

0310

BOX:

287

FOLDER:

2736

DESCRIPTION:

Addiego, Pietro

DATE:

12/14/87



2736

POOR QUALITY ORIGINAL

0311

Witnesses:

Counsel,

Filed 14 day of Dec 1887

Pleads,

Chiquilly-107

THE PEOPLE

vs.

V. S. J. W.
M. S. J. W.
W. S. J. W.

Pietro Adiego
Grand Juror of
District

Grand Larceny, Degree.
(From the Person.)
[Sections 598, 599, 600 Penal Code].

Dec 19 PM 1887
RANDOLPH B. MARTINE,
District Attorney.

Dec. 21st 1887
Dec. 23/87 U.M.D. office
Jan 6th 1888 J.M.C.

A True Bill.

7th 2nd Jan 10.88.

Alfred C. ...
S.P. ... to

Commence + Foreman.

Under law 5.1887
to pay 6 months
by name of ...
1887
S.S.A

POOR QUALITY ORIGINAL

0312

Police Court— 2 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Joseph Ripley

of No. 66 Houston Street, aged 20 years,

occupation Declarant being duly sworn

deposes and says, that on the 10 day of November 1887 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property viz :

one silver watch
of the value of fifteen dollars (\$15)

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 Peter Deaka, (nowhere) for the reason that on said date deponent was sitting in a saloon at No 521 Broome street in a chair dozing at about 11 p.m. The defendant came and sat by deponent and shortly afterwards the defendant went away, when deponent awoke he found that the said watch had been taken from the left pocket of his vest. The deponent is informed by Frank Cornato proprietor of said saloon that the defendant was the only person who was near deponent at the time said watch was taken.

Joe R. Ripley

Sworn to before me, this 9 day of December 1887 at New York City.
Alfred W. Mumford
Police Justice.

**POOR QUALITY
ORIGINAL**

03.13

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank Cornato

aged _____ years, occupation Saloon keeper of No. _____

521 Broome Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Joseph Ripley

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 9
day of December 1837

Frank Cornato

Per O. J.

John J. Hammer
Police Justice.

POOR QUALITY ORIGINAL

0314

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Petro Deak 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.

Petro Deak

Question How old are you?

Answer

20 years

Question. Where were you born?

Answer

Italy

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

Answer.

57 South 5th St. 6 months

Question What is your business or profession?

Answer.

Blacksmith

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 did not take the watch.

Pietro addiego

~~Petro Deak~~

(Petro Deak)

Taken before me this

day of *September* 1888

[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0315

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

Police Court-- 2
 District. 2034

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

1 Joseph H. Ripley
 2 66 Thompson
 3 Peter Deakka
 4 *Admiral*
 Offence Larceny from the person

Dated Dec 9 188 5

Garman Magistrate.
 Alexander Officer.

Witnesses Frank Cornato
 Precinct.

No. 571
 Street.

No. 45-
 Street.

No. 1000
 Street.
 TO ANSWER



Chipp

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 _____

Peter Deakka

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

Dated Dec 9 188 7 *John Garman* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY ORIGINAL

0316

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Pietro Cassing

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

Pietro Cassing

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

The said *Pietro Cassing*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *fourth* day of *November*, in the year of our Lord one thousand eight hundred and eighty *seven*, in the *night* time of the said day, at the Ward, City and County aforesaid, with force and arms,

one watch of the value

of fifteen dollars.

of the goods, chattels and personal property of one *Joseph Purday*
on the person of the said *Joseph Purday*
then and there being found, from the person of the said *Joseph Purday*
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.

Richard J. ...

District Attorney.

0317

BOX:

287

FOLDER:

2736

DESCRIPTION:

Ahearn, James

DATE:

12/09/87



2736

POOR QUALITY ORIGINAL

0318

70.

Witnesses:

Counsel,
Filed 9 day of Dec 1887
Pleads *Chauquilly*

THE PEOPLE
vs.
James A. Heaney
H.D.

Grand Larceny, 1st Degree,
(From the Person.)
[Sections 528, 529 - Penal Code.]

Dec 21 1887
RANDOLPH B. MARTINE,
District Attorney,
Jan 30 1888
for me on well pay

A True Bill.

James A. Heaney
Foreman.
James A. Heaney
Peter L. Lavery
Carter Green (W. Secy.)
Jan 6/88

42
The People

vs.
James Ahearn

Court of General Sessions. Part I
Before Judge Gildersleeve. Jan. 5, 1888.

Indictment for grand larceny in the 2nd degree.

George W. Vanetter sworn. I am a stone
mason and I had an overcoat on the 4th of

Dec. 1887. I was coming out of a hall in Green

wich St. with the overcoat on my arm; as I

came near the door the defendant took

the overcoat off my arm and passed out

ahead of me. I ~~walked~~ walked after him to bring my

overcoat back and started after him. As I

started to walk fast he walked faster. I can-

not run very fast. I have a stiff leg and he

got away from me. I paid twenty dollars

for the overcoat on the 15th of November. This

happened some time in the forenoon. The

officer has since recovered the overcoat

and I have it now. The prisoner was alone

with me in the hall. Cross Examined. I

live in Pennsylvania and have been in the

house of detention. I do not remember where

I met the prisoner that morning. I never

saw him before. I do not remember seeing

him anywhere till I saw him in the hall.

I do not remember asking him anything

about a pawn shop that morning. I had

been drinking, but I was not drunk. I

could walk around readily. I started out

of the saloon through the hall and the defendant came behind me. I did not recognize him in the saloon; the hallway was narrow and it was not very light; but it was light enough to see the way out. I do not remember drinking any in the saloon. I do not remember taking the defendant by the arm and asking him where there was a pawn shop.

George Wellspring sworn. I live in 292 Jutton St. and am a mason. I have known the defendant six or seven months, perhaps it might be a year, I could not say exactly. I saw the defendant on the morning of the 4th of Dec. in Rector near Greenwich St.; there was four or five others; we were all there for liquor; they had a coat to sell. Shearn was very drunk, and in my opinion he was edged on by the other people to buy the coat, the same as I was to buy it. I asked Shearn who the coat belonged to and he said he bought it. I did not buy it off him, I did not give him the money for it. I had a five dollar bill and gave it to a young fellow to get change; he got change and I do not know whether he gave it to Shearn or no. I took the coat home to my house. Officer Cosgrove

took the coat.

Patrick Cosgrove sworn. I am a police officer and arrested the defendant on Dec. 4th at 11 1/2 in the forenoon in front of 101, Greenwich St. near Rector. I told him what he was charged with; he denied it first until I got up near the station house. I asked him what he did with the overcoat that was stolen? He said he gave it to a fellow named George, but could not remember the last name. He said, if you come down I will get it for you; he is down at Rector St.; I will get the coat and there will be no more trouble about it. I found out that he sold the coat to Wellspring. I went to 212 Fulton St. and found the coat in George Wellspring's room hanging up on the wall. I took it to the station house and the complainant identified it as his. Cross Examined. The complainant was a little drunk, but I could not say the defendant was drunk.

John Scanlon sworn. I keep a newspaper stand corner of Greenwich and Rector Sts. I remember this Sunday when the complainant lost his coat; he came to my stand where Shearn was standing and asked him where there was a pawn broker's office; he was told by Shearn that there

was none open. Tom Donohue was there. The complainant said to Shearn, I want to sell the overcoat anyhow and Shearn says, "I will try." They all then went away from my stand.

Thomas Donohue sworn. I was at this stand on the 14th of Dec. with the defendant, complainant and Scaulon. I heard the complainant ask the defendant to sell the overcoat for him and he said he would try. Both of them were very drunk. They then went to a liquor saloon kept by Theodore Lossens. I went into a cigar store to get cigarettes, and Shearn came out of the saloon. I asked him if he sold the coat and he said some one took the coat away from him.

Thomas Healey sworn. I am a carpenter for fourteen years and as far as I know Shearn's reputation for honesty is good.

James Shearn sworn in his own behalf testified that the complainant came up to him at this newsstand and asked him about a pawnshop and if he knew where he could sell a coat. I told him I would try and help him and we went into a saloon and had two whiskies; while in there two or three people tried the coat on; he was offered four dollars for it, but would not take it. He went out and talked a

while and he told me I had better go in and get the four dollars. I got in conversation with somebody and while my back was turned the coat was taken. Mr Donohue and I looked around for the complainant but could not find him. I did not sell the coat to Wellspring and received no money for it.

The jury rendered a verdict of guilty of petty larceny with a recommendation to mercy.

**POOR QUALITY
ORIGINAL**

0324

Testimony in the
case of
James Hearn
filed Dec 1887

Police Court, 15th District.

City and County of New York, ss.

of ~~the~~ ^{1st} Precinct Police Station, aged _____ years,
occupation Police Officer being duly sworn, deposes and says,
that on the 4th day of December 1887 at the City of New
York, in the County of New York.

Patrick H. Casper

George W. Van Etten (now here) who is a material witness in a certain complaint against one James Sherman deposes is satisfied and has good reasons to believe that said Van Etten will not appear at the next Court of General Sessions in and for the City and County of New York to testify as a such witness. Wherefore deposes prays that the said Van Etten may be ordered to enter into recognizance with security as such witness.

Sworn to before me this
5th day of December 1887

Patrick H. Casper
Sergeant
Police Justice

POOR QUALITY ORIGINAL

0326

Police Court—15th District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. George W. Van Etten Street, aged 47 years,
occupation Stone Mason being duly sworn

deposes and says, that on the 4th day of December 1888 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession and person of deponent, in the day time, the following property viz:

One overcoat of the value of
Twenty 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 James Sherr (now here) from the fact that at about the hour eleven o'clock A.M. on said date while deponent was in a hall way in premises no 132 Greenwich the deponent snatched the aforesaid coat from deponent's left arm and ran away pursued by deponent and deponent is informed by Officer Patrick J. Cosgrove of the 42nd Precinct Police that he found the coat in the possession of George Wellington who informed said Officer that he bought the said coat from the deponent for four dollars

Subscribed before me this
1888
Police Justice

POOR QUALITY ORIGINAL

0327

deponent has subsequently seen said coat in court, and identified the same as the property taken stolen and carried away as aforesaid

sworn to before me
this 5th day of December 1887

San Francisco
Police Justice

POOR QUALITY ORIGINAL

0328

Sec. 188-200.

107

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James A. Herin 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 at the trial.

Question. What is your name?

Answer. *James A. Herin*

Question. How old are you?

Answer. *18 Years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *57 Greenwich St 8 Months*

Question. What is your business or profession?

Answer. *Bar tender*

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

Answer. *I am not guilty*

James A. Herin

Taken before me this

day of

188

[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0330

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Dream

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

James Dream

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *James Dream*,

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

one overcoat of the

value of twenty dollars,

of the goods, chattels and personal property of one *George W. Van Allen*,
on the person of the said *George W. Van Allen*,
then and there being found, from the person of the said *George W. Van Allen*,
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.

Richard W. Van Allen

District Attorney.

0331

BOX:

287

FOLDER:

2736

DESCRIPTION:

Aigner, Charles

DATE:

12/20/87



2736

POOR QUALITY ORIGINAL

0332

W. F. Charles

Counsel,
Filed *20* day of *Dec* 188*7*
Pleads *Guilty*

THE PEOPLE
vs.
Charles August
12 years

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

Jan 4 P. B. M. C.
RANDOLPH B. MARTINE,
District Attorney.

A True Bill.
Alfred Conway
Jan 12/88 Foreman.
Spier & Heylert

Witnesses:

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

POOR QUALITY ORIGINAL

03333

Police Court— 2 District.

City and County { ss.:
of New York,

Emil Witz

of No. 763 10th Avenue Street, aged 24 years,
occupation waiter being duly sworn

deposes and says, that on the 17th day of December 1887 at the City of New
York, in the County of New York, in the saloon at no 415, 9th Avenue
he was violently and feloniously ASSAULTED and BEATEN by Charles

Uigner (now here) who willfull and
maliciously cut and stabbed deponent
once in the head and once in the face
with a knife which he the said
deponent then and there held in his
hand cutting deponent severely and
deponent further says that such assault
was committed

with the felonious intent to take the life of deponent, ^{and} to do him grievous bodily harm; and without
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 18th day }
of December 1887 } Emil Witz

J. M. Patterson Police Justice.

POOR QUALITY ORIGINAL

0334

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Charles Aigner

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

Question. What is your name?

Answer. *Charles Aigner*

Question. How old are you?

Answer. *31 years old*

Question. Where were you born?

Answer. *Prussia*

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

Answer. *112 Robinson St Hoboken 1 year*

Question. What is your business or profession?

Answer. *Paint Case maker*

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

Answer. *I am not guilty I did not cut any body, there was a large number of men beating me*

Charles Aigner

Taken before me this *18* day of *July* 188*7*
M. J. [Signature]

Police Justice.

POOR QUALITY ORIGINAL

0336

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

THE PEOPLE OF STATE OF NEW YORK,

against

Charles Wagner

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

Charles Wagner

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

The said *Charles Wagner*,

late of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *December*, in the year of our Lord one thousand eight hundred and eighty *seven*, with force and arms, at the City and County aforesaid, in and upon the body of one *Freid Wray* in the peace of the said People then and there being, feloniously did make an assault, and *in* the said *Freid Wray* with a certain *knife* which the said *Charles Wagner* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon then and there wilfully and feloniously did cut, stab and wound,

with intent *in* the said *Freid Wray* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT;

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

The said *Charles Wagner*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Freid Wray* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *in* the said

with a certain *knife* which the said *Charles Wagner*

in *his* right hand then and there had and held, the same being an instrument and weapon likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Charles Wagner

District Attorney.

POOR QUALITY ORIGINAL

0337

Witnesses:

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

H. Mottley

Counsel,

Filed *20* day of *Dec*

1887

Pleads *Guilty* (v. 11)

THE PEOPLE

vs.

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

Pl

Charles Aigner
(v. 11)

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Wm. J. ...
Foreman.
Grand Jurors dismissed
R. B. ...

POOR QUALITY ORIGINAL

0338

Police Court— 2 District.

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

of No. 453, West, 37th Street, aged 21 years,
occupation Machinist being duly sworn

deposes and says, that on the 17th day of December 1887 at the City of New
York, in the County of New York, in the Palace at no 475 9th Avenue

he was violently and feloniously ASSAULTED and BEATEN by Charles Dignier
(now here) who willfully and maliciously
cut and stabbed deponent in the head
with a knife which he the said deponent
then and there held in his hand cutting
a long gash in deponents scalp through
to the skull. deponent further says
that such assault was committed

with the felonious intent to take the life of deponent, ^{and} or to do him grievous bodily harm; and without
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 17th day
of December 1887.

Armin Widmer

John Patterson Police Justice.

POOR QUALITY ORIGINAL

0339

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Aguer

...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.

Charles Aguer

Question. How old are you?

Answer.

31 years old

Question. Where were you born?

Answer.

Russia

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

Answer.

112 Clinton St. Hoboken N.J. 4 years

Question. What is your business or profession?

Answer.

Paint case maker

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

Answer.

*I am not guilty I did not
cut and body there was a large
number of men beating me
Charles Aguer*

Taken before me this

day of

188

John P. ...

Police Justice

POOR QUALITY ORIGINAL

0340

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Police Court-- 2 2075
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Amie Miller
453 N. 37th
Charles Sigman

2
8
4

Offence Assault
Battery

Dated Dec 1st 188

Paterson Magistrate.

Jacobus M. M. Officer.

Witnesses
No. 195 9th Avenue Street.
Geo. M. M. Precinct.

No. 247 247th Street.
Geo. M. M. Precinct.

No. 188 188th Street.
Geo. M. M. Precinct.

\$ 1000 TO ANSWER
ATTORNEY
Geo. M. M.

Geo. M. M.

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

Charles Sigman

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

Dated Dec 1st 188 Paterson Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

POOR QUALITY ORIGINAL

0341

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

THE PEOPLE OF STATE OF NEW YORK,

against

Charles Auger

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

Charles Auger

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

The said *Charles Auger,*

late of the City of New York, in the County of New York aforesaid, on the *fourteenth* day of *December*, in the year of our Lord one thousand eight hundred and eighty*seven*, with force and arms, at the City and County aforesaid, in and upon the body of one *Armin Widmer,* in the peace of the said People then and there being, feloniously did make an assault, and *Armin* the said *Armin Widmer,* with a certain *knife* which the said *Charles Auger,* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon then and there wilfully and feloniously did cut, stab and wound,

with intent *Armin* the said *Armin Widmer,* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT;

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

The said *Charles Auger,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Armin Widmer,* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *Armin* the said

Armin Widmer, with a certain *knife* which the said *Charles Auger,*

in *his* right hand then and there had and held, the same being an instrument and weapon likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Charles J. ...

District Attorney.

0342

BOX:

287

FOLDER:

2736

DESCRIPTION:

Ainsley, James

DATE:

12/05/87



2736

POOR QUALITY ORIGINAL

0343

Counsel, *J. De*
Filed, _____ day of _____ 188
Pleads, _____

[Sections 528, 532. Penal Code.]
PETIT LARCENY.

THE PEOPLE
vs.

James Oinsley
(2 cases)

RANDOLPH B. MARTINE,
District Attorney.

9 Mrs. Len
A True Bill.

Alfred Thompson
Foreman.
Dec 6/87
Pleaded Guilty

Witnesses:
Amuly Keenan
Sept Red Thompson
Kunchee.
The Amuro co Deshm
of the Redemptors
Currying Concerns
measures *FM*

POOR QUALITY ORIGINAL

0344

STATE OF NEW YORK, }
CITY AND COUNTY OF NEW YORK, } ss: POLICE COURT, 3 DISTRICT.

Edward J. Connelly
of 7th Precinct Police Street, being duly sworn, deposes and says,

that on the 27th day of November 1887
at the City of New York, in the County of New York, deponent arrested

James Oursley, now here, on
the corner of Cartharine and
Harriet Streets, at the hour
of 7 1/2 o'clock P. M. (he being
charged with larceny. That
upon searching him deponent
found in his possession and
furtively carried concealed on
his person the "Metal Knuckles"
now here shown, which were
in the pocket of the coat
then worn on his person.
That deponent charges him
with a violation of Section
410 of the Penal Code of the
State of New York in having
said weapons carried concealed
on his person with the intent
to use the same against
another.

Sworn to before me this } Edward J. Connelly
28th day of November 1887

J. M. Patterson Police Justice

POOR QUALITY ORIGINAL

0345

Sec. 198—200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

James Ainsley 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. *James Ainsley*

Question. How old are you?

Answer. *32 years of age*

Question. Where were you born?

Answer, *England*

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

Answer. *On board ship*

Question. What is your business or profession?

Answer, *Seaman*

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. *The boarding house runner gave the Knuckles to me in the morning. I had no intention to use them.*

James Ainsley

Taken before me this

28

day of *August* 188*8*

[Signature]

Police Justice.

POOR QUALITY ORIGINAL

0346

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

Police Court-- *3rd 1903*
 District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF
Edmund J. Kennedy
17 West
James Cassidy
 2 _____
 3 _____
 4 _____
 Offence *Carrying*
Conceal Weapon

Dated *November 27* 188*9*

William Magistrate

Edmund J. Kennedy Officer

Precinct _____

Witnesses _____

No. _____ Street.

No. _____ Street.



No. *1000* to answer *58* Street.

Edmund

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 *James Cassidy* 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 *Nov 27* 188*9* *John Putnam* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY ORIGINAL

0347

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

THE PEOPLE OF THE STATE OF NEW YORK,
against
James Ainsley

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

James Ainsley

of the CRIME OF PETIT LARCENY, committed as follows:

The said *James Ainsley*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
27th day of *November*, in the year of our Lord
one thousand eight hundred and eighty-~~seven~~, at the City and County aforesaid,
with force and arms, *four yellow cases of the*

value of twenty five cents each,
one pair of scissors of the value
of fifty cents, and one
handkerchief of the value of
twenty five cents,

of the goods, chattels and personal property of one *Oliver Johnson*

then and there being found, then and there unlawfully 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.

Richard J. ...
District Attorney.

0348

BOX:

287

FOLDER:

2736

DESCRIPTION:

Ainsley, James

DATE:

12/06/87



2736

POOR QUALITY ORIGINAL

0349

Counsel, _____
Filed 6 day of Dec 1887
Pleads _____

CONCEALED WEAPON.
(Section 410, Penal Code.)

THE PEOPLE

vs.

James Dinsley
(2 cases)

RANDOLPH B. MARTINE,

District Attorney.

Randolph B. Martine
another indictment.
A TRUE BILL. *and party to be g*

Alfred C. Cannon *for.*

Foreman.

Witnesses:

POOR QUALITY ORIGINAL

0350

Police Court—3rd District.

Affidavit—Larceny.

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

of No. 33 Hamilton Street, aged 32 years,
occupation Housekeeper being duly sworn

deposes and says, that on the 27 day of November 1887 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property viz :

Four pillow Cases, one pair of Scissors and one pocket handkerchief, in all of the value of one dollar and fifty cents

the property of deponent and her husband, Oliver Johnson

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 James Oinsley, now

here, from the fact that she was then visiting deponent's home, and when he went away deponent missed said property, and following him deponent found him on the corner of Hamilton & Catherine Streets with said stolen goods in his possession.

her
Johanna Johnson
sub

Sworn to before me, this 28th day of November 1887
Wm. D. Williams Police Justice.

POOR QUALITY ORIGINAL

0351

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Ainsley 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. James Ainsley

Question. How old are you?

Answer. 32 years of age

Question. Where were you born?

Answer. England

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

Answer. I live on board ships

Question. What is your business or profession?

Answer. Seaman

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 did not know what I was doing, I was drunk

James Ainsley

Taken before me this

26

day of November 1887

[Signature]

Police Justice.

POOR QUALITY ORIGINAL

0352

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court - 3 1962 District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas J. Johnson
334 West 117th St

James O'Connell

2

3

4

Offence Larceny
Misdemeanor

Dated November 28 1887

W. Patterson Magistrate

W. Patterson Officer

Witnesses Edward Kennedy

Witnesses J. M. Kennedy

Witnesses J. M. Kennedy

No. Street

No. Street

No. Street to answer

Conrad



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

James O'Connell

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 Nov 28 1887 J. M. Patterson Police Justice.

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

Dated 1887 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 1887 Police Justice.

**POOR QUALITY
ORIGINAL**

0353

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Ainsley

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

James Ainsley —

of the CRIME OF CARRYING A CONCEALED WEAPON, committed as follows:

The said *James Ainsley* —
late of the City of New York, in the County of New York aforesaid, on the *27th*
day of *November*, in the year of our Lord one thousand eight hundred and
eighty-~~seven~~, at the City and County aforesaid, with force and arms, feloniously did
furtively carry, concealed on his person, a certain instrument and weapon of the kind com-
monly known as *metal handkerchiefs* —
with intent then and there feloniously to use the same against ~~some person or persons~~ to
the Grand Jury aforesaid unknown, against the form of the Statute in such case made and
provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT:

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

James Ainsley —

of the CRIME OF POSSESSING A CONCEALED WEAPON, committed as follows:

The said *James Ainsley* late of the
City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the
City and County aforesaid, with force and arms, feloniously did possess a certain instrument
and weapon of the kind commonly known as *metal handkerchiefs* —
— by him then and there concealed, and furtively carried on his person,
with intent then and there feloniously to use the same against some person or persons
to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and
provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0354

BOX:

287

FOLDER:

2736

DESCRIPTION:

Alexander, Edward

DATE:

12/09/87



2736

POOR QUALITY ORIGINAL

0355

98

Counsel,
Filed 9 day of Dec 1887
Pleads

THE PEOPLE
vs.
Edward Alexander
Assault in the First Degree, Etc.
(Fornication)
(Sections 217 and 218, Penal Code).

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.
Dec 12, 1887 Foreman.
J. H. ...
R. W. ...

Witnesses:
J. A. ...
A. J. ...
R. ...

POOR QUALITY ORIGINAL

0356

Police Court— 72 District.

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

of No. 306 Seventh Avenue Juliana Truax Street, aged 70 years,
occupation Laundress being duly sworn
deposes and says, that on the 5 day of December 1887 at the City of New
York, in the County of New York,

she was violently and feloniously ASSAULTED and BEATEN by Edward
Alexander (now here) who pointed
and aimed a revolving pistol
loaded with powder and ball
at deponent, in the following
manner to wit: that said
defendant came to the window
of the room where deponent
was, and which was at the time
open and inserted his hand
which held the said pistol
through said window and
pointed and aimed the same
at deponent as aforesaid

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 6 day
of December 1887

Juliana Truax

John J. ... Police Justice.

POOR QUALITY ORIGINAL

0357

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } SS

Edward Alexander 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. Edward Alexander

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. South Carolina

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

Answer. No 113 West 27th Street & about 4 days

Question. What is your business or profession?

Answer. Writer

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

Eddie Alexander

Taken before me this 6th day of December 1887
John J. ...
Police Justice.

POOR QUALITY ORIGINAL

0358

BAILIED,

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

Police Court--
District, 2013

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Smart
306 - 7 Ave.
Admiral Cleveland

2 _____
3 _____
4 _____

Offence *Assault*
- Felony

Dated *Dec 6* 1887

J. J. Hanna
Registrar

J. Hanna
Officer

197

Witnesses *Anna C. Williams*
President

No. *306 - 7 Ave*
Street

No. _____
Street _____

No. _____
Street _____

\$ _____
to answer

Anna



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

Dated *Dec 6* 1887 *John Hanna* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Alexander

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

Edward Alexander

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

The said *Edward Alexander,*

late of the City of New York, in the County of New York aforesaid, on the *15th* day of *December* in the year of our Lord one thousand eight hundred and eighty-~~seven~~, with force of arms, at the City and County aforesaid, in and upon the body of one *Juliana Smart* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *her* the said *Juliana Smart,* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which the said *Edward Alexander* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did ^{aim, point and present, with intent to} then and there shoot off and discharge ^{the same} with intent *to kill* the said *Juliana Smart,* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

Edward Alexander

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

The said *Edward Alexander,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of one *Juliana Smart,* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and to, at and against *her* the said *Juliana Smart* a certain *pistol* then and there charged and loaded with gunpowder and one leaden bullet, which the said *Edward Alexander* in *his* right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, then and there feloniously did ^{aim, point and present, with intent to} wilfully and wrongfully shoot off and discharge ^{the same} 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.

0360

BOX:

287

FOLDER:

2736

DESCRIPTION:

Armstrong, Robert J.

DATE:

12/16/87



2736

0361

BOX:

287

FOLDER:

2736

DESCRIPTION:

Kiernan, Peter J.

DATE:

12/16/87



2736

0362

BOX:

287

FOLDER:

2736

DESCRIPTION:

Harney, Owen

DATE:

12/16/87



2736

0363

BOX:

287

FOLDER:

2736

DESCRIPTION:

McLoughin, Edward

DATE:

12/16/87



2736

0364

BOX:
287

FOLDER:
2736

DESCRIPTION:
McDonnell, James

DATE:
12/16/87



2736

POOR QUALITY ORIGINAL

0365

125. Noty also A.B. Cumberbund
258 Broadway
New York
Counsel
W. C. Cullen

Counsel,
Filed, 16 day of Dec 1892
Pleads, 18th 1892

with leave to withdraw
THE PEOPLE
vs
Robert J. Armstrong
Peter J. Kiernan
Edward McLaughlin
James McDonnell

Section 1682, Pennl Code

Robert J. Armstrong
Peter J. Kiernan
Edward McLaughlin
James McDonnell

RANDOLPH B. MARTINE
District Attorney

Par in Part I Sep
22nd 1892
A True Bill.

Alfred C. ...
Foreman.

This on Mo of Decy
at Paic dech to the
Grens entres for
N.M. 278792

Witnesses:

This indictment is one of a number which I found on my accession to office & which I have examined carefully in pursuance of a general policy to dispose of as fast as possible all cases on the file. So much time has elapsed since it was found & the evidence is now so uncertain that I do not think that any public purpose will be served by trying it, a conclusion to which the complainant do not dissent. It's dismissal will help to bring about a condition where such charges can be disposed of quickly as they ought to be to make litigation certain. I therefore recommend its dismissal. Delaney, McColl
Sept 20/92
District Atty

POOR QUALITY ORIGINAL

0355

St. Louis for Ex
Oct 28 2 PM
Nov 12 10. AM
Nov 29 2 PM
Dec 6 2 PM

BAILLED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court - District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Robert H. Haller

vs.

Robert J. Shumway

Peter Williams

Alfred Williams

Mr. Ruppel

Mr. Ruppel

Offence

Dated Oct 20 188
Magistrate

Officer

Precinct

Witnesses

No. Street

No. Street

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

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY ORIGINAL

0367

BAILED,
 No. 1, by James C. Cooper
 Residence 411. West 5th St.
 No. 2, by James
 Residence _____
 No. 3, by James
 Residence _____
 No. 4, by James
 Residence _____
 No. 5, James

No. 810125 2015-
 Police Court 8 District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

Robert W. Halliday
Robert J. Armstrong
Peter Wierman
Sam Harvey
Edw. W. Searle
James W. Stewart
 Dated Dec 20 1889

Erman Magistrate.

Michael Kelly Officer.

John's Court Precinct.

Witnesses
Robert B. Norton 138th St.
367 W 31 90th St.
Nathan Peck Street
Prof. W. S. D. W. 10th St.
Henry Street
187 Street
62 Street
400 Street

No. _____
 \$ _____ TO ANSWER
James

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 they be held to answer the same and they be admitted to bail in the sum of Seven Hundred Dollars, cash and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated December 6 1889 John J. ... Police Justice.

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

Dated December 6 1889 John J. ... Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY ORIGINAL

0368

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss

James M. Chouca 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.

James M. Chouca

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

New York

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

Answer.

142 Avenue C, 29 years

Question. What is your business or profession?

Answer.

Barman

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

John M. E. Farrell

Taken before me this

day of

October

1887

John M. E. Farrell Police Justice.

POOR QUALITY ORIGINAL

0369

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss

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

Question. What is your name?

Answer. *Robert J. Armstrong*

Question. How old are you?

Answer. *57 years*

Question. Where were you born?

Answer. *New York State*

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

Answer. *519 West 50 Street 4 years*

Question. What is your business or profession?

Answer. *Truckman*

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 J. Armstrong

Taken before me this *6*
day of *March* 188*7*
John P. ...
Police Justice.

POOR QUALITY ORIGINAL

0370

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Peter Kereuan 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.

Peter Kereuan

Question How old are you?

Answer

33 years

Question. Where were you born?

Answer

New York

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

Answer.

1331 2nd Avenue 5 1/2 years

Question What is your business or profession?

Answer.

File Lawer

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

Peter Kereuan

Taken before me this

day of February 1888

John J. Brennan Police Justice.

POOR QUALITY ORIGINAL

0371

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Edward M. Laughlin 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. Edward M. Laughlin

Question. How old are you?

Answer. 44 years

Question. Where were you born?

Answer. Canada

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

Answer. 17 Vandewater Street New York City

Question. What is your business or profession?

Answer. Painter

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

Answer. I am not guilty

Edward M. Laughlin.

Taken before me this

day of

188

John J. ...
Police Justice.

POOR QUALITY ORIGINAL

0372

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss

Owen Harney 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. *Owen Harney*

Question. How old are you?

Answer. *55 years*

Question. Where were you born?

Answer. *England*

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

Answer. *204 East 29 Street 6 years*

Question. What is your business or profession?

Answer. *Barber*

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*

Owen Harney.

Taken before me this

day of *December* 188*7*

John P. Macdonald Police Justice.

POOR QUALITY ORIGINAL

0373

Sec. 151.

Police Court 2 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Robert A. Hollister of No. 1207 9th Avenue Street, that on the 20 day of October 1887 at the City of New York, in the County of New York,

Robert J. Armstrong and one Hierman and one Harney and one McLaughlin and one McDonald whose given names are unknown to complainant did unlawfully conspire with each other to prevent complainant and Messrs J. Merritt + George H. Wilson complainant's assistants from exercising their lawful trade and calling by force threats and intimidation

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 them forthwith before me, at the 2 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 20 day of October 1887
John J. ... POLICE JUSTICE.

Police Court 2 District.

THE PEOPLE, Ac.,
ON THE COMPLAINT OF

Robert A. Hollister

Robert J. Armstrong
John Hierman
John Harney
Edward McLaughlin
James McDonald

Warrant-General.

Dated October 20 1887

John J. ... Magistrate.

Michael Kelly Officer.

Robert J. Armstrong

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

James McDonald
John Hierman
Michael Kelly Officer.

Dated October 21 1887

This Warrant may be executed on Sunday or at night.

John J. ... Police Justice.

REMARKS.

Time of Arrest, 1:30 P.M.

10:30 P.M.

Native of Irish

England

Age, 56

35

33

Sex, Male

Complexion, ---

Color, White

Profession, Driver

Married, Yes

Single, ---

Read, Yes

Write, Yes

578 Mr. S.D. ...
204 9th Ave. 28th St.

POOR QUALITY ORIGINAL

0374

Police Court 3rd. District

----- :
The People &c. :
- vs - :
Armstrong et al :
----- :

Proceedings before
Justice Gorman

Brief of Defendants.

The charge against the accused five, in all named, Owen Harney, Edward McLaughlin, James McDonald, Peter J. Kiernan and Robert J. Armstrong is for an alleged conspiracy against the firm of William J. Merritt & Co.

There is absolutely no evidence against McLaughlin or McDonald and they should be released forthwith.

The only part they took in the transaction was to ~~be pres~~ ^{be pres} sent with the others; neither by act or word did they interfere.

Mr. Hollister knows nothing of the case and his affidavit is on information and belief:

Mr. Martin testifies that he had a conversation with Armstrong before the others came in P.7 Surely what occurred between Martin and Armstrong in the absence of the others cannot be considered as evidence against them.

Martin says, that Harney said at the meeting of all that we cant say what the effect will be - It will be simply referred to the Board of Working Delegates and it will be in their hands.

This again is sworn to by Martin on Page 11.

If this evidence be true it is not criminal. It certainly cannot implicate the others. To make a report to the society is not a threat nor a conspiracy.

**POOR QUALITY
ORIGINAL**

0375

As to Kiernan on Page 9 saying that it would probably have the effect of stopping the business, is evidence of a like character.

What effect would probably result cannot be considered as wrongful.

On Page 11 of Mr. Martin's testimony, it appears that the strike of their workmen cannot be laid to the doors of the defendants.

Mr. Martin distinctly testifies that the men had no reason for their striking and did not say that the defendants ordered them to strike.

The evidence shows no conspiracy. It shows an individual effort on the part of Armstrong to Peck & Co.

This effort on his part is not a crime and is not a conspiracy because he was alone at these places, and take his acts as true there is no conspiracy, because there must be others to make up a conspiracy, and the acts of the others must clearly show a combined criminal intent. This is lacking in this case.

The most that can be said of the testimony of the prosecution, that some of the depts on behalf of their organization were protecting the rights of labor in an orderly and lawful manner without any criminal intent.

The defendants should be discharged.

~~XXXXXXXXXXXX~~
John M. Steckler
A. & C. Steckler

Counsel for Defts.

POOR QUALITY ORIGINAL

0376

CONFIDENTIAL

SECRET

XXXXXXXXXX

[Faint, mostly illegible typed text, possibly a memorandum or report header]

3rd District Blue Book

The People

1st

Armstrong State

Mem. of rept.

[Faint, mostly illegible typed text, possibly a memorandum or report body]

P O L I C E C O U R T .

Before Hon. John J. Gorman; Police Justice.

The People & C

agst

Robert J. Armstrong

and others.

ADDITIONAL POINTS FOR PEOPLE.

1. The acts of Armstrong are deemed to be the acts of all the conspirators.

"Every person entering into a conspiracy already formed
"is deemed to be a party to all acts done by any of the
"other parties before or afterwards if done in further-
"ance of the common design".

Wright on Conspiracy page 212.

"Whatever is said ^W done by any one of the number, in
"furtherance of the common design, becomes a part of
"the res gestae, and is the act or saying of all".

Wright on Conspiracy p 213.

2. Direct evidence is unnecessary. The proof of conspiracy may be circumstantial. Concurrence of action on a material point~~is~~ is sufficient proof of conspiracy.

Wharten's Criminal Law Sec 1398.

Wright on Conspiracy pp 129, 212.

3. An overt act need not be a forcible act.

~~"A word or sign is as much~~

**POOR QUALITY
ORIGINAL**

0378

BOYCOTT CASE

"A word or sign is as much an overt act as a battle
Wharton's Criminal Law Sec 1400

4. The word "Boycott" which was used by Armstrong signifies a crime. See its meaning as described in Justin H. McCarthys "England under Gladstone". State vs Glidden 3 New Eng Rpts 849 Theiss Boycott Cases, N. Y. Supreme Court 1886. Affidavit of Hammond; in this case.

5. It was held by Judge Barrett in People vs Wilzig & People vs Kostka (4 N. Y. Crim L. Rep pp 403,429 & c) that to constitute intimidation neither direct threats nor violence was necessary.

6. In this case there is no doubt, whether the committing magistrate believes the prisoners guilty or innocent, that a case of probable cause has been made out and considering the importance of the whole matter they should be held for trial.

See opinion of Barrett in People vs Wilzig as Smith 10 N.Y. State Rep p 730
Alfred B. Cruikshank

of counsel for

Complainants.

POOR QUALITY ORIGINAL

0379

N.Y. District Police Court.
Supreme Court.

The People vs

vs.

Robert J. Armstrong
et al

Attorney at Law for
Complainant.

ALFRED B. CRUIKSHANK,
Complainant's Attorney,
156 Broadway, N. Y.

Due service of within
is hereby admitted, this day of

188

**POOR QUALITY
ORIGINAL**

0380

City and County of New Yorkss:

Robert A. Hollister being duly sworn says, that he resides at Elizabeth New Jersey; and upon his oath complains that the following five persons namely: Robert J. Armstrong of the City of New York, and four others whose last names are Kiernan, ~~Mr~~ Harney, Mc.Laughlin and Mc. Donald all of said City whose first names are unknown to deponent did on or about the seventh day of October inst at said City conspire ~~XXXXX~~ together to prevent deponent and his copartners William J. Merritt and George H. Tilton from exercising their lawful trade or calling by force, threats and intimidations; and did further conspire together to commit an act injurious to trade and commerce ~~XXXXX~~ namely: to prevent deponent and his said firm of copartners from carrying on their lawful business hereinafter mentioned.

4 Deponent's said firm is and has been for more than one year last past engaged in the business of erecting buildings in the City of New York; for which purpose they have been in the habit of purchasing and using large quantities of brick, lime cement and other material which they have obtained from such large concerns as Peck, Martin and Company Candee & Kane, Candee & Smith²² John Bell .

That deponent's said firm are entirely solvent and are

**POOR QUALITY
ORIGINAL**

0381

and have been always able to pay for such materials as they have ordered, and none has ever been refused them on any pretense of their not being willing or able to pay therefor.

And deponent says that on or about the date aforesaid his said firm were refused said brick and other material by all said firms' dealers therein, except the firm of Peck & Martin on the ground as they stated that they had been forbidden to sell or furnish materials to deponents firm by delegates of the Unions. And deponent says on information and belief that the five men complained of aforesaid were the delegates who forbade such furnishing and that on or about October 7th and 8th inst the said five persons conspiring together endeavored by force, threats and intimidation to prevent said Peck and Martin furnishing material to his said firm.

Deponent further says that a load of brick purchased by his said firm from Peck & Martin and another load of brick purchased by his said firm from one William K. Hammond were interfered with and removed from the dock at the foot of Seventy-ninth street New York by certain men namely, boatmen and others who declared that our said firm was boycotted, and on one occasion threatened the captain, whom deponent avers on information and belief were members of said Unions and acting under orders of said delegates at about the time aforesaid in pursuance of said conspiracy.

And deponent says that in consequence of the refusal of said firms to furnish deponent's firm with material and of the acts of interference aforesaid and as a consequence of

**POOR QUALITY
ORIGINAL**

0382

said conspiracy his said firm have sustained and their trade and commerce and business have sustained great injury namely: they have been delayed in the erection of buildings, the cost of said buildings has been enhanced, they have lost interest on the amount invested in a large number of unfinished buildings which they are erecting in said City, and in addition the trade and commerce of said City have been injured by deponents said firm being obliged to purchase said material in such quantities as they could outside of the City and State of New York.

And deponent says on information and belief that there is no dispute or difference between his said firm and their workmen, but that the conduct of said five men was prompted by motives arising out of a dispute between the Unions aforesaid to which they belong and one Austin a plumber who happened to have a contract with deponent's said firm.

Deponent therefore prays that legal process may be issued and that said Armstrong, Kiernan, Harney, McLaughlin and McDonald may be apprehended and held to answer said complaint and be dealt with according to law.

Sworn to before me this :

20th day of October 1887 :

John J. Gorman

Police Justice

Robert A. Hollister

**POOR QUALITY
ORIGINAL**

0383

City and County of New York ss:

ROBERT C. MARTIN, being duly sworn says:

I reside at No. 362 West 31st Street, in said City. I am one of the firm of Peck, Martin & Company who are among the largest dealers in Masons' materials in the City of New York; employing about 150 men, and whose deliveries of material have heretofore reached the amount of 1600 tons per day in all parts of the City.

I am informed by Henry R. Hendren, a foreman of my said firm and verily believe that one, Robert J. Armstrong whom I believe to be a walking delegate of the Cartmens' Union called at the place of business of my said firm at the foot of West 96th, Street in the City of New York, on Friday, the 7th, of October, inst. That said Armstrong thereupon directed the said Hendren to tell the members of my said firm that he was walking delagate of said Cartmens' Union, and that the said Union had discovered that the firm of William J. Merritt & Company, of the City of New York were getting material from said firm of Peck, Martin & Company, and that if, Peck, Martin & Company furnished said Merritt & Company with any more material, that in

**POOR QUALITY
ORIGINAL**

0384

that case the business of said firm of Peck, Martin & Company would be stopped.

I further say that on the following day, viz: on the 8th day of October, inst., the said said Robert J. Armstrong came to the place of business of my said firm at the foot of West 30th Street, New York City, accompanied by four other men whose names and business were stated by said Armstrong in their presence and hearing, or by themselves to be as follows: Kiernan of the Tiles Layers Union, Harney of the Hardwood Finishers Union, McLaughlin of the Painters Union and McDonald of the Brick Handlers Union. That I verily believe that the aforesaid were the last names of said men, and that they and each of them reside in the City of New York, but their first names are unknown to me, and I have been unable to ascertain the same. The said five men then stated that they constituted a committee, or it was so stated by one of them in the hearing and with the approval of the others. The said Harney said that he spoke for the Committee then present, and that they had visited the Commission Merchants of 30th Street engaged in the brick business, and that in consequence of their visit to said Commission Merchants, they, the said Commission Merchants had promised said Committee that they would not in future sell bricks for any work to be done by said Merritt & Company. The said Harney further said that the Committee for the Board of Walking Delegates there present desired that our said firm would not sell Merritt and Company any more materials during the strike a-

**POOR QUALITY
ORIGINAL**

0385

JUST CASE THE PRESENCE OF ASST. MGR. OF LECK, WELSH & CO.

gainst said firm of Merritt & Company which was then in progress. I replied that it was not a fair request and that we could not comply with it and asked what the consequences of our failure to comply with it would be. Harney replied that the Committee could not answer but would report to the Board of Working Delegates. I asked them if the Board of Delegates would stop our business, and said Kiernan replied, that that would probably be the result, and said Harney said that they would report to the Board and what its action would be he did not know.

I further say that on the 11th of October, the cartmen, drivers and carmen in our employ stopped work and gave no reason, except that they had orders to do so. The Brickhandlers unloading vessels at various docks for us and also the workmen in our yard, all stopped work and refused to continue saying that they had orders to do so. At that time there were in process deliveries of material viz: bricks and building material which our said firm had purchased and which were being delivered to us at six various points in the City of New York on all of which deliveries there were employed said brickhandlers, cartmen drivers and cartmen all of whom having refused to go on said deliveries were necessarily stopped. That on the 10th day of October, inst., our said firm was employing one hundred and sixty horses hauling bricks and at the present time but few of them are so employed in consequence of the men refusing to work as aforesaid.

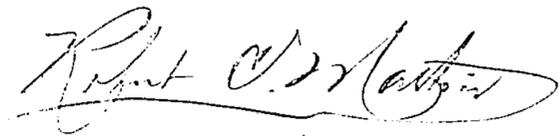
**POOR QUALITY
ORIGINAL**

0386

I further say that the said William J. Merritt & Co., are a firm of builders, largely engaged in erecting houses in the City of New York, and that our said firm had furnished them with bricks and other material from time to time; and that I am informed and believe that said Merritt & Co., have got into some difficulty with the Board of Walking Delegates aforesaid. And I aver upon information and belief, that the five persons aforesaid, viz: Armstrong, Kiernan, McLaughlin, McDonald and Harney caused and procured all of our said workmen to leave off work in order to punish our said firm for having sold and furnished materials to said Merritt & Co.

And I aver that the said conduct of said five men and the resulting cessation of work is a great and serious injury to our said firm and to builders generally throughout the City; that it prevents us supplying building materials to a large number of customers in our books, that it thus tends seriously to delay building, to the great injury of the trade and commerce of the City of New York and of the community generally.

Sworn to before me this :
20th day of October, 1837. :




**POOR QUALITY
ORIGINAL**

0387

City and County of New York SS:

Nathan Peck being duly sworn says: that he is one of the firm of Peck, Martin and Company dealers in Mason's Materials New York City. That said firm have places of business at the foot of West 30th Street; West 96th Street number 360 West Street; in East 137th Street at Harlem River and at the foot of East 48th Street. Our business largely consists in buying brick and other materials from the manufacturers outside of New York City in large quantities and reselling the same to builders and others in smaller quantities here.

I have read the affidavit of my partner Robert C. Martin and the facts therein stated are true to the best of my knowledge, information and belief.

Sworn to before me:

October 20th 1887

Nathan Peck

*John J. Emma,
Notary Public*

**POOR QUALITY
ORIGINAL**

0388

City and County of New York, ss:

HENRY R. HENDREN being duly sworn says: I reside at 182 East 80th. Street in the City of New York; I am foreman of Peck, Martin and Company at their yards at the foot of West 96th. Street, New York, On october 7th, inst one Robert J. Armstrong, representing himself to be a walking delegate of the Cartmans Union, called upon me at said yard and told me to tell Peck, Martin and Company that said Union had discovered that William J. Merritt and Company were getting material from said Peck, Martin and Company, and that if Peck, Martin and Company furnished said Merritt & Company with any more material, that in that case the business of said firm of Peck, Martin & Company would be stopped.

Sworn to before me this :
20th day of October, 1887. : *H. R. Hendren*
: *John H. Conway*
: *Palat. Justice*

**POOR QUALITY
ORIGINAL**

0389

City and County of New York, ss:

WILLIAM K. HAMMOND being duly sworn, says: I reside at Stony Point, New York, and am a Commission Merchant doing business at 624 West 30th Street, New York City in the business of selling and delivering brick. I am acquainted with the firm of William J. Merritt & Co., of said City and with the members thereof. They are largely engaged in erecting buildings in said City and are of good standing in every respect.

Prior to October 6th., 1887 I had sold a load of brick to said Merritt & Co., and on said October 6th, a packet loaded with said brick was at the dock at the foot of West 79th. Street, New York City about to be unloaded.

On said last named date one, Robert J. Armstrong whom I had known for several years came to me at my office in 30th. Street, and asked to see me privately. He then asked me for whom said packet was unloading and several other questions and finally said and threatened then and there that if I had sold that load of brick to W. J. Merritt & Co., I must take them away and not let them go to said Merritt & Co., or I would be boycotted, and that every brickmaker I sold for would be notified. He said also "I give you notice for this will fall heavy on you".

About a half hour afterwards I saw said Armstrong on the sidewalk, near said office and he said "We have

**POOR QUALITY
ORIGINAL**

0390

"traced this sale, if you had sold to Peck, Martin & Co.,
"that would have been all right, you have a right to sell
"to them or to any dealer, but now you must give me an order
"to the Captain of the packet directing him to stop unload-
"ing or you will be held liable *by* the Society, and you will
"be boycotted for selling to Merritt. You will not be al-
"lowed to come between us when we have trouble with a party"

I further say, that the word "boycott" is commonly
used and understood to mean to refuse to buy or sell from
or to the person boycotted and to prevent others from doing
so, and that I believe that ^{said} proceedings were the result
of a conspiracy to injure the trade, commerce and business
of selling material for building purposes and of W. J.
Merritt & Co.

Sworn to before me this
20 day of October, 1887.

W. K. Hammond

John Thomas
Police Justice

POOR QUALITY ORIGINAL

0391

SECOND DISTRICT POLICE COURT

-----X	:	
	:	
The People	:	
	:	
- vs -	:	Memoranda for Complainants
	:	
ROBERT J. ARMSTRONG	:	
& Others	:	
	:	
-----X	:	

I

The combination of the defendants to effect a certain purpose, and the nature of that purpose are apparent.

The interview of the defendants with Martin shows clearly that they were acting in concert and that the object of their concerted action was to stop Merritt & Co. from carrying on their calling.

They came together to Martin, representing themselves, to be a committee, and their own declarations and request to Martin & Co. show a systematic attempt on their part to stop the business of Merritt & Co.

They stated that they had visited the commission merchants of 30th Street engaged in the brick business, which includes nearly all those engaged in that business, and that the commission merchants had promised the committee that they would not, in future, sell bricks for any work to be done by Merritt & Co. And they then proceeded to request Peck, Martin & Co. not to sell any more to Merritt & Co. The direct and inevitable result of this action was to stop the business of Merritt & Co., by cutting off all the ordinary supplies of material. If they could, after a time get materials from other sources, it would be, as they swear, at a greatly increased expense, an expense which would render their business

unprofitable. The combination of the defendants to prevent Merritt & Co. from carrying on their business *being* aparent, the question then is whether this purpose, or the means taken to compass it, were unlawful within the meaning of the Statute.

II

The concerted action of the defendants was not within the exception stated in section 170 of the Penal Code. It was not "the orderly and peaceable assembling or co-operation of persons employed in any calling trade or handicraft for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate".

The assembling and co-operation provided for in this section are the assembling and co-operation of persons in any calling, trade or handicraft. It is of the essence of the provision that they should be of the same calling, trade or handicraft. It is only when they are of the same calling, trade or handicraft that their assembling or co-operation are pronounced not a conspiracy. Thus in People vs Kostka, 4 N.Y. Crim. Rep. 439, Judge Barrett says that working men "May refuse to work for less than the price they have jointly fixed, and they may do anything that is lawful and peaceable to secure that price. They may even go to their brethren and beseech them not to work for less than the fixed rate." This was the extreme point to which they might go. They might endeavor to persuade their brethren, but it never occurred to the Court that they might combine to persuade those those who were not in the same calling; indeed, he fixes a limit to which they might go, even in persuading those of the

2

**POOR QUALITY
ORIGINAL**

0393

same calling, for he says: "the laws say that workmen may co-operate or combine for the purpose of obtaining an increase of their wages, but they have no right to combine for the purpose of preventing other people from working who are willing to accept less wages". Much less might they combine to prevent those who are not of the same calling from furnishing materials.

And see *Master Stevedores Association vs Walsh* 2 Daly 13

But this was precisely what was done here. The plain, open, expressed purpose of this combination was not to cooperate with, or even influence persons of the same calling. It was not to obtain co-operation in any form. It was to induce persons of an entirely different and independent calling to refrain from having any business relations whatsoever with the persons against whom their efforts were directed. What they were combining to accomplish had obviously no proximate or legitimate relation to the rate of wages, or its advance. Peck, Martin & Co. had no possible interest in or relation to the rate of wages of the employees of Merritt & Co. Their furnishing materials had no relation to the rate of wages. The attempt to prevent Peck, Martin & Co. and other dealers from furnishing materials to Merritt & Co., was simply an attempt to punish and coerce Merritt & Co. by means which had no relation whatever to the rate of wages.

"In such a case the direct and primary object must be regarded as the destruction of business. The fact that it is designed as a means to an end and that end considered in itself a lawful one, does not divest the transaction of its criminality." *State of Conn vs Glidden* 3 New Eng. Rep. 849.

The concerted action of these defendants, therefore, was not within the exception of section 170, for they were not attempting to secure the co-operation of persons of their own calling, nor had their object any proper relation to the rate of wages.

Moreover the defendants were not themselves of the same calling, trade or handi craft. They were and stated themselves to be a committee composed of the representatives of ~~five~~ different callings.

It would be difficult to conceive of a combination of persons, in their elements or their object, more foreign to that referred to in section 170.

III

The conduct of the defendants rendered them guilty of a misdemeanor under subdivision 5 of section 168 of the Penal Code. They combined for the purpose of preventing another from exercising a lawful trade or calling by threats and intimidations and by interfering and threatening to interfere with the property of another.

As already stated the combination of the defendants, and their combination to prevent Merritt & Co., from exercising their lawful trade or calling, is clearly established. We submit that the intent to do this, and the actual doing it, by threats and intimidation is equally clear.

The preventing of sales and deliveries of Materials by Peck, Martin & Co. to Merritt & Co. was preventing the exercise of their lawful trade by Merritt & Co.

But the means by which they were done was not mere persuasion. The visiting of the different firms by the com-

mittee as described by Martin, in the case of Peck, Martin & Co. was in the nature of a threat. Each of the members of this committee claimed to represent a union of men in a certain calling, and each of these callings was immediately connected with and necessary to that of Peck, Martin & Co. To come in a body as these delegates did, and request that Peck, Martin & Co. should not sell to Merritt & Co. and upon Peck, Martin & Co. refusing, to tell them they would report to the board was, under the circumstances, a threat and intimidation. It was not persuasion, but it was an attempt at coercion. The mere statement on their part of what they were, and what they would do, was equivalent to saying that they would deprive Peck, Martin & Co. of the services of the various bodies of represented men, whom they, if they continued to sell to Merritt & Co.

It has been frequently held that violent language was not necessary to constitute threats and intimidation.

Thus in Reg. vs Hibbert & others, 13 Moaks Eng. Rep. 440P441, the Court says:

"Picketing, that is the watching and speaking to the workmen
"as they come and go from their employment to induce them
"leave their service is not necessarily unlawful, nor is it
"unlawful to use terms of persuasion towards them to ac -
"complish that object; but if the watching and besetting
"is carried on to such a length and to such an extent, that
"it occasions a dread of loss, it would be unlawful. For
"instance, suppose it is proved that there was a confederacy
"which rendered it impossible for the employees to continue
"their business from the want of workpeople, carried out by
"waylaying and offering money to their workmen and men seek
"ing employment from them, this would be indictable offence.

But the language and bearing of the defendants in the interview with Martin personally, does not stand alone. There is other conduct even more conclusive.

Thus Armstrong, one of their number, representing himself to be a walking delegate of the Cartmens Union sent word to Peck, Martin & Co. by Hendren, the foreman of the latter, that if Peck, Martin & Co. furnished Merritt & Co. with more materials, the business of Peck, Martin & Co. would be stopped. And these threats were interpreted and carried into effect by the withdrawal of the cartmen, and brick-handlers from all employment by Peck, Martin & Co..

And again Hammond swears that this same Armstrong threat - ended that he, Hammond, would be boycotted for selling to Merritt, if he delivered a load of brick, then already sold to Merritt & Co., and that he would not "be allowed to come between us when we have trouble with a party".

Here was a direct attempt by threats of loss to compel Hammond to refrain from carrying out his lawful and binding contract with Merritt & Co.

It need hardly be said that in this connection that the action of Armstrong was the action of all the defendants. The combination of the defendants for a certain purpose being established, the acts of any one of them in furtherance of that purpose are the acts of all. People vs Mather & Wend. 229.

IV

The conduct of the defendants rendered them guilty of a misdemeanor under subdivision 6 of section 168 of the Penal Code. They conspired to commit an act injurious to trade and commerce. The guilt of the defendants is, if anything

even more clear under this subdivision than under subdivision 5. It ~~scarcely~~ needs argument to demonstrate that what the defendants conspired to do was necessarily injurious to trade.

Merritt & Co. were engaged in a lawful and useful trade. They had contracted for the construction of numerous buildings. They had made a subcontract for their plumbing with one *Austin*

Some difficulty having occurred between this subcontractor and his men, the walking delegates demanded the discharge of this subcontractor, and because Merritt & Co. would not break their contract with this man they are boycotted, and them because Peck, Martin & Co. refused to submit to dictation and to refrain from selling to Merritt & Co. they are boycotted. Neither Merritt & Co. nor Peck, Martin & Co., have any possible connection with the original difficulty, or the workmen who are the original complainants, but in order to coerce them into interference with a matter in which they have no concern, they are threatened with the stoppage of their business and to a large extent this threat is carried out. These large industries are paralyzed and subjected to the severest punishments simply because they refuse to interfere with matters in which they have no concern and with which they have no moral or legal right to interfere.

It needs scarcely be said that such acts as these of arbitrary and tyrannical interference with lawful and useful pursuits are inherently and necessarily injurious to trade. If carried to their proper and legitimate results, they would stop all large enterprises because they would expose all ~~cap-~~italists engaged in them to risks of loss and ruin too great to be undergone.

Such action involves a complete suspension of the ordinary laws of trade.

In the Early case of the Boot & Shoemakers of Philadelphia, cited in the Laws of Criminal Conspiracies and Agreements Wright and Carson, P. 146, the Court said:

"The usual means by which the prices of work are regulated are
"the demand for the article, and the excellence of its fabric. ~~xx~~
x x x x
"If there are many to consume and few to work the price of
"the article will be high, but if there are few to consume,
"and many to work the article must be low. There are the
"means by which prices are regulated in the natural course of
"things. To make an artificial regulation is not to regard
"the excellence of the work or the quality of the material, but
"to fix a positive and arbitrary price, governed by no stand-
"ard, controlled by no impartial person, but dependent on the
"will of the few who are interested, this is the unnatural
way of raising the price of goods or work.

V

The Statutes of this State, it is true, require not only a combination of two or more persons to effect the proscribed objects, but some overt act in pursuance of the combination. But if our contention as to the existence of the combination and its unlawful character be correct, there can be no question as to the performance of overt acts. These acts have been undisguised and flagrant.

VI

It would be entirely immaterial if the acts of the defendants to prevent Merritt & Co. from exercising their lawful

**POOR QUALITY
ORIGINAL**

0399

trade and calling, and to the injury of trade and commerce had been unsuccessful. A combination for an unlawful purpose and acts in furtherance thereof, are all that is necessary to constitute the offence.

Adams vs People, 9 Hun. 89

But here the combination was successful. Merritt & Co. have to a large extent, if not altogether, been prevented from the exercise of their trade by the acts of the defendants. All those in the trade, except Peck, Martin & Co. were driven to refuse to deal with them, and Peck, Martin & Co. themselves were to a great extent actually prevented from furnishing them with materials.

George S. Heavlin
Counsel for Complainants

**POOR QUALITY
ORIGINAL**

0400

2nd. District Police Court

THE PEOPLE

-- VS --

ROBERT J. ARMSTRONG
& OTHERS

Memoranda for Complainants

POOR QUALITY ORIGINAL

0401

Police Court.
2nd
Third District

.....X
 :
 The People &c., :
 :
 Robert H. Hollister, :
 :
 -vs- :
 :
 Robert J. Armstrong, et al. :
 :
X

*W. L. Ormsby for
Stenographer*

S. C. & S. H. ORMSEY,
Law Stenographers,
120 Broadway, N. Y.
Telephone 797 Law.

POOR QUALITY ORIGINAL

0402

3 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Robert J. Hollister
agst.
Robert J. Armstrong

Examination had Nov 12-14 1887
Before John J. Gorman Police Justice.

I, Valerius L. Crosby Stenographer of the 3d 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 Robert H. Hollister, Robert C. Martin, Nathan Peck, Henry P. Henderson as taken by me on the above examination before said Justice.

Dated Nov 16 1887.

John J. Gorman
Police Justice.

Valerius L. Crosby
Stenographer.

Police Court.

Third District.

.....X
 The People &c., :
 Robert H. Hollister, :
 -vs- :
 Robert J. Armstrong, et al :
X

Examination
 Before Justice Gorman,
 Nov. 12, 1887.

For the People, Geo. S. Hamlin,
 A. B. Cruikshank.
 For Defendants, Louis Steckler.

ROBERT H. HOLLISTER, the complaining witness being duly sworn and cross-examined upon his affidavit, deposes and says:- I am a member of the firm of Merritt & Co. The firm consists of William J. Merritt, myself and J. H. Tilton.

Q. Where are you doing business? A. At 1207 Ninth Avenue and at 152 and 154 West 127th St. in this city.

Q. Do you do any business in the state of New Jersey?
 A. No, sir.

Q. Any office there? A. No, sir.

Q. Do you know defendant, Robert J. Armstrong?

XX A. I do not know him personally.

Q. Did you ever have any conversation with him? A. I could not tell. I do not know him by ~~his~~ name.

Q. Do you know Owen Harney? A. He is the Varnishers' Union Delegate.

Q. Do you know him? A. I do.

Q. Did you ever have a conversation with him? A. Yes I could not tell exactly when -- just before the strike.

Q. Will you swear that you ever had any conversation with Owen Harney? A. I will swear that I had a conversation with the varnishers delegate. That is the man.

(Witness here identified Owen Harney, the defendant, as the man referred to by him as the varnishers delegate.)

Q. How long did you converse with Owen Harney, just before the strike.? A. Along the last part of September, or the first part of October.

Q. Did you have more than one conversation with him? A. I did.

Q. How many? A. Two.

Q. Do you know Edward McLaughlin? A. I do not know.

Q. Did you ever converse with him? A. I do not know.

Q. Do you know Peter Kiernan? A. I do not know .

Q. Did you ever have any conversation with him? A. I do not know that I have.

Q. Then, the only one of the defendants you have personally conversed with is Owen Harney? A. That is one.

Q. Do you know one McDonald? A. I do not know.

Q. What is the business of your firm? A. Building -- dealing in real estate.

Q. Do you supply bricks, or do you buy them? A. We buy them when we can.

Q. You do not manufacture them yourself? A. No, sir.

Q. You have lime and cement? A. We have to buy them to carry on business.

Q. Did you make an affidavit in this case? A. Yes. On October 20. That is my signature to the affidavit in this case. (Affidavit shown).

Q. Do you allege the conspiracy in question upon knowledge of your own or upon knowledge derived from others? A. Derived from others of course.

Q. Have you any knowledge with reference to this conspiracy except what you heard on information and belief? A. What I heard.

Q. Then this affidavit that you made here that charges these defendants with the offense of conspiracy was made simply on hearsay evidence, and that you obtained from others? A. There is the affidavit.

Q. Yes or no. A. Surely so.

Q. Your charge that these men conspired against your firm to prevent the exercise of their lawful trade or occupation. Did you know that of your own knowledge? A. I did not.

Q. Do you remember the 8th day of October of this year? A. Yes.

Q. Did any of these five defendants call upon you on that day? A. I do not know as they did.

Q. Did you have any conversation with either one of these five defendants on October 7 or 8? A. No, sir.

Q. The affidavit that you made with reference to these five defendants as to the 7th or 8th of October was also made on information and belief? A. Yes.

Q. Have you read this affidavit? A. Yes.

Q. State what part of this affidavit is from your own knowledge. A. This part is of my own knowledge:-

"Deponents said firm is and has been for more than one year

**POOR QUALITY
ORIGINAL**

0407

5

"last past engaged in the business of erecting buildings in
"the City of New York for which purpose they have been in the
"habit of purchasing and using large quantities of brick, lime
"cement and other materials which they have obtained from
"such large concerns as Peck, Martin & Co. Candee & Kane,
"Candee & Smith and John Bell.

"That deponent's said firm are entirely solvent, and
"are and have been always able to pay for such materials as
"they have ordered, and none have ever been ~~xxxxxx~~ refused
"them on any pretense of their not being willing or able to
"pay therefor.

* * * * *

"And deponent says that in consequence of the refusal of
"said firms to furnish deponents firm with material, and of
"the acts of interference aforesaid, and as a consequence of
"said conspiracy, his said firm has sustained, and their
"trade and commerce and business have sustained great ~~xxxx~~
"injury; namely, that they have been delayed in the erection
"of buildings; the cost of said buildings has been enhanced;
"they have lost interest on the amount invested in a large
"number of unfinished buildings which they are erecting in
"said city, and, in addition, the trade and commerce of said
"city have been injured by deponents said firm being obliged

G

"to purchase said materials in such quantities as they could
"outside the city of New York. "

Q. That is all of the affidavit that is based on your
personal knowledge? A. That is all.

BY THE COURT:-

Q. Is it a matter of fact that you have sustained loss?
A. Yes.

BY MR. STECKLER:-

Q. And your affidavit that the loss has been sustained
by the acts of these defendants is upon knowledge that you
derived ^{from} outside people? Is that correct? A. Yes, sir.

RE-DIRECT:-

Q. That these firms refused to sell you materials, don't
you know that from your own knowledge? A. I did not per-
sonally go around.

Q. You know you could not obtain them? A. We could
not obtain them.

ROBERT C. MARTIN, being duly sworn and cross-
examined by Mr. Steckler, deposes and says:-

Q. You are a member of the firm of Merritt & Co? A. I am.

**POOR QUALITY
ORIGINAL**

0409

7

Q. You are dealers in mason's materials? A. Yes, sir.

Q. Do you know Robert J. Armstrong, defendant? A. Yes, sir.

Q. Have you had personal transactions with him? A. Yes, sir.

Q. You made an affidavit in this case on October 20?
A. Yes, sir.

Q. And stated that you were informed that Mr. Hendron a member of your firm had had a conversation with Robert J. Armstrong? A. Yes, sir.

Q. Were you present at that conversation? A. No, sir.

Q. And you know nothing of it except on information from Mr. Hendron? A. Simply from that.

Q. Were you present on October 8 when Robert J. Armstrong came into your office accompanied by four or five others? A. Yes.

Q. Do you see any of them here in court? A. Yes. I identify here, Peter Kiernan, Owen Hurney, Robert J. Armstrong, James McDonald, and Edward McLaughlin.

Q. Did you have a conversation with any one of these gentlemen? A. I had a conversation with Armstrong before the others came in.

Q. What was that conversation? A. I met Armstrong and asked him about this conversation that Hendron has sworn to. I asked him what it meant, what he meant by leaving the such word at ^{the} 90th street office. I said "Did I not tell you the other day that we were employing Union men and we employed only Union men, but that you must not dictate to us whom we should sell goods to". He answered that the committee of the Board of Walking Delegates would be there pretty soon and he would introduce them to me. That is the entire conversation as nearly exact as I can give it.

Q. After that the other four came? A. The whole five came in late. They said they were sent as a committee of the Board of Walking Delegates. I asked ~~xxxx~~ their name and they gave them to me, and they told me what societies ~~xxx~~ they represented. One said he was from the Tile Layers Union. One was from the Painters Union. One from the Varnishers Union, one from the Brick Handlers Union, one from the Cartmen's Union, one from the Wood-finishers Union.

Q. Which gentleman was that? A. Mr. Harney. He said they had been appointed a committee to call on Peck, Martin & Co. and to request them to promise that they would not furnish any materials or sell any materials to

Wm. J. Merritt & Co. during the strike. They said they had stopped into the office of John Martin & Co. on their way down West 50 th street, and that firm had promised that they would not directly or indirectly sell any goods to Merritt & Co. or to be used by them; that now they came to us and asked us if we would not promise to sell anything to Merritt & Co. He said that Merritt had had difficulty with the bricklayers and that if it had not been for the materials he had got that the strike would have been successful. I answered that any man who had the money to buy materials had the right to come to our firm and buy it; that my partners were not there; that for my part I did not see how any such an arrangement could be made; that I thought we were bound to sell in good faith to any man who had the wherewithal to buy. I asked what the result would be if we should refuse to make such a promise-- if it would stop our business, and this gentleman here, I think his name is Kierran, said that would probably be the effect. Harney said "Well, we ~~can't~~ can't say what the effect will be, it will be simply referred to the board of walking delegates and it will be in their hands".

Q. You stated that on the 11th of October, your cartmen,

drivers, men in your employ, stopped work and gave no reason except that they had been ordered to do so? A. Yes. I know that all of them stopped work.

Q. For what reason? A. They gave me no reason. Our clerks reported that there was no reason given to them except that they had been ordered to strike.

Q. You say on information and belief only that those five defendants procured your workmen to leave in order to punish you for selling materials to Merritt & Co. -- that part of your affidavit is simply on information and belief?

A. Yes.

Q. You do not know that of your own knowledge? A. I do not.

Q. That is a conclusion based on what some delegate remarked? A. On information received from time to time.

Q. Did you personally receive any information or know anything about it? A. They did not come and tell me. Our men that I talked with during the next three or four days all told me that they were hindered from working.

Q. Did any of those men tell you that they were ordered to strike on account of that conversation, or on account of the troubles with Merritt & Co.? A. No, sir; simply that they were ordered to strike.

Q. Did any of these five defendants come to you on the 11th of October? A. Yes, sir.

Q. How long after? A. Either one week ago last Saturday, or two weeks ago Saturday.

Q. After their arrest or before? A. After they had been arrested. The five men came to the office I think, including three of the defendants.

Q. Was that after the trouble or strike had come on? A. My former employees had been on strike.

Q. Before the arrest? A. Not before the arrest.

Q. After the 11th of October? A. I do not remember.

Q. Mr. Kiernan was one of those who on the 11th of October stated to you what would be the probable result?

A. Yes, sir.

Q. And the others said they would have to report?

A. To report back to others who would take action.

Q. The Board? A. The Board, of which they were the committee.

Q. Was Mr. Peck present at any of these conversations?

A. No, sir.

NATHAN PECK, being duly sworn and cross-examined

12

upon his affidavit by Mr. Steckler, deposes and says:-

Q. I understand that you were not present at any of the conversations? A. No, sir.

Q. There is no testimony which you can give with reference to conversations? A. No, sir.

HENRY P. HEDRON, being duly sworn, and cross-examined upon his affidavit, by Mr. Steckler, deposes and says:-

Q. You are a member of the firm of Beck, Martin, & Co.? A. Yes, sir.

Q. You were in the office at the foot of 90th street on the 7th of October? A. I do not know that I can place it exactly -- ~~xxxxx kxx kxx~~ the 7th or ~~8th~~ 8th -- about the 7th.

Q. Do you remember on the 7th of October the defendant Armstrong calling upon you at your yard? A. Yes.

Q. What makes you think it was the 7th or 8th? A. Because it was on Monday, the day it fell on.

Q. How long after that conversation did you make the affidavit in this case? A. I do not know -- within three or four days after I presume.

Q. Two or three days previous to your making this affidavit you had the conversation with Armstrong? A. Yes.

Q. Sure of that? A. Yes.

Q. Could not be mistaken? A. Could not be mistaken.

Q. Could not have been four days? A. I do not know.
I leave a margin.

Q. How much margin do you want to leave? A. I could
not state exactly what limit or margin because I am not posi-
tive.

Q. Will you swear within three or four days? A. No,
sir; I cannot swear.

Q. To the best of your knowledge it was three or four
days? A. Something about that.

Q. Could not have been much more? A. It could not
have been.

Q. Upon the day in question Mr. Armstrong called upon
you at the ~~XXXXX~~ yard? A. Yes.

Q. Had you known him previous to that time? A. Yes.

Q. Did you know him as the delegate of the workmen's
Union? A. He was said to be.

Q. Did you not know of that before? A. I took it
for granted.

Q. State what occurred between you and Mr. Armstrong?

A. Mr. Armstrong came to the big front door and said to me
"You are sending materials to Mr. Merritt's job?" I said

"Yes. I guess we have. I know Merritt has got the stuff". He said "You notify the firm -- tell Mr. Nathan Peck as a friend, that if there is any more material delivered to Merritt's shop, your business will stop". I said "I guess I had better notify them about it". He said "Tell Nathan Peck from me as a friend, that if he sends any more material or furnishes any more material to Merritt's shop that the business will be stopped". So I telephoned down to the office.

Q. Who asked you to make that affidavit? A. Mr. Martin.

Q. Of the firm of Peck, Martin, & Co.? A. Yes, sir.

Q. Did you make that before you went to court? A. Yes sir; I signed it before a Notary Public.

RE-DIRECT BY MR. CRUKSHANK:-

Q. Then you made an affidavit before a police magistrate did you not? A. Yes.

Q. Before that you made an affidavit before a Notary? A. Yes.

RE-CROSS:-

Q. How long after your conversation with Armstrong did you make that affidavit? A. I do not remember.

Q. Two or three days? A. Longer than that.

Q. A week? A. Yes -- over a week.

Q. Two weeks? A. I cannot tell you -- I had but one conversation with Armstrong.

Q. A week or a week and a half? A. I cannot tell exactly. I will not tie myself down.

Q. Two weeks? A. I will not say.

Q. You are sure it was more than a week? A. Yes.

Q. You remember the strike at Peck, Martin & Co's?

A. Yes.

Q. How long before that or after that strike did the conversation take place? A. I do not remember distinctly I remember that the conversation between him and me occurred but I can't say what day it was. The day following the conversation the business was stopped as it was threatened.

Mr. Steckler. I move to strike out those words "As it was threatened".

The Court: Motion granted.

Judge Gorman: I wish to say something loudly enough to be heard by all who are in the room, since the opening of this case, I have received a communication for the purpose of intimidating me. It is a printed

slip cut from a newspaper, and was sent to me by mail.
It is as follows:

"THE BUILDING TRADES' SECTION.

" At the regular meeting of the Building Trades'
"Section of the Central Labor Union, at 145 8th St., last
"night, the following resolutions were unanimously adopted,
"in consequence of the arrest of walking delegates on charges
"preferred by Peck, Martin & Co.:

" WHEREAS, Certain employers in this city have
"conspired to set at naught the laws of these United States
"which guarantee us liberty so long as we uphold the Consti-
"tution thereof, and

" WHEREAS, These employers have caused the arrest
"of certain of our brethren on affidavits which we believe
"to be false,

" RESOLVED, That we, The Building Trades' Section
"of the Central Labor Union, desire to express our unqualified
"condemnation of such a prostitution of our courts
"and also our contempt for the judge who would issue warrants
"of arrest on such ex parte statements and false pretenses."

I wish to say that no labor organization res-
olutions can intimidate this magistrate. I do not know

whether any of you present sent it, but, if you did you made a mistake in your men. It appears that this preamble and resolutions were adopted by some labor organization. The language of it shows the ignorance of the people who adopted it. It expresses contempt for a Judge who would issue a warrant on such ex parte affidavits. The fact is that not only this but all warrants must be issued by every Judge on ex parte affidavits. There is no other way. As for the contempt of the Judge which is here referred to, all I have to say is that this Judge don't care for your contempt. ~~XXXX XXXXXXXX~~ You cannot intimidate me in the discharge of my duty, in this matter. This is an attempt to intimidate a magistrate, and if I knew the offender I would proceed against them at once.

Mr. Stockler assured the Court that neither he nor any member of his firm were cognizant of the attempted intimidation and Justice Gorman said he was satisfied that no member of the firm would countenance such a proceeding.

Adjourned to Monday, November 14, 1887,
at 3 P. M.

Examination Continued.

Nov. 14, 1837.

W M. K. HAMMOND, being cross-examined upon his affidavit, as a witness for the prosecution, deposes and says:-

BY MR. SEECKLER: Q. You do business at 624 West 31st street in this city? A. Yes, sir.

Q. What is your business? A. Transporting and manufacturers agent for the sale of brick.

Q. Do you sell brick? A. Yes, sir; cargo lots.

Q. Brick that you buy? A. No, sir; manufacturers agent.

Q. Are Peck Martin & Co. in the same business? A. No sir; they are merchants. They buy.

Q. You are agent? A. For the manufacturer.

Q. You do business with the firm of Herrick & Co? A. Yes, sir.

Q. Prior to Oct. 6? A. Yes, sir.

Q. Of this year? A. Yes, sir.

Q. Do you remember the 6th day of October of this year? A. Yes, sir.

Q. Have you a distinct recollection of the day in ques-

tion? A. Yes.

Q. That day is imbedded in your mind? A. Yes, sir.

Q. For any particular reason? A. Yes.

Q. What is that reason pertaining to this case?

A. On that day there came to my office among a great many other people a man who asked me questions which have indelibly fixed themselves in my mind.

Q. How many people called on you on that day? A. ~~Exact~~
Probably fifty.

Q. Among them which one having reference to this case?

A. Robert J. Armstrong.

Q. Did you know him prior to Oct. 19? A. Yes, sir.

Q. In his official capacity? A. No, sir.

Q. Simply as a citizen? A. Yes, sir.

Q. Did you and he have a conversation on that day, with reference to the firm of Merritt & Co.? A. Yes.

Q. Please state the conversation: what was said by him and what by you at that time. A. I came from my back office where my telephone is --

Q. Was this in your office? A. Yes, sir.

Q. He called upon you? A. My young man said "There is a gentleman wants to see you". Armstrong said to me

"Bill, can I see you in private?" I said "As soon as I am through with this, I will be at liberty." He walked into my private office and sat down and after I was through I went in and he said "Who is that packet unloading for?" I smiled deprecatingly. He said "Well, whom do you sell that brick to?" I snickered again. He said "Who has bought that brick?" Then I said "You have been in business; you know we don't generally tell people whom we are unloading for". He said "Who is going to pay for that brick?" "Well", I said, "Don't let that worry you -- if you are afraid for the manufacturers, they will be paid for". He said "Do you sell those brick to Merritt & Co.?" I said "Why?" He said "Do you sell them this brick?" I said "What difference would it make?" He said "If you sold them to Merritt & Co. you may take them away and not deliver them." I said "Why?" He said "Because we don't intend to let this packet discharge for Merritt & Co. and if you persist in unloading it -- You will discharge that boat?" I said "Yes". He said "You sell those brick to Merritt, do you?" "Well," I said to him, "Why? Suppose I do; suppose I do not?". He said "If you sell those brick to Merritt & Co. and you don't take them away you will be boycotted." I said "What is that?" He said "Manufacturers who sell to Merritt will be

**POOR QUALITY
ORIGINAL**

0423

21

notified. These are Hedges brick. I am informed, that you are unloading. Your brick especially will be boycotted, and you will not be allowed to do business". I said "Who will do this?" He said "The Knights of Labor". I said "Are you a Knight of Labor?" He said "Yes; a Walking Delegate". I get three dollars a day. It was noticed in the Assembly this morning -- in the meeting this morning, that a schooner was unloading. Then I said I know the owner of it and I was authorized to come here and say this to you". He said "We had Merritt licked, if it was not for this thing". "Now you put that boat in and you will come between us and if you don't take it away, it will fall heavy on you". I said "suppose I do sell them to Martin & Co?" Then he said "You sold them to Peck; those fellows up there gave it away. They said 'Peck is going to sell a load tomorrow and now they are up there.'" Then he said something about Frank Falk. I do not know what he said. Looking out of the window, he saw a truck. He said "There goes one of the trucks now; you could stop the boycott." He said "If you sell those brick to Peck all right for them, but we will stop every one of the packets which goes to Merritt." Then he said looking over his shoulder and turned to go. I was with him when he rushed out of the office and went down the street.

In about half an hour afterwards he came back and said "Well, Hammond we have traced that sale to you. You sold those brick to Merritt & Co. Now I am sent here by the society, to tell you that you must give me the order on the captain to stop discharging this brick for Merritt & Co. There are plenty of people up there who buy brick, but you must not sell to Merritt & Co. any more". I said "Why?" He said "Because you must know if you don't give the order for the captain to take the vessel away and refuse to deliver any more brick to Merritt & Co., you will be boycotted". "Well," I said "I have looked death in the face last summer; he is a good deal more powerful personage than the Knights of Labor. Death did not frighten me and I do not think you will. I shall keep on selling brick to Merritt & Co. I sold him this and just as many or more as I wish". And I did so.

Q. Was that all the conversation? A. No, sir; there was a good deal more. That was the gist of it.

Q. Was your memory better on the 20th of October, about the time of making your affidavit? A. I suppose it was.

Q. This is your affidavit attached to the complaint? A. Yes, sir.

Q. Will you look at it and see what the difference is?

A. (Examining paper) What I said to day is fuller probably I do not see anything there but what I said.

Q. You have testified that when Armstrong came back to you he said "If you had sold to Pack Martin & Co. it was all right?" A. He said this to me "We have traced the sale; we have found out" I do not know but he said "They have traced the sale from you; you sold these goods to Merritt & Co.; now if you had not sold to Pack, Martin & Co. that would have been all right." I said "Do you mean the boycott all right?" He said "Yes". I said "Won't your people kindly write down on a piece of paper the name of the people to whom we will be allowed to sell, the time for which it will be continued". I said "You see it would save a good deal of trouble, annoyance and expense".

was
Q. Mr. Hammond, ^{was} your trade ever hurt, as far as you know, by what you know ^{was} a boycott?

Objected to.

Objection overruled.

A. Well, there have been --

Q. Yes or no? A. I cannot answer yes or no.

Q. Did any organization or any body of men ever boycott you or your trade or business? A. Not to my knowledge.

Q. You say the word boycott is commonly used and understood to mean "Refusing to buy or sell from others": Did you derive that on information and belief or from your own knowledge? A. Mainly from information that came from common --

Q. (Repeated) You heard that word first when?

A. About the time that it originally appeared. When the thing was first given out.

Q. Do you know how long ago you heard it? A. I think only a few years ago.

Q. You first heard it where? A. In New York City.

Q. Where? A. I should say some where between 42nd street and the Battery.

Q. Did you read it in print? A. That I cannot say. I have often read it.

Q. You make affidavit that the word boycott is commonly used to mean to refuse to buy or sell from or to persons boycotted, and to prevent others from doing so; that you believe proceeded from the result of a conspiracy to injure commerce and trade of ~~persons~~ persons that were selling materials to W. J. Merritt & Co.. Here you say business and trade was injured with the boycott -- what do you mean by boycott? A. By that that Robert J. Armstrong told me --

**POOR QUALITY
ORIGINAL**

0427

25

Q. This is from information you derived - A. Mr. Armstrong said to me that if it had not been for this load of brick Merritt & Co. were licked. I said "Can't you let this little cargo~~at~~ unload. I do not want to fight; I am a sick man". He said "We are powerless for the order is issued for Merritt & Co. to be stopped, and they must be stopped". If I had been easily scared I would have been scared out.

Q. I ask you did Mr. Armstrong threaten you with the word boycott? A. He did, sir.

Q. What did he say was the meaning of the word boycott? A. He said if I did not take this vessel away or prevent the delivery of this brick to Merritt & Co. there would be a boycott, the manufacturers would be notified and that it would fall heavy on me and I would not be allowed to do any business and I ~~believed~~ believed it.

RE-DIRECT BY MR. HANLIN:

Q. Did he specify any particular association for which he was acting? A. He mentioned the Knights of Labor.

BY THE COURT: Q. In your direct examination, you refer several times to M "They; they told me to do it" whom did you understand him to refer to as they? whom did he say he meant by "they"?

Objected to by Mr. Steckler.

Q. Whom did he say he meant by they? A. He said they are the Knights of Labor, the association of which I am a delegate.

Q. Did he mention any person by name? A. He did not, sir.

Q. No persons names were mentioned in connection with that matter? A. No, sir.

Q. The conversation you had was with Robert J. Armstrong? A. Yes.

BY MR. STECKLER: Q. You believed him at the time that he was connected with the Knights of Labor, and that he was acting for the Knights of Labor? A. Yes, sir.

Adjourned to Nov. 28, 1887, at 2 P. M.
at Second District Court.

-----oOo-----

**POOR QUALITY
ORIGINAL**

0429

Handwritten text, possibly a signature or date, oriented vertically.

POOR QUALITY ORIGINAL

0430

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 J. Armstrong,
Peter J. Herman, Owen
Warner, Edward McLaughlin
and James Mc Donnell*

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

*Robert J. Armstrong, Peter J. Herman, Owen
Warner, Edward McLaughlin, James Mc Donnell*
of the CRIME OF **Conspiracy,** —

committed as follows :

The said *Robert J. Armstrong, Peter J. Herman,
Owen Warner, Edward McLaughlin
and James Mc Donnell,* all

late of the ~~Word of the~~ City of New York, in the County of New York aforesaid, on
the ~~seventh~~ day of ~~October~~, — in the year of our Lord one
thousand eight hundred and eighty ~~seven~~, at the ~~Word~~ City and County aforesaid,

*did unlawfully conspire, by force,
threats and intimidation, to prevent
William J. Bennett, George W. Tilton
and Robert A. Wallcut, co-partners,
then and there carrying on, using
and exercising the Lardge Trade
and calling of Builders, from
exercising their said Lardge Trade
and calling.*

*And the said Robert J. Arm -
strong, Peter J. Herman, Owen
Warner, Edward McLaughlin
and James Mc Donnell, in
pursuance and furtherance of
the said conspiracy, and to
effect the said threat, threats,
do not: on the day and in the*

upon the said, of the City and
 County of Bristol, did unlawfully
 hinder the said William J. Merritt,
 George W. Tilton and Robert A.
 Wallister, to prevent them from
 exercising their said lawful trade
 and calling, and to prevent and
 hinder them from obtaining and
 procuring the supplies and
 materials necessary for the proper
 carrying on and conducting their
 said lawful trade and calling;
 and did then and there further
 hinder the said William J. Merritt,
 George W. Tilton and Robert A.
 Wallister, to induce, persuade, cause
 and procure, cause and procure
 all persons from whom the said
 William J. Merritt, George W. Tilton,
 and Robert A. Wallister, were then
 used and accustomed to procure
 and obtain the supplies
 and materials aforesaid, to cease
 and desist from supplying and
 furnishing them and to engage them,
 John Bell, and the respondents
 then and there doing business in
 and by the name and style of
 Peck, Martin and Company,
 Peck and Ware, Peck and
 Smith, to cease and refuse to
 sell, furnish and supply to the
 said William J. Merritt, George
 W. Tilton and Robert A. Wallister

should purchase, buy and procure from
 time to time, and the said William
 Merritt, George St. Tilton and Robert
 A. Walker had been and were then
 and there used and accustomed to
 purchase, buy and procure from
 persons engaged in the manufacture
 and sale of iron, tin, cement and
 other materials and supplies, among
 others, G. B. Bell, and the respondents
 then and there doing business in and
 by the name and style of Peck, Martin
 and Company, Peck and Tane and
 Peck and Smith, doing a part of
 the said iron, tin, cement and other
 materials and supplies.

And the said Robert G. Armstrong,
 Peter J. Sherman, Owen Thomas, James
 M. Toulson and James M. Conell,
 well knowing the contents hereof,
 do give and deliver this day of
 October, in the year of our Lord, 1862,
 their full and lawful assent, ratification
 and approval to prevent and hinder the
 said William Merritt, George St.
 Tilton and Robert A. Walker from
 purchasing, buying, procuring or in
 any manner obtaining from the said
 respondents and others, or from
 any person or persons whatsoever

and in witness whereof

POOR QUALITY ORIGINAL

0435

in any manner or by any means, the
 materials and supplies necessary for
 the due and proper carrying on their
 said business and for the purpose of
 the erection and construction of the
 said building; and do to procure
 and induce, and persuade, constrain
 and coerce, the said persons and
 corporations and all other persons
 from whom the said William F. Merritt,
 and Peter A. Hollett
 George H. Talbot, had been and were
 then and have been and accustomed to
 buy and procure and purchase such
 materials and supplies, without any
 good or sufficient reason, intention,
 purpose, or design to refuse to sell, supply
 or furnish to them any such materials
 or supplies; and do to demand, injure
 and obstruct all persons who should
 continue to sell, furnish or supply
 to the said William F. Merritt, George
 H. Talbot and Peter A. Hollett any
 such materials or supplies, to discriminate,
 obstruct, injure and injure them in
 their business as such manufacturers
 and sellers for so doing; to the
 great injury of trade.

And the said Peter A. Hollett, George
 H. Talbot, William F. Merritt, and
 the said Merritt and Talbot, do

in pursuance and furtherance of and
 to get the right of the said conspiracy
 of Heriots, to wit: on the day and
 in the year of our said, at the City and
 County of our said, did unlawfully
 and injuriously, and
 by divers threats, persuasions, ex-
 hortations, speeches, and by divers
 other devices, and by indirect and
 improper means, attempt and endeavor
 to procure, induce, persuade, coerce
 and constrain the said John Bell,
 Peter, Martin and Thomas Pender
 and their and Pender and Smith
 and the said other persons, or their
 and their partners and allies or
 of our said, without any good or
 sufficient reason whatsoever, to
 refuse and refuse to sell, supply
 or furnish to the said William
 Smith, George St. John and
 Robert A. White any such
 materials or supplies.

And the said Robert Pender,
 Peter of Heriots, Owen, James, Edward
 the Son of him and James the Son of
 in the further pursuance and furtherance
 of, and to get the right of the
 said conspiracy of Heriots, to wit:
 on the day and in the year of our said,
 at the City and County of our said,

and injuriously,
 did unlawfully threaten the said
 John Bell, Peter Smith and Benjamin
 Pender and have Pender and Smith
 and the said other manufacturers of
 said supplies and materials, that
 in case any of them the said
 manufacturers and sellers should
 refuse to supply to the said
 William G. Smith, George S. Fisher
 and Robert A. Bellinger, any and
 all kinds or supplies, they the said
 Robert G. Armstrong, Peter J. Heman
 and Owen Sawyer, Edward McLaughlin
 and James Mc Donald, would lawfully
 injure and defraud them the said
 manufacturers and sellers, and cause
 and procure them to be harassed,
 injured and defrauded, and discom-
 mode, defraud and injure and
 injure them and cause and procure
 them to be discriminated, defrauded
 impeded and injured in their said
 business as said manufacturers and
 sellers, for aforesaid.

And the said Robert G. Armstrong,
 Peter J. Heman, Owen Sawyer, Edward
 McLaughlin and James Mc Donald
 in the further pursuance of their
 said conspiracy, do intend to
 conspire, endeavor, to injure the

POOR QUALITY ORIGINAL

0438

day and in the year of grace, the
 said Pedro Martin and family, and
 family of the said Pedro Martin, did
 petition, petitioned and advised
 to the said William of the said
 M. T. Martin and Robert A. Martin
 a quantity of such materials and
 supplies, did petitioned and in-
 and because of such sale, petitioned, delivery and supply of the said materials and supplies
 petitioned and advised the
 them in the order of the said Pedro
 Martin and family, without any
 warning or notice, and for no good
 or sufficient cause or reason, with-
 out consent to a quit note and to
 cease and refuse to do and return
 to work, labor and duties of their
 employment, and the said materials,
 laborers and employees, by the acts and
 procurement of the said Robert A.
 Martin, Peter J. Martin, Owen
 Martin, Edward Mc Donnell and
 James Mc Donnell, then and there
 without any warning or notice, and for
 no good or sufficient cause or reason,
 did petitioned a quit note, and
 cease and refuse to do and return
 to work, labor and duties of their
 employment, and did petitioned and
 petitioned the said materials, laborers and employees

materials and supplies

and invade the said Peck,
 Martin and Company in the carrying
 on and conduct of their business; to
 the great injury of trade, to the great
 damage, inconvenience and injury
 not only of the said William Martin,
 George H. Tilton and Robert A. Walker
 but also of the said Peck Martin and
 Company, John Bell, Pender and Lane,
 Pender and Smith and the said
 other manufacturers and sellers; 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
 rights

Richard W. ...

District Attorney.

0441

BOX:

287

FOLDER:

2737

DESCRIPTION:

Bach, Henry

DATE:

12/13/87



2737