

0861

BOX:

189

FOLDER:

1917

DESCRIPTION:

Rees, William

DATE:

09/21/85



1917

POOR QUALITY ORIGINALS

0062

Witnesses:

Counsel, *J.H. [unclear]*
Filed *21* day of *July* 188*5*
Pleads, *Not Guilty*

THE PEOPLE
vs.
B
William D. Reed
30 Bank
46 1/2 [unclear]

(Section 219, Penal Code.)

ASSAULT IN THE THIRD DEGREE.

RANDOLPH B. MARTINE,
District Attorney.
No 196 Ex or 1485
Oct 14 pleads guilty.
A True Bill,
Chas H. Kammell

Foreman

POOR QUALITY ORIGINALS

0063

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William A. Rees

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

William A. Rees

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

The said William A. Rees,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the 26th day of August, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, in and upon the body of one Louis Saverio, in the peace of the said people then and there being, with force and arms, unlawfully did make an assault and did then and there unlawfully beat, wound and illtreat, to the great damage of the said Louis Saverio, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

POOR QUALITY ORIGINALS

0864

BAILED.

No. 1, by *Mary Ann Bonaparte*
 Residence *210 Bank St*
 Street

No. 2, by *John Bonaparte*
 Residence *210 Bank St*
 Street

No. 3, by _____
 Residence _____
 Street

No. 4, by _____
 Residence _____
 Street

Police Court *D. 876* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Danvers
vs. *William Pees*

1
2
3
4
Offence *Assault*

Date *August 20* 188

Wm. Pees
Magistrate.

Wm. Pees
Precinct.

Witnesses _____
Street.

No. _____
Street.

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

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 *August 20* 188 *Wm. Pees* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY ORIGINALS

0865

Police Court 2nd District.

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

of No. 15th Precinct Police Louis Tancredi Street,

on Wednesday the 26 day of August being duly sworn, deposes and says, that

in the year 1887, at the City of New York, in the County of New York,

~~that~~
he was violently ASSAULTED and BEATEN by William Kils-
(non sue) who struck deponent
on the head with his clenched
hand. Kils was in the discharge
of his duty as a police officer
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 the above assault, &c, and be dealt with according to law.

Sworn to before me, this 26 day of August 1887 } Louis Tancredi
W. H. Herde POLICE JUSTICE.

POOR QUALITY ORIGINALS

0866

Sec. 193-200.

20

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

William Rees

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

Question What is your name?

Answer William Rees

Question. How old are you?

Answer 30 Years

Question. Where were you born?

Answer. W.S.

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

Answer. 46 Park Street 7 Years

Question What is your business or profession?

Answer Baker

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 was intoxicated
W. A. Rees

Taken before me this

day of August 1888

W. A. Rees
Police Justice

0867

BOX:

189

FOLDER:

1917

DESCRIPTION:

Reid, Henry M.

DATE:

09/15/85



1917

Witnesses:

Counsel, *B. J. U. Cahill*
Filed *15* day of *Sept* 188*5*
Pleads *of 1st degree*

Grand Larceny 2nd degree
[Sections 528, 531 Penal Code]

THE PEOPLE

vs.

P
Dunham. Bird

RANDOLPH B. MARTINE,

District Attorney.

No 100
ix talp
A True Bill. *ind fac quita*

Chas H. Russell

Foreman.

Sept 28th
A. H. B.
- Oct 2nd 1885

0869

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Denny M. Reid

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

Denny M. Reid

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

The said *Denny M. Reid,*

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

one valise of the value of ten dollars, two coats of the value of fifteen dollars each, two vests of the value of five dollars each, and two pairs of trousers of the value of seven dollars each pair,

of the goods, chattels and personal property of one *Alexander Sanford.*

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.

Randolph B. Martin,
District Attorney.

0070

Police Court District. 933

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Howard J. Taylor
203 Fremont Street
Chicago, Ill.
Offence: Grand Larceny

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated Sept 9 1885

Offence

Magistrate.

James J. Magistrate.

Officer.

Witnesses

No. 1

No. 2

No. 3

No. 4

\$

to answer Sessions.

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

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 Sept 9 1885 John J. ... Police Justice.

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

Dated 1885 Police Justice.

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

Dated 1885 Police Justice.

0071

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } SS

Henry M. Reid 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. *Henry M. Reid*

Question. How old are you?

Answer. *43 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *219 E. 36th St. 3 years*

Question. What is your business or profession?

Answer. *Master*

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*

Taken before me this 9 day of *September* 188*7* }
Henry M. Reid
Police Justice.

0872

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 26 years, occupation Bar tender of No. 203 Bond Street, being duly sworn deposes and

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

Sworn to before me, this 9th day of Jan 1885

Joseph H. ...
Police Justice.

1885
JAN 9
ALEXANDER TAYLOR

CHIEF

0073

Police Court—First District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. 212 Front St Long Island Hotel Alexander Taylor 69 years,
occupation Hotel Keeper being duly sworn

deposes and says, that on the 7th day of September 1887 in 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 large Trunk containing two suits of clothes and a quantity of wearing apparel and some silver ware altogether of the value of thirty five dollars

the property of In the care and custody of deponent as proprietor of Long Island Hotel

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 Henry M Reid (now here)

from the fact that deponent missed a large trunk from the store room in said Hotel and deponent was informed by John Dick a Bartender in said Hotel that he saw the said defendant coming out of the Hall way and leaving said Hotel with a large leather trunk in his possession at about the hour of six o'clock & thirty minute A.M. on said date.

Wherefore deponent charges the said defendant with taking, stealing and carrying away said trunk containing said clothes

Alex Taylor

Sworn to before me, this 7th day of September 1887
John M. ...
Police Justice.

0074

BOX:

189

FOLDER:

1917

DESCRIPTION:

Reilly, John

DATE:

09/16/85



1917

0075

BOX:

189

FOLDER:

1917

DESCRIPTION:

Darcy, Walter

DATE:

09/16/85



1917

POOR QUALITY ORIGINALS

0076

X

Counsel,
Filed 16 day of Sept 1885
Pleads Charged

Robbery, First degree,
[Sections 224 and 228, Penal Code.]
THE PEOPLE
vs
John B. Biddell
and I
William Darnell
H. D.

RANDOLPH B. MARTINE,
District Attorney.
Pr. Oct 26. 1885
tried & acquitted
NO 116
not tried & awarded

A True Bill. 9/12/85
Sept. 16 10 21 AM
Sept 21 1885
Foreman.
William B. Wright
John Brown Wright
William Wright

Sept 24
S. P. H. 4 years.

Witnesses:

T

POOR QUALITY ORIGINALS

0077

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 Riddley
and
Walter Dorey

The Grand Jury of the City and County of New York, by this indictment, accuse John Riddley and Walter Dorey of the CRIME OF ROBBERY in the first degree, committed as follows:

The said John Riddley and Walter Dorey, each

late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty-first day of August, in the year of our Lord one thousand eight hundred and eighty-five, in the time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one John Draggan, in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of five

dollars,

of the goods, chattels and personal property of the said John Draggan, from the person of the said John Draggan, against the will, and by violence to the person of the said John Draggan, then and there violently and feloniously did rob, steal, take and carry away, each of them the said John Riddley and Walter Dorey being then and there aided by an accomplice actually present

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

John Reddy

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

The said *John Reddy*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *thirty first* day of *August*, in the year of our Lord one thousand eight hundred and eighty *five*, at the Ward, City and County aforesaid, with force and arms,

one watch of the value

of five dollars,

of the goods, chattels and personal property of *John Drapper,*

Raymond Walter Dancy and

by *—* certain *other* persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

John Drapper

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

John Reddy

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

RANDOLPH B. MARTINE,
District Attorney.

0079

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court District 917

THE PEOPLE, &c,
ON THE COMPLAINT OF

John Hansen
James Hansen
John Bull
William Bull
Offence Robbery

Dated August 31 1885

White Magistrate

Kuchnia Officer

313 Precinct

Witnesses

No. Street

No. Street

No. Street

No. Street

\$ 1000 to answer

Street

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 1000 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 August 31 1885. Charles White Police Justice.

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

Dated _____ 1885. _____ 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 _____ 1885. _____ Police Justice.

0000

Sec. 198-200.

H District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Walter Darcy 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 Walter Darcy

Question. How old are you?

Answer 17 years

Question. Where were you born?

Answer. United States

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

Answer. 130th Street + 13th Avenue. 7 months

Question What is your business or profession?

Answer 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. Not guilty

Walter Darcy

Taken before me this

31

day of February 1887

[Signature]

Police Justice.

0001

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

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

Question What is your name?

Answer

John Reilly

Question. How old are you?

Answer

15 years

Question. Where were you born?

Answer.

United State

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

Answer.

135th Street & 4th Avenue. 8 years

Question What is your business or profession?

Answer

Turnsmith

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.

Not guilty

John Reilly

Taken before me this

13th

day of *August* 188*8*

Wm. J. ...

Police Justice.

0002

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT—FOURTH DISTRICT.

John Duggan
of No. 138 Street,

being duly sworn, deposes and saith, that on the 31 day of August
1885 at the 23rd Ward of the City of New York, in the

County of New York, was feloniously taken, stolen, and carried away, from the person of deponent, by force and violence, without his consent and against his will, the following property, viz:

one silver watch

of the value of five Dollars,
the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away, by force and violence as aforesaid, by

John Keilly & William Dorey
(both nowhere) from the follow-
ing facts to wit: That at the
time of said robbery deponent
was attacked & beaten by de-
pendants & two others. That
immediately after said beat-
ing deponent missed from
his possession the above-
described property. That at
the time of said beating de-
ponent had said property
in his possession. That
deponent was informed of police
George C. Dubois ^{of the} that ^{the}
(Dubois) after the time of said
robbery found in the poss-
ession of dependant Keilly
the above described property.

J. Duggan

Sworn to before me, this
day of August 1885
John Duggan
Police Justice.

0003

BOX:

189

FOLDER:

1917

DESCRIPTION:

Rigsby, William

DATE:

09/28/85



1917

POOR QUALITY ORIGINALS

0004

Rullman & Cooney
Counsel,
Filed *[Signature]* 1886
Pleas, *[Signature]*

THE PEOPLE
vs. *R*
William Croft
ASSAULT IN THE THIRD DEGREE.
(Section 219, Penal Code.)

RANDOLPH B. MARTINE,
R. 2 6/4 29/87. District Attorney.
ind. & acquitted.
NO 27

A True Bill.

Chas H. Kammell
[Signature]
Foreman
April 27 1886
[Signature]

Witnesses:

.....
.....
.....

0005

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Ragdon

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

William Ragdon

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

The said *William,*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *18th* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the Ward, City and County aforesaid, in and upon the body of one *Margaret Smith,* in the peace of the said people then and there being, with force and arms, unlawfully did make an assault and *then* the said *Margaret,* did then and there unlawfully beat, wound and illtreat, to the great damage of the said *Margaret,* against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0006

Tom Gorman

New York, April, 28th 1866

Mr. Martine,

Dear Sir,

Please bring this case of Wm. Rigby up to-morrow as Dr. Huber has no time to spend and I wish this case to be pushed on. I want this man punished for this offence as he satisfied himself by beating and robbing me of my wedding ring. His counsel tried to settle with me but my Husband would not allow it under any circumstances and I want him punished to the full extent of the law.

0007

Respectfully

Wm. W. Finis
117 E. Broadway.

00000

P-1019
Police Court - 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Margaret - Tim
117 East Broadway

1 William Rogoby

2
3
4

Offence Assault

Dated Sept 22 1885

Magistrate
Officer
Precinct

Witnesses

No. Street

No. Street

No. Street
to answer

Street
Dunkel

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 William Rogoby

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 Sept 22 1885 [Signature] Police Justice.

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

Dated Sept 22 1885 [Signature] 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.

00009

Sec. 151.

Police Court _____ District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Margaret Timm
of No. 117 East Broadway Street, that on the 18 day of Sept
1885 at the City of New York, in the County of New York,

she was assaulted and beaten
by one William Rigoby

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

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

Dated at the City of New York, this 21 day of _____ 1885

[Signature]
POLICE JUSTICE.

Police Court _____ District.

THE PEOPLE, Co.,
ON THE COMPLAINT OF

Margaret Timm
vs

Wm Rigoby

Warrant-General.

Dated Sept 21 1885

[Signature] Magistrate.

[Signature] Officer.

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

Officer.

Dated Sept 22 1885

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, 9:15 PM Sept 21/85

Native of NY

Age, 25 yrs

Sex, _____

Complexion, _____

Color, White

Profession, Seaman

Married, No

Single, Yes

Read, Yes

Write, Yes

0890

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

William Rigoby

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

Question What is your name?

Answer

William Rigoby

Question. How old are you?

Answer

25 years

Question. Where were you born?

Answer.

New York City

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

Answer.

Cherry Street one day

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 - I was arrested at the time of the alleged assault and taken to the Station House and the Complainant was present and the Sergeant at the desk in the Station house refused to entertain the Complainant and said the Complainant was to blame and that it was a beer quarrel

W Rigoby

Taken before me this

day of

1888

Police Justice.

POOR QUALITY ORIGINALS

0091

Police Court _____ District.

CITY AND COUNTY }
OF NEW YORK, } ss.

of No. 117 East Broadway Street, aged 42 years,
occupation Housekeeper being duly sworn, deposes and says, that
on the 18 day of Sept 1885 at the City of New York,
in the County of New York,

he was violently **ASSAULTED** and **BEATEN** by William Rishy
who pulled deponent by the hair of the
head and knocked her down and
kicked her several times about the
head and body

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 the above assault, &c, and be dealt with according to law.

Sworn to before me, this 21 day of Sept 1885
Margaret Tim
mark

Police Justice.

POOR QUALITY ORIGINALS

0092

Police Court, 1 District.

THE PEOPLE, &c.,
on the complaint of

Margaret Smith

vs.

William Riechy

Offence—Assault & Battery

2
3
4

Dated Sept 21 1888

Duffy Magistrate.

Officer.
Clerk.

Witnesses,
No. Street,
No. Street,
No. Street,
\$ to answer Sessions.

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty 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 1888 Police Justice.

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

Dated 1888 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 1888 Police Justice.

POOR QUALITY ORIGINALS

0093

POLICE COURT / DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

William Rigby

vs.

On Complaint of

Margaret-Ann

For

Assault

After being informed of my rights under the law, I hereby ~~waive~~ ^{General Demand} a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated

Sept 25 188*5*

J. H. Duffy

Police Justice.

W. Rigby

0894

BOX:

189

FOLDER:

1917

DESCRIPTION:

Robertson, Robert

DATE:

09/30/85



1917

POOR QUALITY ORIGINALS

0095

Counsel, *R. B. Murrell*
Filed *20* day of *Sept* 188*5*
Pleads, *Am. & Lib. Petition*

THE PEOPLE
vs.
Edward Roseston
[Sections Penn Code]

RANDOLPH B. MARTINE,

Res on Mo. of Del. & Bail de ch. & A True Bill.
Dec 14/85

Edw. M. Murrell
Foreman
Spec'd by Judge
Upon Quindell

Witnesses:
For the reasons stated
in annexed report
of Asst. Dist. Atty.
- Temple & recommend
that within indict-
ment be dismissed
- & bail discharged,
Dec. 13/85
- Randolph B. Martine
Dist. Atty.

POOR QUALITY
ORIGINALS

0096

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Robert Robertson

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

Robert Robertson of the Crime of Perjury
committed as follows:

Wherefore, to wit: at a Special Term of
the Supreme Court of the State of New
York, holden in and for the City and
County of New York on the first Monday
of January, 1885, before the Honorable
Walter Beach one of the Judges of the
Court of Common Pleas for the City and
County of New York, Judge then duly
designated by the Governor of the said
State to hold the said Term of the said
Supreme Court, Justice of the said Court,
the issues theretofore duly joined in the
said Court between one Kate M. Sherman,
plainiff and Walter R. Sherman, defendant
in a certain action for absolute divorce,
then depending in said Court, came on to
be tried in due form of Law, and were
then and there, before the said the
Honorable Walter Beach, Justice as aforesaid,
duly tried; and upon the said trial of
the said issues, the said Robert Robertson

State of the City of New York, in the County
 of New York aforesaid, then and there
 appeared and was produced as a witness
 for and on behalf of the said State of
 Sherman, the Plaintiff in said action, and
 was then and there in due form of law
 sworn, and did take his solemn oath
 before the said the Honorable Chief
 Justice of said Court, that the
 evidence which the said Robert Robinson
 now should give upon the said trial, touching
 the matters in question between the
 said Plaintiff and Defendant in the said
 action, should be the truth, the whole
 truth and nothing but the truth, (the
 the said the Honorable Chief Justice
 Justice as aforesaid then and there
 having full and competent power and
 authority to administer an oath to the
 said Robert Robinson in that behalf
 and at and upon the said trial of the
 said issues so signed as aforesaid, to
 wit: on the 10th day of January, in the
 year aforesaid, at the City and County
 aforesaid, the following questions re-
 spectively then and there became and
 were material, that is to say: whether
 on a night between the 1st and 5th days
 of September, 1852, the said Robert

Robertson had seen one Clara Minsky in the bedroom of one Walter R. Sherman, in the house number 110 East 10th Street in said City, in her night gown, and whether the said Clara Minsky had then asked him the said Robert Robertson any question concerning the whereabouts of said Walter R. Sherman; and whether the said Robert Robertson had then said that the said Walter R. Sherman was out; and whether the said Clara Minsky then said that she would wait for him the said Walter R. Sherman there, to wit: in the said Walter R. Sherman's said bed-room; and whether the said Clara Minsky did wait in the said bed-room until the said Walter R. Sherman came into said room; and whether after the said Walter R. Sherman came into said bed room, he the said Walter R. Sherman addressed, the said Clara Minsky being in said room addressed at the same time; and whether the said Robert Robertson then went into the said Clara Minsky's room in said house; and whether in about fifteen minutes thereafter the said Clara Minsky came back into her said room, and the said Robert Robertson then went back to the said

Walter R. Sherman's bed room, and whether
 she said Walter R. Sherman and Robert
 Robertson remained in said bed room
 during the said night. and whether
 after the said Robert Robertson returned
 to said Walter R. Sherman's bed room, he
 she said Robert Robertson asked the said
 Walter R. Sherman what sort of a light
 was this? and whether the said Walter R.
 Sherman then laughed and ~~was~~ asked
 the said Robert Robertson if he had not
 enjoyed himself; and whether the said
 Walter R. Sherman then told the said
 Robert Robertson that about two or three
 nights before the said night above mentioned
 he the said Walter R. Sherman had come
 home rather late and heard some one
 moaning in said Clara Minsky's room, and
 went in said room and asked said Clara
 Minsky what was the matter, and ^{that} whether
 the said Clara Minsky then said she was
 not well and that the said Walter R.
 Sherman then went into said Clara
 Minsky's room and took her a bottle of
 brandy in, and that said Clara Minsky
 very soon recovered, and that the said
 Walter R. Sherman ~~then~~ enjoyed himself
~~the remainder of~~ the said night with said Clara Minsky, and

whether the said Robert Robertson com-
 municated the matters aforesaid to one
 Frank Edwards in the latter part of the
 year 1882 or in the early part of the year
 1883, and ~~that~~ whether the said late W.
 Sherman was acquainted with said
 matters in 1884, and whether the said
 Walter B. Sherman, on the night therein
 first mentioned told ~~that~~ the said Robert
 Robertson that he the said Walter
 B. Sherman had on said night conversed
 with the said Clara Murray meaning thereby
 that he had sexual intercourse with the
 said Clara Murray. And the said Robert
 Robertson, being so sworn as aforesaid,
 and contriving and intending to prevent the
 due course of law and justice and unjustly
 to aggrieve the said defendant in the said
 action, upon the said trial of the said issues
 therein, upon his oath aforesaid, on the said
 10th day of January, 1885, at the City and
 County aforesaid, before the said the
 Honorable Miles Beach, Justice as aforesaid,
 said feloniously, wilfully, knowingly
 and corruptly, did falsely swear, depose,
 and say, amongst other things, in sub-
 stance and to the effect following, that
 is to say:

Between those dates (the said) meaning

between the 1st and 15th day of December
 1882 he (hereby meaning the said Walter
 R. Sherman) asked me (hereby meaning
 myself the said Robert Robertson) to call
 and I (myself the said Robert Robertson
 meaning) did so and after talking awhile
 and so forth he (meaning the said
 Walter R. Sherman) went out and told
 me (meaning myself the said Robert
 Robertson) he (meaning the said Walter
 R. Sherman) would be back presently -
 to make myself (meaning myself the said
 Robert Robertson) comfortable, and if I
 (meaning myself the said Robert Robertson)
 got tired to go to bed. It was a very stormy
 night by the bye (meaning the said night)
 and under these circumstances I
 (meaning myself the said Robert Robertson)
 consented to stay. I (myself the said
 Robert Robertson meaning) think
 about ten or eleven ^{at night} o'clock (myself the
 said Robert Robertson meaning) had gone
 to bed at the time, and was dozing -
 asleep - ~~the~~ when the gas was turned
 up - I (myself the said Robert Robertson
 meaning) left the door (the door of the said
 Walter R. Sherman's said bed room meaning)
 open of course, it was his (the said

Walter R. Sherman's (meaning) room, and I
 (meaning myself the said Robert Robertson)
 woke up and before me (meaning myself
 the said Robert Robertson) stood a female,
 I (meaning myself the said Robert
 Robertson) noticed her name was Clara
 Munn (whereby meaning the said Clara
 Munn) in her night gown, who (meaning
 the said Clara Munn) asked me (myself
 the said Robert Robertson meaning) if
 Walter (meaning the said Walter R.
 Sherman) was in, or where was Walter
 (meaning the said Walter R. Sherman)
 something to that effect. I (meaning
 myself the said Robert Robertson)
 said he (meaning the said Walter R.
 Sherman) was out. She (meaning the
 said Clara Munn) said she (meaning the
 said Clara Munn) would wait for him
 (whereby meaning the said Walter R.
 Sherman) there (meaning in the said
 Walter R. Sherman's said bed room)
 and she (meaning the said Clara Munn)
 did wait until he (meaning the said
 Walter R. Sherman) came in, which I
 (meaning myself the said Robert Robertson)
 think was about one o'clock. After he
 (meaning the said Walter R. Sherman) came
 in he (meaning the said Walter R. Sherman)

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undressed - she (meaning the said Clara Minsz) was undressed, and I (meaning myself the said Robert Robertson) went into her (the said Clara Minsz's meaning) room. In about fifteen minutes she (meaning the said Clara Minsz) came back into her own room (meaning the said Clara Minsz's said room) and then I (meaning myself the said Robert Robertson) went back to Mr. Sherman's (meaning the said Walter R. Sherman's) room, and we (meaning myself the said Robert Robertson and the said Walter R. Sherman) remained there in the same bed during the night. (meaning the said night) after returning to the room (meaning the said Walter R. Sherman's said bed room) I (meaning myself the said Robert Robertson) asked him (the said Walter R. Sherman meaning) what sort of a job was this. He (meaning the said Walter R. Sherman) laughed and asked me hadn't I (meaning myself the said Robert Robertson) enjoyed myself. He (meaning the said Walter R. Sherman) told me (meaning myself the said Robert Robertson) the way he (the said Walter R. Sherman meaning)

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made her (the said Clara Minsky meaning) acquaintance was that about two or three nights before (before the said night meaning the said Walter R. Sherman) he had come home rather late and heard ~~outside~~ some moaning in her (meaning the said Clara Minsky) room, and that he (meaning the said ~~Walter R. Sherman~~ Walter R. Sherman) went in and asked her (meaning the said Clara Minsky) what was the matter, and she (said Clara Minsky meaning) said she (meaning said Clara Minsky) was not feeling well, and he (meaning the said Walter R. Sherman) went into her (meaning the said Clara Minsky) room and took her (the said Clara Minsky meaning) a bottle of brandy in and she (meaning the said Clara Minsky) very soon recovered, and he (meaning the said Walter R. Sherman) enjoyed himself ^{the remainder of} that night with ^{her} (the said Clara Minsky meaning); after (meaning myself the said Robert Robertson) went back to his (the said Walter R. Sherman's meaning) room he (meaning the said Walter R. Sherman) told me (myself the said Robert Robertson meaning) that he (the said Walter R. Sherman meaning) stayed with her (she meaning that the said Walter R. Sherman

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had told him the said Robert Robertson
in substance and effect that on the night
first herein referred to he the said Walter
P. Sherman had had sexual intercourse
with the said Clara Mining. In the end of
1882 or the beginning of 1883, I (meaning
myself the said Robert Robertson) com-
municated this story (meaning thereby
the matters aforesaid) to Mr. Eldridge,
(meaning thereby the said Frank Eldridge)
I (meaning myself the said Robert
Robertson) am sure she (meaning the
said Kate M. Sherman) was acquainted
with it (meaning the matters aforesaid)
in 1884.

Whereas in truth and in fact between
the said 1st and 15th days of September
1882 the said Walter P. Sherman did
not ask the said Robert Robertson
to call, and the said Robert Robertson
did not do so, and after talking and so
forth the said Walter P. Sherman did not
go out, and did not tell the said Robert
Robertson that he would be back presently
to make himself comfortable and if the
said Robert Robertson got tired to go
to bed, and whereas in truth and in fact
the said night was not a ^{very} stormy night

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and whereas in truth and in fact
the said Robert Robertson did not
think that about ten or eleven o'clock
at night - when he the said Robert
Robertson had gone to bed and was
dozing - asleep - the gas was turned
up - and the said Robert Robertson
did not leave the door of said Walter
R. Sherman's said ^{bed} room open, and
the said Robert Robertson did not wake
up and ~~afraid~~ the said Clara Minsz
did not stand before him in her night
gown, and did not ask him the said
Robert Robertson if the said Walter
R. Sherman was in, or where the
said Walter R. Sherman was, or any-
thing to that effect. And the said
Robert Robertson did not say the said
Walter R. Sherman was out, and
the said Clara Minsz did not say
she would wait for the said
Walter R. Sherman in the said
Walter R. Sherman's said bed room,
and the said Clara Minsz did not
wait until the said Walter R.
Sherman came in. And after the
said Walter R. Sherman came in the
said Walter R. Sherman did not
address, and the said Clara Minsz

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was not undressed, and the said
Robert Robertson did not go
into the said Clara Minsky's room,
and the said Clara Minsky did
not come back into ^{our} room in
about fifteen minutes and the
said ~~Robert Robertson~~ did
not then go back into the said
Walter R. Sherman's said bed
room, and they the said Robert
Robertson and the said Walter
R. Sherman did not remain there
in the same bed during the said
night. And after returning to said
Walter R. Sherman's said bed
room the said Robert Robertson
did not ask the said Walter R.
Sherman what sort of a job
was this, and the said Walter R.
Sherman did not laugh and
did not ask him the said
Robert Robertson hadn't he enjoyed
himself, and the said Walter R.
Sherman did not tell the said
Robert Robertson the way
he made the said Clara Minsky's
acquaintance was that about two
or three nights before the said night

In the said Walter R. Sherman
 had come home rather late and
 heard some weeping in the said
 Clara Minsky's room and that
 the said Walter R. Sherman went
 in and asked her the said Clara
 Minsky what was the matter and
 that she said she was not feeling
 well, and that he the said Walter
 went into the said Clara Minsky's
 room and took her a bottle of
 brandy in and that she the
 said Clara Minsky very soon
 recovered, and that he the said
 Walter R. Sherman ~~stayed~~
~~stayed~~ the remainder of that
 night with her the said Clara
 Minsky and whereas in truth
 and in fact after the said
 Robert Robertson went back
 to said Walter R. Sherman's said
 bed room the said Walter R.
 Sherman did not tell him
 that he the said Walter R.
 Sherman had stayed with the
 said Clara Minsky, ~~and that~~
~~and that~~ ~~the said~~ ~~Robert~~
 and had ~~not~~ told him the said Robert
 Robertson in substance and

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effect that on the night first herein mentioned he the said Walter R. Sherman had had sexual intercourse with the said Clara Mims.

And whereas in truth and in fact he the said Robert Robertson did not communicate the matters aforesaid to the said Frank Etheridge in the end of 1882 or beginning of 1883, and he the said Robert Robertson was not sure that the said Kate W. Sherman was acquainted with said matters in 1884; all of which ^{material} said matters as aforesaid by him the said Robert Robertson then and there sworn to, deposed and said, as aforesaid he the said Robert Robertson then and there well knew to be in all things utterly false and untrue.

And so the Grand Jury aforesaid do say that the said Robert Robertson, in manner and form aforesaid, feloniously, wilfully, corruptly, knowingly and falsely, did commit wilful and corrupt perjury; against the form of the Statute in such

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are made and provided, and
against the peace of the People
of the State of New York, and
their dignity.

Randolph B. Martine

District Attorney.

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James

Frederick

Robert

John Robertson

REPORT.

For the District Attorney.

Wm. B. ...

Dated *Dec 3* 188*7*

Wm. B. ...
Assistant.

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Walter R. Sherman sworn and examined.

I am Inspector of Customs in the port of New York and have been in that occupation between eight and nine years; I have lived at various places in Brooklyn and New York; at that time I had a furnished room and took my meals elsewhere; a portion of the year 1882 I lived at 110 East 10th Street, I was married on the 13th of November, 1875 in this city at the Church of the Transfiguration in 29th St. by Dr. Houghton; I lived with my wife until about four years ago; there was an action for divorce brought against me by her in year 1883; Robert Robertson was a witness in that case; I was living at 110 East 10th Street from the 7th to the 15th of September, I am acquainted with Robertson and first became acquainted with him in 1882, I had business transactions with him, he called to see me on several occasion when I lived at 110 East 10th Street; he might have been to my house between the 7th and 15th of September but I do not remember; he never slept all night at 110 East 10th Street from the time I first became acquainted with him; he never on any occasion called at my house in the neighborhood of eleven or half past ten and I never left the room, leaving him in the room, not to my best recollection; I never came back and found him undressed after having slept in my bed; if I went out he went with me, I never left him sleeping in my house. I never went back about one o'clock in the morning and found him undressed and a woman by the name of Clara Menz undressed with him; I never came home and found Robertson in my room and Clara Menz undressed and never went into

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her room and remained fifteen minutes with her; I never told Robertson after leaving the room that I was with her fifteen minutes and had connection with her; I never told Robertson that previous to the night which he swears to that I heard a woman mourning in the room and that I took a bottle of brandy there to revive her and that she revived and that I then had connection with her. All that Robertson testified to in the divorce case concerning infidelity to my wife as regards Clara Menz, is false.

Cross Examined. I am between thirty-four and thirty-five years old; before I became Inspector of Customs I was a student at Cornell University; I was in the employ of Arnold, Constable & Co. in this city as collector about two years before I went to the University, that was in 1869. My wife was seventeen years old when I married her and I was twenty-one. If I had any formal introduction to Robertson it was probably by my brother Robert M. Sherman, who is an Attorney at Law, Robertson was employed as my brother's clerk. I did not meet his brother Donald Robertson about that time; my brother Roger M. Sherman, at the time I became acquainted with Robertson, I think was living either at Stamford, Conn. or in East 55th Street between Park and Lexington Avenues. I have seen Robertson at my house and at my brother's in 55th Street, I do not recollect of his being there more than twice, I have staid all night at my brother's house with Robertson, I think not occupying the same bed but different beds and not in the same room. My brother had gone out of town and left Robertson in charge of the house with the keys to try

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and sub-let it to some other tenant; it was a furnished house and Robertson was in charge of it as the janitor to show it to any persons who applied to rent it. It was not left by my brother's wife; my impression is that Roger was in Washington. I recollect going to a French ball soon after my introduction to Robertson, but I did not go with him, I borrowed a dress coat from Robertson which I think belonged to his brother. I was intimate enough with him to trust him as a detective, I hired a furnished room of him in January, 1883, he was living in comfortable circumstances, I think I was there about five weeks altogether, I know James Annett, I knew a woman named Clara Menz, she was a servant in the house where I roomed, I have had no intimacy or acquaintance with her, she was a servant in 110 East 10th Street, I saw her last about twenty minutes ago and before that about two months ago, I did not see her yesterday, I saw her two months ago in East 76th Street, I do not remember the number, she was the occupant of a portion of a tenement house, it was between First and Second Avenue, or between Avenue A and First Avenue, I learned her residence from a subpoena which was sent to me by mistake to my house at 425 Fourth Avenue, it was addressed to Clara Menz and sent to me, I took it to her, I had never been in that house before; I saw her next before that I think at the Essex Market Police Court when Robertson was tried before Judge Patterson. I saw Clara in a restaurant on the corner of Chamber St. about a block from this court room, the day we left the Grand Jury, the last time. Officer Long said to me it was only common decency to give the girl some lunch and

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he went with me to the restaurant, I saw her at the Yorkville Police Court, I do not recollect ever seeing her at Roger Sherman's office. I know that Clara Menz made an affidavit in support of the motion for a new trial in the case against my wife but I never read it, I know this fact by reading a printed brief which was presented to Judge Vanvorst, I do not know where she was when she made that affidavit. I made an affidavit also in my brother's office, I did not see Clara there then. I knew she was a servant in the house because she performed the ordinary duties of a servant, I staid at the house 110 East 10th Street about two months, she was there when I left, I do not know how often she was in my room, the room was made up every day when I came home at night, I remember her more than once coming to my room early in the evening, about six or seven o'clock, I never gave her money or anything of value except getting her lunch at the request of Officer Long, I never gave her money directly or indirectly. I might in my lifetime have gone under some other name than my own but not within the last three or four years, I do not remember ever having written a letter and signed it by any other name than my own in the last three years, that I remember, I may or may not, I might have written a letter and signed a fictitious name for a joke, I never was introduced to anybody as somebody other than Walter R. Sherman. I do not think the paper now shown me is in my hand-writing, I do not remember having written any such communication to anybody. I will say this, that looks like my hand writing, I have not any recollection of

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having written it.

Counsel reads: "August 14, 1882. Dear Anna: I enclose you eight dollars for this week. Please write by mail at once and give me all the news of the last two days. Yours, Frank Conway."

Witness: Anna is not my wife's first name. I believe the gentleman now pointed out to me is Mr. Robertson's father, I swear that I never made any threats against that old gentleman, I met him in an elevated railway car but nothing of an unpleasant character occurred between us; my brother Roger M. Sherman and he had a personal altercation in which they exchanged words, blackguarding each other in the car, some grievance that one had against the other.. I know my brother said something offensive but what it was I do not know and I do not know the offensive epithet that old Robertson hurled against him, I do not remember my brother calling him a Scotch pimp. You would harm Robertson, the prisoner, if you could? I do not think I should violate the law to have it rebound on me. If I did not violate the law and it was not a violation of the law, of course I would harm him -- human nature would not be otherwise, in justice resentment for an injury, but I should not do it to punish myself. I never had sexual intercourse with Clara Menz at any time. I have known James Annett pretty well for five or six years and know his wife, I know she has procured a limited divorce from him. Mrs. Annett never came to my lodging house in 10th Street to my knowledge. I do not know that my brother Roger Sherman is now Mrs. Annett's lawyer and has got

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him in jail for not paying alimony; I had no intimacy with Clara Menz and I did not speak to James Annett about intimacy with her. I never said to Annett, "it is no use for you to play the lover to Clara, there is no use of playing such a racket to me -- besides I give her two dollars every time I have to do with her." Do you recollect the night Clara Menz came to your room and put a plaster on you?

A. Yes, somebody put it on me, I don't know who put it on me. It was put on my abdomen, I do not know who put it on because I was in too much pain, Clara Menz and James Annett were present, James Annett accompanied me from his house to my lodging house; I think Clara went down stairs to prepare the plaster. I never admitted to Annett in any terms that I had sexual connection with Clara Menz, I never told Annett that Clara at the beginning of our ^{il}licit connection she threatened to harm me and to find my wife and expose me, I deny that I had any ^{il}licit connection with her and deny that I ever told him any such thing. I do not know whether I asked Annett or he asked me to visit a gambling house; I never asked him to go to a house of ill fame with me, he never asked me to go to a house of ill fame, but to Theiss's -- that is as near as ever I came to any such experience. I saw Mrs. Annett last about three hours ago and also last evening, I do not know whether Annett is in jail, she did not tell me he is in jail, I am friendly with Mrs. Annett, I am intimate with her to the extent that any gentleman can be to a lady, no further, I do not visit her frequently. Charles

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W. Brook acted as my attorney on the complaint before the magistrate, my brother Roger M. Sherman did not, he was the attorney for the People before the Magistrate and I am informed that he was detailed by authority from the office to conduct the case before Judge Patterson. I know that the paper now shown me is in my brother's hand-writing.

Clara Menz sworn. I lived in 1882 and 1883 at 110 East 10th Street in this city in the same house with the last witness, Mr. Sherman. I was not present in a divorce case when Mr. Robertson swore to certain facts; I did not on any night between the first and the fifteenth of September, 1882, walk into Mr. Walter R. Sherman's room at about eleven o'clock at night, I did not find Robert Robertson in bed and did not turn up the gas and awaken him; I did not on that or on any other night ask Robertson where Walter was; it is not true that on a night between the first of September and the fifteenth or any other night, that I was undressed and Mr. Sherman came in about one o'clock and he undressed and that I told Robertson to leave Sherman's room and go into his and that I remained in Sherman's room for fifteen minutes. Is it true that on any occasion in your life you were in great distress, in pain or something else, moaning or crying, and on that particular occasion Mr. Sherman came into your room with a bottle of brandy and gave you some brandy and revived you, and after that had intercourse with you? No sir.

Cross Examined by Mr. Busted. I am thirty years old and was never married, I never had a child, I

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was born in Germany, I know Mr Annett, I do not think I told him anything about where I was born; my father is not a lawyer in Germany and I never told Annett he was, I never told him I had a lover in Germany who seduced me and that when I found I was with child I ran away from home and went to Berlin, I do not know if I told Annett what steamship I came in, I came on the Herder four years ago; the first place I went to service was in Williamsburg on South Ninth Street with Mr. Gollen, I lived there two months and went to a lady on West 23rd Street, New York, I could not tell the name, I was only there three days, I could not understand what she said to me, I do not know if I went from there to 10th Street or to another place, I staid in 10th Street nine or ten months, I think I went there in March or April, 1882, I went from there to No. 40 25th Street to Mrs. Francis and stayed four months and from there to 64th Street to Mrs. Zenoir, I don't know how long I staid there, I got my referencè; from there I went to Mrs. Yeungling and staid there from October till April or May; from there I went to 123rd Street and Mount Morris Avenue and lived one year with Mrs. Martinez No. 30 Mount Morris Avenue. I have none of my recommendations with me, I knew Walter R. Sherman when he came to take a room in 10th Street, I was chambermaid there, I did not introduce myself to him, I used to make up his room, I never slept on the same floor that his room was on but on the top, floor back room. I know he came there in the hot weather in 1882, I opened the door for Robertson in 10th Street, I sent him up to Mr. Sherman's room when he asked for him. Sherman did not do anything

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for me that I could say he was kind to me, he never made me a present at Christmas and never gave me any money for any purpose. I recollect one night when Sherman was brought home sick by Annett, who put him to bed; he took his clothes off when I was down stairs for mustard, I came up and put the mustard plaster on him. I know Frank Ethridge by name because the gentleman asked me in the Court if I knew him. I went to Europe on the 5th of February and came back on the 28th of March. I do not know that it was after the trial of Sherman that I came back, I do not think either Walter or Roger Sherman knew that I was going to Europe, I did not tell anybody I was going. Roger Sherman found me after my return in Williamsburgh, "I do not know how he found me. I never talked with Mr. Ethridge about the divorce suit of Sherman's. I do not know that I saw Mr. Ethridge and Robertson together at the house in 10th Street, I know Robertson came there with one gentleman but I do not know who it was, Mr. Ethridge did not tell me on that occasion that he was the lawyer of Mrs. Sherman, he did not tell me that he was trying to get evidence upon which to procure a divorce for her against Walter Sherman. I told this gentleman to leave me alone, I did not want to know anything about anybody, I did not have them speak to me, I was in the hall in 10th Street at the front door. I did not say I had trouble enough and Walter Sherman had promised to give me tickets to Europe, I paid for my ticket. Did not Robertson ask you whether you did not remember one rainy night he going to your room in 10th Street, when he, Robertson, was in Sherman's bed ,

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and Sherman going into the room and you said yes, you had trouble enough and did not want any more? No sir, I did not answer this gentleman a word. I positively swear that between the first and the fifteenth of September, 1882, ~~Walter R. Sherman~~ ^I did not enter Walter R. Sherman's room in my night dress and never was in his bed-room undressed. I remember the night that Sherman and Annett came home very late, I had already retired and got up, I did not have a room down stairs, I had to sleep with the cook between the dining-room and the kitchen. Mr. Annett was in the room at the time I put the mustard plaster on him.

William Long sworn. I am an officer of the 4th precinct Court and arrested Robertson.

The Case for the Defence.

Frank Ethridge sworn and examined. I reside in New York, am a lawyer and am acquainted with Walter R. Sherman; I am acquainted with Mrs. Sherman his former wife, who procured a divorce from him, I was her attorney in that proceeding, I know Robertson, who introduced me to Clara Menz, I recollect upon one occasion going to the house in 10th Street with Robertson; it was for the purpose of obtaining evidence by which I could obtain a divorce as against Mr. Sverman in favor of his wife, Mr. Robertson and I called and rang the bell and a servant came to the door. Robertson inquired for Clara Menz, the servant left and pretty soon Clara Menz came into the hall, Robertson introduced me saying, this is Mr. Ethridge, he

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represents Mrs. Sherman and we are attempting to obtain evidence so as to obtain a divorce against her husband, we have come to you for that purpose. She said that she had quite trouble enough and she did not wish to mix up in the affair but would do anything she could for Mrs. Sherman; she said if she was called as a witness she would tell the truth. Mr. Robertson said, Clara don't you remember going into Mr. Sherman's room one night where he was in bed and afterwards Sherman came in? She said, yes but I have had trouble enough. Robertson asked her if she remembered one rainy night and she said yes. She again repeated she had trouble enough and did not wish to mix up in that affair at all, that Sherman had promised her when she was in trouble to give her a ticket to Europe and had not done it. Did not Clara say upon that occasion that she went into the room of Sherman when Robertson was in Bed there? I have so stated.

Robert Robertson sworn and examined. I am twenty-four years old and was born in Edinburgh, Scotland, I came to this country when I was about ten years of age, my father and mother are still living, I have a brother and sister who are here. I know Walter R. and Roger M. Sherman, I graduated from Public School, I think No. 35, in 13th Street in this city, I went to the College of New York afterward, I know Clara Menz and James Annett. When I left college I intended to become a lawyer and inserted an advertisement in the New York Herald and Roger M. Sherman employed me as a student at law and clerk; at first he paid me four dollars and afterward he agreed I should

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have a percentage in the business, twenty-five percent I was to receive, I staid in Roger Sherman's office about three years. I left because Sherman refused to give me the percentage, I have suits pending and in his answer he agrees to pay me twenty-five percent, he has not paid me; Roger Sherman introduced me to Walter in his office in the early part of 1882; th at was the occasion when I procured a coat and vest for him to attend a ball in, I knew Roger Sherman's wife at that time from whom he was subsequently divorced, I was in possession of the house in which Sherman and his wife lived in 55th Street, Mrs. Roger Sherman sent for me and turned over the keys and told me she would abandon her husband and left him for some family trouble and asked me would I kindly look after the house until he came back from Washington where he was, I stayed there for four or five days until Mr. Sherman came home, ^{Walter} he slept in the same bed and in the same room with me, which was on the top floor, Roger Sherman was then in, I first saw Mrs. Walter Sherman in the summer of 1882, I and Walter were up around Centr al, Park, she came up and spoke to me there, I was a stranger to her then, I saw her next in August 1882 about two or three weeks later; Clara Menz gave Mr. Ethridge information upon which he drew the summons and complaint against Sherman, that was in the latter part of 1883; I recollect being examined before Judge Beach on the trial of Sherman against Sherman. I recollect being asked by Roger M. Sherman, who conducted the case of the Defendant what time I communicated that fact and I said in 1882 and I afterwards corrected it and said

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it was 1883. I first saw Clara Menz to know her around September, 1882, when I called at Walter Sherman's house at the end of the summer, I called at his house very often, the visits commenced in the month of September, 1882; I recollect upon the trial before Judge Beach swearing to a night when I was there when Clara Menz came into the room, it was a stormy, rainy night, I went to the house between seven and eight o'clock in the evening, Walter Sherman was there and he left about eight o'clock, he told me he would be back and said when I got tired to read, he gave me some papers to read, I read for some time and afterwards undressed myself and went to bed; about midnight Clara Menz came into the room and turned up the gas I sat up in bed, she said, "you are cold," I said, yes, a little; she said, "do you think I can warm you", I said, "I would not be surprised;" she stayed there till Walter Sherman came home, I should say it was one o'clock in the morning; she staid in Walter Sherman's bed-room, she had on a night gown only. When Walter came in he said, this is a pretty business, something to that effect; I said, "Walter, she is too much for me, you can take it", and he commenced undressing, I can remember him distinctly, he took off his coat, vest and pants; either he or she showed me the back room, there was a bed in it, she came in about fifteen minutes afterwards; she told me it was not her room but the room which she occupied; she said she slept all over the house; I went back from Clara to Walter's room again and he told me that he had connection with her and also that very night that he told me that the way he made her acquaintance was that a couple of

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nights he came upstairs and heard someone moaning while going into the bath-room or water-closet, that he went and got a bottle of brandy out of his room and took it into her and staid with her that night. I was sworn to this same state of facts afterward before Judge VanVoorst. I knew perjury was a great crime and I know it is punished by State Prison, I had no motive in the world to commit it, I have heard Mr. Ethridge testify here to-day, he testified truthfully to the facts which occurred at Clara Menz's house, I distinctly recollect the conversation between Clara Menz and Mr. Ethridge and it has been stated fully by Mr. Ethridge.

James Annett, Jr. sworn. I am at present in the Elridge Street jail for non-payment of alimony to my wife, I understand Roger M. Sherman is attorney against me, I know Walter R. Sherman and Clara Menz, I know Sherman since the early part of 1882, I was intimate with him, I believe that the difficulty with my wife was brought about by Walter R. Sherman, I saw Clara Menz in the bed-room of Walter R. Sherman at 110 East 10th Street in September, 1882 between the first and fifteenth; he complained about being sick in my house and I had some difficulty in bringing him home, I got him up to his bed and undressed and put into bed, I think it was about twelve o'clock; Clara Menz came in and leaned over and said, "what is the matter, Walter?" I stood back when I seen her in that condition; she asked me what was the matter and I said I did not know: he was moaning sick, she left the room and came back with a mustard plaster

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and put it on the lower part of his belly; she had simply a night gown on, I left them together that night. I have had several conversations with Walter as to his connections with Clara Menz; his story was substantially this, that his room was front hall room and he knew she was in the back room on the same floor, that on one occasion he heard her moaning and went into her room and asked what was the matter; she told him she did not feel well, he said he had a bottle of liquor and that he gave her some to drink and afterwards he passed the night with her and had connection with her. I saw Clara Menz in his bedroom on another occasion when he threw her on the bed and ran his hand up under her clothes. On one occasion Walter Sherman said to me about Clara that he thought I was trying to cut him out, saying, "Jim, there is no use of playing the lover, you can't play that racket on me, I pay her two dollars every time I have anything to do with her." She told me herself the same story in her own way; she gave me an account of her life, I understood her to say that her father was lawyer in Germany, that the circumstances attending her leaving Germany were that she had a lover that caused her to have a child and she went to Berlin, that she lived a little time with him and the child died and at the time she told the story to me the husband was then dead, or at least the lover was dead. I did not know she went back to Germany but I know she called at my office and left a note in March to meet her at Barclay Street ferry at half past five.

Cross Examined. I was very intimate with Mr. Sherman but I am hardly that now.

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Benjamin Nicoll sworn. I reside No. 60 East 54th Street in this city and am an importer and manufacturer, I am a brother of Asst. Dist. Atty. Nicoll, I know Robert Robertson, the Defendant, he was in our employ in the summer of 1884, I considered him very truthful and he was certainly in a position of trust when he was with us, he handled large amounts of money for me and we always had trusted him as a confidential man and book-keeper, he was a truthful and honest man and from what I know of him I would not hesitate to believe him under oath.

Harry W. Mack sworn. I have resided in New York about twelve years and know the Defendant Robertson between five and seven years and for two or three years I knew him quite intimately; his character for truth and veracity is good and I would not hesitate for a moment to believe him under oath.

William H. Kenyon sworn. I have resided in New York about fifteen years, I was a tutor in the Free College for four years, I know Robertson, the Defendant, for the last three years that I taught at the college, I knew him quite well as a student; his character for truth and veracity is good and from what I know of it I would not hesitate to believe him under oath.

Theodore T. Patmore sworn. I live 155 Lawrence Street, Brooklyn, I saw a man by the name of James Annett in the witness-box here to-day, I know him, I know his reputation for truth and veracity and from what I know

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of his reputation for truth and veracity I would not believe him under oath.

Cross Examined. I am not doing any business at present, I have been salesman for J. Thorburn in the dry goods business in Brooklyn, corner of Jay and Fulton Streets, I now collect money for Mr. Annett, he claims I did not turn over one item to him, I believe, I have heard a good many speak of his reputation for truth, one man by the name of Condon, I do not know where he lives but he does business in Brooklyn, I saw Condon last in August of this year and he told me that he would not give Annett any more goods, that Annett promised to settle the old account and had not done as he agreed, I was asked to come here by waiter R. Sherman.

Jennie L. Patmore sworn. I am the wife of the previous witness, I know James Annett, one of the witnesses in this case and I consider his general reputation for truth and veracity very bad.

William W. Eichelberger called.

Mr. Bedford: I have been told to put this man upon the stand; he can prove the weather. If he can prove that every night from the first to the fifteenth of September was a bright moonlight night or starlight, that may affect the fact sworn to by Robertson.

The Court: Do you want to show by this witness that between the first of September 1882 and the fifteenth there was no night which was unpleasant or stormy.

Witness: It did rain.

The Jury disagree.

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*District Attorneys Office,
City & County of
New York.*

Dec. ¹³-----1887.

Hon. Randolph B. Martine,
District Attorney, N. Y. County.

Dear Sir:

In the matter of The People versus Robert
Robertson heretofore referred to may I have the honor
to report as follows:

The defendant is charged by the indictment herein
with the crime of perjury. The charge is that at the
special term of the Supreme Court of the State of New
York, held in and for the county of New York in the coun-
ty Court House in the city of New York on the 10th day
of January, 1885, present Hon. Miles Beach, one of the jus-
tices of said court, ^{to} ~~the~~ ^{joined} ~~therefore~~ in a certain
action for absolute divorce upon the ground of adultery,
then pending in said Court, wherein one Kate M. Shearman
was plaintiff, and one Walter R. Shearman, her husband, was
defendant, ^{on to be} came up [^] and were tried; that upon the said
trial ^{of} the said issues the defendant herein was produ-
ced and duly sworn as a witness for and on behalf of the
plaintiff therein, to wit, the said Kate M. Shearman, and

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that having been so produced and duly sworn as a witness,
~~the~~ as aforesaid, the said Robert Roberson feloniously,
wilfully, knowingly, and corruptly did falsely swear, depose
and say amongst other things in substance and effect as
follows:

"Between the 1st and 15th days of Sep-
"tember, 1832, the said Walter R. Shearman asked
"me (meaning the said Robert Robertson) to
"call, and I did call upon him at his bed room,
"No. 110 East 10th Street, in the city of New
"York. After talking etc. he, the said Walter
"R. Shearman, went out and told me he would be
"back presently and to make myself comfortable,
"and if I got tired to go to bed. It was a
"very stormy night, by the by, and under these
"circumstances I consented to stay. I think
"at about nine or ten o'clock at night--I had
"gone to bed at the time and was dozing asleep--
"the gas was turned ^{up} ~~off~~; (I had left the door
"open of course; it was his room;) and I woke
"up and before me stood a female in her night
"garment^{gown}--I believe her name was Clara Menz.
"She asked me if Walter, meaning said Walter
"R. Shearman was in, or where was Walter, or some-

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"thing to that effect. I said he was out.
"She said she would wait for him there, meaning
"in said Walter R. Shearman's bed room, and she
"did wait until he came in, which I think was
"about one o'clock. After the said Walter R.
"Shearman came in he undressed; she was al-
"ready undressed, and I went out into her room.
"In about fifteen minutes she came back into
"her own room and I went back into his, Shear-
"man's room, and we remained there in the same
"bed during the night. After returning to his
"room I asked him what sort of a job was this.
"He laughed and asked me did not I enjoy myself.
"He told me the way he had made her acquaint-
"ance was that about three nights before he
"had come home rather late and heard some moan-
"ing in her room; that he went into her room
"and asked what was the matter, and she said she
"was not feeling well; and that he then took
"her a bottle of brandy and that she very soon
"recovered; that he enjoyed himself the remain-
"der of the night with her. After I went back
"from her room he told me he had stayed with
"her; that he had had sexual intercourse with.

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"her, In the end of 1882 or beginning of 1883,
"I communicated the ^{to}matters and things aforesaid
"to one Frank Etheridge. I am sure the said
"Kate M. Shearman was acquainted with the said
"matters and things in 1884.)

It is conceded by the defendant herein that upon
the trial as aforesaid of the issues in said action of
Kate M. Shearman against Walter R. Shearman he did testify
and depose ^{to} of the matters and things aforesaid; ^{and} he
claims and asserts that the said matters and things so
by him testified to as aforesaid are in all respects
true, and that he is, therefore, not guilty of the crime
of perjury as charged in the said indictment against
him.

The defendant was brought to trial upon the ^{same} ~~same~~
indictment in Part 1. of the Court of General Sessions
of the Peace on the 4th of December, 1885, before the
Hon. Rufus Cowing, one of the judges of said Court, and
a jury. The prosecution was conducted by Assistant
District Attorney Bedford. The trial resulted in the
disagreement of the jury. The question arises as to the
propriety of putting the defendant upon trial again.

After careful consideration of this question I am

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5.

of the opinion that it would be unjust to the defendant and a needless expense to the county to force another trial of the issues between the people and the said defendant herein. These issues have already been ^{twice} tried, once by the Hon. Miles Beach, upon the trial of the action of Shearman vs Shearman, upon which trial the controversy hinged upon the question as to the truth or falsity of the said testimony of said Robert Robertson. Judge Beach after hearing the testimony of opposing witnesses, after observing the appearance of the respective witnesses, and after every opportunity for correctly deciding all questions as to the credibility and veracity of the witnesses, found and decided that the said testimony of the said Robert Robertson was true, and accordingly granted the plaintiff in that action an absolute divorce.

It is needless to suggest that absolute divorces are granted with very great reluctance, and only where proof of adultery is clearly and almost conclusively made out. In this case the proof consisted mainly and chiefly of ^{the} testimony which by the indictment herein is charged to be false.

The truth of this testimony was again brought ju-

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dicially in question upon a motion for a new trial of
said action ~~held~~ before the Hon. H. C. Van Vorst, then a
justice, and one of the most prudent and learned justi-
ces, of the Supreme Court. Upon that motion the said
learned justice, after consideration of the evidence
upon which this prosecution is based, submitted to him
in the ^{form of} affidavits, refused to disturb the finding of
Judge Beach upon the question as to the truth of the
said testimony of the said Robert Robertson.

When the same question was again submitted to the
jury upon the trial of defendant before Judge Cowing and
a jury as aforesaid, they failed and refused to find
that the said testimony was false.

Under these circumstances any further prosecution
would be in my opinion vexatious and oppressive, for it
would be folly to expect anything more than another dis-
agreement.

This, I submit, will fully and clearly appear from
the abstract of the testimony pro and con taken on the
trial aforesaid before Judge Cowing, a copy of which
is hereto annexed, and made part of this report.

After reading and considering this abstract of the
evidence the wonder is that the jury did not acquit the
defendant. The only reason I can assign for their

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failure so to do is the discredit which in the minds of jurors naturally attaches to the testimony of one, *who,* like the defendant Robertson, had betrayed the confidence of friendship and disclosed secrets ordinarily regarded as inviolable, discovered as they were when he was accepting the hospitality of said Walter R. Shearman.

Wherefore I do advise and recommend that the said indictment be dismissed.

Respectfully submitted!

W. H. S. Searcy
Att. Gen. Ala.

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District Attorney's Office.

PEOPLE

vs.

Robert Robertson

Requij

See endorse-
ment for dismissal
Dec 13/07 R. B. H.
To Mr Parker

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H District Police Court.

Walter R. Sherman

vs.
Robert Robertson

STENOGRAPHER'S TRANSCRIPT.

April 6th 188*5*

BEFORE HON.

Sacrt M. Patton

Police Justice.

James A. Lyon

Official Stenographer.

107 Central St.

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(No. 1)

STENOGRAPHER'S MINUTES.

Fourth District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Walter R. Sherman

Robert Robertson

BEFORE HON.

Jacob M. Patteson

POLICE JUSTICE,

April 6th 1885

APPEARANCES:

For the People, Wm. C. M. Brooke & R. M. Sherman

For the Defence, P. B. Vermilyea Esq

April 6th 1885

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James A. Lyon

Official Stenographer.

101 Centre St.
N.Y. City

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^{1st}
4 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Walter R. Sheenan
agst
Robert Robertson

Examination had *April 6th* 188*6*
Before *Sen. Jacob M. Patterson*, Police Justice.

I, *James A. Lyon* Stenographer of the *1st* District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of *James R. Sheridan*, *William F. Quirk*, *William M. Eichelberger* and as taken by me on the above examination before said Justice.

Dated *April 17th* 188*6*

James A. Lyon
Stenographer.

Police Justice.

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4th District Police Court
N.Y. April 6th 1885

James M. Sheridan, a witness for the
prosecution being duly sworn testified
as follows:

Direct Examination. By - W. Sherman

Q You are the official Stenographer of
of the Special Term of the Supreme
Court - Pat 2.?

A Yes sir.

Q And you were such in the month
of February 1885?

A Yes sir.

Q Do you remember the case of Kate
M. Sherman against Walter B.
Sherman?

A I do.

Q Was it tried at that term?

A Yes sir.

Q Do you remember what was done
on the 2nd of February 1885 in

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that matter?

A I think there was a default taken
on the 2nd of February.

Q And it was marked for inquest?

A Yes sir.

Q And it proceeded in the absence
of the defendant?

A Yes sir.

Q Please look at Robert Robertson's
examination as a witness at that
time.

A Yes sir (witness here produces and re-
fers to the stenographic minutes taken
by him)

Q Did you see the oath administered
to him?

A Yes sir.

Q Did you take stenographic notes
of his testimony?

A Yes sir.

Q And after proceeding about an
hour or so, ^{on the default} the defendant's Coun-
sel came in and it was adjourned

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until when?

Q (Witness refreshed his memory by referring to his note and answered)

A It was adjourned to February 10th.

Q On that day the testimony proceeded with and the case was tried?

A Yes sir.

Q And you took stenographic notes of the testimony of Robert Robertson?

A Yes sir.

Q It is admitted that these are correct copies of the notes? (To Dept's Counsel)

A Yes sir.

Q Have you read these notes?

A Yes sir. I don't know whether they were compared. These notes I have here are the original minutes taken by me on these two occasions - the 2nd and the 10th of February.

Q And these correctly report the testimony of Robert Robertson?

A To the best of my ability as a sten -

ographer.

Q Do you find a question on Page 3, of the copy of your notes of February 2nd which reads thus. "Do you know a woman named Clara Menz"?

A Yes sir (referring to Mr. Robertson's testimony)

Q Do you find this answer made by him?

"Yes, that is the name she went by I suppose it was her name."

A Yes sir.

Q Was this question put to him and answered as follows: "Do you know anything about whether her character was for Chastity?" Ans "I should consider it was unchaste."

A Yes sir.

Q And this question and answer on page 4?

"Between the 1st and the 15th of September 1882 did you see Clara Menz at the house of the defendant, 110 East 10th Street?" Ans.

"I have no doubt of it."

A Yes sir.

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Q And this question and answer, on page 4? Do you recollect it as a fact? A. I have no doubt of it.

A. Messin.

Q And this question and answer on page 4? ~~Q.~~ "State to the Court, if you please, what you saw of her and of the defendant together or separately on that occasion, in this house, No. 110 East 10th Street?" A. "I suppose I saw them many times during that lapse of time, but once in particular I remember when I went there one evening, to spend the evening with him, it came to be about 9 or 10 o'clock and it was rather a stormy night and he asked me to stay with him and I said I would (as I lived well up town then) and he went out and said he would be back presently and to make myself comfortable

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And when I was tired to go to bed
A Messin, that question was asked
and answered.

I had this also "Q. The leftym
in his room?" Ans. "Yes sir," I was
~~at Messin~~ and ^{then} went to bed and I should
say about half past eleven, he
had never come back and I was just
going asleep when the gas was
turned up and before me stood this
Clara Messin in her night gown.
She had turned up the gas and when
I awoke she asked me if Walter was
in - that is Mr. Sherman. I said "no."
She smilingly replied that she would
wait for him there. She did wait and
he came in about one o'clock, I
should say. When he did I asked to
be excused. I forget whether it was
him or her showed me her room.
I went into her room and left her there
with him. She was there undressed
and he was there undressed. I think

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in about fifteen minutes she came back to her own room and I went back to his room and I stayed the evening with him."

A Yes sir, that question was put and that answer given.

(The above questions and answers are all in the evidence taken on February 2^d 1885)

2 Turn to page 4 of your notes of the 10th of February. Q "Go on and state any particular occurrence to which your mind may go now without my especially directing you, when you saw him at night at 110 East 10th Street, between the 1st and the 15th of September?" Ans "Well, the occasion, the time I saw him there most was between those dates. He asked me to call and I did so and after talking and so forth, he went out and said to me he would be

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back presently and to make myself comfortable and if I got tired to go to bed. It was a very stormy night by the by and under these circumstances I consented to stay. I think about 10 or eleven o'clock. I had gone to bed at the time—

A Yes, that question was put and answered in that way.

Q And this question and answer, on page # 2. "At night"? Ans "At night, and was ~~going~~ asleep, when the gas was turned up. I left the door open, of course, it was his room, and I woke up and ~~found~~ before me stood a female, I believe her name was Clara Menz, in her night gown, who asked me if Walter was in or where was Walter - something to that effect. I said he was out. She said she would wait ~~until he came~~ there for him there and she did wait

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until he came ~~there~~ in which I think was about one o'clock. I won't be positive though - it was after midnight."

A Yes that question was asked and that was the answer given.

~~perhaps~~

Q Was this question asked and answered in this way? Q. "Well sir; go on, what occurred ^{in that room} to your knowledge after the defendant came in while this woman remained in it?" Ans. "After he came in he undressed - she was undressed and I went into her room."

A Yes sir.

Q And this question & answer? Q. "And he undressed and she was undressed?" Ans. "She was undressed and I forget whether it was him or her showed me her room. I went into her room, it might have been fifteen minutes before she came in; it may be more or less, but in about fifteen minutes

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She came back into her own room
and then I went back to Mr. Sherman's
room and we remained there during
the night.

A Yes sir. That is correct.

(Witness here testified that all that which is
under Cross Examination on pages 8 and 9
and all in red ink bracket on page 10 is
a correct copy of his notes. All on pages 3
in red bracket and all on pages 14 and
15 and all on page 16 in red brackets,
is correct. Also all in red bracket on
pages 17, 18, 19, 20, 21, 22, 23, 24, 25,
24, 35, 36, 37, 38, 41, 42, and 43, is correct.

Q Was the witness Robert Robertson asked
upon Cross Examination in substance
whether he was quite sure that he
communicated the facts he testified
to about Clara Menz, to Mr. Etheridge
before the 17th of August 1883
and did he answer "I am sure

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"I did not"?

A He said "I can't fix it exactly - it was, I think in the end of 1882 or the beginning of 1883.

Sworn to before me this }
6th day of April 1885 }

Police Justice

William F. Quirk, being sworn, testified
as follows:

Direct Exam - by - Wm. Sherman

Q Where do you reside?

A No. 544 1/2 East 12th Street.

Q What is your business?

A I am recording clerk in the County Clerk's Office of this County.

Q Is there on file in the County Clerk's office of the City and County of New York a judgment role entitled in an action

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of Kate M. Sherman against Walter R. Sherman, for divorce.

A Yes sir.

Was it filed March 20th 1885?

A Yes sir.

Did you take the pleadings from that judgment roll?

A Yes sir.

Sworn to before me this }
6th day of April 1885 }

Police Justice,

(Pleadings offered in evidence and placed in charge of witness to be filed in County Clerk's office.)

William W. Eichelberger, being duly sworn testified as follows:

Direct Examination - By - W. Sherman

Q Where is your place of business?

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A No. 120 Broadway, in charge
of the records in the signal service
office.

Q How long have you been such?

A A number of years

Q Have you the records of your office
for the month of September 1882?

A Yes sir.

Q State when, between the 1st and 15th
of September 1882, it appears ^{by} that
record that there was any rain fell
that would constitute a storm night?
(Witness refers to the records of rains at
night)

A On the 1st of September there was no rain;
on the 2nd, no rain; on the 3rd, none; on
the 4th, none; on the 5th, none, on the
6th, none; on the 7th, none; on the 8th,
none; on the 9th there was a light rain
from 6 to 8 P.M. On the 10th there was
a light rain which began early
and ended early. On the night of
the 11th the rain began during the

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night before of 0'clock in the morning and lasted until 2.10 P.M. and at 6.20 P.M. the same day it began to rain again and ended during the early A.M. of the 12th before 7'clock in the morning. On the 13th there was no rain; on the 14th it showered from 8.40 to 9.20 P.M. On the 15th there was no rain

Q What was the amount of rain which fell on the 11th of September?

A At 7 0'clock we measured for eight hours and found that $\frac{6}{100}$ of an inch had fell; that is a small rain. At 3 P.M. and for eight hours preceding that it was $\frac{2 \frac{3}{100}}{23 \frac{3}{100}}$ of an inch. That was between 7 A.M. and 3 P.M. ~~and~~ ^{and} ~~but~~ between 11 A.M. and 3 P.M. There was $\frac{2}{100}$ of an inch fell. On the morning of the 12th between one at night and before 7 A.M. of the 12th 1.08 inches fell.

Q It didn't rain after 7 0'clock on

0955

Q How much rain fell on the 11th of September?

A $2\frac{1}{100}$ of an inch.

Q Did the rain cease before the morning of the 12th?

A Yes sir.

Q And it didn't rain on the morning of the 12th, is that so?

A. It was only cloudy.

Q Have you had any experience as an observer?

A I have been in the service over 10 years.

Q Does your experience enable you to say how large an area is covered by a rain fall which could be called a storm or heavy rain?

A It covers a large section of the country.

Q Does your experience enable you to say whether a stormy night or a rain fall which would amount to a stormy night or a heavy rain fall,

0956

occurring in East 10th Street, in the City of New York would it or would it not extend all over the city?

A I have no doubt of it.

Q So that if it were a stormy night by reason of a heavy ~~in~~ rain fall in September 1882 at 10th Street the records at No. 120 Broadway would show a rain fall?

A Yes sir.

James B. Sheridan - (recalled) by - Wm. Sherman

Q When he was asked the question as to ~~whether~~ ^{when} he (Robertson) told Wm. Eckeridge that story what did he say?

A He said he couldn't fix the date exactly. He said it was either in the end of 1882 or the beginning of 1883.

Q Was this asked him? Are you quite sure that you communicated this fact to Wm. Eckeridge before that time - that

0957

is the 17th of August 1888?"

A I can't say whether it refers to the story of Clara Menz or not, the minutes speak for themselves.

By Mr. Vermilyea Cross Examination

Q Does the following question and answer appear on the minutes: "2. Are you quite sure that you communicated this fact to Mr. Etheridge before that time? Ans. "Yes August 17th 1888."

A Yes, that question was asked the witness

Re-Direct Exam - by - Mr. Sherman

Q Do you understand that question to refer to the Clara Menz affair?

A Yes, to the previous statement in reference to this information to Mr. Etheridge in which he said he told him this story repeated in Court

0958

Q What was his answer?
A I am sure I did not.

Admitted to April 11th 1885

CE

0959

Police Court *H. J.* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Walter R. Sherman

vs.

Robert Robertson

Warrant-General.

Robert

Dated *April 3rd* 1885

Patterson Magistrate

The Defendant *Long* Officer.
Robert Robertson

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

age 23 Scotch-Res 176 E. 85 St
Officer.

Dated *April 4* 1885

This Warrant may be executed on Sunday or at
night.

J. M. Patterson Police Justice.

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

F
Dated _____ 188

Police Justice.

The within named

0960

Sec. 151.

Police Court H District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Walter R. Sherman of No. 425 - 4th Avenue, that on the 2nd day of February 1885 at the City of New York, in the County of New York,

Robert Robertson did wilfully and corruptly testify and swear false to certain material facts and matters in a cause then pending in the Supreme Court of the State of New York before Honorable Miller Beach, a Justice of said Court, duly authorized to administer the oath and having jurisdiction of said cause.

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

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

Dated at the City of New York, this 3rd day of April 1885

John Patterson POLICE JUSTICE.

POOR QUALITY ORIGINALS

0961

For the People
 R. M. Sherman
 9 Manning St.
 No. 1, by William Norman Koster
 Residence 3 East 42nd Street
 BAILED, Pailed in \$500
 No. 2, by _____
 Residence _____ Street
 No. 3, by _____
 Residence _____ Street
 No. 4, by _____
 Residence _____ Street

No. 291
 Addressee
 Police Court - 4th District
 THE PEOPLE, &c.,
 ON THE COMPLAINT OF
 Victor P. Sherman
 425 4th St
 Robert Robertson
 176 E. 85th St
 Dated April 2nd 1885
 Magistrate
 T. J. Conroy
 Officer
 Precinct
 Witnesses
 Charles Murray
 34th Street
 William Lehigh
 40th Street
 Robert M. Sherman
 234 Broadway Street
 \$ _____ to answer
 Pailed by deposit
 with County Treasurer
 May 2/85

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 Robert Robertson

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 May 2 188 W. P. Patterson Police Justice.

I have admitted the above-named Robert Robertson to bail to answer by the undertaking hereto annexed. Certificate of deposit with County Treasurer hereto annexed
 Dated May 2 188 W. P. Patterson Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY ORIGINALS

0962

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Robert Robertson 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. *Robert Robertson*

Question. How old are you?

Answer. *23 years of age*

Question. Where were you born?

Answer. *Scotland*

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

Answer. *176 East 85th St. 2 years.*

Question. What is your business or profession?

Answer. *Clerk*

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*
Robert Robertson

Taken before me this

day of

1888

Wm. Patterson
Police Justice.

POOR QUALITY
ORIGINALS

0963

(1)

Dear W.R.H. I have to go up
and show R.M.S. home -
I have a telegram from
Mr. Tolkenes - saying
Mutual Union, Tel. Co.
308 - W - 23rd St
R. M. Sherman
334 B'way

If you wish the information
I got you can hear from
me through this office -
Answer today - answer -

A.G. Tolkenes

I have tried to find you but
can't get out word last
night to you to come see
about it

Yours truly
Robt. Robertson

POOR QUALITY
ORIGINALS

0964

(2)
I saw Mrs P. this morning
She would not give me
the address of the house in
23rd Street. Your wife went
down to the beach at 4 o'clock
& then from there went ~~to~~
to this house & only got back
to "H-22" at 9 o'clock
this morning - Mrs P. was
at this house last night
"She must have some money"
Now I said we would
see her tomorrow aft.
See me tonight up town
& I'll make arrangements
with you to see her
tomorrow afternoon.

Yours So
Bob Robert

Ans. Your wife has a "lover"
named Billy West, who
when she is hard up
trots around with her
but the man "puts up" for
her, it from Boston.

POOR QUALITY
ORIGINALS

0965

Eliza Mary of
~~County of Kings~~ 34 Grand St
Williamsburgh Kings Co. Eliza Mary being
duly sworn deposes and says I lived
in January 1865 at number 30 Mount
Morris Avenue New York City with Mrs.
Martine and left there on the 12th day
of February 1865. Before that I lived
with Mrs Jünglen at number one
East sixty second Street New York
City on the first day of February
1865 I went to live with Mrs Coger
I went to Europe on the 5th day of
February 1865 I sailed on the Steamer
Rhein and went to Leipzig Germany
I staid at Leipzig with my father
until March 14 1865. I then went to
Braunau and I returned on the "Eider"
and reached New York City on Satur-
day last. I had no conversation
with anybody about going to Eu-
rope before I went. Nobody asked
me to go, I furnished myself the
money for my passage I was
employed as Chambermaid at number

POOR QUALITY
ORIGINALS

0967

Robertson Robertson was there undressed
ed and that Mr Sherman undressed
in the presence of Robertson and my
self —

Sworn to before
me this 3rd day of April 1857. Clara Murray
Edward J. Keeley
Notary Public
Kings Co

Sworn to before me
this 3rd day of
April 1857
J. M. Putnam
Police Justice

POOR QUALITY ORIGINALS

0958

Police Court, 4th District.

City and County } ss.
of New York,

Walter R. Sherman

of No. 475th 4th Avenue Street, aged 37 years,
occupation U. S. Inspector of Customs being duly sworn, deposes and says,
that on the 2nd and 10th days of February 1885, at the City of New

York, in the County of New York, Robert Robertson, in an action pending in the Supreme Court of the State of New York, a trial of issues duly joined between Kate M. Sherman plaintiff and Walter R. Sherman defendant, this complainant, for divorce and tried in said Court at the City of New York on the 2nd and 10th days of February, 1885, said Robert Robertson having been then and there by and before the Honorable Charles Beach duly holding said Court as the Justice thereof, duly sworn as defendant is informed and believes, to testify and depose in said action: did then and there, in said action and on said trial wilfully and knowingly testify and depose falsely in certain material matters and did then and there state in his testimony certain material matters to be true which he then and there well knew to be false and thereby was guilty of perjury:

I. In this that, it being material in said action to prove that said Robert Robertson the complainant committed adultery with one Clara Mery alias Clara Mery, said Robert Robertson on said 2nd day of February 1885, testified in substance and effect that he undressed and went to bed in complainant's room and that the complainant thereafter came in and found one Clara Mery undressed in said Robertson's Company in said room and that either said Clara Mery or the complainant, then and there, showed said Robertson a place to wait while said Clara Mery and said complainant could and did go and remain together, in said complainant's room in the absence of said Robert Robertson and that said complainant was then and there undressed and that after fifteen minutes said Clara Mery came to said Robertson to show him the in her room, which said testimony was then and there false in substance and effect and in its true intent and meaning, which said Robert Robertson then and there well knew;

II. Also in this to wit: that it being material in said action to prove that the complainant committed adultery with one Clara Mery alias Clara Mery, said Robert Robertson on said 10th day of February 1885, testified in substance and effect, that said Clara Mery being undressed in the company of said Robertson in the complainant's room at night in his absence, the complainant came in at one o'clock in the morning and found them together said Robertson also being undressed and that complainant then undressed in the presence of said Robertson and said Clara Mery and that then either complainant or said Clara Mery showed said Robertson her room where he went leaving said complainant undressed with said Clara Mery for the space of fifteen minutes, which said testimony was then and there false in substance and effect and in its true intent and meaning, which said Robert Robertson, then and there, well knew;

III. Also in this that, thereupon upon said 10th day of February, 1885, upon cross-examination of said Robertson before said Court in said action, it became and was material to inquire of the matter and things and said Robertson then and there testified in substance and effect following, that is to say:

That he communicated the facts aforesaid to one Etheridge in the latter part of 1882 or early in 1883; that the plaintiff was aware thereof, as early as the beginning of 1883; that he was never employed by the complainant or her relatives to watch the plaintiff; that he never wrote a letter to the complainant about a lady who was acting as a detective in watching the plaintiff and stating the result of her endeavors; which said testimony was, then and there false in substance and effect and in its true intent and meaning, in each and every particular, at said Robert Robertson, then and there, well knew. The papers justly acquired by the hand writing of said Robertson and with written Ad. Sherman by him about a lady who was acting as a detective in watching the plaintiff and state the result of her endeavors.

Walter R. Sherman

Given to refer me
this 3rd day of April 1885
M. P. Patterson Police Justice

TORN PAGE

POOR QUALITY
ORIGINALS

0969

OFFICE OF
M. SHERMAN,
34 BROADWAY,
Opposite City Hall.

Mr. Gunning S. Bedford

0970

(No. 3)

STENOGRAPHER'S MINUTES.

Fourth District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Walter R. Sherman

vs. Robert Robertson

BEFORE HON.

Jacob M. Patterson

POLICE JUSTICE,

April 17th 1885

APPEARANCES:

For the People, *clerk* C. M. Burke & R. M. Sherman

For the Defence, P. B. Vermilyea Esq

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James Adlyn

Official Stenographer.

107 Centre St.
D.C. City

POOR QUALITY ORIGINALS

0971

District Police Court.

Walter J. Sherman
Robert Robertson

vs.

Robert Robertson

STENOGRAPHER'S TRANSCRIPT.

April 17th 1885

BEFORE HON.

Jacob M. Patterson

Police Justice.

James R. Lyon

Official Stenographer.

107 Centre St.

538 E. 11th St.

POOR QUALITY
ORIGINALS

0972

4th DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Walter R. Sherman
Robert Robertson agst

Examination had April 17th 1885
Before Hon. Jacob M. Patterson, Police Justice.

I, James A. Lyon Stenographer of the 1st District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of

the original Stenographer's notes of the testimony of Walter R. Sherman, Frank E. Ettridge, Michael E. Phillips, James Anette jr and Robert Robertson as taken by me on the above examination before said Justice.

Dated April 17th 1885.

James A. Lyon
Stenographer.

Police Justice.

0973

CORRECTION

0974

(No. 2)

STENOGRAPHER'S MINUTES.

Fourth District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Walter R. Sherman

vs.
Robert Robertson

BEFORE HON.

Jacob M. Patterson

POLICE JUSTICE,

April 11th 1885

APPEARANCES:

{ For the People, C. M. Burke & W. R. Sherman

{ For the Defence, - P. B. Vermilyea Esq

April 11th 1885

I N D E X .

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Clara Mung

19

26

34

35

James A. Lyon

Official Stenographer.

101 Centre St.

W. City.

0975

10th District Police Court.

Walter R. Sherman

vs.

Robert Robertson

STENOGRAPHER'S TRANSCRIPT.

April 11 1885

BEFORE HON.

Walter M. Patterson

Police Justice.

James A. Lynn

Official Stenographer.

W. C. Carter

0976

1st DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Walter R. Sherman
agst
Robert Robertson

Examination had April 11th 1885
Before Ser. Jacob M. Patterson, Police Justice.

I, James A. Ryan Stenographer of the 1st District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of Clara Munz

as taken by me on the above examination before said Justice.

Dated April 10th 1885.

James A. Ryan
Stenographer.

Police Justice.

0977

April 11th 1885.

Clara Ludwig, being duly sworn testi-
fied as follows:

Direc's Examination - by Chas. G. Parker

- Q Where do you live?
- A In the care of a brother.
- Q Where is your residence?
- A No. 34 W. 12th St.
- Q You are now in the case of William
as a witness in this case?
- A Yes sir.
- Q Where did you live in 1880?
- A At No. 30 Mount Morris St.
in this city.
- Q How long did you live there?
- A Until the 1st of August 1880.
- Q Where did you go then?
- A No. 34 W. 12th St.
- Q How long did you remain there?
- A Until the 1st of February.
- Q How long did you go?

L. The oak
A. ...

L. ...
A. ...

0980

A. I don't know.

Q. When did you see him last?
A. I don't know. I don't know when I last saw him.
Q. How long had he been there?
A. I don't know.

Q. How long had he been there?
A. I don't know.
Q. How long had he been there?
A. I don't know.

Q. How long had he been there?
A. I don't know.
Q. How long had he been there?
A. I don't know.

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0982

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Sherman

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the ... of the ...
Sherman

at the

I did you at any time in the month
24

of September 1882, in the night times while in your night dress or undressed go into Mr. Sherman's room and ask Mr. Robertson where he was and say that you would wait for him until he returned?

A No sir.

Q Did you ever at any time wait in Mr. Sherman's room for him while you were undressed or in your night dress?

A No sir.

Q At any time in the year 1882 while you were undressed or in your night dress did you wait in Mr. Sherman's room while Robertson was in there undressed and in bed?

A And did Mr. Sherman come there and undress himself in the presence of Robertson and himself?

A No sir.

Q Did you at any time in the year 1882 show this defendant Robertson

a place to wait while you and
Walter Sherman were undressed
in his room?

A. Yes.

Q. Or were you undressed in his room?

A. Yes.

Q. Or did you show him your room
where he might wait under those
circumstances?

A. Yes.

Q. Then as I understand you all the matters
to which I have called your at-
tention and to which you have an-
swered "no" if they were alleged at
any time by anybody are utterly false?

A. Yes.

Prof. Exam - by - W. Vermilye

Q. How old are you?

A. 30 years.

Q. Unmarried?

A. Yes.

Q How long have you been in this country?

A Since September will be four years.

Q When did you go to the house 110 East
1st St?

A I think in March or April 1883.

And I remained there until January
1883. From there I went to c/o. 40
^{East 1st St.} ~~40~~ St. was there two months and
from there to Mrs. Buchanan's in 63^d
St. where I remained six months.
The reason I left there was that I
wanted to go to a laundry. After that
I lived at c/o. 30 Mount Morris
St. with Mr. Martinglen. & that
there until the 1st of February 1885
On the 5th of February I went to Europe
to see my people.

Q Did anybody send you there?

A No.

Q After your return where did you
go?

A c/o. 34 Grand St. 15th Wm. Burgh -

Q When did Mr. Sherman first see

you since you return from Europe?

Q On the 13th of April in 5th Lt. Col.
I did you see Mr. Roger Sherman
prior to this?

A He was in my house at 24 Grand
St. on the 29th of March 1885. I
didn't let him know of my return to N.Y.
I didn't call on him nor did I send
him ^{Walter Sherman} any love letter.

Q Was there a man named Annetto at
118 East 10th St.

A He didn't live there; he is married &
his wife came to that house. I saw
her there.

Q How large a room did Mr. Sherman
occupy at that house?

A Hall room. There was a single
bed in it, one chair & a wash stand
his trunk. There was room enough
there to walk & dress. There was
a bureau in the room. I am sure I
saw Robertson there at least 3 times.
It may be more. I saw him when

He came there to see Mr. Sherman, at the door, when I left him in the world go up-stairs. The room was open; the key was in the door or Mr. Sherman would be in. When Mr. Sherman was out the key would be under the carpets sometimes in the door. I don't think I ever gave Mr. Robertson the key & would open the door and let him in.

Q Where was your room?

A Down-stairs in the basement. I saw Robertson in Sherman's room when I left him in there.

Q Do you remember at any time Robertson coming to see Mr. Sherman & you told him he was in Philadelphia?

A Yes I don't remember that nor do I remember him leaving word he was going away & that at that time Robertson called.

Q Do you see Mr. Arnette here?

A Yes. (points him out)

Q Have you called at his place of

business since your return from Europe?
 A Yes, but I didn't see him - that was the
 30th of March 1885.

Q How often did you see Mr. Sherman at the 10th
 St. house quite frequently?
 A Yes.

Q Did you see him in his room?

A Yes, when I had occasion to go in
 there & he was in. I had to clean the
 room.

Q Were you ever sick while you were
 there & Mr. Sherman gave you some
 brandy?

A No sir.

Q How long was Mr. Sherman at the
 10th St. house while you were there?

A About three months I remember &
 can't say exactly.

Q Do you recollect any particular
 interview you had with him at any
 one time?

A No sir. I may have seen him in his
 room five times.

Q Did you see him undressed?

A Yes, once when he was sick. He came home with Mr. Anette. He said he felt very bad. It was after 11 o'clock. I don't know the exact time. I had been to bed. I had my petticoat and dressing sacque on. I got a mustard plaster and put it on him. I put it on his side. Mr. Anette told me to get the plaster - he said he thought it would do him good. I am positive Mr. Anette stayed in the room all the time.

Q Have you seen Mr. Sherman from the time he left the 10th St. house until you saw him in front last Friday?

A No sir, nor did I have any communication with him.

Q Did you ever live in 3rd Av. between 12th & 13th Streets?

A No sir.

Q The lady who kept the house in 10th St. was named Koch?

A Yes, she is dead now. Her sister

managed the house after her death -
her name was Mrs Snippel.

Q Were you ever visited by Mr Robertson
in company with Mr. Ethenidge, the
gentleman who was on the witness
stand a little while ago?

A I don't remember that I ever seen him
once.

Q Did you have any conversation with
Mr. Robertson in the presence of any-
body except Mr. Knutte or Mr. Sherman?

A No; he came there to see me after
I left the 10th St. house; he had a
gentleman with him. I don't know his
name. I was down stairs in the
kitchen when he called in the 8th
St. house. I was there on a visit.
He came there and asked for me at
the door

Q Are you willing to swear you never
saw Mr. Ethenidge before to-day?

A I can't remember ever seeing him be-
fore. I don't swear I did not.

Q Where did you call on Mr. Anette?

A At the Custom House. I enquired of Mr. Binrose for him but I didn't see him. I don't remember what I said - I called also at his place of business after that but didn't see him. I left a note for him there but I have not heard from him since.

Q Did you ever go to a house in 13th St. one block East of 3rd Av. or any house in that street between 2^d & 3^d Av.?

A No sir.

Q At the house in 18th St. did you ever see Mr. Robertson undressed in Mr. Sherman's room?

A No sir.

Q Were you ever in the room when he was in the room & the door shut?

A No sir.

Q At night or any time.

A No.

Q Did you ever tell anybody in the presence

of Mr. Robertson that you went into
Mr. Sherman's room on a certain
occasion - a certain night and
found Mr. Robertson in the bed
and that Mr. Sherman came in
afterwards?

A cousin.

Did you ever said anything about that?

A co.

2 To man, woman or child?

A cousin.

Sworn to before me this } Clara King.

11th day of April 1885

AM Paterson

Police Justice

Recalled by Mr. Brooke

My room was in the basement of
the 11th St. house and in very warm
weather of the rooms were not
all occupied I was allowed
to sleep up-stairs. I had no room
in that house except the one in the

(other side) 16

34 (see other side)

POOR QUALITY ORIGINALS

09993

35

Basement
 I never slept in different rooms
 in that house but I never slept
 on the same floor with Mr. Sherman
 Mr. Sherman never promised me any
 tickets to Europe nor never gave me
 any. I never said I would kill Mr.
 Sherman and I never told anybody I
 would put poison in the bottles
 that were in his room

Sworn before me this
 17th day of April 1885

Clara Murray

J. W. Pittman
 Police Justice

POOR QUALITY ORIGINALS

0994

(No. 3)

STENOGRAPHER'S MINUTES.

Fourth District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF
Walter R. Sherman
 vs.
Robert Robertson

BEFORE HON.

Jacob M. Patterson
POLICE JUSTICE,

April 17 188*5*

APPEARANCES: { For the People, *clerk C. M. Burke* & *W. R. M. Sherman*
 For the Defence, *P. B. Vermilyea Esq*

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James A. Lynn

Official Stenographer.
107 Centre St.
Prof. City

POOR QUALITY ORIGINALS

0995

H
District Police Court.

Walter J. Sherman
Robert Robertson

vs.
Robert Robertson

STENOGRAPHER'S TRANSCRIPT.

April 17th 1885

BEFORE HON.

Jacob M. Patterson

Police Justice.

James R. Lyon

Official Stenographer.
107 Centre St.

535 E. 10th St.

POOR QUALITY ORIGINALS

0996

1st DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Walter R. Sherman

agst
Robert Robertson

Examination had *April 17th* 1885
Before *Hon. Jacob M. Patterson*, Police Justice.

I, *James A. Lyon* Stenographer of the *1st* District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of

the original Stenographer's notes of the testimony of *Walter R. Sherman, Frank Ethendges, Michael B. Phillips, James Anette Jr and Robert Robertson* as taken by me on the above examination before said Justice.

Dated *April 17th* 1885.

James A. Lyon
Stenographer.

Police Justice.

Walter K. Sherman, the complaining witness
being duly sworn testified as follows.

Cross Examination - by - es. Vermilyea

Q This is the Complaint? (Showing witness
the Complaint)

A Yes sir.

Q You have read it over?

A Yes sir.

Q It is not in your handwriting?

A Yes sir; but I read it over before I swore
but.

Q Is the language in that Complaint your
language or the language of the gentle-
man in whose handwriting it is?

A He wrote it and it is probably his lan-
guage.

Q Did you tell him these facts which
are embodied in this affidavit?

A He knew them from having conducted
the case - the divorce case.

Q I didn't say anything to him about

this particular affidavit?

A I read it over. His knowledge of the facts brought out in the divorce case was as much as mine.

Q This is his language instead of yours?

A Yes. I read it over and found it to be correct and then I signed it and swore to it.

Q You swear in here that Mr. Robertson the defendant gave certain testimony that was wilfully and knowingly false - do you know that ~~at that time~~ what he testified on that trial of the action of Kate M. Sherman against Walter R. Sherman - against you - was false?

A Yes sir.

Q How do you know that Mr. Robertson testified wilfully and corruptly?

Objected to by Mr. Brooke as being an conclusion of law and calling for an opinion.

Over

By "The Court" He knows of his own knowledge whether he testified falsely or not.

Objection Sustained.

Q You swear here that he communicated the facts to Mr. Etheridge in the latter part of the year 1882 or the early part of 1883 - does he not swear that he did not communicate the facts until after the 7th of August 1883?

A I believe he so stated.

Q You state here that he ^{said he} never wrote a letter to ~~the complainant~~ ^{you} about the lady who was acting as a detective and watching the ~~complainant~~ ^{plaintiff} and stating the result of her Endeavours - didn't he say he had no recollect of it?

A Just he said he didn't.

Q After he was asked a few more questions he said he had no recollection of writing such a letter, did he not?

A I think he testified he did not write such a letter and afterwards he said he didn't recollect whether he did or not.

Q Was that letter introduced in evidence on the trial?

A It was read.

Q It was?

A Yes sir.

Q How do you know it was the letter?

A Because I saw it.

Q It was not introduced in evidence on the trial of the case of Kate M. Sherman against yourself?

A It was read and the facts therein contained were read to the witness.

Q But the letter is not anywhere in the testimony excepting the copy?

A The records will show that.

Q How long have you known Mr. Robertson?

A About three or four years.

Q How did your acquaintance commence?

A By being introduced to him.

Q By whom?

A My brother, Roger M. Sherman.

Q Was that when he was employed by your brother?

A Yes sir.

Q Your acquaintance after that became quite intimate?

A Yes sir.

Q Did you live at his house at one time?

A Yes sir.

Q Are you acquainted with his family?

A Yes; I have roomed there - went to sleep there.

Q Did you ever employ him as a detective?

A Yes sir.

Q Did you pay him?

A Yes sir.

Q In the suit of State vs. Sherman against you?

A Yes sir.

Q What did you do that for?

A To watch Mrs. Sherman and

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find out anything he could in relation to her conduct and to confer with Mrs Polhemus and she had to bring the ~~report~~ report to me of what she discovered.
Q How much did you pay him?

Objected to as immaterial
Objection sustained

Q Did you ever threaten Mr. Robertson with any vengeance on your part?

A Yes sir.

Q When?

A The night he was arrested on this complaint.

Q What did you say to him?

A I don't know the exact language the substance of it was that I was very much incensed at the way he had acted and when we were standing on the elevated station platform going to the station house I told him that if it were not for the counsel of good friends he would not be there at that time and

that I had not forgotten his actions
and that he need not imagine I
would forget it either.

Q Did you ever threaten him before that?

A Yes sir.

Q When?

A There was a motion was for alimony
and when the case was called in
the Supreme Court, before Judge
Lawrence, I was surprised to see Mr.
Robertson there, evidently as a witness.

Q Why evidently?

A I said to him "Are you a witness in
this case?" and he said "Yes." I told him
he was a professional witness and
would swear to anything for \$5. I
told him if he swore to any lies about
me in this case he would be sorry
for it. I told him he could state any-
thing that was true. That was the
substance of it. Mr. Etheridge stepped
in between us, thinking there would be
some trouble and my lawyer told me to

stop.

Q Are these the only two occasions upon which you threatened him?

A Yes.

Q Didn't you make some push or movement towards him in an elevated train some time ago?

A I think I did. He had some difficulty in the train with my brother and he made a move as though coming towards us and I stood up on the seat ready for any encounter.

Q Did you make any remarks?

A I don't think I did.

Q This threat or attack that you made against him at the time in the Courtroom or wherever it was, was a long time previous to the trial of the divorce suit?

Objected to by Mr. Brooke as assuming that there was a threat made.

Objection overruled.

A Some time before that.

Q Was it three months before it or six months?

A I should think it was something like three or four months.

Q Are you sure it was not six months before?

A I can't remember the exact time just now - it may have been six months - I can't say positively.

Q The encounter on the Elevated Road, was that a short time after the alimony proceedings had begun?

A I think it was after.

Q Before the divorce trial was it?

A Yes sir.

Q Why did you think Mr. Robertson was going to be a witness in that case?

Objected to as immaterial by Mr. Brooke

Objection Sustained.

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Q How many cases do you know of his being a witness?

Objected to as being immaterial by Mr. Brooke

Objection sustained.

Cross Exam — by — Mr. Vermilyea

Q How old are you?

A Between 32 and 33 years of age.

Q Were you ever expelled from college?

A No sir.

Q How long have you been engaged at your present business?

A I think I was appointed the first of May 1877; it was either 1876 or 1877 — I think it was 1876.

Q Have you ever received any presents from ship captains or from importers or from people with whom you came in contact in your business?

Objected to by Mr. Brooke as immaterial

Objection sustained.

Q You are acquainted with James Annette Jr.?

A Yes sir.

Q How long have you known him?

A About four or five years.

Q Was he a Custom House Inspector and in the same bureau as you?

A I believe so.

Q Don't you know so?

A I know so. Yes, he was employed there.

Q You were intimately acquainted with him at one time were you not?

A Yes sir.

Q And you were also acquainted with Mrs. Annette - his wife?

A Yes sir.

Q Did you ever write a letter to Mr. Annette?

A Yes, a great many.

Q Did you ever write a letter to Mrs.

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Annette in relation to this girl, Clara
Menz?

Objected to by Mr. Brooke as immaterial
and incompetent.

Objection Sustained

Q Did you ever tell Mr. Annette anything
about Clara Menz and yourself?

Objected to by Mr. Brooke as immaterial

Objection Sustained.

Q Did you hear the testimony given by
Clara Menz the other day?

A Yes; I was present when she testi-
fied.

Q And you heard her evidence in relation
on the evening she put the plaster
on you?

A Yes sir.

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Q I'm heard her testify that M^r. Arnette was there at the time?

A Yes sir.

Q And that he came in the house with you that night?

A Yes sir.

Q Did you send for Clara Meng that night?

A No sir.

Q She heard you coming in did she?

A I suppose so.

Q You don't know how she came to come to your room on that night?

A No sir.

Q When she came up-stairs was the door of your room open or closed?

A I couldn't say.

Q How long did M^r. Arnette remain there that evening?

A I can't say exactly - it was some minutes.

Q Did he remain there all night?

A No sir.

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Q Did he go away and then Clara
Menz came in afterwards?

A Yes; Clara Menz and M^r. Annette
left my room together.

Q That night?

A Yes.

Q Was that before or after the mustard
plaster was applied?

A After it. One of them turned the gas
down as they went out - I suppose
they thought I was asleep.

Q M^r. Annette called at the house in
10th Street very frequently, did he not?

A Occasionally.

Q Did he ever call there and find Clara
Menz in your room?

Objected to by M^r. Brooke as immaterial

Objection sustained

Q Did you ever live at No. 95 Lexington
Avenue?

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A Yes sir, near the corner of 26th Street -
I don't know the number - it may be
No. 75; it was on the East side of
the street, the second door from the
corner of 26th Street.

Q You couldn't swear it was ~~at~~ not
No. 75?

A Yes sir; it might be.

Q Did you have any difficulty with
the landlady there?

Objected to as immaterial

Objection sustained.

Q Did you ever promise that you would
give Clara Menz tickets for Europe?

Objected to as immaterial

Objection sustained.

Q When did you first learn that Clara

10 12

Menz returned from Europe as she said?

A On the Monday after she had returned. I think she arrived on a Saturday and I was informed of it on the Monday following.

Q By whom were you informed?

A By my brother.

Q And that was the first you knew of it?

A Yes sir.

Q Did you know she was coming back?

A Yes, I knew it on the Friday afternoon the day previous to the Saturday she arrived.

Q Did you inform your brother of that fact?

A Yes sir.

Q How did you become aware of her arrival?

Objected to as immaterial.

Objection sustained.

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2 Did you ever tell Mr. Robertson when you were living with him that you were afraid Clara Menz would poison you?

Objected to as immaterial.

2 Did you ever tell him (Robertson) that you were afraid Clara Menz would ~~put~~ put poison in the liquor which you had in bottles in your room?

Objected to as immaterial

Objection sustained.

2 Did you tell him (Robertson) and also Mr. Annette that you always paid Clara Menz for the services she rendered you?

Objected to as immaterial

Objection sustained

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Q Did you ever go by an assumed name?

A No sir, never.

Q And you never wrote any letters and signed any other name to them?

Objected to by Mr. Brooke as being incompetent and immaterial

Objection sustained

Q Did you write a letter to ^{the defendant} a lady who was acting as a detective in watching her ^{at the house} and stating the results of her endeavours?

A I never did.

Q Do you say you never did?

A I don't think I ever did.

Re. Direct Examination - by - Mr. Brooke

Q When did you go to the house in 10th Street to reside to which Mr. Robertson refers in his testimony in the divorce

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suit and which is the basis of the charge of perjury in this complaint?

A On the 8th of September.

Q In what year?

A In 1882.

Q Had you ever been at the house before that time?

A Yes, the day before that.

Q The day before that you went there and engaged your room and went there in pursuance of that engagement to live on the 8th of September?

A Yes sir.

Q On what floor was your room?

A The third story, front hall room, two flights from the front door.

Q What was the size of the room?

A It was a small hall bed room.

Q Was it a single or double bed?

A Single.

Q How wide?

A It was an ordinary single bed.

Subscribed before me this
17th day of April 1885

Walter R. Sherman

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W. R. Sherman

Justice of the Peace

10 16

Frank Etheridge, being duly sworn testi-
fied as follows:

Direct Examination - by - W. Vermilye.

Q Where do you reside?

A No. 244 West 48th Street, this City.

Q And your occupation?

A I am an Attorney and Counsellor at Law.

Q You are one of the firm that drew the
Complaint in this action for divorce brought
by Kate M. Sherman against Walter R.
Sherman?

A Yes sir.

Q Do you know Clara Menz?

A I know this lady here (pointing to Clara
Menz) if that is she.

Q When did you first see her?

A Shortly before the commencement of
the action for the divorce.

Q Before drawing the Complaint?

A Yes, as I remember.

Q Where did you see her?

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A I think it was at No. 110 East 10th Street
it was on the south side of the street.

Q Under what circumstances and why
did you see her?

Objected to as being immaterial and irre-
levant by Mr. Brooke.

Objection sustained.

Q Who did you go there with?

A Mr. Robertson.

Q And you saw Clara Menz there?

A Yes.

Q Did you have any conversation with her?

A Yes; I was present where the conversation
was had.

Q What did she say about this adultery bus-
iness?

Objected to by Mr. Brooke as being in-
competent

Objection overruled

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A Mr. Robertson and I went there and spoke to her. We rang the bell and the servant came to the door and Mr. Robertson enquired for Clara Meng. We remained waiting in the hall a short time when she came and Robertson said "How do you do Clara?" and then he introduced me to her as Mrs. Sherman's lawyer - her attorney. He ~~then~~ asked her if she knew Sherman and said she did. He said we were attempting to get evidence in a divorce proceeding against Walter R. Sherman and I said we knew she was in the possession of such evidence. Then Mr. Robertson asked her if she remembered coming into Mr. Sherman's room one night, ~~as I remember~~ as I remember, when he ^(Robertson) was in bed there and she said "Yes". Then he said to her that Sherman came in the room afterwards and she said "Yes". She then said she had had trouble enough and would like very much to assist Mrs. Sherman if she could but that

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she didn't want any more trouble. She said that when she was in trouble Mr. Sherman said he would get her some tickets to go to Europe and that he did not do it. I don't remember anything further she said except about the night being rainy.

Q You are positive about that?

A Yes sir. Mr. Robinson said to her.

"Don't you remember anything about that night being rainy?" and she said it was.

Mr. Brooke moved to strike out the last answer.

Motion denied

Cross-Examination - by Mr. Roger M. Sherman.

Q Your last statement sounds to me as if your own induction was to have it that she went into Walter R. Sherman's room when he was in bed?

A Yes sir; while Mr. Robertson was in bed.

Q You swear positively that Clara Henry said that she went in that room while Mr. Robertson was in bed?

A Yes; he said "don't you remember coming into Sherman's room when I was in his bed and afterwards Sherman came in there?"

Q Are you positive of that?

A Yes, to the best of my recollection.

Q Why do you qualify, as to the best of your recollection?

A I will strike the qualification out.

Q Why did you put it in?

A Because I am swearing to that.

Q Did you intend to protect yourself when you added to your story "to the best of my recollection"?

A No sir.

Q Are you positive that on that occasion there was any reference made to a stormy night?

A A rainy night, I believe was the night

Q Did you take any pains to fix the right when you drew the complaint?

A I took pains from the statements of Mr. Robertson I think - I got the date from him, I believe.

Q What was the date fixed?

A I don't remember - I did not represent Mrs. Sherman on the trial.

Q Did you state the date was between the 1st and the 15th of September, of your own recollection?

A I have no recollection of it.

Q You can remember every word of the interview that took place in 1882 and you can't state whether in the pleading it was between the 1st and the 15th of September?

A Yes when I asked for it - the other was detailed.

Q That is the best explanation you can give of your better memory in one case than the other?

A Yes sir.

Q You intended in drawing the complaint

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to charge that adultery as having been committed on a certain night?

A Yes, I think so.

Q Was the statement of Clara Menz in your mind when you drew the complaint?

A I can't swear to that.

Q You can't say whether it was distinct in your memory at the time or not?

A I presume it was.

Q You had it fixed by the fact that it was a rainy night?

A I remember that fact.

Q Then why did you charge it in the complaint - this act of adultery as having been committed between the 1st and the 15th of September instead of some particular day?

A I can't say.

Q The motion was made for alimony?

A Yes sir

Q On the argument of that motion certain counter charges were made against your client - was Sherman

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Objected to by Mr. Vermilye as incompetent and immaterial

Objection overruled

A Yes sir.

Q And Judge Lawrence ordered a reference?

A I understand so.

Q Were you not the Attorney in charge of the case at the time?

A Yes sir.

Q Then don't you remember that as a fact?

A Yes sir.

Q You didn't enter any order?

A No sir.

Q And you did not proceed with the reference?

A No sir.

Q The ground of opposition was that there was no proof of adultery presented to the Court?

Objected to by Mr. Vermilye as immaterial

Objection overruled

A I don't remember at present. I think there were counter charges of adultery. The papers will show.

By "The Court"

Q You were the attorney in the proceeding at the time the application was made for alimony?

A Yes sir.

(By W. Sherman, Continued)

Q Being in the possession of the facts to which you have testified to here and having two witnesses who could prove the adultery why didn't you proceed with your reference for alimony to prove the claim?

A I refuse to answer. I don't mean any disrespect to The Court however. I with-

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draw my refusal to answer and now
say that I decline to answer the question.

Sworn to before me this
17th day of April 1845.

Plene Justice.

Michael E. Phillips, being duly sworn
testified as follows:

Direct Examination by Mr. Vermilyea

Q Where do you reside?

A No. 105, 3rd Avenue this City.

Q What is your business?

A I am with A & N. Veitch.

Q Where is there place of business?

A No. 625 Broadway.

Q What are your duties there?

A I am a salesman.

Q What is their business?

A They are importers of linen and fancy

goods.

Q Do you know Clara Menz?

A Yes

Q Do you see her here?

A Yes, there she is. (Witness points out Clara Menz)

Q Where did you know her?

A At my house, No. 101-3rd St. E. Ave.

Q What sort of a house is it?

A It is a flat house

Q When did you know her there?

A In the latter part of the Spring of 1883 or 1884.

Q What was she doing there?

Objected to by Mr. Burke as immaterial

Objection sustained

Q Did she live there?

A Mrs Swittel occupied the second floor and Clara Menz lived there with her.

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Q How long was she there?

A Not more than two months altogether.

Q How long did she live there?

A A week after they moved.

Q How long did you see her there?

A I saw her there two or three times.

Q You saw her there?

A Yes.

Q How many times did you say?

A Several times - I can't remember exactly how many times.

Q Was it a dozen times?

A I suppose so.

Q Aren't you sure?

A Yes, I am sure.

Q What was she doing there?

A Nothing except going to her room -
I saw her on the second flat.

Q Where Mr Swittet lived?

A Yes sir.

Q What time in the day?

A I don't remember - more frequently
in the evenings between six and

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seven o'clock

Q Did she seem to be employed there?

Objectioned to as immaterial by cu. Burke
on the ground that she might ^{have} been visiting there
Objection sustained

cu. Burke moved to strike out all
the evidence given by the witness as being
immaterial & incompetent.

Motion granted
(witness withdrawn)

James Anette Jr., being duly sworn testi-
fied as follows:

Direct Examination - by cu. Vermilyea

Q Where do you reside?

A No. 374 Atlantic Avenue, Brooklyn.

Q Do you know the complainant in this
case, cu. Walter R. Sherman?

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A Yes sir.

Q Do you know Clara Henry?

A Yes sir.

Q Do you see her here now?

A Yes (with her points her out)

Q Do you know the defendant here, Robert Robertson?

A Yes sir.

Q How long have you known ~~for~~ Mr. Sherman?

A Since the middle of May 1882.

Q Did you know him when he lived at No. 110 East 10th Street?

A Yes sir.

Q Did you call there frequently?

A Yes sir.

Q To see him?

A Yes sir.

Q Did you go to his room when you called there?

A Yes sir.

Q Did you ever see Clara Henry there?

Objected to by Mr. Burke as incompetent
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A Yes sir.

Q Do you know Clara Clegg?

A Yes sir.

Q Do you see her here now?

A Yes (witness points her out)

Q Do you know the defendant here, Robert Robertson?

A Yes sir.

Q How long have you known ~~Mr.~~ Mr. Sherman?

A Since the middle of May 1882.

Q Did you know him when he lived at No. 110 East 10th Street?

A Yes sir.

Q Did you call there frequently?

A Yes sir.

Q To see him?

A Yes sir.

Q Did you go to his room when you called there?

A Yes sir.

Q Did you ever see Clara Clegg there?

Objected to by Mr. Brooke as incompetent
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Objection sustained.
Q Did you ever see Clara Menz there un-
dressed?

Objected to as immaterial

Objection sustained.

Q Did you visit there between the 1st and
the 15th of September 1882?
A Yes sir.

Q Do you remember seeing Clara Menz
coming out of Walter Sherman's room
undressed within those dates.

Objected to as immaterial

Objection sustained

Q Has Mr. Walter R. Sherman ever told
you anything about his intimacy with
Clara Menz?

Objected to by Mr. Spoke as immaterial

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Objection sustained.

Q Did Mr. Sherman ever tell you of his intimacy with Clara Menz on one stormy night in the latter part of September 1882, when Mr. Robertson was there?

A He never told me in that direct language.

Q Were you ever in that house in 13th Street with Clara Menz?

Objected to by Mr. Brooke as being collateral and not affecting the credibility of Clara Menz.

Objection overruled.

(Question repeated)

A Yes.

Q Clara Menz has testified that the night that Mr. Sherman went home sick and she put the plaster on that you came in with him?

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A Messin.

2 Did you remain in there all the time?

Objected to by cu. Brooke as immaterial

Objection sustained.

2 Did Mr. Sherman ever write you a letter in relation to Clara Menz?

Objected to as immaterial

Objection sustained.

2 Did Clara Menz ever tell you anything about this particular night that Mr. Robertson has testified to in his divorce suit?

Objected to as irrelevant by cu. Brooke

Objection overruled
(Question repeated)

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A c/s near as I can recollect she said her room was on the same floor with M. Sherman's room and that she ~~slipped~~ ^{slipped} in the bath room. There was a water-closet adjoining the bath room, she said and between the bath room and the water closet there was a glass window and that he was trying to see her while she was in the bath-room by looking through this window and he didn't succeed at all and that shortly after that she came out of the ^{bath} room and went into her room which was a large room on the same floor and that she sat down in a chair and sighed several times and attracted Sherman's attention. He said he came in with a bottle and some kind of liquor and asked her what was the matter and she said she didn't feel well at all. After that she said she accompanied Sherman to his room and re-

remained there the rest of the night.

Q That was the night Robertson was there?

A Yes.

Q That is all she told you?

A I don't remember.

Q Did she tell you anything about the night that Mr. Robertson testified to?

A I can't say - I don't know.

Q Did Mr. Sherman ever tell you anything about that night?

A Yes; he corroborated this story of the night I speak of.

(Cross Examination, reserved)

Sworn to before me this
17th day of April 1885

Police Justice.

Robert Robertson, the defendant being duly sworn, testified as follows in his

own behalf.

Direct Examination - by cu. Vermilyea

Q You are the defendant in this case?

A Yes sir.

Q Where do you reside?

A No. 176 East 85th Street, this City.

Q What is your business?

A I am a clerk in the house of the
McCarthy & Hall Trading Company.

Q Where is their place of business?

A No. 487 Broadway.

Q How long have you known this Com-
plainant - Walter R. Sherman?

A Four or five years.

Q You were formerly a clerk for his
brother - cu. Roger M. Sherman?

A Yes sir.

Q How did you come to resign from his
office?

Objected to as immaterial

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Objection sustained.

Q You testified on the 2nd and 10th of February 1885 in the divorce suit of Kate M. Sherman against Walter R. Sherman?

A Yes sir.

Q Before Judge Beach?

A Yes sir.

Q In relation to the night at 110 East 10th Street?

A Yes sir.

Q Will you state what happened on that particular night there?

A On that particular night I called on W. Sherman at No. 110 East 10th Street - he was in when I got there. He took some brandy out of his trunk - it was three star brandy I think he called it or Martel. He asked me to get some ginger ale and I went to Buckley's liquor store on the North West corner of 9th Street and 3rd Avenue.

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it was raining so hard at the time that I had to borrow an umbrella to go there. I came back and then Mr. Sherman dropped and went out and told me before going out to make myself comfortable and when I got tired to go to bed. I read some papers and I got drowsy and went to bed. I turned the gas ~~gas~~ down just before going to bed. I was partly awake and partly asleep - dozing, in bed when the gas was turned up and before me stood Clara Menz, in her nightdress. I confess I felt rather shaky being in a strange place and I do believe I trembled. She asked me if I were cold or something like that or to that effect and I answered "yes" or something to that effect. She asked me if she could warm me or something to that effect and I said I ~~wouldn't~~ wouldn't be surprised if she could.

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After that she got in the bed and laid there with me I know until Walter Sherman returned. When he came in I told Sherman she was too much for me and he laughed and said he thought so or something to that effect - in that way. I then said I would leave the room. Walter Sherman commenced undressing and I remember he took his coat, vest and pants off - I remember that distinctly - then I was shown in a back room on that same floor - a large room. There were two middle rooms but this was a back room on the same floor that I went into. I remained there until Clara Menz came in there after that and told me it was her room and I then went into Sherman's room. Sherman asked me how ~~it~~ I was fixed and I didn't say and he said "here is ~~the~~ \$1. go and give it to her

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so that she can't put on in a box? He told me about the Brandy and said she was too much for him and told me he tried to fix her up the best way he could and that he didn't think she would bother us any more. The bed was not very comfortable when I went back but the second time and Mr. Sherman slept at the head of the bed and I slept at the foot. He got up very early - I didn't know he had gone out. I got up, dressed and went up-town to 57th Street and breakfasted.

Q Is that all?

A Yes sir.

Q You remember pretty well what you testified to back on the 2nd and 10th of February?

A Yes sir.

Q Is everything that you testified to on the 2nd and 10th of February

true to the best of your knowledge and belief?

A It was the memory of a year. I said I had never communicated it until the 17th of February 1883 and I ~~swore~~ swore ~~it should~~ I did in the latter part of 1882 and ~~it~~ should have been in the latter part of 1883 or the beginning of 1884.

Cross-Examination by Mr. Brooke

Q At the time you say all this occurred in this house in 10th Street as you have described it were you a married or a single man?

A Married.

Q Where was your wife?

A She was then with her mother

Q Where?

A In Morrisania.

Q Were you living there?

A No sir, it was too far. I went it

understood that I was on very friendly terms with my wife.

Q. When you were having this little experience with this lady, Clara Menz, you were on friendly terms with your wife?

A. Yes sir.

Q. When did you communicate this fact to your wife?

A. I don't know that I ever did communicate the fact to her.

Q. Did she become aware of it?

A. I don't know that she has ever become aware of it.

Q. Was she here at the last examination?

Objected to by cu! Vermilyea as im-
material

Objection sustained

Sworn to before me this }
17th day of April 1888 }

Wm. H. Brown

Wm. H. Patterson
Clerk of Court

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234 Broadway,
New York, Dec. 2/88.

Hon. Randolph B. Martin,
District Attorney.

Dear Sir,

Permit me to acknowledge the con-
tents of your letter of yesterday, and to say, that
inasmuch as Mr. Davis thinks the indict-
ment sufficient and the date unavoidable under
Sec. 293, I cannot urge my judgment against
his, and I am reluctant to urge any
delay in the trial.

The case is set for tomorrow, which
makes the following suggestion extremely urgent.
The case in chief is plainly spread upon the
records of the preliminary examination, none
in your office. But the defense generally
given out makes the preparation for re-
buttal quite as important. It is no other
than the scandal published in the news-
papers and brought to your attention at the
time of the motion for a new trial in the
divorce case, the matter of which was
stricken out by Judge Van Vorst as scandal-
ous and impertinent. If that matter is ma-
terial here, there is a complete and over-
whelming answer to it, and it would

a terrible injustice to several innocent people to allow the defense to be made the vehicle for this scandal without an opportunity to rebut it. To this end I have made repeated efforts, without success, to confer with you or the assistant in charge of the case. Please understand that I am not complaining and fully appreciate the tremendous demands upon your time and his. But I beg now that I may have an appointment before tomorrow morning for a short time with you or him, in which to submit the facts and the witnesses bearing on this feature of the case.

I venture to say that you will find that the defense presented by Judge Bus-
ted upon the pretence of showing malice in the prosecution will be a notable exhibition of malice by the defendant. There three gentlemen in your office who for personal reasons have avowedly held aloof from the prosecution. I am sure you will regard that as an additional reason, if one were needed, why the prosecutor should have fair play, including the customary facilities of conference with your office. While I am an attorney the attack proposed affects me in matters very dear to me as a man, and I appeal to you not only as a lawyer but as a man to afford me this opportunity for defense. When can I call upon you or Judge Bedford in this matter?

Very respectfully,
Reginald Hervey

234 Broadway
Mrs. Gunning S. Redford
ant. Dist. Atty. Dec. 1

Dear Sir:

I enclose a copy of a
letter to the Dist. Atty. & his re-
ply and beg you will grant the
appointment therein asked at some
time before tomorrow morning or
else postpone the trial of Red.
v. Robertson until it can be
given.

Yours respectfully

Wm. M. Sherman

A.T.
will you kindly return the
enclosures.

POOR QUALITY
ORIGINALS

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DISTRICT ATTORNEY'S OFFICE,

New York, Dec 2, 1885

Dear Sir,

I have your favor of
this date in case of Robert-
son and suggest that you
see Asst Dist Atty Bedford
who is to try the case - and
consult with him as to
the matters you speak of.

Yours respectfully

Randolph B. Martine

To

Mr Roger M. Sherman

The People }
vs }
Robertson }

234 Broadway,
New York, Dec. 2/85.

Hon. Randolph B. Martine,
District Attorney.

Dear Sir:

Permit me to acknowledge the courtesy of your letter of yesterday, and to say, that inasmuch as Mr. Davis thinks the indictment sufficient and the date amendable under Sec. 293, I cannot urge my judgment against his, and I am reluctant to urge any delay in the trial.

The case is set for tomorrow, which makes the following suggestion extremely urgent. The case in chief is plainly spread upon the records of the preliminary examination, now in your office. But the defense generally given out makes the preparation for rebuttal quite as important. It is no other than the scandal published in the newspapers and brought to your attention at the time of the motion for a new trial in the divorce case, the matter of which was stricken out by Judge Van Vorst as scandalous and impertinent. If that matter is material here, there is a complete and overwhelming answer to it, and it would

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ORIGINALS

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be a terrible injustice to several innocent people to allow the defense to be made the vehicle for this scandal without an opportunity to rebut it. To this end I have made repeated efforts, without success, to confer with you or the assistant in charge of the case. Please understand that I am not complaining and fully appreciate the tremendous demands upon your time and his. But I beg now that I may have an appointment before tomorrow morning for a short time with you or him, in which to submit the facts and the witnesses bearing on this feature of the case.

I venture to say that you will find that the defense presented by Judge Bus-
thead upon the pretence of showing malice in the prosecution will be a notable exhibition of malice by the defendant. There ^{are} three gentlemen in your office who for personal reasons have avowedly held aloof from the prosecution. I am sure you will regard that as an additional reason, if one were needed, why the prosecutor should have fair play, including the customary facilities of conference with your office. While I am an attorney the attack per se does affect me in matters very dear to me as a man, and I appeal to you not only as a lawyer but as a man to afford me this opportunity for defense. When can I call upon you or Judge Redford in this matter?

Very respectfully,
Rogers Sherman

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Law office of Roger M. Sherman,
234 Broadway.

New York, Dec. 2, 1885.

Hon. Randolph B. Martine,
District Attorney.

Sir:-

I respectfully protest as attorney for the prosecutor in the case of the people against Robertson against the trial of the case in its present condition by Judge Bedford. He is in a condition of feeling and temper as expressed to me to-day in regard to the case which may lead him consciously or unconsciously to visit upon others a feeling of enmity which he entertains toward me.

This case has had a remarkable history in your office. After a full hearing and defence before a Committing Magistrate, the defendant was held upon the charge of perjury. Before two Grand Juries the defendant's witnesses as well as the prosecutor's were sent contrary to custom, These Grand Juries were unwilling to ignore the indictment although I am informed they were advised ^{to do so} contrary to the rule on the subject in the Berg case. The case was then allowed to lie dormant for several months, when an indictment was found which is set down for trial to-morrow.

I have not succeeded in securing the ordinary opportunities of conference with your office although I have on many occa-

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sions sought them with all due respect and courtesy. Three of your assistants have responded that their personal relations to the defendant or those connected with him, were such that in this case they could not act as prosecutors or that it would be distasteful to them to do so. I have waited many hours for the leisure of yourself and Judge Bedford without success in seeing either, because as I was informed, of the pressure of business.

There are some matters connected with this case which any lawyer acquainted at all with the prosecution would be competent to advise about, and I addressed Judge Bedford on the first instant a request for an interview out of office hours. ~~xxxxxxx~~ following: "

~~XXXXXXXXXXXX~~

~~XXXXXXXX~~

~~XXXXXXXXXXXX~~

I told him that I did not feel at liberty to ask for his time in relation to such a matter out of the official hours except upon the usual professional terms, and I enclosed him Fifty Dollars accordingly.

He did not seem at the time to consider that I had affronted him and merely showed a disposition not to work for anybody out of office hours for he replied to me as follows:

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"Dear Sir:

Yo^ur letter enclosing me \$50 as a professional fee for official advice I beg leave to return to you at once. Whatever advice you may desire by calling on me at the District Attorney's Office at 3 P. M. either on Wednesday or Thursday afternoons, I will willingly give you, and my official salary will be a full compensation.

Please step into my library and write me a line acknowledging the fact that I returned the \$50 and oblige

Yours truly,

Gunning S. Bedford"

I replied to him as follows:

*Date , Dec. 1st,

Dear Sir:

Permit me to say that the fee which I enclosed in my note was not for official advice and was intended precisely as expressed in my note to you. I regret that you should seem to think otherwise, but I recognize the propriety of your returning the fee since you take that view of it.

I will take the liberty of leaving with you tomorrow morning a very carefully prepared trial brief which I trust you will find to serve your convenience in the preparation of the case"

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To day I wrote you a letter requesting a conference in relation to some features of the case, and you replied asking me to see Judge Bedford. I enclosed a copy of my letter to you and your reply to him and asked him either to give me an appointment or to defer the trial until he could do so.

When I saw him he very offensively declined all discussion saying that I had attempted to bribe him. I replied ^{him too} that I thought ~~most~~ sensitive and that there was no such intention and that if he would read my note again he would see that no such construction was possible. He replied that he would see you. I asked him what he thought I had bribed him to do. He replied to prosecute this indictment. I said, it is your duty to do that any way. I find it impossible to get your attention for official or unofficial business during office hours, and I was willing to pay for your time out of office hours.

I must add, that I have not succeeded in getting a copy of the indictment without paying an extravagant price to an over worked clerk, to make it out of office hours. I did not think that, nor this offer improper.

I supposed Judge Bedford had enough experience and self poise not to be affected in his official duty by a small fee for his professional services, rendered out of office hours when

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his salary did not pay for his time. I did not think \$50 would be considered a sufficient sum to be construed under such circumstances into a bribe.

Finally, real integrity may be departed from quite as much by the man who stands so straight he leans backwards, as by any other means, and Judge Bedford's grievance, if he has one well founded, ought not to be made to affect this prosecution.

In the present temper of things, the defendant's counsel is likely to have full sweep in making his defense the vehicle of malicious scandal affecting persons who cannot be heard to, protect themselves. There has been a positive refusal to listen to the circumstances and proofs to meet this scandal; and if Judge Bedford tries this case to-morrow he will do so entirely unprepared and I fear, at least indifferent to that course by the defense.

Very respectfully yours,

Roger M. Sherman.

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~~Mr. G. S. Bedford~~
Mr.
Gerrit S. Bedford,
District Attorney

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ORIGINALS

1055



Thursday
My dear Judge:

The indignation at the outrage upon you, as a public official, is general, and enthusiastic admiration is expressed for the courage and dignity with which you continued your speech. I hope that, in your private capacity, you

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feel, as I do, contempt and
even compassion for your cow-
ardly assailant. But, in
your official capacity, you
ought to insist upon his ex-
treme punishment.

It must not be necessary for
a District Attorney to speak
with his hand on a revolver.

Would that I had been
there!

Always Yours

Steph Fiske

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**END OF
BOX**