

0861

BOX:

189

FOLDER:

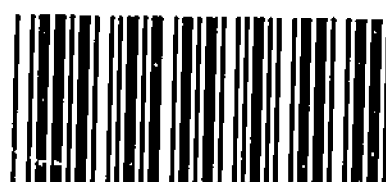
1917

DESCRIPTION:

Rees, William

DATE:

09/21/85



1917

POOR QUALITY
ORIGINALS

0062

Witnesses:

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

THE PEOPLE
vs. *B*
William D. Root
30 Bank
46 1st

ASSAULT IN THE THIRD DEGREE.
(Section 219, Penal Code.)

RANDOLPH B. MARTINE,
District Attorney.

No 196 Tr ver 14/85-
Oct 14 pleads guilty.
A True Bill,
Chas H. Kammell
Shirley \$10.

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 *Samuel Saverio*,
in the peace of the said people then and there being, with force and arms, unlawfully
did make an assault and *in* the said *Samuel Saverio*,
did then and there unlawfully beat, wound and illtreat, to the great damage of the
said *Samuel 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

0064

BAILED.

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

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

No. 3, by *John P. Bonaparte*
Residence *210 Bank St.*
Street

No. 4, by *John P. Bonaparte*
Residence *210 Bank St.*
Street

Police Court *976* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Bonaparte

vs. *1500*

William Bonaparte

2

3

4

Offence *Assault*

Date *August 20* 188

John P. Bonaparte
Magistrate.

William Bonaparte
Officer.

1500
Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

to answer

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 Bonaparte
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 *John P. Bonaparte* Police Justice.

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

Dated *August 20* 188 *John P. Bonaparte* Police Justice.

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

Dated *August 20* 188 *John P. Bonaparte* Police Justice.

POOR QUALITY
ORIGINALS

0065

Police Court—*2nd* District.

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

of No.

Louis Tancredi
150 French Police Street,
on *Wednesday* the *26* day of *August*
in the year 188*7*, at the City of New York, in the County of New York,

~~that~~
he was violently ASSAULTED and BEATEN by

William Kees-
(non sue) who struck deponent
on the head with his clenched
hand. Deponent says
while deponent 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

day of

188*7*

Louis Tancredi
Police Justice.

POOR QUALITY
ORIGINALS

0066

Sec. 193-200.

CITY AND COUNTY { ss
OF NEW YORK,

2nd District Police Court.

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

Question What is your name?

Answer 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 Bank 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 intimidated
Wm A Rees

I taken before me this

day of

1888

Police Justice

0867

BOX:

189

FOLDER:

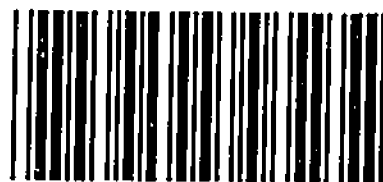
1917

DESCRIPTION:

Reid, Henry M.

DATE:

09/15/85



1917

Witnesses:

Counsel, *B. J. U. C. Harris*
Filed *15* day of *Sept.* 188*5*
Pleads *of prob. bill 7/4*

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

THE PEOPLE

vs.

P
Danmyon. Bird

RANDOLPH B. MARTINE,

District Attorney.

No 100 *is vacated*
A True Bill. *Ind. vacated*

John H. Russell

Foreman.

Sept 28th
J. H. Russell
- Oct 2nd 1885

0868

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. Martinie,
District Attorney.

0070

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

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Alfred J. Smith
203 Fremont Street
Henry M. Clark

2 _____
3 _____
4 _____

Offence

Dated

Sept 19 1885

188

Magistrate.

Shanty Officer.

Witnesses

Precinct.

No. _____

Street.

No. _____

Street.

No. _____

Street.

\$ _____

to answer

Sessions.

Alfred J. Smith

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 19* 188 *John J. Kernan* 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.

0871

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

day of

1884

Police Justice.

0072

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
day of Jan 1885

1885

John Dick
John Dick
Police Justice.

100-1000
P
100-1000
100-1000
100-1000

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 sworndeposes and says, that on the 7th day of September 1885 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz:

One 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 Hoteland 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 Bar Tender 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
minutes 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 12 day
of September 1885
at New York
Police Justice.

0074

BOX:

189

FOLDER:

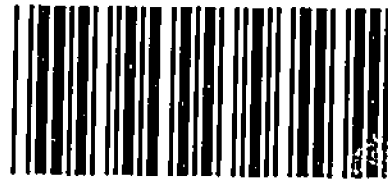
1917

DESCRIPTION:

Reilly, John

DATE:

09/16/85



1917

0075

BOX:

189

FOLDER:

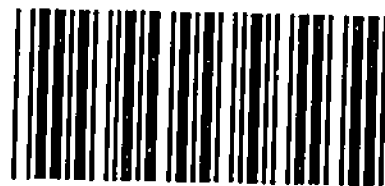
1917

DESCRIPTION:

Darcy, Walter

DATE:

09/16/85



1917

POOR QUALITY
ORIGINALS

0076

Witnesses:

Counsel,

Filed 16 day of Sept 1885

Pleads

THE PEOPLE

18. 4 m
1884. 08
present I

John B. Biddell

and I

William D. Dancy
H. D.

RANDOLPH B. MARTINE,

2nd Vice 26. 1885

42 tried regulated District Attorney.

NO 116 2nd Sept 24/85

not tried & awarded

A True Bill. 91 24

Sept. 16 to 21 Aug 24/85

Col. 21 not tried

Foreman.

William D. Dancy

John B. Biddell

William D. Dancy

William D. Dancy

Sept 24

S. P. 4 years.

[Sections 224 and 228
559 Penal Code].

Robbery, 1st degree,

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
thirty-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.

0078

SECOND COUNT—

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

John Biddley—

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

The said

John Biddley—

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,*

My one 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 Biddley—

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

Police Court District. 917

THE PEOPLE, &c,
ON THE COMPLAINT OF

John Dwyer
James Dwyer
William Dwyer
John Dwyer
William Dwyer
Offence Robbery

Dated August 31 1885

Magistrate.

Officer.

343 Precinct.

Witnesses

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____
\$ 1000 to answer

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 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 31 1885. Charles J. 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 h to be discharged.

Dated _____ 1885. _____ Police Justice.

0000

Sec. 198-200.

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

Businessman

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

day of *October* 188*7*

Police Justice.

0001

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, { ss

District Police Court.

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

Lineman

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

I taken before me this

day of

188

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 23 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 Reilly & 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 by
George C. Dubois, of the
(Dubois) after the time of said
robbery found in the pos-
session of dependant Reilly
the above described property.

J. Duggan

Sworn to before me, this

day of

1885

Police Justice.

0003

BOX:

189

FOLDER:

1917

DESCRIPTION:

Rigsby, William

DATE:

09/28/85



1917

POOR QUALITY
ORIGINALS

0004

Witnesses :

Callahan & Koenig

Counsel,

Filed

1885

Pleads,

THE PEOPLE

vs.

B

ASSAULT IN THE THIRD DEGREE.

(Section 219, Penal Code.)

William C. R. R.

RANDOLPH B. MARTINE,

*22 Apr 29/85 District Attorney.
ind + acquitted.
W 278*

A True Bill.

Chas H. Kammell

april 27 1885

Foreman

april 27 1885

J. S. D. April 26 1885

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 Riegley

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

William Riegley

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 Trinn*,
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 C. Green

New York, April, 28th /86

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

Mass. Lr. Finin
117 E. Broadway.

00000

BAILED,
No. 1, by Robert Ricks
Residence 18 New Richmond St.
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

P-1019
Police Court, 3rd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Margaret Stuen
117 East Broadway
William Ricks
1
2
3
4
Offence Assault

Dated Sept 22 1885

Enry Magistrate
Carson Officer
Cook Precinct.

Witnesses

No. _____
Street _____

No. _____
Street _____

No. 578 Street 40
to answer Dunked

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 Ricks

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 John Ricks Police Justice.

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

Dated Sept 22 1885 John Ricks 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 }
OF NEW YORK, }

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 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 Sept 1885

[Signature]
POLICE JUSTICE.

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Margaret Timm

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 contained in this Warrant.

Officer.

Dated Sept 21 1885

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, 9:15 PM Sept 29/85

Native of Ill

Age, 25 yrs

Sex, M

Complexion, Fair

Color, White

Profession, Seaman

Married, No

Single, Yes

Read, Yes

Write, Yes

00890

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

William Rigby 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 Rigby

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 Complaint and said the Complainant was to blame and that it was a beer quarrel

W Rigby

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINALS

0091

1st
Police Court— District.

CITY AND COUNTY } ss.
OF NEW YORK,

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

day of

Sept 1885

Margaret Finn
Police Justice.

POOR QUALITY
ORIGINALS

0892

Police Court, 1 District.

THE PEOPLE, &c.,
on the complaint of

Margaret Smith
vs.
William R. R. R.

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,

vs.

William Rigby

On Complaint of

Margaret-Finn
Assault

For

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

Dated

Sept 25 188*5*

J. G. Duffy

Police Justice.

W. Rigby

0094

BOX:

189

FOLDER:

1917

DESCRIPTION:

Robertson, Robert

DATE:

09/30/85



1917

Witnesses:

For the reasons stated
in annexed report
of Asst. Dist. Atty.
- Temple & recommend
that within indict-
ment be dismissed
- & bail discharged,
Dec. 13/87
Randolph B. Martine
Dist. Atty.

Counsel, *R. B. Martine*
Filed *20* day of *Sept* 1885
Pleads, *Am. & lib. with 12*

THE PEOPLE
vs.
B
Edward Roseston
sur. & can
Dec 5/87
[Sections Penn Code]

RANDOLPH B. MARTINE,

Res on Mo. of. De. Atty.
St. Paul de ch. 2
Dec 14/87
A True Bill.

Edw. M. Martine

Foreman

Dec 14/87
Spec. & J. J. J. J. J.
Upon Quashed

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 Indictment, 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
Niles Beach one of the Judges of the
Court of Common Pleas for the City and
County of New York, before whom 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,
plaintiff 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 Niles 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 make his solemn oath
 before the said the Honorable Judge
 Beach, Justice as aforesaid, that the
 evidence which he the said Robert Robert-
 son should give upon the said trial, concern-
 ing 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, (he
 the said the Honorable Judge Beach,
 Justice as aforesaid then and there
 having full and competent power and
 authority to administer an oath to the
 said Robert Robertson in that behalf.
 and at and upon the said trial of the
 said issues so joined as aforesaid, he
 viz: 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 December, 1882, 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 undressed, the said Clara Minsky being in said room undressed 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
 the said Robert Robertson asked the said
 Walter R. Sherman what sort of a job
 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 Münsz's room, and
 went in said room and asked said Clara
 Münsz what was the matter, and ^{that} whether
 the said Clara Münsz then said she was
 not well and that the said Walter R.
 Sherman then went into said Clara
 Münsz's room and took her a bottle of
 brandy in, and that said Clara Münsz
 very soon recovered, and that he the said
 Walter R. Sherman ~~then~~ enjoyed himself
 the remainder of
 that night with said Clara Münsz, and

whether the said Robert Robertson com-
 municated the matters aforesaid to one
 Frank Whendeg in the latter part of the
 year 1882 or in the early part of the year
 1883, and ~~that~~ whether the said Kate M.
 Sherman was acquainted with said
 matters in 1884, and whether the said
 Walter B. Sherman, on the night herein
 first mentioned told ~~that~~ the said Robert
 Robert Robertson that he the said Walter
 B. Sherman had on said night engaged
 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 pervert 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 (hereby meaning

between the 1st and 15th day of September
 1882) he (thereby meaning the said Walter
 R. Sherman) asked me (thereby meaning
 myself the said Robert Robertson) to call
 and I (myself the said Robert Robertson
 meaning) did so and after talking ~~and~~
 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 (thereby 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
 (thereby 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)

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)

0904

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

0905

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) communicated 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

and whereas in truth and in fact
 the said Robert Robertson did not
 think that about ten or eleven o'clock
 at night - when 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

0907

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} bedroom in about fifteen minutes and the said ~~Robert Robertson~~ Robert Robertson did not then go back into the said Walter R. Sherman's said bed room, and during 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

She she said Walter R. Sherman
 had come home rather late and
 heard some ~~noise~~ ^{noise} in the said
 Clara Minsy's room and that
 she said Walter R. Sherman went
 in and asked her the said Clara
 Minsy ~~if~~ ^{what} was the matter and
 that she said she was not feeling
 well, and that he the said Walter
 went into the said Clara Minsy's
 room and took her a bottle of
 brandy in and that she the
 said Clara Minsy very soon
 recovered, and that he the said
 Walter R. Sherman ~~stayed~~ ^{stayed}
~~in~~ ^{the remainder of that}
 night with her the said Clara
 Minsy. 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 Minsy, ~~meaning~~
~~that he the said Walter R. Sherman~~
 and ~~had~~ ^{not} told him the said Robert
 Robertson in substance and

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

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

09 10

care 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

09 11

Free Temple
Robert
John Robertson
Samuel

REPORT.

For the District Attorney.

Wm. 1387 B.

D. E. 1887

Dated

McHenry Sample
Assistant.

POOR QUALITY
ORIGINALS

09 12

Mr. Sample

The People
vs.
Robert Robertson. { Court of General Sessions, Part I.
Before Judge Cowing.

Friday, December 4, 1885.

District Attorney Bedford for the People.

Messrs. Busteed and Blankman for the Defendant.

W Indictment for perjury.

Walter R. Sherman sworn.

Mr. Bedford: The defence will admit that as alleged in the indictment, there was pending in a certain court, a divorce case, the suit of K.M.Sherman against Walter R. Sherman, that in said suit the defendant Robertson was a witness for the plaintiff Kate M. Sherman; that the prisoner was duly sworn as a witness in said suit in behalf of said plaintiff and took an oath that he would tell the truth, the whole truth and nothing but the truth; that as such witness he swore to the facts as set forth in the indictment; that such testimony was material to the issue; that the trial was had before Judge Beach, that he found for Kate M. Sherman, the plaintiff on all the issues in that divorce case; that an application was made before his Honor Judge Vanvorst for a new trial on the ground of the alleged perjury of Robert Robertson, the same being the alleged perjury contained in the indictment in this cause, and that after hearing all the allegations and the affidavits of Clara Menz and Walter R. Sherman, the present witness on the stand, and Roger M Sherman, his brother, that his Honor refused a motion for a new trial and further; that no appeal had ever been taken.

POOR QUALITY
ORIGINALS

09 13

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

POOR QUALITY
ORIGINALS

09 14

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

POOR QUALITY
ORIGINALS

09 15

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 where 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

**POOR QUALITY
ORIGINALS**

09 16

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

POOR QUALITY
ORIGINALS

0917

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

POOR QUALITY
ORIGINALS

0918

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

POOR QUALITY
ORIGINALS

09 19

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. Busteed. I am thirty years old and was never married, I never had a child, I

POOR QUALITY
ORIGINALS

0920

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 reference; 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

POOR QUALITY
ORIGINALS

0921

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 ,

POOR QUALITY
ORIGINALS

0922

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, I 1882, ~~Walter R. Sherman~~ 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

POOR QUALITY
ORIGINALS

0923

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 ~~he~~ 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 Waler 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

POOR QUALITY
ORIGINALS

0924

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

POOR QUALITY
ORIGINALS

0925

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

POOR QUALITY
ORIGINALS

0926

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

POOR QUALITY
ORIGINALS

0927

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.

POOR QUALITY
ORIGINALS

0928

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

POOR QUALITY
ORIGINALS

0929

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 Walter 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.

POOR QUALITY
ORIGINALS

0930

*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, the ^{to} issues ^{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, came ^{on to be} ~~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

POOR QUALITY
ORIGINALS

0931

2.

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--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-

POOR QUALITY
ORIGINALS

0932

3.

"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.

POOR QUALITY
ORIGINALS

0933

4.

"her, In the end of 1882 or beginning of 1883,
"I communicated the ^{to}manner 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; ^{But} 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

POOR QUALITY
ORIGINALS

0934

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 ^{for} ~~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-

POOR QUALITY
ORIGINALS

0935

6.

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 justices, 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 disagreement.

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

POOR QUALITY
ORIGINALS

0936

7.

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. S. S.
W. H. S. S. S.

POOR QUALITY
ORIGINALS

0937

District Attorney's Office.

PEOPLE

vs.

Robert Robertson
Requing

See endorse-
ment for dismissal.
Dec 13/87 R.B.H.
To Mr Parker

POOR QUALITY
ORIGINALS

0938

1st
District Police Court.

Walter R. Sherman

vs.

Robert R. Robertson

STENOGRAPHER'S TRANSCRIPT.

April 6th 1885

BEFORE HON.

Jacobs M. Robertson

Police Justice.

James A. Lyon

Official Stenographer.

107 Central St.

POOR QUALITY
ORIGINALS

0939

(No. 1)

STENOGRAPHER'S MINUTES.

Fourth District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Walter R. Sherman

Robert Robertson

BEFORE HON.

Jacob M. Patterson

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

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

James J. Sheridan

1

William F. Quirk

11

Wm. W. Eichelberger

12

Jas. B. Sheridan

16

17

James A. Lyon

Official Stenographer.

*101 Centre St.
N.Y. City*

POOR QUALITY
ORIGINALS

0940

1st DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Walter R. Sherman

Robert Robertson

Examination had April 6th 1886

Before Gen. 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 1886

James A. Lyon
Stenographer.

Police Justice.

POOR QUALITY
ORIGINALS

0941

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 - Part 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

POOR QUALITY
ORIGINALS

0942

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 Defendants Coun-
sel came in and it was adjourned

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 Deft's Counsel)

A Yes sir.

Q Have you read those notes?

A Yes sir. I don't know whether they ~~are~~^{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 those 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. Robutson'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.

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

A Lesson.

Q And this question and answer on page 4? ~~Do~~ "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?" Ans. "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

3

And when I was tired I got to bed
 at Messin, that question was asked
 and answered.

I had this also "Q. The leftym
 in his room?" Ans. "Yes sir," I said
~~At Messin~~ and ^{then} went to bed and I should
 say about half past eleven, he
 had never come back and I was just
 trying to sleep when the gas was
 turned up and before me stood this
 Clara Menz 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

0947

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

7

0948

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 4. Q. "At night"? Ans "At night, and was ~~going at the time~~ 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

8

0949

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.

~~fall on~~ for

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

9

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 13
in red bracket and all on pages 14 and
15 and all on page 16 in red bracket
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
/s

"I did not"?

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

Sworn 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

0952

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

A Yes sir.

I was it filed March 20th 1885?

A Yes sir.

I took these 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 ^{re}filed in County
Clerk's office.)

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

Direct Examination - By - W. R. Sherman

Q Where is your place of business?

0953

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 record 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

0954

night before 7 o'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 o'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 o'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} between 11 A.M. and 3 P.M. There was $\frac{21}{100}$ 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 o'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~~^{where} he (Robertson) told Wm. Etheridge 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. Etheridge 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 he 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.

Enriched

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.

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 4 District. idCITY 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 St., 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 falsely to certain material
facts and matters in a cause then pending
in the Supreme Court of the State of New
York before Honorable William B. Beach, a Justice
of said Court, duly authorized to administer
oaths and having jurisdiction of said case.

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 4th 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

To the People
of the County of New York
in the City of New York

Filed in \$500

BAILED,
No. 1, by William Herman Koster
Residence 3 West 41st Street
No. 2, by
Residence
No. 3, by
Residence
No. 4, by
Residence

For the Clerk
of the County of New York

No. 1
Add returned
Police Court
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Robert Robertson
Perjury.

Dated April 30 1885

Magistrate
Terry, Court Officer

Witnesses
Charles Murray
34 Avenue
Street

William H. H. H.
County of New York
No. 234 Broadway
Street

Filed by deposit
with County of New York
May 2 1885

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 Eighteen 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 1885 J. M. Patterson Police Justice.

I have admitted the above-named Robert Robertson to bail to answer by the undertaking hereto assumed. Certificate of deposit with County of New York
Dated May 2 1885 J. M. Patterson 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.

POOR QUALITY
ORIGINALS

0962

Sec. 198-200

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

Robert Robertson

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

Question. What is your name?

Answer.

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

188

Wm. J. Patterson

Police Justice.

POOR QUALITY
ORIGINALS

0963

(1)

Dear W.R.L. 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 Bway

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 & sent 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 4th &
& then from there went ~~to~~
to this house & only got back
to W-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 to 10
I'll make arrangements
with you to see her
tomorrow afternoon.
Yours so
Bob Moberg

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, is from Boston.

POOR QUALITY
ORIGINALS

0965

Elara Mary of
~~County of Kings~~ 34 Grand St.
Williamsburgh Kings Co. Elara Mary being
duly sworn deposes and says I lived
in January 1885 at number 30 Mount
Morris Avenue New York City with Mrs.
Martineau I left there on the 1st day
of February 1885. Before that I lived
with Mrs. Jünglen at number one
East sixty second Street New York
City on the first day of February
1885 I went to live with Mrs. Coger
I went to Europe on the 5th day of
February 1885 I sailed on the Steamer
Rhein and went to Leipzig Germany
I staid at Leipzig with my father
until March 14 / 1885. I then went to
Bremen 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**

0966

110 East 10th Street New York City in September 1882 I was the only person there at that time of my name. I know ~~the defendant~~ Walter R Sherman he had a room at that house number 110 East 10th Street in September 1882 It was a hall bedroom just wide enough for a single bed and a passage alongside & there was only a single bed in the room while ~~he~~ was in that house. I know Robert Robertson It is not true that in September 1882 or at any other time I went into Walter R Sherman's room in my night dress or undressed and found Robert Robertson in bed there or that I turned up the gas and asked Robert Robertson whether Walter or Mr Sherman was in and said I would wait for him. It is not true that I waited in my night dress in Walter R Sherman's room in Robert Robertson's company for Mr Sherman or until he returned and that Robert Robertson was in bed undressed while I waited. It is not true that Walter R Sherman came in the room when

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 1885. Clara Murray.
Edward J. Doolley.
Notary Public
Kings Co

Sworn to before me
this 3rd day of
April 1885
J. M. Putnam
Police Justice

POOR QUALITY
ORIGINALS

0968

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 2^d and 11th 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 Walter R. Sherman plaintiff and Robert R.
Sherman defendant, this complainant, for divorce and tried in said
Court at the City of New York on the 2^d 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 know-
ingly 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 Henry alias Clara Henry, said Robert Robertson
on said 2^d day of February 1885, testified in substance and effect that he undressed
and went to bed in complainant's room and that the complain-
ant thereafter came in and found one Clara Henry undressed in
said Robertson's company in said room and that either said Clara
Henry or the complainant, then and there, showed said Robertson a
place to wait while said Clara Henry 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 complain-
ant was then and there undressed and that after fifteen minutes
said Clara Henry came to said Robertson to show him the in-
ner room, which said testimony was then and there false in sub-
stance 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 Henry
alias Clara Henry, said Robert Robertson on said 10th day of February
1885, testified in substance and effect, that said Clara Henry being undress-
ed 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 Henry and that then either complainant
or said Clara Henry showed said Robertson her room where he
loved leaving said complainant undressed with said Clara Henry 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 Feb-
ruary, 1885, upon cross-examination of said Robertson before said Court in
said action, it became and was material to inquire of the matters
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
~~employed by the complainant as a detective 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 stealing
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 argued for in the hands of said
Robertson and with him. ~~Walter R. 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
J. M. Patterson Police Justice

TORN PAGE

POOR QUALITY
ORIGINALS

0969

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

Wm. 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

188

INDEX.

WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
Walter R. Sherman	36 37	36	53	
Frank Etheridge	55	58		
Michael E. Phillips	64			
James Anette Jr	67			
Robert Robertson	73	79		

James Adlyn

Official Stenographer.

101 Centre St.
N.Y. City

POOR QUALITY
ORIGINALS

0971

1st
District Police Court.

Walter G. 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.

536 E. 11th

POOR QUALITY
ORIGINALS

0972

4th DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Walter R. Sherman
Robert ^{agst} 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 E. Ettinger, 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

(Ch. 2)

STENOGRAPHER'S MINUTES.

Fourth District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Walter R. Sherman

Robert Robertson

BEFORE HON.

Jacob M. Patterson
POLICE JUSTICE,

April 11th 1885

APPEARANCES:

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

For the Defence, - *P. B. Vermilyea & Co*

April 11th 1885

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Ré-Cross.

Clara Munz

19

26

34

35

James A. Lyon

Official Stenographer.

101 Centre St.

N.Y. City.

10th District Police Court.

Walter R. Sherman

vs.

Robert Robertson

STENOGRAPHER'S TRANSCRIPT.

April 11 1885

BEFORE HON.

Jacob M. Patterson

Police Justice.

James A. Lynn

Official Stenographer.

101 Centre St.

0976

1st DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Walter R. Sherman

agst

Robert Robertson

Examination had

April 11th 1885

Before

For 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 Chas. Munz

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

Dated

April 14th 1885.

James A. Lyon
Stenographer.

Police Justice.

0977

April 11th 1885.

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

Direct Examination - by Chas. J. Burke.

Q Where do you live?

A In the city of St. Louis.

Q Where is your residence?

A No. 34 Chancery St. St. Louis.

Q You are now in the case of William
as a witness in this case?

A Yes sir.

Q Where did you live in the month of
1884?

A At No. 30 Clay St. St. Louis
in this city.

Q How long did you live there?

A Until the 1st of January 1885.

Q Where did you go then?

A No. 34 Chancery St. St. Louis.

Q How long did you remain there?

A Until the 1st of February.

Q Where did you go then?

Q. Is Luman?

A. Did you see in the Luman

Q. Yes.

A. Luman?

Q. Did you see Luman in the Luman?

A. Did you see Luman in the Luman?

Q. When did you see Luman in the Luman?

A. When did you see Luman in the Luman?

Q. Did you see Luman in the Luman?

A. 1885?

Q. Yes.

A. Two weeks ago Luman?

Q. Yes.

A. Do you know the Luman?

Q. Yes.

A. Yes.

Q. Do you know the Luman?

A. Yes.

Q. Where did you become acquainted with Luman?

A. At the 116 and 16th Street

L. The oak
 A. L. L. L.

L. In the same
 A. L. L. L.

L. It has been found that
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

L. In the same
 A. L. L. L.

A. I don't know.

Q. When did you last see him?

A. I don't know. I don't know.

Q. What place would you go to if you saw him?

A. I would go to the place where he was last seen.

Q. When did he last come there?

A. I don't know. I don't know.

Q. How long has he been there?

A. I don't know. I don't know.

Q. How long has he been there?

A. I don't know. I don't know.

Q. How long has he been there?

A. I don't know. I don't know.

Q. How long has he been there?

A. I don't know. I don't know.

Q. How long has he been there?

the same in the same way.
 I shall now be able to get on
 again in the same way.
 I shall now be able to get on
 again in the same way.

I was told that the same
 was the case in the same way.
 I shall now be able to get on
 again in the same way.

I did hear that the same
 was the case in the same way.
 I shall now be able to get on
 again in the same way.

I shall now be able to get on
 again in the same way.
 I shall now be able to get on
 again in the same way.

I shall now be able to get on
 again in the same way.
 I shall now be able to get on
 again in the same way.

I shall now be able to get on
 again in the same way.

I shall now be able to get on
 again in the same way.
 I shall now be able to get on
 again in the same way.

I shall now be able to get on
 again in the same way.
 I shall now be able to get on
 again in the same way.

I shall now be able to get on
 again in the same way.
 I shall now be able to get on
 again in the same way.

I shall now be able to get on
 again in the same way.
 I shall now be able to get on
 again in the same way.

I shall now be able to get on
 again in the same way.
 I shall now be able to get on
 again in the same way.

at home.

Q Did you ever see any of the children of
 the family in the house in the
 Sherman?

A Yes, sir.

Q Did you see them in the house in the
 month of September when you were
 in the house in the month of September
 in the Sherman?

A Yes, sir.

Q Did you ever see the children of the family
 in the house in the month of September
 in the Sherman?

A Yes, sir. (It is true) I saw them
 in the house in the month of September
 in the Sherman. I saw them in the
 house in the month of September in the
 Sherman. I saw them in the house in the
 month of September in the Sherman.

A Yes, sir.

Q Did you at any time in the month
 of September

of September 1882, in the night time, 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 Yes 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 Yes 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~~ yourself?

A Yes 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 sir.

Q Where you undressed in his room?

A Yes sir.

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

A Yes sir.

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 sir.

Examination - 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.~~ ^{East 1st 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. Wm's Burgh -

Q Where did Mr. Sherman first see

you since your return from Europe?

A On the 3rd of April in 5th St. East.
I did you see Mr. Roger Sherman
prior to this?

A He was in my house at 34 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.

I 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.

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

A Hall room. There was a single
bed in it, one chair & a coat to 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 room & 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 carpet 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 let him in there.

Q Do you remember at anytime 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. Stettin 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 saw 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 say, & some 8
 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. Ethenidge 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 10th
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. Birnse 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.

I've never said anything about that?
 A c/o.

2 To man, woman or child?

A cousin.

Sworn before me this } Clara Munn.

11th day of April 1885

AM P. A. M.

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)

35
Basement
Crop Exam - by - Mr. Vermilion
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 } Clara Murray.
17th day of April 1885 }
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

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*

~~188~~

INDEX.

WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
<i>Walter R. Sherman</i>	<i>36</i> <i>37</i>	<i>36</i>	<i>53</i>	
<i>Frank Etheridge</i>	<i>55</i>	<i>58</i>		
<i>Michael E. Phillips</i>	<i>64</i>			
<i>James Anette Jr</i>	<i>67</i>			
<i>Robert Robertson</i>	<i>73</i>	<i>79</i>		

James A. Lyn

Official Stenographer.

*101 Centre St.
Prof. City*

POOR QUALITY
ORIGINALS

0995

1st
District Police Court.

Walter G. 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. 11th St.

POOR QUALITY
ORIGINALS

0996

1st DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Walter R. Sherman

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 W.*

Ethendiges, 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.

Walter R. 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
to it.

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 the 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 a 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 ~~you~~ ~~the complainant~~ about the lady who was acting as a detective and watching the ^{plaintiff} ~~complainant~~ 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?

10000

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 And 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

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 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 anything 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 couldn'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.

HH

2 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

2 How old are you?

A Between 32 and 33 years of age.

2 Were you ever expelled from College?

A No sir.

2 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.

2 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.

1008

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
to the evening she put the plaster
on you?

A Yes sir.

Q I've heard her testify that M^r c Fnette 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 Allen that night?

A Yes 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 Yes 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 c Fnette remain there that evening?

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

Q Did he remain there all night?

A Yes sir.

10 10

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

A Yes; Clara Menz and M^{rs} 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^{rs} 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^{rs} Brooke as immaterial

Objection sustained

Q Did you ever live at No. 75 Lexington
Avenue?

10 1 1

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.

10 13

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

Objected to as immaterial.

2 Did you ever tell him (Robertson) that you were afraid Clara Henry 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 Henry for the services she rendered you?

Objected to as immaterial

Objection sustained

10 14

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

10 15

suit and which is the basis of this 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

54

J. M. Patterson

Allice Justice

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?

10 17

A I think it was at c/o. 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

10 18

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~~, 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

10 19

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.

Objection 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 No sir; while Mr. Robertson was in bed.

Q You swear positively that Clara Allen said that she went in that room while Mr. Roberson 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 Mr. 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

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 - Mrs Sherman

1023

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

Q 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 wish-

draw my refusal to answer and now
 say that I decline to answer the question.
 Sworn to before me this
 17th day of April 1895.

Plene Justitia.

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 & H. Veith.

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 sir

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.

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 Swittel lived?

A Yes sir.

Q What time in the day?

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

seven o'clock

Q Did she seemed to be employed there?

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

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

Motion granted
(witness withdrawn)

James Chetette 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?

A Yes sir.

Q Do you know Clara Henry?

A Yes sir.

Q Do you see her here now?

A Yes (intrep points her out)

Q Do you know the defendant here, Robert Robertson?

A Yes sir.

Q How long have you known ~~him~~ 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
68

A Yes sir.

Q Do you know Clara Allen?

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 16th 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 Allen there?

Objected to by Mr. Brooke as incompetent
68

Objection sustained.
 Q Did you ever see Clara Menz there undressed?

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. Burke as immaterial

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?

70

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)

As far as I can recollect she said
 her room was on the same floor
 with Mr. 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 at-
 tention. 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 accom-
 panied Sherman to his room and re-

remained there the rest of the night.
 Q That was the night Robertson was
 there?

A Yes sir.

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 sir; 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. termilyea

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 & Wall 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

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 Mr. 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 Martell. 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.

1038

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 my-
 self 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 be-
 fore 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 some-
 thing 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 ~~wasn't~~
 wouldn't be surprised if she could.

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 I was fixed and I didn't say and he said "here is \$1. go and give it to her"

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 both 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 both 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 to 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 immaterial

Objection sustained

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

Wm. H. Hutton

Wm. Hutton
Justice

86

1043

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

Hon. Randolph B. Martine,
District Attorney.

Dear Sir,

Permit me to acknowledge the con-
ting of your letter of yesterday, and to say, that
inasmuch as Mr. Davis thinks the indict-
ment sufficient and the date amenable under
Sec. 293, I cannot urge any judgment against
him, and I am reluctant to 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 Sherman

1045

Mrs. Gunning S. Redford

234 Broadway

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 Rev.
v. Robertson until it can be
given.

Yours respectfully

Wm. M. Sherman

A.T.

Will you kindly return the
enclosures.

DISTRICT ATTORNEY'S OFFICE,

New York, Dec^r 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

1047

The People
vs
Robertson

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

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 amenable under Sec. 293, I cannot urge my judgment against this, 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

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 Busted 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 not 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, Reginald Sherman

POOR QUALITY
ORIGINALS

1049

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-

POOR QUALITY
ORIGINALS

1050

2

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: "

~~xxxxxxx~~

~~xxxxxxx~~

~~xxxxxxx~~

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:

"Dear Sir:

Yoyr 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"

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

POOR QUALITY
ORIGINALS

1053

5

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.

POOR QUALITY
ORIGINALS

1054

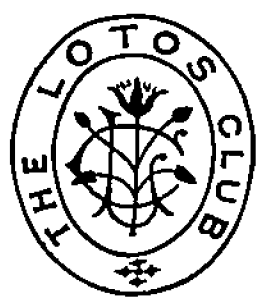
Hm.

Gerrit S. Bedford,

District Attorney

POOR QUALITY
ORIGINALS

1055



Thursday
My dear Judge:

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

POOR QUALITY
ORIGINALS

1056

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

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

1058

**END OF
BOX**