

0000

**BOX:**

382

**FOLDER:**

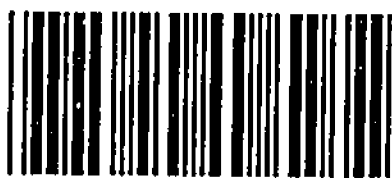
3560

**DESCRIPTION:**

Madden, Dennis

**DATE:**

01/24/90



3560

Witnesses;

John O'Brien  
Officer Gallagher  
11 Greennd

248

Counsel,

Filed 24 day of Jan 18 90

Pleads,

THE PEOPLE

vs.

Dennis Madden

*Heimrich*  
*Admiral*

Grand Larceny Second degree  
[Sections 528, 531, 532 Penal Code]

JOHN R. FELLOWS,

District Attorney.

1st Mond in Feb. in Pt. 1 - 10nd

A True Bill.

Glyham

Foreman.

Feb 3/90

Shades of Grey  
Ben 192-923



00 10

Police Court—

3 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

John O'Brien  
of No. Immigrant House Park Row Street, aged 53 years,  
occupation Horse Shaver being duly sworn

deposes and says, that on the 19 day of January 1894 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:

Two shirts, trousers and drawers, one  
pair shoes and two pawn tickets  
and forty five cents in money the  
whole valued at forty five  
dollars.

\$1.15-00

the property of

Deponent

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

the said property was in a trunk  
occupied by deponent and he  
deponent having missed the same  
caused the arrest of the defendant  
and found a portion of the stolen property  
on the person of defendant

John O'Brien

Sworn to before me, this

19

day

of January 1894  
John O'Brien  
Police Justice.

0011

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name.

Answer. *Dennis Madden*

Question. How old are you?

Answer. *32 years of age*

Question. Where were you born?

Answer. *England*

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

Answer. *250 2nd Avenue 16 years*

Question. What is your business or profession?

Answer. *Machinist*

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 -*  
*Dennis Madden*

Taken before me this

day of

*May*

1897

Police Justice.

00 12

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.....

*Thurman*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Twenty* 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 *June 19* 188*0* *J. M. Bates* 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.



0013

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court

111 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John O'Brien*

vs.

1. *Bruce Madden*

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Office of the  
District Attorney

Dated *January 19* 189*0*

*Patterson* Magistrate

*Gallagher* Officer.

*11* Precinct.

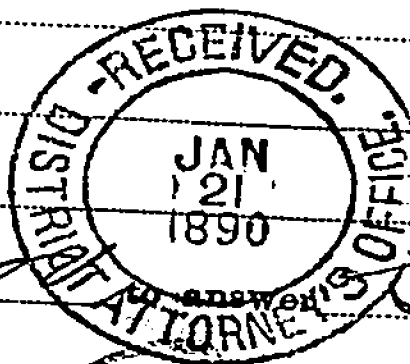
Witnesses \_\_\_\_\_

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *100* Answered *13*



*Com*



0014

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Dennis Madden*

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

*Dennis Madden*

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

The said

*Dennis Madden*

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

*two shirts of the value of one dollar each, one pair of trousers of the value of ten dollars, one pair of drawers of the value of one dollar, two shoes of the value of two dollars each, two pawn-tickets of the value of ten dollars each, and divers coins of the United States, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of forty-five cents*

of the goods, chattels and personal property of one

*John O'Brien*

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.

0015

SECOND COUNT—

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

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

The said

Dennis Madden

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,

two shirts of the value of one dollar each, one pair of trousers of the value of ten dollars, one pair of drawers of the value of one dollar, two shoes of the value of two dollars each two paid tickets of the value of ten dollars each and divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of forty-five cents of the goods, chattels and personal property of one

John O'Brien

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

John O'Brien

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

— Dennis Madden —

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

JOHN R. FELLOWS,  
District Attorney.

00 16

**BOX:**

382

**FOLDER:**

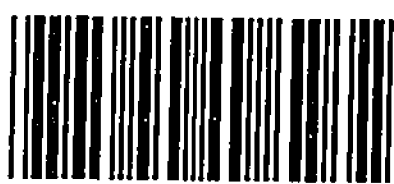
3560

**DESCRIPTION:**

Marshak, Isaac

**DATE:**

01/10/90



3560



Witnesses:

Jacob P. Nubren

March 4<sup>th</sup> 1890

This defendant was after a full examination of the case, discharged by Judge Powers in Pelee Court. (See stenographer's minutes given) I do not understand that an indictment issued against them found. The statement of the Defendant's facts attached shows that my suggestion can now be made that there are no grounds upon which the People can go to trial. The indictment ought to be dismissed.

J. H. Farrell  
D.A.

It is arranged that the police court papers remain here near the District Office in mistake instead of being filed in the Clerk's Office and the case was sent to the C.D. in the ordinary course the error was being discovered late. (not ordinary) and 4/20 Depard.

18 B.W. Lang 10/90  
J. H. Farrell

Counsel,

Filed 10 day of Jan 1890

Pleads Offguilty - 10/90

THE PEOPLE

vs.

P. H. A.

Isaac Marshall

Called by Court  
Jan 28/90

JOHN R. FELLOWS

District Attorney.

A True Bill.

G. H. Farrell Foreman.  
Hes on Gov of  
D. Accip See papers  
without  
mch 5<sup>th</sup> 1890  
J. H. Farrell

Registry in the Third Degree  
(Section 498, 506, 526, 530 of Laws of N.Y.)

0017



0018

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

*Isaac Hunkler*

*City & County of New York, S.S.*

*Isaac Hunkler residing at 12124 Christie Street this City*

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself or any other influence other than to the best interests of justice, and further that after an investigation into the matter I do not believe that the defendant committed any crime. The said case after an examination before Police Justice Maurice J. Power was dismissed, and it cannot be said that I come to be called before the Grand Jury.

*Respectfully,  
Isaac Hunkler*

in  
11717 715  
hebrew  
Isaac Hunkler  
in English

0019

Peoples

vs;

Chardhako

Withdrawal  
of  
Complaints

0020

Perpetrator

as:

Charles

August Oetymann residing  
at 124 Chrystie St. Sup:

I think it was on the eve-  
ning of December 21<sup>st</sup> 1889 about  
8 O'clock, that defendant came  
to my room on second floor  
and said he was rooming on  
third floor with Complainant, and  
had forgotten his key, wanted me  
to let him through that he might  
go up the fire escape to his room.  
I let him through my window  
and saw him go up the fire escape  
did not see him again for week,  
then in room of Complainant, when  
I told Complainant that he was  
the man I let through my  
window and who went up the  
fire escape. I did not see him  
take anything

A Oetymann

Edw 10/70

0021

P  
Pempes

us

M. G. L. K.

Statistical

of

H. O. F. G. M. M.



0022

Police Court, 3 District.

City and County of New York ss.:

of No. 124 Chrystie Street, aged 23 years,

occupation Sailer being duly sworn

deposes and says, that the premises No. 124 Chrystie Street, 10 Ward

in the City and County aforesaid the said being a fine story

tenement building two rooms on the 4th

floor and which was occupied by deponent as a dwelling

and in which there was at the time a human being by name

we were BURGLARIOUSLY entered by means of forcibly lowering

a window leading into said

premises

on the 21 day of December 1889 in the night time, and the

following property feloniously taken, stolen, and carried away, viz:

One overcoat, one dress coat

and a pair of trousers, the

whole thing valued at sixty-

five dollars

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

Isaac Marshak

for the reasons following, to wit: at the hour of 7.30 PM

on said date deponent securely

locked and fastened the door

and window of said premises,

the said property being in said

room at the time. Deponent seeing

from the said window opening

and said property missing he

is informed by August Berthman

0023

Hereby news that at about 8 o'clock P.M. on said date, this defendant got his Perstman's permission to climb the fire escape leading from his Perstman's room to a apartment. The defendant told said Perstman that he had lost the key of defendant's room. Perstman further says that shortly after defendant went into said room, a fire took place in said room and in said room after the fire was extinguished was found a portion of car which car appears says is the property of defendant.

Sworn to before me  
this 2<sup>nd</sup> day of December  
1888

Police Justice.

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

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—BURGLARY.

1.  
2.  
3.  
4.

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0024

CITY AND COUNTY  
OF NEW YORK, } ss.

*August Perstman*  
aged *53* years, occupation *Wheeler* of No.

*124 Christie* Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *Robert Rubin*

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*7*

*August Perstman*

*Wm. G. Dore*

Police Justice.

ANSWER.

*Yes, I am familiar with the facts stated in the foregoing affidavit of Robert Rubin, and I believe them to be true.*  
*Samuel S. Marshak*  
*attorney*

Taken before me this

day of *March* 188*7*

Police Justice.



Dec 28<sup>th</sup> 1889  
 Third District Police  
 Court.  
 Hon. Murray I. Pomer  
 Presiding.

Jacob Ruben }  
 Isaac Marshak }

Jacob Ruben testified  
 that Isaac Marshak  
 called on him about  
 seven o'clock in the  
 evening to borrow a  
 Prince Albert boat to  
 attend a wedding;  
 that he declined to  
 give it to him; that  
 they went out together  
 as far as the corner,  
 where they separated,  
 Ruben going to his  
 Large Room in Third  
 St., subsequently and



2

August Ozyman who lives in the same house 124 Chrystie St, and he swore that about eight o'clock Isaac Marshak went into his room in the front. (He occupies two rooms, on the floor underneath the rooms occupied by Ruben, but not immediately under them - there being two tenants in the front on each floor. - he said that his wife and another woman were present when the Defendant Marshak asked permission to go up by the fire escape to the rooms of Ruben, saying at the time that he wanted

To get some Keys that were there, Otyman said he reluctantly gave him a permission or the earnest solicitation of his wife; the Court sent for his wife and the servant who had the conversation with the person; Otyman believed to be Marshak, and they failed absolutely to identify the man Marshak. The witness Rubin described a coat, which he said was on Marshak, the one he wore when in his room, and said the coat was left behind by the person who entered his room, and the coat was

0028

H

partially consumed  
by fire, the tails of the  
coat were well burned  
off, the cross Communion  
of Ruben - he said.

There could be no doubt  
that the coat left in  
the premises was the  
coat belonging to  
Marshak and which he  
wore on Saturday  
night last (the time  
heretofore described).

The Court sent for  
the coat, and had  
Marshak try it on,  
the coat was found to  
be too short in the  
sleeves, and narrow  
across the shoulders,  
and not meeting  
within six inches in  
front, showing that

H



0029

5

The coat could not  
 have been his; Marshall  
 also proved by the  
 evidence of William  
 Scholzberg and Betsey  
 his wife, with whom  
 he has lived for the  
 last three years, and  
 that he was at the  
 Helen marriage  
 engagement festival in  
 their house on that even-  
 -ing till eight o'clock,  
 between seven <sup>and</sup> eight  
 o'clock. That he came  
 in at seven o'clock  
 when the music  
 began and left in  
 company with Louis  
 Golden & H. B. Allen  
 at 8, and a little after  
 eight and continued  
 with him till twelve

5

0030

6

9 o'clock, Louis Goldman  
having a stand for the  
sale of Christmas goods  
in Grand St, till he  
returned to his home  
and remained there  
till the company  
broke up at one o'clock.  
In view of these facts  
the Defendant was  
Discharged

---

The above was dictated  
to the Stenographer by  
Judge Jones

---

0031

POOR QUALITY  
ORIGINAL

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

Alfred Anderson  
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 Dec 28 1889 Wm. J. Over Police Justice.

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

Dated Dec 28 1889 Wm. J. Over Police Justice.

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

Dated Dec 28 1889 Wm. J. Over Police Justice.



0032

POOR QUALITY  
ORIGINAL

\$1000 for bail  
2:20 PM  
Dec 27 9:24 AM

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

In the defense  
Mr. Schlossburg  
Clock maker 333 Grand St.  
Robert Schlossburg  
his wife  
Domin Gold  
466 Allen Street  
Proper

Police Court-- District. 6

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

124 vs. Chrystie St

2

3

4

Dated Dec 27 1889

Magistrate

Officer.

Precinct.

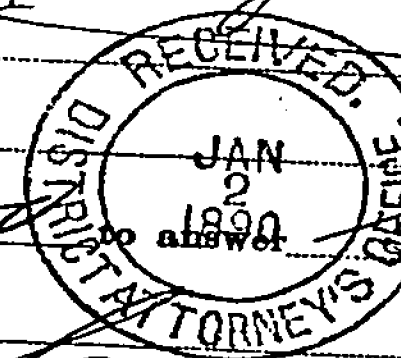
Witnesses

No. 124 Chrystie Street.

No. 124 Chrystie Street.

No. \_\_\_\_\_ Street.

\$1000 to answer



0033

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

~~Discharge~~  
~~People~~

Isaac Marshall

Burglar 3<sup>d</sup>

Indictment

Should be

dismissed

& prisoner

discharged

vide Endorsement

on Indictment  
G. S. [Signature] District Attorney.

0034

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Isaac Marshak

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

Isaac Marshak

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

The said

Isaac Marshak

late of the Tenth Ward of the City of New York, in the County of New York  
aforesaid, on the twenty-first day of December in the year of our Lord one  
thousand eight hundred and eighty-nine, with force and arms, in the  
night-time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one

Jacob Ruben

there situate, 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

Jacob Ruben

in the said dwelling house 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.



0035

SECOND COUNT—

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

*Isaac Marshak*

of the CRIME OF *Grand* LARCENY *in the first degree* committed as follows:

The said

*Isaac Marshak*

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 said day, with force and arms,

*one overcoat of the value of thirty dollars, one coat of the value of twenty-five dollars and one pair of trousers of the value of ten dollars*

of the goods, chattels, and personal property of one

*Jacob Ruben*

in the dwelling house of the said

*Jacob Ruben*

there situate, then and there being found, from the dwelling house 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.

0036

THIRD COUNT.

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

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

The said

*Isaac Marshak*

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

*one overcoat of the value of  
thirty dollars, one coat of the  
value of twenty-five dollars  
and one pair of trousers  
of the value of ten dollars*

of the goods, chattels and personal property of

*Jacob Ruben*

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

*Jacob Ruben*

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

*Isaac Marshak*

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

JOHN R. FELLOWS,

District Attorney.

0037

**BOX:**

382

**FOLDER:**

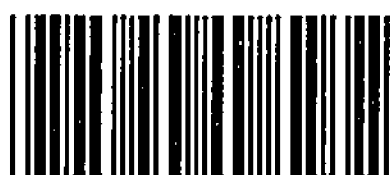
3560

**DESCRIPTION:**

Marshall, John

**DATE:**

01/28/90



3560



Joseph Thorne

Officer Mulligan

30067

*W. J. J. J. J.*

1

1875



Dr. J. H. S. S. S.

*Jr Stand*

Wheat and

at Carlsby as

Dep't

Spencer Davis

is back good

24

Whitby Road

387

Counsel, *DJ*  
Filed day of *January* 188*9*  
Pleads,

Grand Larceny, First Degree.  
(DWELLING HOUSE.)  
Sections 528, 534 — Penna Code].

# THE PEOPLE

215

A

John Marshall

227

2/10/20

JOHN R. FELLOWS

*District Attorney*

# A True Bill.

Robertson

Carry, 28/9/11 Foreman.

Wendy Jackson

*St. Petersburg*

19-2-1/3

0030

0039

CITY AND COUNTY }  
OF NEW YORK, } ss.

James Mulligan  
aged 42 years, occupation Policeman of No.

13<sup>th</sup> Precinct Street, being duly sworn, deposes and

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

Sworn to before me, this 25 day of June 1887 } James Mulligan

John Buttner  
Police Justice.

0040

Police Court— District.

Affidavit—Larceny.

City and County } ss.  
of New York,

3  
of No. St Josephs Hospital 143rd Street Brooklyn 24 years,  
occupation Carpenter being duly sworn  
deposes and says, that on the 24 day of June 1890 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the night time, the following property, viz:

One overcoat one dress coat one vest  
one pair of pants and one pair of shoes  
the whole valued at thirty five dollars  
\$35.00

the property of deponent

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

in the following manner to wit—

deponent missed said property and  
was informed by Thomas Connor that he  
Connor saw the defendant enter deponents  
room. when defendant left said room  
the deponent found that the said property  
was missing he deponent thereupon

caused the defendant to be arrested  
whereon he deponent charged defendant  
with having stolen said property.

defendant thereafter told Officer  
James Mulligan of the 13th  
precinct that he defendant had taken  
said property and that he had placed

Sworn to before me, this  
of \_\_\_\_\_ day  
18

Police Justice.



0041

the said property in home <sup>about</sup> number 191 East  
Third Street where he Mulligan afterwards  
found the said property. Whereupon defendant  
says that defendant is held to answer

your Honor.

Given to defendant  
this 25<sup>th</sup> day of  
January, 1890

J. M. Patterson

Police Justice

0042

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

3 District Police Court.

John Marshall 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. John Marshall

Question. How old are you?

Answer. 21 years of age

Question. Where were you born?

Answer. U.S.

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

Answer. 481 East Houston Street 7 months

Question. What is your business or profession?

Answer. Machinist

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 borrowed the clothes for a certain  
occasion  
John Marshall

Taken before me this

25

day of

1887

Police Justice.

0043

*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 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 June 25 1880 J. M. Watson 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.*



0044

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

761  
Police Court

155  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Deft Thomas

vs.

John Marshall

3

4

Offence

Dated January 25 1890

Patterson Magistrate

Mulligan Officer.

13 Precinct.

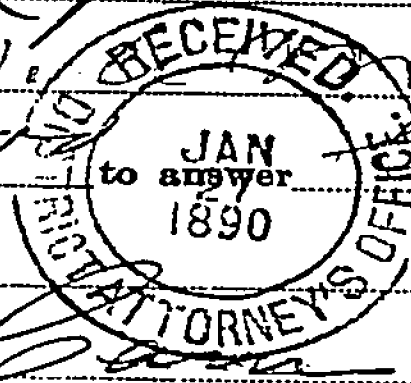
Witnesses Thomas Connel

No. 143rd St & 13th Ave Street.

No. \_\_\_\_\_ Street.

No. 10 \_\_\_\_\_ Street.

\$ 1000 \_\_\_\_\_



9 R 1  
1890

0045

**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 Marshall*

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

*John Marshall*  
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said

*John Marshall*

late of the *Twenty-third* Ward of the City of New York, in the County of New York  
aforesaid, on the *twenty-fourth* day of *January* in the year of  
our Lord one thousand eight hundred and eighty *ninety* in the night time of the same day,  
at the Ward, City and County aforesaid, with force and arms,

*one overcoat of the value of  
ten dollars, one coat of the value  
of ten dollars, one vest of the value  
of five dollars, one pair of trousers  
of the value of six dollars, and two  
shoes of the value of two dollars each,*

of the goods, chattels and personal property of one

*Joseph Thome*

in the dwelling-house of the said

*Joseph Thome*

there situate, then and there being found, from the dwelling-house 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.

*John R. Fellows*  
District Attorney

0046

**BOX:**

382

**FOLDER:**

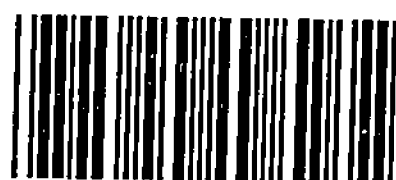
3560

**DESCRIPTION:**

Martin, John

**DATE:**

01/08/90



3560



0047

Witnesses:

~~William J. Gorman~~  
~~John J. Gorman~~  
~~John J. Gorman~~

23.  
Hearings  
Counsel,  
Filed day of January 1890  
Plends, Nor G. G. G.

THE PEOPLE

vs. John Martin

Burglary in the Third Degree  
(Section 498, U.S.C.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Gustav  
Foreman.

Part III January 13/90  
Pleasds Burg 3<sup>d</sup> deg.

I'm 1 of 10

0048

Police Court— District.

City and County { ss.:  
of New York, }

of No. 36 Centre Street, aged 16 years,

occupation Aid my mother in household being duly sworn

deposes and says, that the premises No. 36 Centre Street, 6<sup>th</sup> Wardin the City and County aforesaid the said being a Two story building, the floor above the store of ~~which~~ which was occupied by deponent's family as living apartments and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly turning the knob and opening the door leading into said apartment and entering the same

on the 18<sup>th</sup> day of December 1887 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

One bed spread and a curtain valued together in the sum of Six dollars

the property of Pauline Erdmann and in case 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

John Martin (now here)

for the reasons following, to wit: that on said day deponent left said apartment to go down stairs to the store and closed the door which faces the street and which door is at the head of a stairway built on the out-side of said premises and said property was in the room. Deponent was informed that a man was seen coming down the stairway and

0049

deponent immediately returned to the apartment and found the door partly open and the room had been entered in the manner aforesaid. Deponent shortly thereafter saw the defendant walking along Park Street with property in his possession which <sup>deponent</sup> immediately recognized as belonging to her mother and which had been stolen from her possession. Sworn to before me this 19<sup>th</sup> December, 1889 } Johanna Ordmann  
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 One Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.  
Dated 1889 Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1889 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 1889 Police Justice.

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
1.	vs.
2.	
3.	
4.	
Dated 1889	Magistrate.
	Officer.
	Clerk.
Witness,	
No.	Street,
No.	Street,
No.	Street,
\$	to answer General Sessions.



0050

Sec. 193-200.

CITY AND COUNTY  
OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer. *John Martin*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *18 Pell St. 1 night*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty. The door was wide open. I admit stealing the property but deny the burglary*

*John Martin*  
sworn

Taken before me this *19*  
day of *December* 188*9*

Police Justice.

0051

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

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

Dated Dec 19 1889 [Signature] 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.

0052

Police Court---

1864  
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Johanna Erdman*  
36 vs. *Center St*  
*John Martin*

Offence *Burglary*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *Dec 19* 1889

*Hogan* Magistrate.

*Carroll* Officer.

*6* Precinct.

Witness *offici*

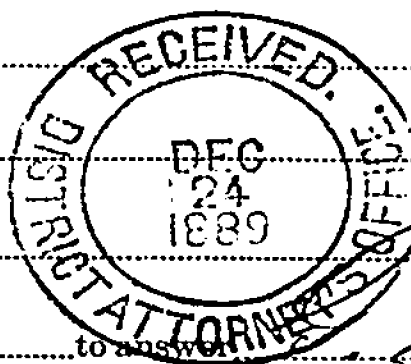
No. .... Street.

No. .... Street.

No. .... Street.

\$ *1000* to answer.

*Conrad*





0053

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 Martin

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

John Martin

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

The said

John Martin

late of the Sixth Ward of the City of New York, in the County of New York  
aforesaid, on the eighteenth day of December in the year of our Lord one  
thousand eight hundred and eighty-nine with force and arms, in the  
day time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one

Pauline Erdman

there situate, 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

Pauline Erdman

in the said dwelling house 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.

0054

SECOND COUNT—

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

of the CRIME OF

The said

*Petit*

LARCENY

, committed as follows:

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 *day* — time of said day, with force and arms,

*one bed spread of the value of three dollars, and one curtain of the value of three dollars*

of the goods, chattels, and personal property of one

in the dwelling house of the said

there situate, then and there being found, from the dwelling house 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.

*Pauline Erdmann*  
*Pauline Erdmann*  
*John L. Holloway*  
*District Attorney*

0055

**BOX:**

382

**FOLDER:**

3560

**DESCRIPTION:**

Marxin, Louis

**DATE:**

01/28/90



3560



0056

**BOX:**

382

**FOLDER:**

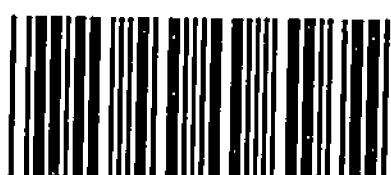
3560

**DESCRIPTION:**

Morris, Annie

**DATE:**

01/28/90



3560

Witnesses;

Ernest Vanderweck

Officer Schlotman

11th Precinct

Sworn.

H. Hamilton

178 & 180 73rd St  
New York

Car for office

Hamilton

Amos Lee

Secur 7th

*[Signature]*

397 *[Signature]*

Counsel, *[Signature]*  
Filed day of Jan'y 1890  
Pleads, & *[Signature]* aff'd

THE PEOPLE  
vs.  
*[Signature]*  
Louis Martin  
and  
*[Signature]* Morris

Grand Larceny Second degree  
[Sections 528, 537, 538, Penal Code]

JOHN R. FELLOWS,  
Dist 2 - April 24/90 District Attorney.  
No. 2 Trial and Guided P.D.  
14th Jan 1890  
A True Bill.

*[Signature]* Foreman.  
Jan'y 24/90  
*[Signature]*  
Pleading  
14th Jan 1890  
31

0058

Police Court

District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

Eugene Venderion

of No. 85 Second Street, aged 24 years,  
occupation Cook being duly sworndeposes and says, that on the 24 day of July 1890 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the Nighttime, the following property, viz:

One Overcoat - valued at twenty five  
dollars in the pockets of which were  
one silk pocket handkerchief and one  
pair of gloves the whole being valued  
at twenty seven dollars

\$ 27<sup>00</sup>  
1<sup>00</sup>

S G S C

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 Louis Marxii and Annie

Marxii (both now here) who were acting  
in concert in the following manner to wit:  
Deponent was in a room in Room 22 229  
Christie Street with Annie Marxii when  
she Annie Marxii opened the door of said  
room and admitted Louis Marxii who  
took store and carried away the overcoat  
of deponent. Deponent is further  
informed by Officer Schlottman that  
said Annie Marxii had in her possession  
a Handkerchief which deponent identified  
as being part of the property stolen  
from him whereupon deponent prays that  
Louis Marxii and Annie Marxii

Subscribed before me, this 24th day of July 1890

Police Justice



0059

Wheeled to answer  
Sworn to before my Court Marshal  
this 20th day of January  
1899

J. W. Patterson

Police Justice

0060

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Annie Marx* 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 Marx*

Question. How old are you?

Answer. *27 years of age.*

Question. Where were you born?

Answer. *Ireland.*

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

Answer. *229 Chrystie Street 4 months.*

Question. What is your business or profession?

Answer. *No business.*

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.*

*Annie Marx*

Taken before me this

day of *March*

1887

Police Justice.

0061

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Louis Marxui*

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. *Louis Marxui*

Question. How old are you?

Answer. *27 years of age*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *427 Christs Street Newark*

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*

*Louis Marxui*

Taken before me this

25

day of *May* 1900

*John J. McQuinn*

Police Justice.



0062

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.....

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

Dated *June 25* 188*0* *Wm Patterson* Police Justice.

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

Dated.....188..... Police Justice.

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

Dated.....188..... Police Justice.

0063

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court— 3 155 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Ernest Vunderich

96 Bleeker

1. Louis Marx

2. Annis Marx

3. \_\_\_\_\_

4. \_\_\_\_\_

Dated January 25 1890

Patterson Magistrate

Schlottman Officer.

11 Precinct.

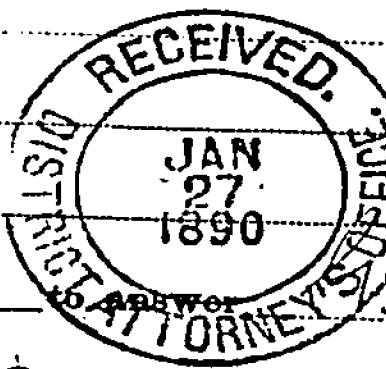
Witnesses \_\_\_\_\_

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 500



Come

922

0064

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*  
*Louis Marxin and*  
*Annie Morris.*

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

*Louis Marxin and Annie Morris*

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

The said

*Louis Marxin and Annie*  
*Morrie, both*

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

*one overcoat of the value of*  
*twenty-five dollars, one handkerchief*  
*of the value of one dollar, and two*  
*gloves of the value of fifty cents*  
*each.*

of the goods, chattels and personal property of one *Ernest Wodrich*

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.



0065

SECOND COUNT—

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

*Louis Marxin and Annie Morris*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *Louis Marxin and Annie Morris, both*

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

*one overcoat of the value of twenty-five dollars, one handkerchief of the value of one dollar, and two gloves of the value of fifty cents each,*

of the goods, chattels and personal property of one

*Ernest Wodrich*

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

*Ernest Wodrich*

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

*Louis Marxin and Annie Morris*

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

JOHN R. FELLOWS,  
District Attorney.

0066

**BOX:**

382

**FOLDER:**

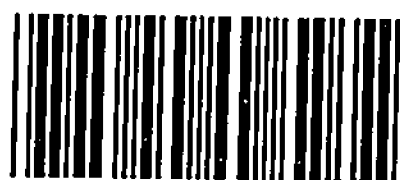
3560

**DESCRIPTION:**

Masterson, Patrick

**DATE:**

01/27/90



3560

0067

Witnesses:

Officer Webb  
Central Office

Counsel,

Filed

27

day of

Jan 18 90

Pleeds,

Potterville 27

THE PEOPLE

vs.

Patrick Masterson

*[Signature]*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1983, Sec. 21 and  
page 1983, Sec. 2.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*[Signature]*  
Foreman.



0068

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County } ss.  
of New York,

of the Central Office Police Robert J. Webb Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 18 day  
of June 188 8 in the City of New York, in the County of New York,

at premises No. 2027 Third Avenue Street,

Patrick Masterson (now here)  
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

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

Sworn to before me, this 18 day }  
of June 188 8 }

Robert J. Webb  
Police Justice.

0069

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Patrick Masterson

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. Ireland

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

Answer. 404 East 17<sup>th</sup> Street New York 16 years.

Question. What is your business or profession?

Answer. Barkeeper.

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

Answer. I am not guilty. If held I demand a trial by jury.

Patrick Masterson

Taken before me this

18

day of

August  
Police Justice.

0070

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

John 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 June 18 188 8 J. H. Buff Police Justice.

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

Dated June 19 188 8 J. H. Buff Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0071

BAILED,  
No. 1, by John L. Stroub  
Residence 12369 3<sup>rd</sup> Ave Street.  
125-137  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

*Showered to bring  
bail June 19<sup>th</sup> at*

264  
Police Court 5 931 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Robert H. Webb

vs.

Patrick Masterson

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

*Green*  
*Violation*  
Offence

Dated June 18 188 8

Webb Magistrate.

Webb Officer.

C. Office Precinct.

Witnesses \_\_\_\_\_

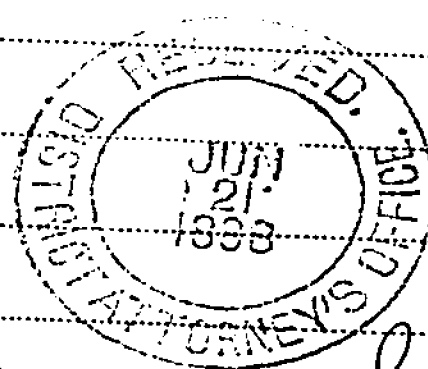
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 100 to answer G. S.

*Bailed*



0072

COURT OF GENERAL SESSIONS, PART 1

THE PEOPLE

vs.

INDICTMENT

For

Patrick Masterson  
2017.32 To

188.184

M John L. Ostrom  
No. 2364 3rd Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for Trial at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House in the Park of the said City, on May the 15 day of instant, at eleven o'clock in the forenoon.  
If the defendant is not produced at that time, your bond will be forfeited.

DE LANCEY NICOLL,  
District Attorney.

0073

MAXCY BROTHERS,  
SEXTON AND UNDERTAKERS,  
506 EAST 14TH STREET,

DAVID MAXCY.  
THOMAS F. MAXCY.

New York, May 12, 1893

This is to Certify that we  
Buried Patrick H. Masterson  
who died March 9<sup>th</sup> 1892  
at 404 East 17<sup>th</sup> Street  
N.Y. City

Maxcy Brothers



0074

19 Form H.

NEW YORK, May 13, 1893

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK.

## CERTIFICATE AND RECORD OF DEATH

No. of Certificate,

8839Patrick H. Masterson

I hereby certify that I attended deceased from March 1892 to date 1892 that I last saw him alive on the 9th day of March, 1892, that he died on the 9th day of March, 1892, about 11 o'clock A. M. or P. M., and that to best of my knowledge and belief, the cause of his death was as hereunder written:

Duration of Disease.

Chief Cause, Pneumonia Ureamic vomitingContributing Cause, Chronic Nephritis4 years

Sanitary Observations.

Witness my hand this 10 day of March, 1892Place of Burial, Calvary (SIGNATURE),Date of Burial, March 11, 1892Undertaker, Maxey Bros.

RESIDENCE,

Henry Griswold, M. D.Residence, 506 E. 14th42 W. 35th

Burial permits issued at 301 Mott Street, Room 38, Week days, 7 A. M.-6 P. M. Sundays and Holidays, 8 A. M.-5 P. M.

Date of Death.	Full Name.	Age, in years, mos. and days.	Color.	Single, Married or Widowed.	Occupation.	Birthplace.	How long in U.S. if foreign born.	How long resident in New York City.	Father's Name.	Father's Birthplace.	Mother's Name.	Mother's Birthplace.	Place of Death.	Last place of Residence.	Class of Dwelling (A rooming house occupied by more than two families).	Direct cause of Death.	Indirect cause of Death.	Date of Record.
<u>March 9, 1892</u>	<u>Patrick Henry Masterson</u>	<u>36 years</u>	<u>White</u>	<u>Single</u>	<u>Postmaster</u>	<u>Ireland</u>	<u>18 years</u>	<u>"</u>	<u>Robert Masterson</u>	<u>Ire.</u>	<u>Grace Masterson</u>	<u>Ire.</u>	<u>404 E. 14th St.</u>	<u>"</u>	<u>"</u>	<u>Pneumonia &amp; Ureamic vomiting</u>	<u>Chronic Nephritis</u>	<u>March 10, 1892.</u>

A True Copy.

C. Blum

Chief Clerk.

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed, the seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

B3

0075

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Patrick Masterson*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Patrick Masterson*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said

*Patrick Masterson*

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

*Robert J. Webb*

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

SECOND COUNT—

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

*Patrick Masterson*  
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG  
AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

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

**JOHN R. FELLOWS,**

District Attorney.

0076

**BOX:**

382

**FOLDER:**

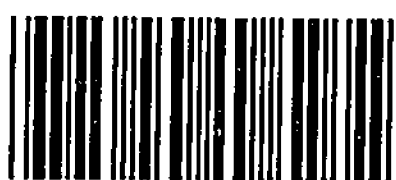
3560

**DESCRIPTION:**

Matz, Frederick

**DATE:**

01/08/90



3560



Witnesses:

*Officer Wade*  
*18th Precinct*

57 32

Counsel,  
Filed *8* day of *Jan* 18 *90*  
Pleads, *Not Guilty (9)*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and  
page 1089, Sec. 5.]

THE PEOPLE

vs.

*B*  
*Frederick Metz*

JOHN R. FELLOWS,

*District Attorney.*

*Book 3 page 14*

**A True Bill.**

*Clifferton* Foreman.

*Completed and filed in the Court  
of Special Sessions,*

*Term Jan'y 17, 1890.*

0078

**Court of General Sessions of the Peace,**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Frederick Matz*

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

*Frederick Matz*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said

*Frederick Matz*

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

*Charles J. Wade*

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

SECOND COUNT—

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

*Frederick Matz*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Frederick Matz*

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

**JOHN R. FELLOWS,**

District Attorney.

0079

**BOX:**

382

**FOLDER:**

3560

**DESCRIPTION:**

Mayer, Philip

**DATE:**

01/13/90



3560



0000

Witnesses;

Lucas P. Marshall  
Alfred L. Curry

Counsel,

Filed

13 day of Jan

1890

Pleads,

THE PEOPLE

vs.

P

Philip Mayer

R A P E -

(Sections 278 and 218, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Part 2: Feb 13, 1890.

Part 2: Feb 13, 1890.

Foreman.

Part 2: Feb 13, 1890.

Part 2: Feb 13, 1890.  
Spied & acquitted.

0001

H. E. 28

7 Jan 89

Mrs. E. J. Gerry

Dear Sir.

I have examined  
Lucie Rosenthal aet.  
9 years. I find the  
External genitals in a state  
of inflammation - there  
has been some laceration  
of the hymen - and some  
laceration of the labia  
in its vicinity

Yours very truly  
Walter H. Snow M.D.

0002

ALEX. I. ARONSON, M. D.

195 EAST BROADWAY,

8-9 A. M.  
1-2 P. M.  
6 1/2-7 1/2 P. M.

Sundays { 8-9 A. M.  
1-3 P. M.

New York,

18

Beschreiben Sie mir dass  
ich Jessie Rosenthal in  
2 Tagen ab am 5<sup>ten</sup> d. M.  
untersucht, und dass ich den  
Hymen zertheilt habe auf  
gerissen und die Vagina g.  
stark mit Blut gefüllt,  
gefunden habe.

A. I. Aronson  
M.D.



TORN PAGE

0003

Court of General Sessions of the Peace,  
City & County of New York

~~Clerk's Office~~

Filed Feb'y 3, 1890.

188

The People vs  
Philip Meyer

City & County of New York, ss: -

Eugene J. Tull

being duly sworn says that he is of the  
age of 26 years, and resides at 140 For-  
cyth St., City.

That on Saturday last, deponent en-  
deavored to subpoena Joseph Behrman  
who resides at No. 2 Foreyth St., and who  
deponent is informed, is a material  
witness for the defendant herein, but  
was unable to do so, and was informed  
by a lady representing herself to de-  
ponent as the wife of said Behrman  
that he was out of the City, and would  
not return before Tuesday or Wednesday  
of the present week.

On the same day, deponent endeavor

0004

TORN PAGE

ored to subpoena Samuel Greenberg, also a material witness for the defence, but was unable to find him at his place of residence, 222 Eldridge St., or to learn where he might be found.

Deponent is informed by Mr. Enderg, of Counsel for deft., that both of said witnesses are necessary & material upon the trial of this case, and that defendant can not safely proceed to trial without their attendance.

~~Given & before me~~  
~~this day of February 1890~~ } ~~Eugene J. Wells~~

The witnesses above mentioned, will swear that the defendant was not present at the time and place the rape was committed as alleged, as deponent is informed and verily believes to be true

~~Given & before me~~  
~~this 3<sup>rd</sup> day of February 1890~~ } ~~Eugene J. Wells~~  
 Deputus

Noty Public  
 m/c

0085

CITY AND COUNTY }  
OF NEW YORK, } ss.

Gussie Rosenthal

aged 9 years, occupation \_\_\_\_\_ of No.

2 Forsyth Street, being duly sworn deposes and

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

Sworn to before me, this

day of January 1890

W. J. Mahon

Police Justice.



0086

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, DISTRICT.

of No. 2 Forsyth Street, aged 61 years,  
occupation Busts being duly sworn deposes and says  
that on the 6th day of January, 1890

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

I am the  
Arrest of Philip Mayer, (now here)  
charged with having feloniously ravished  
and having sexual intercourse with  
deponent's daughter, Jessie Rosenthal  
aged 9 years, on January 2, 1890, in the  
Water Closet of premises no 2 Forsyth  
street. Deponent swears that the said  
Mayer, may be committed for examination  
in order to enable deponent to produce  
proper evidence in Court against  
the said Mayer B. Rosenthal

Sworn to before me, this

day

Police Justice.

0007

Police Court, \_\_\_\_\_ District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Philip Moyer*  
*vs. Russia & Hays & Co.*

AFFIDAVIT.

Dated *Jan 7* 188*9*  
*M. M. M.* Magistrate.

*Neiderberg* Officer.

Witness, \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

0000

**Police Court, First District.**

City and County } ss.  
of New York,

Benjamin Rosenthal

of No. 2 Forsyth Street, aged 61 years,  
occupation Bath being duly sworn, deposes and says,  
that on the 31<sup>st</sup> day of December 1889, at the City of New  
York, in the County of New York, one Philip Mayer

(now present) did feloniously  
rape, ravish and carnally  
know deponent's daughter Gussie  
Rosenthal, a female under the  
age of sixteen years, to wit,  
of the age of nine years, in  
as much as he the said  
Philip Mayer did on or about  
the 31<sup>st</sup> day of December 1889,  
forcibly take the said Gussie  
Rosenthal in a water closet  
in the cellar of premises number  
2 Forsyth Street and did then  
and there let down his pants  
and placing the said Gussie  
on his lap did then and  
there insert his penis in  
her private parts in violation  
of the statutes in such case  
made and provided and  
especially of Section 278 of the  
Penal Code of the State of  
New York.

That deponent is informed by  
the said Gussie that the said  
Mayer did on said date commit  
said act and that the Doctors  
certificates hereto attached, show  
that said act has been committed.

Wherefore deponent prays that  
the said Philip Mayer may  
be dealt with according to law.

Benjamin Rosenthal

Sworn before me  
this 8 day of January 1890

W. H. H. H. H.

Police Justice



0009

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

*Phillip Mayer* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is *h<sup>is</sup>* right to make a statement in relation to the charge against *h<sup>m</sup>*; that the statement is designed to enable *h<sup>m</sup>* if he see fit to answer the charge and explain the facts alleged against *h<sup>m</sup>*; that he is at liberty to waive making a statement, and that *h<sup>is</sup>* waiver cannot be used against *h<sup>m</sup>* on the trial.

Question. What is your name?

Answer. *Phillip Mayer.*

Question. How old are you?

Answer. *35 years.*

Question. Where were you born?

Answer. *Romania.*

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

Answer. *2 Forsyth Street for 5 years.*

Question. What is your business or profession?

Answer. *Jeweler.*

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.*  
*Phillip Mayer*

Taken before me this

day of

January 1896

*Wm. H. Jackson*

Police Justice.

0090

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 Fifty 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 January 8 1890. A. J. McMahon Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0091

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court--- *63* District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Benjamin Rosenthal*  
*2 vs. Forsyth St*  
1 *Philip Mayer*  
2  
3  
4

Offence

*Section 278 Penal Code*

Dated *January 8* 18*90*

*W. E. McMahon* Magistrate.

*Heidelberg & W. 100* Officer.

*C. C.* Precinct.

Witnesses *Gussie Rosenthal*

No. *100 East 23* Street.

*William A. Fin*

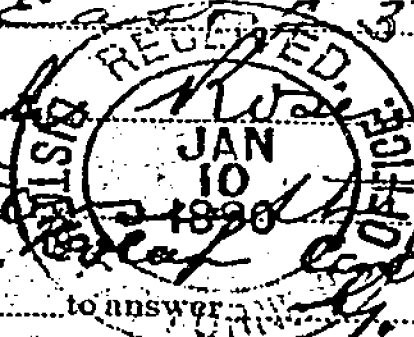
No. *150 East 23* Street.

*Sarah Rosenthal*

No. *150 East 23* Street.

*Patrick O'Leary* to answer

*[Signature]*





0092

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

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, January 22<sup>nd</sup> 1890.

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

*The People  
against  
Philip May.*

*Notice of Prosecution.*

*To the District Attorney of the  
City and County of New York,*

*Sir: This Society is interested in the prosecution of  
the above defendant, and is familiar with the facts of the  
case. It respectfully requests that before sending the papers  
to the Grand Jury, fixing the day of trial, consenting to  
any postponement thereof, or to any reduction of bail, or  
final disposition of the charge, you will duly notify me as  
its President and Counsel, so that I may confer with you  
in regard thereto. This request is made pursuant to the  
statute (Laws of 1886, Chapter 30, Section 1), and in  
furtherance of the ends of Justice.*

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,*

*President, &c.*

0093

N. Y. GENERAL SESSIONS

THE PEOPLE



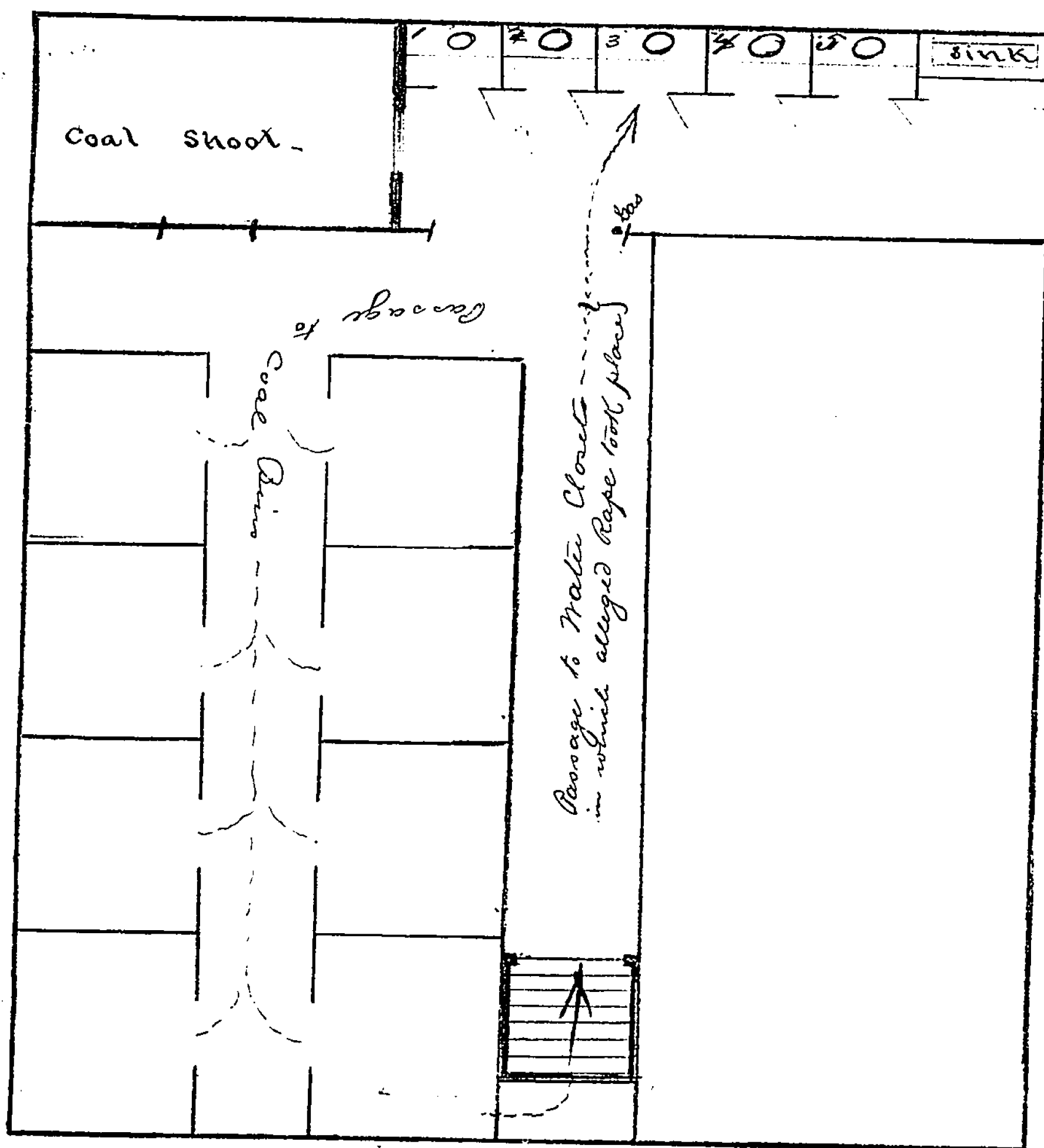
CRUELTY TO CHILDREN

NOTICE OF PROSECUTION  
BY THE SOCIETY.

ELBRIDGE T. GERRY,  
President, &c.

0094

# Diagram of Basement



Water Closet Dimensions of No. 3.

Height 6ft 10 in

Width 2ft -

Depth 4ft -

Height of seat from floor - 2ft 5 in



0095

STENOGRAPHER'S MINUTES.

First District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Benjamin Rosenthal

BEFORE HON.

vs. Philip Meyer

Samuel J. McManus

POLICE JUSTICE,

January 1890

APPEARANCES:

For the People,

For the Defence,

188

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Benjamin Rosenthal  
Gussie Rosenthal  
Sarah Rosenthal  
Patron Holan

D. C. Seltman

Official Stenographer.

0096

First District  
Peace Court }

Benjamin Roseenthal } Charged with  
agst } Rape  
Philip Mayer } Before Hon.  
Judge S. M. McKim  
Police Justice  
January 1st/90

Benjamin Roseenthal being duly  
sworn deposes and says  
By the Court

Will you kindly proceed and  
make the statement - that you  
made to me before :

Q I have got a business in the Bowery  
I attend to my business during  
the day, and I go home at 9 o'clock  
at night, last Friday I heard  
a report, and my daughter told me  
that my child was sick and  
told her to go to the dispensary, I  
asked her what was the matter  
and she said she could not

0097

Urinate and she always hiccups and  
 cys, and told her to go to the  
 dispensary with her or take her to  
 a doctor and let her be examined.  
 and when she said she was going  
 with her to a doctor, the child answered  
 her that she was feeling better.  
 She was afraid to tell me some  
 thing, and saturday my boy came  
 home and said Gusse was very  
 sick, so I went to my oldest daughter  
 and told her to go and see what  
 is the matter with the child, my  
 daughter examined her and she  
 said go right away for a doctor  
 and I sent her to Doctor Larsonson  
 of State what was the matter with her  
 A I came home and asked the child  
 what was the matter with her and  
 she told me Philip Meyer got  
 her by the hand and put his  
 thing into her private things  
 I answered her that is not so you  
 are sick and you must tell me



3 +

she told what is the matter, I said  
I will give you fifteen <sup>twenty</sup> minutes  
to tell me, and she commenced  
to tell me everything that stood  
against yesterday  
Defendants Counsel

I move to strike out the entire  
evidence of this witness being entirely  
hearsay; and that such that may  
not have been so as to show ex, <sup>on</sup> ~~on~~ <sup>on</sup> ~~on~~  
in action <sup>on</sup> the part of Gussie  
Rosenthal being to violate under  
the Penal Code to admit any  
evidence.

By the Court Motion Denied

Counsel Exception

Cof. Examine

Q Mr Rosenthal when did you have  
your first conversation with your  
daughter Gussie relative to the  
alleged act of rape committed  
by Mr Meyer upon her, the first  
time.

A Friday morning.

0099

4  
of Friday of last week,  
Ayesu.

of January 3<sup>d</sup> 1890.  
Ayesu.

of Did you go to a physician with your  
daughter Gussie?  
Ayesu.

of Do you know whether or not your  
daughter Gussie danced on the  
defendant's Meyer after the 3<sup>d</sup> of  
January 1890?  
Ayesu.

of Have you not frequently discovered  
that your daughter Gussie was in  
the habit of lying & stealing?  
Ayesu.

of But it true that your daughter Gussie  
is very weak minded, that  
she has not got good sense?  
Ayesu. She has got good sense.

of Further than your information that  
you received from your daughter  
Gussie in your talks with her  
you know nothing of your aunt

0100

Knowledge

A. N. O. S. i. the first time I saw him  
was Monday evening when the  
officer brought him into my place  
Defendant Counsel

I now renew my motion  
on the grounds already stated  
By the Court

Motion Denied  
Counsel Exception

th



Gussie Rosenthal being duly  
sworn deposes and says

By the Court

What is your full name?

A Gussie Rosenthal

Just look at the gentleman (meaning  
the defendant) and say if you  
ever saw him before?

A Yes Sir

Did you see him in the hallway?

A I saw him in the hallway

Of your house?

A Yes Sir

Where, in the house besides?

A Yes Sir

Tell me where you did see him  
what time?

A I saw him every night at 6 o'clock

Did you know him?

A Yes Sir

Did he do anything to you?

A Yes Sir

Tell me what he did to you?

A He took me down the water closet

and he locked the door  
 Q. what else did he do?  
 A. and he took off his pants  
 Q. and what else?  
 A. He sat me on his lap  
 Q. and what else did he do?  
 A. And he pulled out his <sup>penis</sup> priates  
 and he put them in his <sup>penis</sup> priates  
 Q. when was this day or times?  
 A. I think it was Tuesday  
 Q. How long did he keep you there?  
 A. a little while  
 Q. did he hurt you any?  
 A. yes sir  
 Q. Did you know?  
 A. yes and he put his hand to my  
 mouth.  
 Q. You are positive that he put his hand  
 to your mouth?  
 A. yes sir  
 Q. Look at the man. And state if you  
 are positive that that is the man?  
 A. yes sir  
 Q. You are sure that is the man? <sup>A. yes sir</sup>

Q What is his name?

A Philip Meyer

Q And he took you on his lap?

A Yes Sir

Q Did he lift up your clothes?

A Yes Sir

Q And put his private parts in your  
private part between your legs?

A Yes Sir

Q And Examined?

Q That was a week ago today?

A Yes Sir

Q Was it Tuesday of last week?

A I think so

Q Was it last week or was it a week  
before that?

A I think it was Tuesday of last week

Q Was it before or after Christmas?

A After Christmas

Q On a Tuesday?

A Yes Sir

Q About what time was it in the  
day?

A Eight time?



0104

9

Q/About what time?

A/About noon

Q/Was it done at that time?

A/Yes sir

Q/Very done?

A/Yes sir

Q/You live at number 2 Dorsey St. True?

A/Yes sir

Q/And you heard the lady of the house?

A/Yes sir

Q/Did you see her near the closet at or about noon on a Tuesday?

A/Yes sir

Q/Were you in the closet before Mr. Meyer?

A/Yes sir

Q/Was he in before you?

A/Yes sir

Q/Was this closet used by your family & the Meyers family?

A/Yes sir

Q/Who used this closet?

A/It is his mother's closet.

10

Q was he in the closet first?  
A yes sir.

Q and then you went in?  
A yes sir.

Q How did you get in?

A He took me in.

X Q where did he meet you to take you in?  
how far from the closet were you  
when you he met you? A He took you  
in.

A I was right by the door.

Q Was he in the outside or inside  
of the closet, and did he open  
the door and let you in or how was  
it?

A He pulled me in.

Q Did he see you before he went in  
the closet?

A Yes sir.

Q Was the door of the closet open?

A Yes sir.

Q Was he on the outside or inside of  
the closet when he met you?

A Inside.

11

Q And he then opened the door and  
let you in?

A Yes Sir

Q And you see him go in the closet  
before you got there?

A Yes Sir

Q And did you do there in that closet  
what made you go there, why were  
you standing near the door of the  
closet if you knew that Lewis inside  
objected to?

A I was not near it

Q How did you come to be there?

A He pulled me down

Q And did you happen to be near that  
closet?

A He pulled me there

By the touch

Q How far away were you from the  
closet when Mr Meyer first  
tried to pull you in, the closer  
how far away were you?

A I was not near it

Q How far away were you? were you



12

as far away as from here to the window  
or were you in the hallway, describe  
how far you were, where were you  
before this man took you to the  
closet? where did you first  
meet that man that day.

A In the hallway.

Q And did you go with him direct  
from the hallway to the closet?

A Yes Sir

Q And he took you by the hand and  
brought you to the water closet?

A Yes Sir

Cross Examination Continued

Q And did he put his hand over your  
mouth?

A Yes Sir

Q Where did he first put his hand over  
your mouth?

A In the hall way

Q Before you reached the closet?

A Yes Sir

Q Why did you not cry out before  
he put his hand over your mouth?

A: Did

you say that he locked the door?

A: Yes Sir

Q: But he inside?

A: Yes Sir

Q: And the first person you spoke to about this case was your papa?

A: Yes Sir

Q: You didn't tell your sister or mother at that time?

A: Yes Sir

Q: When did you tell your papa?

A: I told him the same night

Q: What was it, what did you tell him the Meyer had done?

A: I told him he pushed me down in the water closet, and he put his hand on my mouth, and he shut the door and he didn't want to let me scream, and he put his hand to my mouth, and he promised me something?

Q: What did he promise you?

A: Some candy and oranges

Q Why didn't you not speak to your papa  
the next day about this Gussie?

A I was afraid to

Q Did it hurt you the next day?

A Yes Sir

Q Did it hurt you very much last  
Friday?

A Yes Sir

Q You could not (see) (urinate)

A No Sir

Q And then you went to the doctor with  
your sister?

A Yes Sir

Q Could you (see) before Sunday or  
Friday?

A No Sir

Q And you could not see from the  
time you went with Meyer  
until you the water closet until  
you went to the doctor with your  
sister is that true?

A Yes Sir

Q Were you got the drawers you  
were on that day?



Objected to By the Court Sustained  
Counsel Exception

Q Did you wear the same drawers  
the next day after after this took  
place as you did on that day?

By the Court Excluded Exception  
Q Did you wear any drawers on that  
day?

By the Court Excluded Exception  
Q You say that Mr. Meyers took off  
his pants?

Answer

Q And what did he do in reference  
to your clothing?

A He picked it up

Q Did you have a look on?

Answer

Q Just a dress on?

Answer

Q And what else?

A A Petticoat, dress and drawers

Q Are there any bloody marks  
on your clothing afterwards?

Answer

g/ Much?

Ayes si

g/ where are the drawers that you were  
if you know?

A. They are home.

g/ Did you see Mr Meyer last Saturday?

Ayes si

g/ Do you remember what day of the  
week yesterday was?

Ayes si

g/ Do you remember when Mr Meyer  
was married?

Ayes si

g/ That is <sup>(2)</sup> two days ago?

Ayes si

g/ Did you call on him today before  
he was married and see him  
and his wife?

Ayes si

g/ were you in his room the day  
before he was married?

Ayes si

g/ were you in the room of the lady  
who is now his wife today?

0112

17

Before we married,  
Anasii

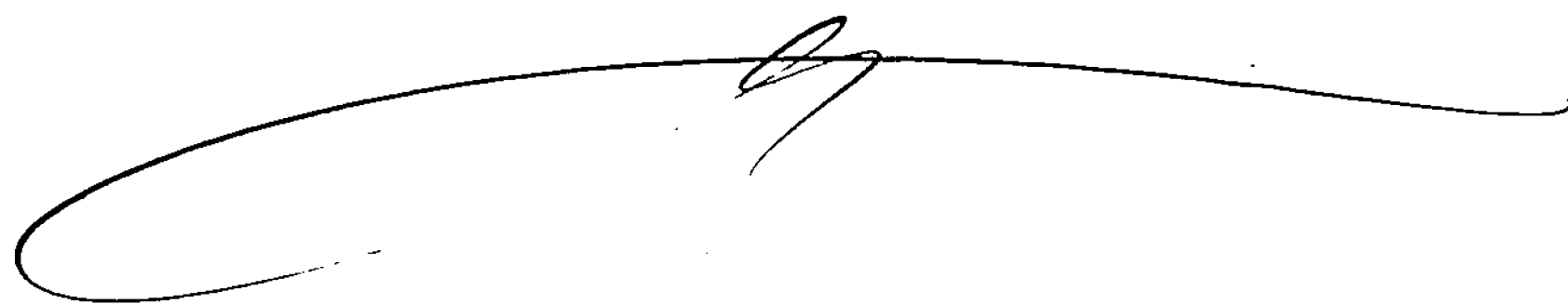
By the Court  
Q. Now you understand the question?  
Anasii

Q. This gentleman asks you if you  
were in his room the day before  
he got married?

Anasii

Q. Were you in his house?  
Anasii

Q. Were you in his wife's house?  
Anasii





Sarah Rosenthal being accused  
as a witness called on the part of  
the people being duly sworn deposes  
and says

By the Court

Where do you reside?

A I reside there

What do you know about this case

A Thursday I was sitting by the  
window and I saw Gussie to  
the butter store to get a pound of  
butter. I saw her was in a hurry  
and I said to her how are you  
making, and then I happened to  
see some up stairs, and when  
she came up I said what is the  
matter with you, and she said  
it hurts me very much, and  
I looked at her and saw it  
was all pained and soon  
all around and I said what  
is that for, and she said I don't  
know my drawers were wet  
and I thought it was for that

19

and let her go, and when her  
 father came home I said to him  
 Gussie is all soaked, and I said  
 I will put some sweet oil on  
 with wadding, and maybe that  
 will do her good, and I looked  
 and I saw some nasty stuff  
 some nasty green stuff running  
 out, and I said there was ~~the~~  
 something the trouble and he  
 said I should get the doctor  
 with her, and I said I will get  
 up early in the morning and  
 take her to the Essex dispensary  
 first, and I went there and it  
 was too late and could not get  
 in and I said the next day I  
 will take her to a doctor, so  
 Sunday morning I sent for the  
 doctor and it was half past  
 3 o'clock when he came and  
 held her on the bed and  
 examined her.

What else did she say to you?

0115

20

After the doctor had gone I said to  
 her Missie I want you to tell me  
 what is the matter with you in  
 this prescription the doctor gave me  
 it says if you don't lose me the  
 truth you are going to die and  
 she began to cry and then she began  
 to tell me little by little and  
 I said no it is not the truth, and  
 she would not tell me any more  
 but went to bed, and I told her  
 papa and told him to ask her  
 what was the matter with her  
 and he said he would in the  
 morning when she got up. and  
 when she got up in the morning  
 it took him half an hour to get  
 away from her, and he beat her  
 so I thought he would kill her because  
 she would not tell the truth  
 and he gave her 15 minutes time  
 to say what happened and then  
 she told the truth of everything  
 of at that time and she made



any statement by your father why  
she was afraid to tell him this.

A no sir

Q Now Examination

Q What is your age?

A 18 years

Q Are you a married woman?

A Yes sir

Q And what is your marriage name?

A My husband's name is Grivins

Q You first noticed something  
about your sister Gracie on

Thursday January 24<sup>th</sup> is that it?

A Yes sir the day after Thanksgiving

Q And that peculiarity was in her  
walk?

A Yes sir

Q Did you place her in a bed and  
and examined her that day?

A Yes sir

Q And what did you notice was  
the difference between her and  
other children?

A All that I saw was she was scolded

0117

22

and had red worms, and there  
was a sort of green substance  
coming from her  
of did she have drawers on at that  
time?

A No Sir

of did you ever see the drawers that  
she wore on Tuesday December  
31st?

Ans Sir

of did she ever show them to your  
father in your presence?

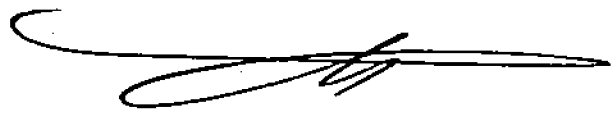
Ans Sir

of do you attend to the washing of  
your family?

A my woman does

of you live with your father now?

A yes Sir



0118

23

Benjamin Rosen that Reached.  
by the defendants Counsel  
Q Did you see your daughter on  
the day that Aaronson called on  
Thursday 21 of January?  
A When I came home she was  
asleep in bed

Q You didn't see her drawers did  
you that she wore? did you?  
A Never it is not any business to  
notice it

Q Did you ever tell your daughter Gussie  
to use the words private in  
testifying to anything that  
occurred in the prison?  
Answer





24

Patrie Rolan being duly sworn  
 deposes and says  
 That is your business?  
 A Sergeant detective  
 That is your age?  
 A 37 years  
 I state what you know of this case  
 A on Monday night between 5 and  
 6 o'clock I left police headquarters  
 and came down to number 2  
 In the street to arrest a man  
 charged with Rape and when  
 I got to the house I made some  
 inquiries and I went to the house  
 where Mr Rosenthal lives and  
 I saw the little girl Gussie and  
 I asked her if she knew the man  
 that took her to the water closet  
 and she said yes.  
 I left Counsel I objected to any  
 further conversation between  
 this witness and the girl in  
 the absence of the defendant  
 By the Court Sustained

25

A I went up stairs on the floor above  
and brought this man the depen-  
dant down stairs where Gussie  
was lies and I asked her if  
this was the man and she said  
yes, I read the warrant to him  
and took him to police headquarters

By Mr. Stoenberg

Q Did Gussie in your presence  
identify the man as the person  
who committed the rape on her?  
A Yes, Russell

Objected to

By the Court Admitted Exception  
Answer

Q Did she fully identify him?  
Answer

Case for the People.

Defendants Russell moves to  
expunge and strike from the  
record all the testimony of  
the witnesses Benjamin Rosenthal  
and Sarah Rosenthal so far  
as the testimony consists of

a conversation had with Gussie Rosenthal in the absence of the defendant

By the Court Motion Denied Exception

I also move to strike out from the files of this Court as a part of the complaint herein the alleged medical certificate attached to the complaint upon the ground of a failure to produce the physicians who gave such certificate depriving the defendant of his right to cross examine such persons, and as it now stands it is testimony that cannot be used against the defendant and is insufficient

By the Court Motion Denied Exception

The defendants counsel now moves for the discharge of the defendant and a dismissal of the complaint upon the ground that there is no corroborative proof of the rape as required



27

by section 283 of the Penal Code  
By the Court Motion Denied  
Counsel Exception

Depts Counsel

I now move the Court to allow  
me to issue subpoenas for 2  
witnesses to prove the falsity of  
the charge and in particular to  
prove that at that time the rape  
is alleged to have been committed  
the defendant was not at number  
2309 the Street,

By the Court,

You had plenty of opportunity  
of procuring all your witnesses  
when this case was first adjourned.  
You had 36 hours in which  
to procure your witnesses, and  
you stated to the Court on the  
adjourned day that you would  
be ready to proceed to day and  
close up your case. You in fact  
insisted upon going on to day.  
Depts Counsel

0123

28

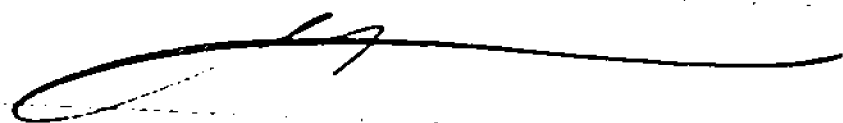
Alfred Darnell

I mean that your honor  
for I thought and was well  
satisfied that your honor would  
dismiss this complaint and  
for that reason I was ready to  
go on I have the housekeeper here now  
By the Court

If you have any further  
witnesses in Court proceed with  
them now  
Alfred Darnell

That I will not do,  
under the circumstances before  
my case now awaits further  
examination.

By the Court Motion Denied  
Defendant held to bail in  
sum of \$5000 dollars for trial  
General sessions



0124

63  
1st District Police Court.

Benjamin Rosenthal

vs.

Philip Meyer

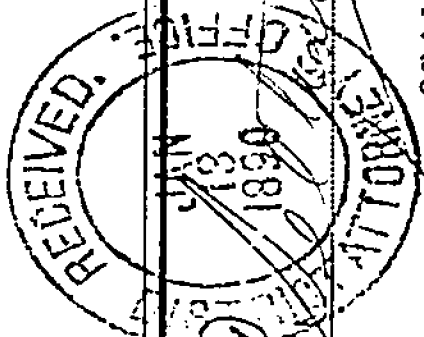
STENOGRAPHER'S TRANSCRIPT.

January 1880

BEFORE HON.

Paul F. W. M. M. M.

Police Justice.



Official Stenographer.



0125

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

THE PEOPLE OF THE STATE OF NEW YORK,  
*against*

*Philip Mayer*

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

The said *Philip Mayer*,  
late of the City of New York, in the County of New York aforesaid, on the  
*thirtyfirst* day of *December*, in the year of our Lord one thousand  
eight hundred and eighty-*nine*, at the City and County aforesaid, with  
force and arms, in and upon a certain female not his wife, to wit: one *Gussie*  
*Rosenthal*, then and there being, wilfully and,  
feloniously did make an assault, and her the said *Gussie Rosenthal*,  
then and there, by force and with violence to her the said *Gussie*  
*Rosenthal*, against her will and without her consent, did wilfully  
and feloniously ravish and carnally know, against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York and  
their dignity.

SECOND COUNT—

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

The said *Philip Mayer*,  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her the said *Gussie Rosenthal*, then  
and there being, wilfully and feloniously did make another assault, with intent her the  
said *Gussie Rosenthal* against her will and without her consent, by  
force and violence, to then and there wilfully and feloniously ravish and carnally know,  
against the form of the Statute in such case made and provided, and against the peace of  
the People of the State of New York and their dignity.

0126

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Philip Mayer* \_\_\_\_\_  
of the CRIME OF RAPE, committed as follows:

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

FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Philip Mayer* \_\_\_\_\_  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

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

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

0127

Fifth COUNT:—

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

of the CRIME OF RAPE, committed as follows:

The said Philip Mayer,

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

JOHN R. FELLOWS, *District Attorney.*



0128

**BOX:**

382

**FOLDER:**

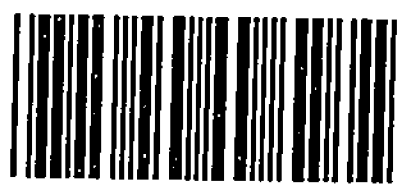
3560

**DESCRIPTION:**

McBride, Hugh

**DATE:**

01/24/90



3560

Witnesses;

*Opal Bowden*  
*24 Precinct*

*Recommend a plea  
per per law  
Feb 5/90  
dph*

*241*  
*1887 134 136 138 140 142 144 146 148 150 152 154 156 158 160 162 164 166 168 170 172 174 176 178 180 182 184 186 188 190 192 194 196 198 200*  
Counsel,  
Filed *24* day of *Jan* 18 *90*  
Pleads, *Magally*

THE PEOPLE

*30 counts of 1st degree murder*  
*2-10 years*

*Hugh Mc Bride*

Grand Larceny, 5th degree, [Sections 528, 538, 542, Penal Code].

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

*Jeffery*  
Foreman.

*Part III February 5/90*  
*Pleads. Petit Jury*

*Pen 6 months*

0129

0130

Police Court—

District.

## Affidavit—Larceny.

City and County } ss.  
of New York, }

of No. 436, E. 118 Street, aged 60 years,  
 occupation Insurance Broker being duly sworn  
 deposes and says, that on the 6th day of January 1890 at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the day time, the following property, viz:

One bronze figure of the  
value of fifty dollars.

(~~\$~~ 5,00)

the property of Thos. Olsson and in  
deposits care and custody.

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 Hugh W. Bride (Unworn) from the fact that at about the hour of 12.30 O'clock P.M. said date deponent missed said figure from the premises no 234 East 18<sup>th</sup> St. deponent went out and found this defendant on the corner of 121<sup>st</sup> St and 2<sup>nd</sup> Avenue in a saloon with the aforesaid figure in his possession.

Wherefore depaunt charges the  
said defendant with feloniously taking  
stealing and carrying away said  
property.

Chas B. Gibson



0131

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*Hugh W. Bride* 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.

*Hugh W. Bride*

Question. How old are you?

Answer.

*30 years old*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*585 Greenwich St 2 years*

Question. What is your business or profession?

Answer.

*Driver*

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*

*Hugh W. Bride*

Taken before me this

day of

June 1893

*Wm. H. Harrison*

Police Justice.

0132

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 *June 6* 18 *90* *Wm. H. Murray* Police Justice.

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

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

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

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

0133

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court---

5 45 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Edwin B. Green*  
*236 ts. East 118 St*  
*236*  
*Hugh McBride*

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

*Larceny (felony)*  
Offense

Dated *January 6* 18*90*

*Murray* Magistrate.

*Wm J. Borden* Officer.

*29* Precinct.

Witnesses \_\_\_\_\_

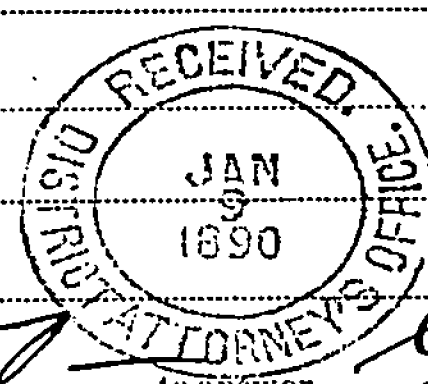
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000* to answer.

*Conrad* *922*





0134

**PART III.**

THE COURT ROOM IS IN THE FIRST STORY.

☒ If this Subpoena is disobeyed, an attachment will immediately issue.

☒ Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To

of No.

*Off Gordon*

Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the

1890

*February* at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

*Ralph M. F. Fendi*

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

JOHN R. FELLOWS, *District Attorney.*

0135

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Hugh McBride*

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

*Hugh McBride*

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

The said

*Hugh McBride*

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

*one bronze figure of the value  
of fifty dollars*

of the goods, chattels and personal property of one

*Ditz Elsasser*

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.

0136

SECOND COUNT—

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

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

The said

*Hugh McBride*

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,

*one bronze figure of the  
value of fifty dollars*

of the goods, chattels and personal property of one

*Fritz Elsass*

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

*Fritz Elsass*

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

*Hugh McBride*

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

JOHN R. FELLOWS,  
District Attorney.



0137

**BOX:**

382

**FOLDER:**

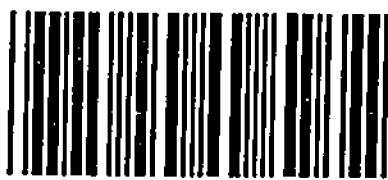
3560

**DESCRIPTION:**

McCaffrey, James

**DATE:**

01/21/90



3560

Witnesses:

Joseph Turnival

I have made a careful examination of the written case. The defendant is a man of good character but was intoxicated on the night of the assault. The complaint is a false one on the elevated R.R. was getting him from the station and informing me that he had beaten him very roughly before the defendant drew a pocket knife. The complaint received a slight cut on the hand. In view of the circumstances and the desire of the complaint to withdraw his complaint I respectfully recommend that the defendant be discharged on his own recognizance.

But 2 Feb 5/90

W. J. Ferone

Help Ash.

84.

277

Counsel,

Filed

day of

1890

Pleads,

THE PEOPLE

vs.

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

James Mc Caffrey

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. J. Ferone

Foreman.

Pr. Feb 5, 1890.

Discharged on his own recognizance on motion of Dist Atty J. J.

0139

Police Court—4—District.

City and County of New York, } ss.:

of No. 311 E 65th Street, aged 22 years,  
occupation Gateman being duly sworn

deposes and says, that on the 19 day of January 1892 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by James. Mc Caffrey (murderer)

who wilfully and maliciously cut  
my stabbed deponent on the hand  
with some sharp instrument then  
my then held in his handwith 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 19 day  
of July 1892

J. A. Furrival

J. Henry Rich Police Justice.



0140

Sec. 200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

4 District Police Court.

*James McCaffrey* 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*  
*James McCaffrey*

Taken before me this

day of

1894

Police Justice.

0141

*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* Symant

*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* Jan 19 90 J. Henry Davis *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.*

0142

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court

108 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Furrival  
311 East 66th St  
James McCaffrey

2  
8  
4

Dated Jan 19 1890

Magistrate

Officer.

23 Precinct.

Witnesses \_\_\_\_\_

No. \_\_\_\_\_ Street.

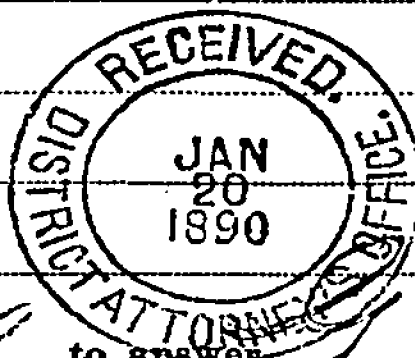
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 500 to answer

\_\_\_\_\_

\_\_\_\_\_



Wash



0143

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Mc Caffrey

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

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

The said

James Mc Caffrey  
late of the City and County of New York, on the nineteenth day of January, in the year of our Lord one thousand eight hundred and eighty-nine, with force and arms, at the City and County aforesaid, in and upon one Joseph A. Turnival  
in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said James Mc Caffrey

with a certain sharp instrument to the Grand Jury aforesaid unknown which he, the said James Mc Caffrey in his right hand then and there had and held, the same being then and there a weapon and an instrument and weapon likely to produce grievous bodily harm, him, the said Joseph A. Turnival, then and there feloniously did wilfully and wrongfully strike, beat, cut, 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.

## SECOND COUNT—

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

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

The said

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

Joseph A. Farnival  
in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make another assault; and the said

the said Joseph A. Farnival  
with a certain sharp instrument to the Grand Jury aforesaid unknown  
which he the said James Mc Caffrey

in his right hand then and there had held, in and upon the  
hand of him the said Joseph A. Farnival

then and there feloniously did wilfully and wrongfully strike, beat, cut, stab,  
bruise and wound, and did then and there and by the means aforesaid, feloniously,  
wilfully and wrongfully inflict grievous bodily harm upon the said Joseph A.  
Farnival to the great damage of the said Joseph A. Farnival  
against the form of the statute in such case made and provided, and against the peace of  
the People of the State of New York and their dignity.

**JOHN R. FELLOWS,**

*District Attorney.*

0145

**BOX:**

382

**FOLDER:**

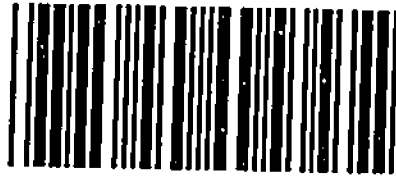
3561

**DESCRIPTION:**

McCaffrey, John

**DATE:**

01/09/90



3561





0147

CITY AND COUNTY  
OF NEW YORK, ss. —

POLICE COURT, 5<sup>th</sup> DISTRICT,

an officer of the New York Society for the Protection of Children  
of No. 100 East 23<sup>rd</sup> Street, aged 35 years,

occupation being duly sworn deposes and says  
that on the 14<sup>th</sup> day of December 1889

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

me. John Mc Caffrey, unlawfully & wilfully did  
at & in the liquor saloon situated at Number 1467 -

Third - Avenue as said City, sell & give away a certain  
strong & spirituous liquor to wit: a pint of mixed ale  
containing rum as ale - to me. Eva Mc Eutee  
who then and there being a child actually & apparently under  
the age of 16 years to wit: of the age of eight years

Whose parent says he said John  
Mc Caffrey - may be dealt with according to law

John Mc Caffrey

Sworn to before me this

of

December 1889

15<sup>th</sup> day

Police Justice.

0148

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss

District Police Court.

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

Taken before me this  
day of *March* 19*14*

Police Justice.



0149

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

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

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

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

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

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

Dated.....*Dec 17*.....1889.....*M. A. [Signature]*.....Police Justice.

0150

249  
Police Court---

44 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Geo H Young*  
vs.  
*John McCaffrey*

Offence

BAILED,

No. 1, by *Patrick Norton*  
Residence *1945-3d Avenue*

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street

Dated *Dec 14* 188*9*  
*Wilde* Magistrate.

*Young* Officer.  
*S. McC* Precinct.

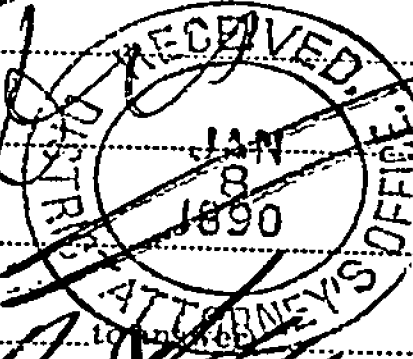
Witnesses

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

§ *Geo L. [illegible]*  
*W. L. [illegible]*  
*Filed 17 Dec 1889*  
See Report of N. Y. S. P. O. C.  
for information about defendant  
filed with these papers. If lost,  
notify the Society at once.



0151

District Police Court.

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

George H. Young.....

of Number 100 East 23rd Street being duly sworn,  
deposes and says, that on the 14th day of December 1889, at the  
City of New York, in the County of New York at No. 1967 Third Avenue in said  
City of New York, one John McCaffrey did unlawfully and wilfully  
sell a pint of mixed ale to one Elvira Evers, the said Elvira  
Evers being then and there a minor under the age of sixteen years,  
to wit, of the age of eight years, in violation of the provisions  
of § 290 of the Penal Code as amended by Chapter 170 of the Laws  
of 1889.

Wherefore the complainant prays that the said John McCaffrey  
may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 19th  
day of December 1889

Police Justice.



0152

POLICE COURT.....DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*George H. Young*  
*John McCaffrey*



CRUELTY TO CHILDREN.

*Selling liquor to  
minor.*

DATED.....18

Magistrate.

Clerk.

Officer.

Witnesses :

*E. Fellows Jenkins, Supt.,*  
*100 East 23d Street.*

*Harvey H. Chusman*  
*100 East 23d St*

*Elvira Evers*  
*215 East 108 St*

*Mrs Flora Evers*  
*215 East 108 St*

Disposition,.....

0153

The People  
vs.  
John McCaffrey.

{ Court of General Sessions, Part III.  
Before Judge Fitzgerald.

Tuesday, January 21, 1890

Indictment for violation of the Excise law.

George H. Young sworn and examined.

I am an officer of the New York Society for the Prevention of Cruelty to Children and have been in the employ of the society nine years. I am paid a salary, I remember the 14th of December of last year, I saw a little girl Elvira Evers on the night of the 14th of December at twenty-five minutes after eight o'clock enter the saloon of the defendant McCaffrey; she is eight years of age, I saw her enter the Defendant's saloon with a pail in her hand on the northeast corner of 108th Street and Third Avenue, No. 1965; the child was alone, Officer Clussman of the Society was with me, I followed the child into the saloon, I saw the Defendant, he was behind the bar; the child approached the bar and asked for a pint of mixed ale she then placed ten cents on the counter, he took the pail and filled it from a faucet and returned it to the child and took the money, I am sure the Defendant is the man; the child then left the place, I remained in the place, I understand Officer Clussman followed the child home.

Cross Examined.

The name of this child is Elvira Evers; I swore to the affidavit in the Police Court now shown me charging the Defendant with selling liquor to Eva McIntee on the 14th day of December, 1889 -- it is the same case. At the time the child was taken home -- Officer Clussman will testify to that -- she and

0154

her mother gave the name Eva McIntee. I made the complaint in the Police Court and swore that the Defendant in this action sold some ale to one Eva McIntee, it was on a Saturday evening. After Officer Clussman returned to the saloon I told the Defendant who I was and what my business was, I told him that I was an officer of the New York Society for the Prevention of Cruelty to Children and that I witnessed a violation of the law by selling ale to a minor, I then told him that he was under arrest; he said that he was proprietor of the place, that he was all alone and it would be a hardship for him to go to the Station House now. He said if I would let him go till to-morrow he would appear in the Police Court, which he did the next morning.

I was there, I drew the complaint and arraigned him before the Justice; I could not tell whether the other officer was there or not; the Defendant asked for an examination the next day in the afternoon, which was granted, I was not then prepared to go on with the case because I did not have the child and it was necessary to have her, the next day the case was adjourned again when that gentleman, (pointing to one of the Counsel) appeared as lawyer for the Defendant, I think it was on Sunday and think he made a motion and I opposed a motion to adjourn it. I asked the Judge that this child and the mother should appear; the next morning I obtained a subpoena from the Police Magistrate and Officer Clussman served the summons upon the mother and child; on the afternoon of the 16th I attended and the child and mother did not obey the subpoena, Officer Clussman was there and said he served the subpoena personally.



0155

I made an application to have this case adjourned which the Magistrate granted and on the next day I served a subpoena in company with Officer Clussman in person again and on the afternoon of the 17th neither the child nor the mother appeared, I explained it to the Police Magistrate, I think it was Judge Weldy, I did not state to the Magistrate that I had made a mistake in the name of the parties, I made a complaint against Eva McIntee, I am now making a complaint in reference to Elvira Evers, it is exactly the same person. How do you explain that? On the 17th of December when I went there to serve the subpoena I asked the mother of this child the reason why she did not attend Court on the day before. She stated to me that the name was wrong that the name was not McIntee. So I gave her a subpoena then and asked her why she did not attend on the afternoon of the 16th? She said that the reason she did not attend was the subpoena was made out in the name of McIntee. I told her "you know you ought to attend, it was served on you." She said "if you put in the name Evers and put in the girl's name Elvira, I will attend." I crossed out the name which I had in ink and inserted it in pencil, the name Evers. I made no other complaint before that magistrate or any other, I was examined before the Grand Jury.

The salary I get from the Society is ninety dollars a month and that is the only means of income I have. I swear that I never accepted money from liquor dealers and that I never told any liquor dealer that I would not make a complaint against him if he gave me a certain amount of money.

0156

Harvey H. Clussman sworn and examined.

I am an officer of the New York Society for the Prevention of Cruelty to Children, I saw the child Elvira Evers on the 14th of December at 1967 Third Avenue, I saw her purchase a pint of mixed ale, I saw her go into the saloon of the Defendant with a pail, Officer Young went in the front door and I went in the side door from the street, she said to the Defendant, "give me a pint of mixed ale", the pail was taken from her and the mixed ale given to her, McCaffrey was behind the bar, he drew the mixed ale from under the bar, the child went out of the side door and I followed her home, I went upstairs with the child and tasted what was in the pail and it was mixed ale, she paid ten cents over the bar for it.

Cross Examined.

This was 8.35 P.M.,

I looked at my watch. I will swear that the Defendant took the mixed ale from underneath the bar, I am pretty positive he did. I believe I was in Court on Sunday morning and saw Officer Young there. I was in Court yesterday, I gave the little girl's mother twenty cents for car fare, perhaps it was twenty-five cents, we always do, the Society pays our expenses beside our salary. I will swear that I never took money from liquor dealers for not making complaints against them. I do not remember whether I was in the Harlem Court every time this case was called up. I live in 117th Street and have lived there nearly four years. I do not remember that McCaffrey demanded an examination at the Police Court.

0157

Elvira Evers was called to the stand and examined by the Court as to her competency to testify and she was subsequently withdrawn by the Assistant District Attorney.

The People rested.



0158

The People  
vs.  
John McCaffrey.

{ Court of General Sessions, Part III.  
Before Judge Fitzgerald.

Tuesday, January 21, 1896.

Indictment for violation of the Excise Law.

Asst. Dist. Atty. Jerome for the People.

Mr.

Counsel for the Defendant.

John McCaffrey sworn and examined for the  
Defence, testified:

Q. Mr. McCaffrey, you are the Defendant in this proceeding.

A. Yes sir.

Q. What is your business.

A. My business is liquor dealer.

Q. Where is your place of business.

A. No. 1937 Third Avenue.

Q. How long have you had that place of business.

A. Five years on the 20th of November, I believe.

Q. No. 1937.

A. Yes sir.

Q. One of the officers said 1935 or 1975, they were mistaken  
were they not.

A. You have got their testimony there, I do not know, that is  
the number of my place.

Q. Mr. McCaffrey have you any pumps for ale under your bar.

A. No sir.

Q. None whatsoever.

A. No sir.

Q. Have you any pumps for beer under your bar.

A. No sir.

Q. You have none.

A. No sir.

Q. One of the officers testified that you took that ---- he  
said that you took a pail underneath the bar to draw some

0159

beer or ale, they must have been mistaken.

A. They must have been.

Q. Where are the pumps situated.

A. The pumps are situated --- one of those high family pumps standing up against the wall or against the fixtures, not under the bar.

Q. So that in order to draw ale you must have your back to the bar.

A. Yes sir.

Q. You could not have drawn it from underneath.

A. No sir.

Q. Do you know the little girl, you have seen her here, around the neighborhood.

A. I have seen her around the neighborhood; allow me, excuse me one moment, the first time that I ever seen the girl was once about five weeks ago. Her mother sent for me to go to the house; she told me she got a subpoena, I went up to the house; she asked me what she should do with regard to going to the Marlow Court the next morning; I told her, "do as you please"; I never saw the little girl until last Saturday night; the mother sent for me and told me to come down; she asked me what she would do; I said "go there by all means"; that is the only times I ever saw the girl to my knowledge.

Q. What truth is there in the allegation that you sold liquor on that day to her, the 13th of December.

A. No truth at all.

Q. The officer said he saw you sell liquor to her at 8.30 in the evening, where were you then.

2 A. I was in bed at the time.

0160

- Q. You were in bed. A. Yes sir.
- Q. Is that in the same house.
- A. The same house.
- Q. Where were you at 8.35 on the night of December 14.
- A. I was in bed.
- Q. Whereabouts was your bed.
- A. It is one flight of stairs up from the store.
- Q. Who was behind the bar at that time.
- A. The bar-tender I had that time, his name is White, Tommy White.
- Q. Is that your general custom, to go to bed about that hour.
- A. It is my general custom to have about an hour or two hours sleep before going to work every night; my regular time to go to work is about eight o'clock.
- Q. Your regular time is about eight o'clock.
- A. Yes sir.
- Q. That night how late did you stay upstairs.
- A. It was about nine o'clock when I got down stairs.
- Q. Did you see anybody when you went down stairs, any of the witnesses that have been excluded from this Court.
- A. Yes sir; the first man I seen after going down was that officer, Glassman; I know him perfectly well, I saw him as soon as I went down.
- Q. Do you see anybody that you know in the Court-room ~~when~~ that you saw when you first came down about nine o'clock.
- A. No sir.
- Q. Did you see anybody upstairs I mean after you finished your sleep.
- A. Yes sir.



0161

Q. Whom did you see.

A. Mr. John Callen.

Q. That was what time did you say.

A. That was about nine o'clock.

Q. Previous to that time what had you been doing.

A. I was asleep that time, I came out of my bed, combed my hair and ran down stairs and went to work.

Q. Who did you see when you went down stairs.

A. When I came down stairs there was quite a number in the store.

Q. You saw the two officers.

A. I did not know Mr. Young at the time, but the other gentlemen I know perfectly well, I seen him when I came down.

Q. What happened then, they came up to you did they, what occurred.

A. The first thing I done after I went into the store I sold ten cents worth of gin to a boy -- no sir, I sold seven glasses of beer for which Mr. Young left me down twenty-five cents and I demanded ten cents more. After that of course he charged me with selling ten cents worth of gin to the boy; on that charge I promised to meet them at court next morning, which I done and had the boy and the mother there.

Q. They charged you with selling ten cents worth of gin to a boy.

A. Yes sir.

Q. You told them you would meet them in Court.

A. Yes sir.

Q. So as the officers have described you went from time to

0162

time to the Court until you were finally discharged.

A. Yes sir.

Cross Examined by Mr. Davis.

Q. What was the name of the boy to whom you sold the gin.

A. I do not know his name, he lives at 1979 Third Avenue, Officer Young will give you the name, I would know him if I saw him again; he is not in Court, I have told my counsel Mr. Vanden, he knows him, he was in Court with his mother and the mother told him he was sixteen years of age on the 10th of December the mother told him so, she went up there to prove that the boy was of a proper age and when Mr. Young came to find out that he was he withdrew the charge. His father came and told me that and that the mother would go with me the next morning, for Officer Young was up in the father's house and the father came down to find out from me -- this boy's father's house.

Q. Officer Young you say was up in this boy's father's house.

A. Yes sir.

Q. And the father came down to you.

A. Yes sir.

Q. You do not know the name of the father nor the mother nor the boy.

A. No sir.

Q. But you do know where they live.

A. I know where they live, 1979.

Q. None of them are here to-day.

A. No sir, Mr. Young can probably tell you where they live, he knows all about them.

Q. Now, are you a married man.

0163

A. Yes sir.

Q. When you got up who was the first person you saw.

A. When I got out of bed?

Q. Yes sir.

A. Well, when I came out of bed -- it is almost the front room, I came out in the kitchen, there is seven rooms, I have got three children and with it was the children or the wife or Mr. Callan I do not know.

Q. Is Mr. Callan lodging with you.

A. No sir.

Q. Was he in your rooms when you got up, did you see him.

A. Yes sir.

Q. Did you see your wife and children.

A. Yes sir.

Q. What time was it.

A. It was about five minutes to nine o'clock.

Q. What time did you go to bed.

A. That night I went to bed about half past five.

Q. What time had you had your dinner.

A. I could not answer you that question I do not remember

Q. In the middle of the day.

A. I generally have my dinner about three or four o'clock, I went to bed at five or six, around there and I got up about five minutes to nine.

Q. You are quite sure it was not earlier.

A. I am sure it was not earlier.

Q. Will you swear it was not earlier than five minutes to nine.

A. I remember making the remark to my wife that I was an hour



0164

behind time to-night; I was in the habit of going to work at eight o'clock at night and I said to her that the young man will feel kind of bad.

Q. Was Mr. Callan present when you made that remark to her.

A. Yes sir.

Q. Did not you leave word what time you should awakened when you went to sleep.

A. No, if it is an hour or an hour and a half it don't make much difference, I never leave word.

Q. Is your bar-keeper Tommy White here.

A. I do not know, sir.

Q. You did not bring him here.

A. No sir, he is attending bar on the corner of 108th Street and Third Avenue.

Q. Did you have any conversation with the officers of the Society in your saloon.

A. Yes sir.

Q. Was it in the presence of Tommy White.

A. No, Tommy White was gone at this time.

Q. Was Tommy White there when the officers came in.

A. I do not believe he was, I hardly think so, no sir.

Q. Was there any bar-keeper at all there until you came down except Tommy White.

A. No sir.

Q. The officers were in your saloon before you came down.

A. Yes sir, they were.

Q. Tommy White was there when the officers were there.

A. Yes sir.

Q. When you came down stairs were the officers there.

A. I could not say they were in the store at the time.

0165

- Q. How long was it before any of them spoke to you.
- A. I was in the store not more than four minutes.
- Q. Tommy White went out as soon as you came in.
- A. Yes sir.
- Q. How did you know the officers had been there before.
- A. I did not know they had been there.
- Q. Did not you tell me in cross-examination a minute or two ago that the officers were there before you came down stairs.
- A. I believe the officers were there when I came down stairs I think so.
- Q. What makes you think so.
- A. I know I was not quite five minutes in the store when Officer Young requested me to meet him in the Harlem Court next day for selling the gin to this boy.
- Q. Did he ask you to give him any money.
- A. No sir, he did not.
- Q. Then the remarks that your counsel made in opening about the Society attempting to levy blackmail had no application to this case.
- Objected to.
- A. He did not ask no money of me.
- Q. It has no application to your case.
- A. No sir, not to mine.
- Q. They did not ask you for a cent of money to keep this thing quiet.
- A. No sir, not on this case.
- Q. Did they on any other occasion.
- A. They did.
- Q. When.
- A. About ten months ago.

0166

Q. What officer.

A. Well now, I don't like going too far -- Officer Grant

Q. Officer Grant is not here is he.

A. I don't know whether he is or not.

Q. Look around and see.

A. I do not see him.

Q. You know he was not here when you made that statement.

A. I did not know.

Q. Haven't you been in this court-room all day.

A. Yes sir.

Q. You do not see him.

A. I do not know whether he is here or not, I know him if I see him.

Q. You have not seen him in this court-room have you.

A. No sir.

Q. You had some talk with Mrs. Evers, didn't you.

A. I did.

Q. Did Mrs. Evers send to get some aid in your saloon that night.

A. Not to my knowledge.

Q. Did you ask her whether she had or not.

A. No sir, I did not.

Q. You did not ask her whether she knew anything about this case.

A. No sir; she sent word down to me that she got a subpoena to go to the Harlem Court; she asked me what she was going to do in the matter, I told her to do what she liked. Saturday night she asked me some question, I knew nothing about the case, she could go there if she wanted to.

Q. Officer Young ordered seven drinks when I got down to the



0167

saloon, him and his friends took the drinks.

Q. Did you know any of the six men that took a drink beside Young.

A. Yes sir, there was Dan O'Brien and John Lynch, I do not see them here to-day.

Q. Have you made any effort to get them here.

A. No sir.

Q. Who else beside O'Brien and Lynch.

A. Three more officers, Young's friends.

Q. Do you know their names.

A. No sir.

Q. Any of your friends present at that time.

A. Dan O'Brien and John Lynch are the only men I am acquainted with, they were standing in the store, they were not doing anything -- right about the center of the store; there was five of them together, Officer Young and the other man was there also.

Q. Did not you say a moment ago that you did not see Officer Young when you came down to the store.

Objected to.

Q. Did you say it or not, that you did not see the officer.

A. To the best of my opinion I could not say if Officer Young was not in the store when I came in, it was not more than three or four minutes afterwards when he came in.

Q. You have sworn that you saw Officer Young standing with O'Brien in the middle of the room.

A. I did not say any such thing -- why good gracious!

Q. You swore that when you came in Officer Young was standing with O'Brien and this other man in the middle of the room.

0168

is that true.

A. No sir -- hold on, I understood you to ask me the question who were these men whom Officer Young treated, if I was acquainted with any of them and my answer was simply, yes, the only two I was acquainted with out of the seven was Lynch and O'Brien.

Q. When you came down into the saloon did you see Lynch and O'Brien.

A. Yes sir, Lynch and O'Brien was in the store when I came in, somewhere in the center of the store, they were not doing anything.

Q. Who was with them.

A. There was three more men. I do not know their names.

Objected to. Objection overruled.

Q. Why was it that you told me a moment ago that Officer Young was with these men standing in the middle of the room, was it that you misunderstood the question.

A. I told you that Officer Young treated O'Brien and Lynch and three more friends of his.

Q. Have you got any explanation or qualification to make to that testimony.

A. No, I do not see that I have.

Q. It is true.

A. Yes sir.

Q. You did see Lynch, O'Brien and Young standing in the middle of the room.

A. Not when I first came into the store, the other men was in the store.

Q. Did Officer Young come up with these men to the bar.

A. Yes sir.

- Q. And he ordered beer did he, and only paid twenty-five cents.
- A. Yes sir, I told him that was ten cents more.
- Q. What did he say to that.
- A. He put his hand in his pocket and gave me the ten cents.
- Q. What did you say on your direct examination in regard to his failure to pay that ten cents.
- A. That is all I have got to say that Officer Young asked this Dan O'Brien and John Lynch, who were two friends of his to have a drink.
- Q. Did he then threaten to arrest you, when you asked him to pay the additional ten cents.
- A. He left down the ten cents. I reminded him it was ten cents more, he told me about the boy case that I sold ten cents worth of gin to a boy; he asked me would I be up at the Harlem Court the next day and I told him I would.
- Q. Did he ask anything about wanting to remit the ten cents.
- (No answer.)
- Q. Who was present when he talked to you about selling the boy this gin.
- A. These people that were with him in the store.
- Q. O'Brien and Lynch.
- A. O'Brien and Lynch.
- Q. Present and within hearing.
- A. O'Brien and Lynch and those other three men, I do not know who they were.
- Q. You know where O'Brien lives.
- A. I know he lives in 108th Street.
- Q. Have you been there to look for him.
- A. No sir.
- Q. Have you told your Counsel about him.



0170

A. Yes sir, he was up in the Harlem Court the first morning I was there.

Q. He is not here now.

A. No sir.

Q. Is Lynch here to-day.

A. No sir.

Q. Do you know where Lynch lives.

A. I know where his brother lives, corner of 100th Street and Third Avenue.

Q. Have you made any effort to find him.

A. No sir.

Q. You knew yesterday that this case was on for to-day, did you not.

A. Yes sir.

Redirect Examination.

Q. When you were up at the Harlem Court you demanded an examination, didn't you.

A. Yes sir.

Q. How many times did you demand an examination.

A. Well, I was kept there three days.

Q. And every time you demanded an examination.

A. Yes sir.

Q. When did you first see me about this case.

A. I believe about Friday or Saturday of last week, I think it was, I am not sure which day, either Friday or Saturday.

Q. Did I tell you to have those witnesses in Court.

A. No sir.

Q. Well, is Tommy White still in your employ.

A. No sir.

0171

Q. Do you know where he lives.

A. He is attending bar for Max Lynch, 109th Street and Third Avenue.

Q. You are employing now his brother.

A. No sir, not his brother, a man named McGovern.

By a Juror. Q. I would like to know if the witness can state whether that officer whom he mentioned, Mr. Grant, is an active officer now in the employ of the Society for the Prevention of Cruelty to Children.

Jerome: He is.

By Counsel. Q. Is there a sign on your bar that you do not sell to children under age.

A. Yes sir, I have a sign about that big. (Illustrating.)

Q. Have you any witnesses in Court that have seen you object to selling to children.

Objected to. Objection sustained.

The Jury rendered a verdict of guilty.

0172

丁

THESE RESEARCHES ARE SUPPORTED BY THE COMMISSION OF THE EUROPEAN COMMUNITIES.

(c)  $\alpha = \beta$ ,  $\gamma = \delta$ . In this case,  $\alpha + \beta = \gamma + \delta$ .

PO BOX 7777 ALBUQUERQUE, NM 87107

1. 100-100000 100-100000 100-100000 100-100000 100-100000 100-100000 100-100000 100-100000 100-100000 100-100000

SECRET

*[Signature]* 77-150 - 189 pgs. 10/16

TO: SAC, NEW YORK (100-100000) FROM: SAC, NEW YORK (100-100000) (P)

100000: 10 78.

LIGA.DOTYK. 01.05.10. 01.05.10. 01.05.10.

SECRET - CONFIDENTIAL - NO FORN DISSEM TO ANY COUNTRY

[illegible]

THE UNIVERSITY OF CHICAGO • 54 E. MICHIGAN STREET, CHICAGO, ILL. 60607 • TEL. 312/937-1234 • FAX 312/937-1234

\* 1990-1991 1992-1993 1994-1995 1996-1997 1998-1999 2000-2001 2002-2003 2004-2005 2006-2007 2008-2009 2010-2011 2012-2013 2014-2015 2016-2017 2018-2019 2020-2021 2022-2023 2024-2025 2026-2027 2028-2029 2030-2031 2032-2033 2034-2035 2036-2037 2038-2039 2040-2041 2042-2043 2044-2045 2046-2047 2048-2049 2050-2051 2052-2053 2054-2055 2056-2057 2058-2059 2060-2061 2062-2063 2064-2065 2066-2067 2068-2069 2070-2071 2072-2073 2074-2075 2076-2077 2078-2079 2080-2081 2082-2083 2084-2085 2086-2087 2088-2089 2090-2091 2092-2093 2094-2095 2096-2097 2098-2099 2100-2101 2102-2103 2104-2105 2106-2107 2108-2109 2110-2111 2112-2113 2114-2115 2116-2117 2118-2119 2120-2121 2122-2123 2124-2125 2126-2127 2128-2129 2130-2131 2132-2133 2134-2135 2136-2137 2138-2139 2140-2141 2142-2143 2144-2145 2146-2147 2148-2149 2150-2151 2152-2153 2154-2155 2156-2157 2158-2159 2160-2161 2162-2163 2164-2165 2166-2167 2168-2169 2170-2171 2172-2173 2174-2175 2176-2177 2178-2179 2180-2181 2182-2183 2184-2185 2186-2187 2188-2189 2190-2191 2192-2193 2194-2195 2196-2197 2198-2199 2200-2201 2202-2203 2204-2205 2206-2207 2208-2209 2210-2211 2212-2213 2214-2215 2216-2217 2218-2219 2220-2221 2222-2223 2224-2225 2226-2227 2228-2229 2230-2231 2232-2233 2234-2235 2236-2237 2238-2239 2240-2241 2242-2243 2244-2245 2246-2247 2248-2249 2250-2251 2252-2253 2254-2255 2256-2257 2258-2259 2260-2261 2262-2263 2264-2265 2266-2267 2268-2269 2270-2271 2272-2273 2274-2275 2276-2277 2278-2279 2280-2281 2282-2283 2284-2285 2286-2287 2288-2289 2290-2291 2292-2293 2294-2295 2296-2297 2298-2299 2300-2301 2302-2303 2304-2305 2306-2307 2308-2309 2310-2311 2312-2313 2314-2315 2316-2317 2318-2319 2320-2321 2322-2323 2324-2325 2326-2327 2328-2329 2330-2331 2332-2333 2334-2335 2336-2337 2338-2339 2340-2341 2342-2343 2344-2345 2346-2347 2348-2349 2350-2351 2352-2353 2354-2355 2356-2357 2358-2359 2360-2361 2362-2363 2364-2365 2366-2367 2368-2369 2370-2371 2372-2373 2374-2375 2376-2377 2378-2379 2380-2381 2382-2383 2384-2385 2386-2387 2388-2389 2390-2391 2392-2393 2394-2395 2396-2397 2398-2399 2400-2401 2402-2403 2404-2405 2406-2407 2408-2409 2410-2411 2412-2413 2414-2415 2416-2417 2418-2419 2420-2421 2422-2423 2424-2425 2426-2427 2428-2429 2430-2431 2432-2433 2434-2435 2436-2437 2438-2439 2440-2441 2442-2443 2444-2445 2446-2447 2448-2449 2450-2451 2452-2453 2454-2455 2456-2457 2458-2459 2460-2461 2462-2463 2464-2465 2466-2467 2468-2469 2470-2471 2472-2473 2474-2475 2476-2477 2478-2479 2480-2481 2482-2483 2484-2485 2486-2487 2488-2489 2490-2491 2492-2493 2494-2495 2496-2497 2498-2499 2500-2501 2502-2503 2504-2505 2506-2507 2508-2509 2510-2511 2512-2513 2514-2515 2516-2517 2518-2519 2520-2521 2522-2523 2524-2525 2526-2527 2528-2529 2530-2531 2532-2533 2534-2535

С. А. Давыдов и И. Ю. Давыдова

• ALSO TO •

V. NO. 72 - "COAST GUARD" BOAT, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 258

8. DO NOT KNOW ANYONE IN TIAO.



0173

John Callen sworn and examined.

I remember doing a job for Mr. McCaffrey on a Saturday night but do not remember the date, he told me the Monday afterwards he was in trouble and wanted me to go the Harlem Court to help him out, I told him I could not unless I had a subpoena, my business was so I could not leave it.

I was fixing up a stove for him, I work in the day time over in the Navy Yard and did this job in the evening, I commenced the job at eight o'clock and it took me an hour and a half to do it. I did not see Mr. McCaffrey that evening until I was pretty near through with the job, he came into his room and said, "I am late, I am behind time"; then when I got through the job it was half past nine, I went down to the bar-room and got my pay for it.

Cross Examined. He told me that somebody had got him up for selling to a child under age, he did not say whether it was a boy or girl. When I went down to the bar-room I did not recognize this Officer Young. I knew Tommy White, the bar-keeper, I did not notice him there when I got down, I know McCaffrey about three or four years, I saw him yesterday and told him I would be here to-day; I had no talk with him about the case.

Raphael Van Dam, one of the Counsel for the Defendant, was sworn and examined. The witness told of the proceedings in the Harlem Court and of the different adjournments of the case. The witness said he was familiar with the store of the Defendant and stated that there were no ale pumps under the counter.

0174

Thomas Johnson sworn and examined.

I am in the real estate business and have been for five years, I know McCaffrey five years and that his reputation for veracity is good.

George H. Young recalled, by Mr. Jerome.

I did not order seven glasses of beer that night in the saloon of the Defendant and did not pay him twenty-five cents for it, I know a party named O'Brien that was in there that night drunk but know nobody by the name of Lynch, I did not know the bar-keeper Tommy White and he was not there that night.

The Jury rendered a verdict of guilty.

V. G. Court of General Session.

The People of the State of  
New York

John Mc Caffrey

City & County of New York ss:

Eugene Van Schaick  
being duly sworn deposes & says.  
I am the junior partner of the  
firm of Vanter Van Schaick  
the attorneys for the defendant  
herein. We ask for an adjournment  
herein on the ground that an  
important witness of our client  
named John Lauseadel & residing  
at No. 1970 Third Avenue in  
the City of New York is sick at  
home & unable to leave his  
bed as defendant is informed  
& believes. Without said witness  
we cannot go to trial without  
disjustice to our client as he  
is a material witness to the  
defense which is in complete

Without his evidence  
to be given in this  
case of Jan 1898  
Raphael Van Damm  
Corn of Weeds  
N.Y.C.

Eugene Van Schaick



0176

District Attorney's Office.

*Part 3*

PEOPLE

vs.

*John H. Coffey*

*January 21st 90*

*Served Person*

*Paul Perine Jan. 20th 90*

*Jan. 20/90*

0177

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

The People

v.

BRIEF FOR THE PEOPLE.

John McCaffrey.

STATEMENT OF THE CASE.

The complaint against the prisoner is for unlawfully and wilfully selling a pint of mixed ale at No. 1967 Third Avenue on December 14, 1889, to Elvira Evers a little girl aged 8 years. The facts appear in the evidence.

EVIDENCE FOR THE PEOPLE.

GEORGE H. YOUNG. - Is an officer of The New York Society for the Prevention of Cruelty to Children. On the day in question while in Third Avenue, at the north-east corner of 108th Street which is No. 1967 Third Avenue, witness observed a little girl with a pail in her hand enter the saloon and saw her purchase from the proprietor, the defendant, a pint of mixed ale and pay ten cents for the same. Witness was in company with Officer Clussman of the same Society, and he followed the child out to ascertain her residence. Witness then notified defendant to attend the District Court at 9 A.M., or he would be arrested on warrant. On Sunday December 15th witness attended the 5th District Police Court and there found defendant, who was arraigned before Police Justice Welde. An examination was demanded and set down for the 16th inst. Witness obtained subpoenas for the mother and the child. On the 16th the case was called for examination and ad-

0178

2

journed to the 17th, neither the mother nor the child being present. On attempting to serve the subpoenas the second time, the door was found to be locked. Another effort was made with the like result. On a third effort being made, a man was found in charge of the premises who stated that the child would be in court and that the name had been erroneous. Later the case was dismissed by Justice Welde, the magistrate stating as a reason that as defendant had attended court on two occasions and was ready for the examination, it was a hardship towards defendant to adjourn the case further. The officers applied to the Justice to adjourn the case for the purpose of causing the subpoenas to be served personally, and stated that as the woman was served once and had not attended it was a proper case for adjournment, which was refused.

HARVEY H. CLUSSMAN. - Is an officer of The New York Society for the Prevention of Cruelty to Children. On the 14th December was present with Officer Young at No. 1967 Third Avenue and saw the sale as stated by the officer. Witness followed the child to 215 East 108th Street where she delivered the ale to her mother who was in the apartments of a Mrs. Hunter. The child gave her name as Eva McEntee, but her name was discovered to be Evers and the woman's name Flora Evers. Witness tasted what was in the pail and it was ale. Will corroborate the preceding witness as to what subsequently transpired.

MRS. EVERS. - Resides at	Is the mother
of the child Elvira Evers.	Knows the child's age and will testify
thereto as above stated.	



0179

3

ELVIRA EVERS. - Is the child in question, and will testify  
as to the sale to her of the ale.

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

John  
McLafferty.

BRIEF FOR THE PEOPLE.

PENAL CODE, §

Section 100.00, § 100.00

0181

**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 Mc Caffrey*

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

*John Mc Caffrey*  
of a MISDEMEANOR, committed as follows:

The said

*John Mc Caffrey*

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

*fourteenth* day of *December* in the year of our Lord

one thousand eight hundred and *Eighty-nine* at the City and County aforesaid,

certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of

wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of

cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of

lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury

aforesaid unknown, unlawfully did sell to one *and cause to procure to be sold*

*child actually kept* *Elvira Evers*  
who was then and there a *minor* under the age of *fourteen* years, to wit: of the age of

*eight* years, as *the said*

~~then and there well knew and had reason to believe~~; against the form of the statute in such

case made and provided, and against the peace of the People of the State of New York,

and their dignity.

JOHN R. FELLOWS,  
District Attorney.



0182

**BOX:**

382

**FOLDER:**

3561

**DESCRIPTION:**

McCannis, Mary

**DATE:**

01/07/90



3561