1885

The People

vs. G. Zimmerman

Court of General Sessions. Part 2
Before Judge Cowing.

November 22. 1886. Indictment for Rape.

Martha Zimmerman, sworn and examined, testified: The prisoner is my father; in October 1885 I was living with him at 179 Second St third floor back; before mother died we occupied two rooms, a bed room and a cooking room; there was in the cooking room a table, chairs, a sofa and a stove. I slept in the bed room. My mother died on the 11th of October 1885 - she was buried that day. On the 18th of Oct. near ten o'clock I undressed and went to bed and after a little while I fell asleep. My father came in the bed room and woke me up; he pushed me by the arm and said if I would not let him do bad to me he would stab me; he had the knife now shown me in his hand; he held it right over me. I pushed him away; he put the pillow over my head, over my face, and then he had connection with me; my father locked the door before he had connection with me; after he did this he went to his bed in the cooking room and went to sleep. I saw him in the morning about five or six o'clock. I took breakfast with my father; he asked me if I hurt myself I said I was here was no more talk between us about it at breakfast. I went to work at the factory.

POOR QUALITY
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My father said that day in the factory after dinner - first he did not like my work, he threw the cigars and every thing on the table. I asked him what was the matter with him and he said that if I did not want to do anything that he wanted to do the same night I should not have anything to do with him, and then after a while I got up and he told me to go away. I got up and went to my sister's house. I told him I did not want to have anything to do with such kinds of work. Then he said if I did not want to work with him I should go away - that is work in the factory - and I went away. I went to my sister's 189 Fourth St. Brooklyn; Amy Lowe. I stayed there about a week and then my father was arrested and the Society for the Prevention of Cruelty to Children took me into custody. I was committed to the Juvenile Asylum to give my testimony here. Cross Examined. I went to my mother's funeral and so did my father. I was fifteen years old on the 15th of last February and was fourteen years old when this happened. I know Mrs. Miller; she saw me in the yard the next morning after this occurrence; she was drawing water at the pump. I have known Mrs. Miller

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since I lived there; she is the mother of a family and I am pretty intimate with her. I did not tell her a word about what happened the night before with me and my father. I did not tell any one about it until a week after and then I told my sister and brother-in-law on Saturday after the Sunday night it happened. I guess there are about three hundred people work at the factory; there were two girls worked with me. I saw them the morning after the occurrence. I did not tell them anything about it. My father when he came into the room held the knife over my head that way (showing) he said that if I would not do bad with him then he would cut me and stab me. I said to him, I dont want you to do it; he put the pillow over my face then with his left hand and held the knife in his right hand; he was undressed; he had connection with me whilst the pillow was over my face; he laid the knife down when he had connection with me. He had the pillow over my head because he did not want me to scream. Officer Young told me that I should tell the truth if I was sworn. I went to Essex Market Court to make a complaint against my father

for keeping my clothes. That was on the 28th of October, and that was the only complaint I went there to make, but I told the lawyer that same day what my father did to me. There was no lamp in the bed room when father came in, but there was a lamp in the ice box in the cooking room; the door was open and light came into the room. He locked the cooking room door with a key but the door between the rooms was open all the time. I did not get out of bed during the night after my father did this horrible thing to me. I had breakfast with him.

Cornelia S. Simpson sworn. I am a regular graduate of a medical college, the New York Medical College and Hospital for Women. I graduated in the Spring of 1883 and ever since I have been practicing in this city. I have been called upon by the Society for the Prevention of Cruelty to Children to act as their physician. I remember being called upon to examine Martha Zimmerman, the girl who was on the stand; it was on October 29th 1885. at my office 57 Lexington Ave. in this city. There was no one in the room during the examination. Officer Young brought her to me. I found the hymen ruptured but not all torn away.

It was bleeding and the parts were very much inflamed, sensitive to the touch causing her to suffer much pain during the examination. The inflammation extended from the entrance of the vagina to the womb, a distance of $2\frac{1}{2}$ to 4 inches, the parts having the appearance of having been fully penetrated by the male organ. I thought that the penetration must have been about ten days before George Weis sworn. I am an officer of the Third District Police Squad. I arrested the defendant on Sunday, October 25th 1885 between eleven and twelve o'clock at 199 Second St. in his room. Officer Young of the Society for the Prevention of Fornety to children and the brother-in-law of the girl were with me. I told him I was a police officer, that I had a warrant for his arrest and what he was charged with. I spoke German to him. I told him his daughter had charged him with having connection with her and I asked him for the knife he used and then he went into the bed room and brought me the knife. A few moments afterward his daughter, Martha, came into the room I asked her if that was the knife, in the presence of the prisoner, that he had and she said that was the knife that her

0811

father used. I took the defendant to the station house. On the way to the Court the next morning he asked me if I would not allow him to speak to his daughter to get her to withdraw the complaint and not disgrace him. I said he could speak to her after he got in Court. The married daughter of the prisoner was there, Martha, the complainant and his son-in-law Frank Lowe. I did not hear any conversation between them. Officer Young was there.

George W. Young, sworn and examined, testified. I am an officer of the Society for the Prevention of Cruelty to Children and have been connected with the Institution five years. I was present when the officer arrested the defendant and asked him where the knife was that he had. The knife now shown is the one. The defendant went into the bed room and produced the knife and it was then identified by Martha, the little girl. The officer took the defendant to the 19th precinct station house. I saw him the next morning at the Essex Market Police Court, before Judge Power. The complainant, her sister, Frank Lowe were there; they were around the desk. The defendant stated in my hearing - told the girls

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not to prosecute him, that if they did not he would give them each ten dollars and half of his furniture. Martha in reply said no, and shook her head.

Frank Lowe sworn. I live in Maspeth L.I. but in October 1883 I was living in Frost st. Williamsburgh. I married Emma Lowe, the sister of Martha, who testified here. I was present in the Police Court when the defendant was arraigned charged with ~~assaulting~~ assaulting Martha. The officers asked me to go along with them to show them the house. When in the Court room I heard him say something about ten dollars each to say nothing about it, and I said to my wife, "you must not allow it." Officer Young was there. I could not say whether I spoke loud enough for the prisoner to hear me. Martha came over to my place in Williamsburgh on a Monday, just about a week before the defendant was arrested; she stayed there a week with me. In consequence of what the girl told me after conversing with her I went and stated the case to Officer Young. I had to go to Court next morning after the arrest of the defendant.

The Case for the Defense
Jm G. Zimmerman, sworn and
examined testified: How old are you? Nearly 46
years. I am the father of the complainant
and am married 23 years. I loved my wife,
I have trouble with sickness every time.
My wife was sick three or four years before
she died and I waited upon her; she died
on the 11th of October last year and was buried
the 13th of the month. Your daughter says
that after you put your wife in the
ground on the 13th of October, three days
afterwards you, her father, came into the
room in which she was sleeping held over
her a dagger or a knife and that then you
raped her, is that true? No, no, I cannot
do that. I cannot do that nearly two years
before because I have a sickness. I did not
rape her, I did not have connection
with her. [The witness was examined now
through the interpreter.] Did you go into that
room the night she says or at any other
time or place with a knife or without a
knife, did he ever attempt to take any
indecent or improper liberty with her, or
did he ever have connection with her?
Put that question in that way and get
him to answer. No sir, and the knife

POOR QUALITY
ORIGINAL

0814

that I had is my pocket knife. I saw that knife in Court yesterday. How long had you that knife? I had that knife in Germany already. What do you carry it for and how long have you had it? I had sometimes two or three hundred dollars because I was alone in the house. I had this knife for my protection. I had the money and the knife together in my pocket. Where do you work and how long have you worked there? I worked five years for Stockbeck & Co. Spanish cigar factory, 154, 155 and 156 South Fifth Ave. I made small cigars. I have made cigars thirty one years. The girl, Martha Zimmerman, the complainant, did you ever have occasion to scold her for telling stories in your house? I and my wife always had bother with her. I have a letter in my pocket from my big children in Christmas time. Then you had trouble with her and your wife had trouble with her on account of her bad conduct?

Plenty of trouble every time day and night. Would she stay out nights, what would she do? When we went to bed she went out. She was throwing candy down in the street to get the boys up to her from the street. When we went to bed she

POOR QUALITY
ORIGINAL

0015

would take her chance to go out. The officers have said that when they arrested you, one officer says he read the warrant and charged you with this rape on your daughter and he put the question, "There is the knife that you used on that occasion?" the officers put words into your mouth - what did you understand the officer to say? No matter what he said - what did you understand him to say? These two men came in and asked me, "Is your name Mr. G. Zimmerman?" I said, "yes". Then they said, "I have a warrant for you. Take your good clothes and come with us, and then he said, "and give us your knife". I put my hand in my vest, thinking to give him this knife, where I always had the knife and gave it to him. Why did you say at the Police Court - what was it about the ten dollars - she got a warrant for you, she charged you with keeping your clothes didn't she? Yes sir. I said to the little girl Martha, "Martha so that there may be an end to it, I will give you your clothes and give you ten dollars. She said, "yes, I take this money, you stop not a long time here, you

get out all right. Zimmerman, are you willing that a doctor should examine you now?
Yes sir. You say that during your wife's life time, some two years before your wife died, that you were unable to have intercourse with any woman? No, I could not by the Court. I understand for two years prior to this occurrence you were impotent you were not able to perform your family duties? Yes sir. By the Court. On the 17th of October 1883 were you capable of having intercourse with any woman? No sir. And have you not been from two years back until today physically incapable of having intercourse with any woman? I could not do it, I had no desire to do it. Can you do it today? No sir, it is three years now. You are impotent? Yes sir. You have never been in any trouble before this - never have been arrested in your life have you? No sir, never. You say you bought that knife in Germany? Yes sir. Did you have two or three hundred dollars in Germany in your possession? Yes sir, I had a factory myself at that time. Where was it, what part? In Leipzig. I had the knife in the right vest pocket. It opens and shuts. Had you used

POOR QUALITY
ORIGINAL

0817

this Knife to cut flowers for your wifes grave?
Yes sir; the 18th of October I went to the grave
of my wife with my daughter - and I fix
the flowers over there. I took a housekeeper
with me from 127 Broome St; she is a witness
here. Did not she (the complainant) know
that you had this Knife all these years?
They all knew it; I used it for eating pur-
poses. You cut flowers for your wifes grave
with this Knife in the morning and with
this Knife you made it the instrument of
taking her virtue at night, is that true?
It is a lie.

The jury rendered a verdict of
guilty.

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POOR QUALITY
ORIGINAL

08 18

Testimony in the
case of
Wm. G. Zimmerman

filed Oct.

1885

POOR QUALITY ORIGINAL

0819

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

STENOGRAPHERS' MINUTES.

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

THE PEOPLE
AGAINST
WILLIAM G. ZIMMERMANN
Indicted for Rape.

BEFORE
HEN. HENRY A. GULDKNECHT,
AND A JURY.

| Witnesses. | Direct. | Cross. | Re-Direct. | Re-Cross. |
|------------------------------------|---------|--------|------------|-----------|
| <i>Martha Zimmernann</i> | | | | |
| <i>Dr. Bernard Rosenberg</i> | | | | |
| <i>Dr. ...</i> | | | | |
| <i>Called ...</i> | | | | |
| <i>Comm. ...</i> | | | | |
| <i>Phil ...</i> | | | | |
| <i>Christina Schupp also - ...</i> | | | | |

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POOR QUALITY
ORIGINAL

0020

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

POLICE COURT, 3 DISTRICT.

Martha Zimmermann 147

of No. 189 Brook Street, being duly sworn, deposes and says,

that on the 18 day of October 1885

at the City of New York, in the County of New York, at 179 Second

street on the third floor, in the premises occupied by William Gustave Zimmermann, who is, deponent's father, deponent was criminally assaulted by the said William Gustave Zimmermann in the following manner: Deponent was asleep in a bed room on the third floor of said premises at 10 P. M. on said date. The said defendant came into the said room, and got into bed with deponent, deponent began to make an outcry when defendant ^{threatened to cut deponent with a knife and} placed a pillow over deponent's mouth, and then, although deponent struggled to prevent it the defendant succeeded in having sexual intercourse with deponent. Deponent left the house the next morning. Deponent therefore charges the said defendant with the crime of incest, in violation of Section 302 of the Penal Code.

SWORN TO BEFORE ME

THIS 25 DAY OF Oct. 1885.

M. J. [Signature]
POLICE JUSTICE.

Martha Zimmermann

POOR QUALITY ORIGINAL

0021

Sec. 151.

Police Court 3 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Mattha Zimmerman of No. 179 West Street, that on the 18 day of October 1885 at the City of New York, in the County of New York,

She was criminally assaulted at 179 Second Street by William Gustave Zimmerman (her father) who committed upon her person the crime of incest.

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 her forthwith before me, at the 3 District Police Court, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 25 day of October 1885

W. J. O'Connell POLICE JUSTICE.

Police Court 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mattha Zimmerman ss.

William Gustave Zimmerman Defendant.

Warrant-General.

Dated Oct 25 1885

W. J. O'Connell Magistrate.
W. J. O'Connell Officer.

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

W. J. O'Connell Officer.

Dated Oct 25 1885

This Warrant may be executed on Sunday or at night.

W. J. O'Connell Police Justice.

REMARKS. as

Time of Arrest, Oct 26 1885

William Gustave Zimmerman

Native of Germany

Age, 44

Sex, Male

Complexion, Light

Color, White

Profession, Seaman

Married, Single

Single, Yes

Read, 179 W 25 St

Write, 179 W 25 St

POOR QUALITY ORIGINAL

0822

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Gustave Zimmerman 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 Gustave Zimmerman

Question. How old are you?

Answer 44 years

Question. Where were you born?

Answer. Germany

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

Answer. 144 E. 2^o Street, 2 m P

Question What is your business or profession?

Answer Cigar Maker

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

Answer. I am not guilty

Gustave Zimmerman

Taken before me this

26

day of Sept 1888

City of N.Y.

Police Justice.

POOR QUALITY ORIGINAL

0023

BAILLED,

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

Charles Zimmerman
vs. P.C. to Charles
William G. Zimmerman

Offence

Dated

Oct 21

188

Power

Magistrate

Miss

Officer

Employment 3 band

Preceptor

Witnesses

In Care of the

Street

111 E. 23rd

Street

100 E. 23rd

Street

111 E. 23rd

Street

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

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

Dated *Oct 26* 188 *5*

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.

District Attorney's Office.

Defence
PEOPLE

vs.

Tom Zimmern

Trial continued

Jan 7 11th '86 -

*Emma Lora was
called by the defence*

*(1) She denied that
Martha had entrusted
her that her father
had maltreated her*

*(2) She also denied
that her father had
offered her & Martha
\$10 each & the promise
if they would keep the
charge -*

District Attorney's Office.

PEOPLE

vs.

*Defence also called
2 women who lived
with the Zimmerns were
called to prove Martha
was untruthful -*

*all they could say
was that Martha had
had childish fights
with the other children
in the house -*

*Prisoner called &
denied his guilt
There adding Perjury
to the crime of Rape*

POOR QUALITY
ORIGINAL

0025

Officer Weig

Prisoner
of them in
way to Court
Let me see
my daughter
so as they will
forgive me
about Gogma

POOR QUALITY ORIGINAL

0026

District Attorney's Office.

PEOPLE

vs.

Per Trial

POOR QUALITY
ORIGINAL

0027

① People
v
Jimm Zimmerman
Rape -

Tried & convicted before
Judge Goldstein
on Jan 13th 1886
& sentenced to 2 yrs -
Genl Term granted
a new trial upon

the ground, that improper evidence was
admitted by the examination of
officer Jenkins viz officer Jenkins
testified that Amy Love another
daughter of prisoner had left her
because, he the prisoner had
attempted to rape her -

Brief

Rape Committee
on Oct 18th 85

Witnesses for People

I Martha Zimmerman
complainant &c

II ^{Her father next day at factory told her}
Officer Weiss - ^{everybody will & if she did not}
She c^d not live with him!

III
Officer Young ^{When he arrested prisoner, he}
^{asked him for knife &c}
^{Heard the offer - &c}

IV Frank Love ^{Heard the offer}

V Dr Cornelius S. Thompson ^{Prisoner}

VI Officer Bates to prove good character

POOR QUALITY
ORIGINAL

0020

(2)

Matha Zimmerman - will testify

Daughter of Prisoner -
Lost her mother - & buried her
on 11th Oct

Oct 18th Prisoner entered her
bed room - ^{11.0 PM} She in bed &
asleep - He approached her
with knife in hand - & said
"Let me give you a pill stab you"

He then jumped into bed -
placed a pillow over her face
& strangled her -

Officer Weiss -

Arrested prisoner on
Oct 25th with the desk
knife in his possession -
The daughter identified the
knife as the one prisoner used
when he strangled her -

Officer Jung

was present at the arrest
asked pris man where the knife was - Prisoner
went to a ~~closet~~ ~~ward~~ ~~room~~ ~~where~~
the knife was found. Child identified

Officer Jung - overheard, at Police Court,
the prisoner say to his 2 daughters,

POOR QUALITY
ORIGINAL

0029

(3)

if they would not press this charge
he would give them each \$10
and also his furniture -

Frank Love

Husband of ^{Army} Emma Jimmima
who is the sister of Martha
and the daughter of the
prisoner - Married about
three years -

In consequence of
what Martha told him - He
went with officers & pointed
Jimmima out & had him
arrested.

was present when knife
was taken ^{from} ~~from~~ Prisoner -

was present when the
prisoner was standing in front
of the desk at Police Court,
& heard him say to his
daughter, not to press the charge
against him & he would give
half of his furniture to each
and would give each \$10.

what she said about
rope of admiralty
Wharton Sec 10

POOR QUALITY
ORIGINAL

0030

4

Dr Conelia S. Simpson

on Oct 27th

examined Martha - will testify that rape had been attempted and accomplished to full penetration.

Personal Sec 280 - any punishment is sufficient

The Hyman was ruptured but not fully torn -

Parts were sensitive to the touch, causing the girl to suffer pain during the em- - amenation

(Rest)

By way of rebuttal

Officer John J. Bates -

Has known complainant a long time - She is a quiet reputable girl & bears a good character for modesty & veracity

Officer Jenkins - had observed Martha while in the custody of the Society for the Prevention of Cruelty to Children - Saw her 3 times daily - observed her conduct - She was a modest, decent girl

POOR QUALITY
ORIGINAL

0031

People

Mr. Zimmerman

Rape

Brief for

People

Attorneys

Martha Zimmerman

Dr. Simpson

Officer Murphy

Officer Young

Frank Stone

San Jose Defense

Attack Prosecutors

Character -

Call Officer Bates

" Officer Jenkins

**POOR QUALITY
ORIGINAL**

0032



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

NO 100 EAST 23^D STREET. (CORNER 4TH AVE.)

New York

June 9,

1886

The People v. Wm. G. Zimmerman.

Hon. Randolph B. Martine,

District Attorney &c.,

Dear Sir:

The General Term has reversed, as you are aware, the judgment of conviction in this case, but I have not yet heard of the prisoner being released on bail, pending the new trial which has been awarded him. Permit me to say, in behalf of this Society, that since the former trial it has come into possession of additional evidence and facts tending to prove his guilt, and is ready to proceed to trial at any time on two days' notice. I make this suggestion, because it does seem to me that the prisoner ought not to be admitted to bail, and that if an attempt be made to so enlarge him, he could be tried without delay. I am quite satisfied that should he be bailed, it is the last you will hear of him, which is the reason for my suggestion.

I have the honor to remain,

With great respect,

Wm. O'Gerry.

President &c.

POOR QUALITY ORIGINAL

0033

The People

MS.

Ginneman

POOR QUALITY ORIGINAL

0034

(Can) state in my opening from counsel & neutral - as to account for length of time that has elapsed from commission of crime

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

(1 year)

The People

v.

BRIEF FOR THE PEOPLE

William G. Zimmerman.

ON SECOND TRIAL.

EVIDENCE.

MARTHA ZIMMERMAN: - Was 14 years old on February 17, 1885.

Her mother was buried October 11, 1885. She is the daughter of *described person* the prisoner who is a cigar maker, and they live at 179 2nd Street 3rd floor back. She has one sister married named Amy Lowe who is 21 years old, and no other sisters or brothers. On October 18, about 10 o'clock, while she was asleep in her bedroom, her father came in and waked her up and said to her in German, "If you don't let me do it I will stab you," and he produced a spring dirk knife (which was found on the prisoner when arrested and which the witness will identify). He then jumped into the bed and put a pillow over her face, and then had sexual intercourse with her.

On the next day about 3 o'clock P.M. she left the house and went to her sister in Brooklyn where she has remained *a week then* ever since.

~~On three other occasions he had previously attempted to have intercourse with her.~~

was brought to court & made the complainant & then committed to the care of the Society

OFFICER WEIS: - 3rd District Court Squad; arrested Zimmerman

on October 25, 1885, and will identify the dirk knife which was found on the person of the prisoner, which the girl identified and which is now in the possession of the Society.

and for the last few 10 months has been committed to the penitentiary

#1 Next day after the rape at factory Prisoner told Martha, English girl with the murder or could not remember name

Shall move this

Witness #

POOR QUALITY ORIGINAL

0035

Prisoners & his daughter occupied
2 Rooms in 179 2^d ~~and~~
on 3^d floor back -

One was a large
room used for cooking &
sitting & had a stove &
large table & in it

Prisoners slept on benches
Martha slept in the
bed room room connected

Prisoners
Prisoners went
to class & handed
them this Division Report

THE GREAT SEAL OF THE UNITED STATES
OF AMERICA

POOR QUALITY ORIGINAL

0036

OFFICER YOUNG: - Is an officer of The New York Society for the Prevention of Cruelty to Children. *for Spain or more* Was present at the time of the arrest, assisted in searching the prisoner's person and found thereon the dirk knife which has been in the possession of the Society ever since and which witness will identify. At the time of the examination in the Police Court, he overheard a conversation in German between the prisoner and his two daughters, in which the prisoner told them that if they would not press this charge he would give them each ten dollars and also his furniture.

*Young called prisoner
where is the knife?
I am afraid you should
be doing
call for
the knife*

MRS. EMMA LOWE: - I reside at No. 356 Graham Avenue, Williamsburgh. I am the wife of Frank Lowe and the daughter of William G. Zimmerman who has been indicted for rape upon my sister Martha Zimmerman. In October 1885 I lived at 189 Frost Street, Williamsburgh. In the latter part of October 1885, my sister Martha and I went to where my husband Frank Lowe was working, and Martha told my husband that her father, the above named defendant, had been abusing her. This was on Monday, October 19, 1885. On the following Saturday Martha gave me the details of the way in which her father had abused her. She stated to me that on Sunday the 18th of October 1885, she had retired to her room and undressed to go to bed; that the defendant came into her room, and got in bed with her, and forced her to have connection with him, threatening her at the time with a knife. On the 19th October, 1885, Martha was in my house in Williamsburgh, I observed while she was there that her night clothes were stained with blood, and she then told me that she had been sick for two weeks. I knew the nature of the outrage committed upon my sister by the defendant before he was arrested, but I did not know all of the details until afterwards.

**POOR QUALITY
ORIGINAL**

0037

ask
My sister is a truthful girl and is not in the habit of telling stories. Whatever I have testified to on the previous trial of my father which is inconsistent with this present statement is untrue. At the time I testified in the previous trial I was very much worried and confused, and anxious lest I should forget the story which I had been instructed to tell by a person in the office of the defendant's attorneys, Howe & Hummel, whose name I think was Morse. I further state that when the prisoner was brought up in the court room before the judge, he asked Martha and me not to press the charge, and offered to give us half of his furniture each and ten dollars apiece to refrain from making the charge. We refused to accept this. I further state that before I was married I left my father's house because he had taken liberties with me and attempted to have sexual intercourse with me. I further state that on one occasion during my visit to my father in the Tombs he directed me to go to his attorney's Howe & Hummel, which I did, and while there at their office I received instructions from a person therein whom I believed to be Mr. Morse as to what I should say if called as a witness on the trial.

call
FRANK LOWE: - I reside at No. 356 Graham Avenue, Williamsburgh I am the husband of Emma Lowe, who is the daughter of William G. Zimmerman who has been indicted for rape upon Martha Zimmerman. The said Martha is my sister-in-law. I was married to my present wife about two years and a half ago. In October, 1885, I lived at 189 Frost Street, Williamsburgh. In the latter part of that month my wife and Martha, my sister-in-law, came over to where I was working, and Martha said her father had been abusing her, but

POOR QUALITY ORIGINAL

0030

~~did not say in what way until the latter part of the week.~~
Martha remained with us until the latter part of the week, ~~during~~
~~which time my wife hinted at the nature of the abuse.~~ ~~My wife~~
~~had previously stated to me that before our marriage her father~~
~~had attempted to have intercourse with her.~~ I then called Martha
~~into my front parlor and insisted on her telling me the whole~~
story which was as follows: She said that her father came in her
bed-room when she was asleep, and she woke up and found him on
top of her. I asked her if he succeeded, and she said yes.
And she told me that her father said he would kill her if she
shouted or made any outcry. He then had sexual intercourse with
her, she being afraid to scream. I then took the child next
morning to Essex Market Court, after having previously been to
The New York Society for the Prevention of Cruelty to Children
and told them the story, and they advised me to do so. At Essex
Market deponent stated the case to the Judge. I went with the
officers to have Zimmerman arrested, and pointed him out. I
remember the officer taking the knife from the prisoner. When
the prisoner was brought up in the court room, in front of the
desk, he said to my wife and Martha in my presence, not to press
the charge against him and he would give half of his furniture to
each and would give each ten dollars. I am working at the pres-
ent time at No. 95 Bowery, as sign painter. I do not understand
German, but I understood enough to know that he offered ten dol-
lars to my wife and Martha not to press the charge, and my wife
turned to me the moment he said it and repeated the statement
that he had offered them twenty dollars to settle the case.

*Think's
subject
1. 11. 52.*

*W
A*

**POOR QUALITY
ORIGINAL**

0039

OFFICER JOHN J. BATES: - 8th Precinct, No. 1592. Has known the girl Martha for a long time in his Precinct. She is a quiet, reputable girl and bears a good character, being very modest and unassuming.

DR. CORNELIA S. SIMPSON: - Is a physician. On October 27, 1885, examined Martha, found that rape had been attempted and accomplished to full penetration. The hymen was ruptured but not fully torn. The parts were very sensitive to the touch, causing the girl to suffer pain during the examination.

POOR QUALITY ORIGINAL

0840

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

*Wm. F. Zimmerman
man.*

PENAL CODE, §

BRIEF FOR THE PEOPLE.

*To be heard
May 2, 1912*

POOR QUALITY
ORIGINAL

0041



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

NO 100 EAST 23^D STREET. (CORNER 4TH AVE.)

The People
v.
William G. Zimmerman.

New York July 30, 1886

Hon. Randolph B. Martine,
District Attorney &c.

Dear Sir:

The prisoner in this case as you are aware is now in the City Prison. It has occurred to me that possibly his attorneys may move for his discharge upon the ground that he is not re-tried. In the event of any such effort being made, the Society stands ready at short notice to present the evidence on such trial, and requests that you will duly send word to its headquarters, as above, as my absence from the City may otherwise possibly prevent its Superintendent from having due notice. I write this by way of precaution because it occurs to me that possibly some such effort as this might be made by his counsel to obtain his discharge, whereas the new evidence in the possession of the Society corroborates the story of the girl to such an extent as, in my judgment, will ensure his conviction.

I have the honor to remain,
With great respect,

Wm. G. Terry
President &c.

POOR QUALITY ORIGINAL

0042

Sample
as
H. G. ...

POOR QUALITY
ORIGINAL

0043

District Attorney's Office.

PEOPLE

vs.

after Mathias
describes rape com-
mitted on 18th May
2020

Then, tell her to
state what her
father did at the
factory -

if anybody did it,
& she must say
she could not live
with him!!! &
then she left &
went to her sister's

POOR QUALITY ORIGINAL

0045

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

.....being duly sworn, says that he resides at No. Street, in the City of New York; that he is years of age; that on the day of 18....., at Number..... in the City of New York, he served the within..... on..... the..... by leaving a copy thereof with.....

Sworn to before me, this
day of 18 }
.....

N. D. Supreme Court
General Term
The People
Plaintiff
vs.
Ripoli
against

William G. Zimmerman
Appellee
Defendant.

Order Reversing
Judgment

HOVE & HUMMEL,
Attorneys for Appellee
87 & 89 CENTRE ST., New York City.

RECEIVED
Due and timely service of cop of the within hereby admitted
JUN 16 day of 1930
DISTRICT ATTORNEY
To: [Signature]
[Signature]

**POOR QUALITY
ORIGINAL**

0046

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

William Gustave Zimmermann

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

William Gustave Zimmermann

of the CRIME OF RAPE, committed as follows:

The said *William Gustave Zimmermann*,

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

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said *William Gustave Zimmermann* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *William Gustave Zimmermann*,

late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon her the said *Martha Zimmermann*, willfully and feloniously did make an assault, with intent her the said *Martha Zimmermann*, against her will, and without her consent, by force and violence, to then and there willfully and feloniously ravish and carnally know, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,
District Attorney.

0850

**END OF
BOX**