0622

BOX:
492

FOLDER:
4493

DESCRIPTION:
Sommer, Louis

DATE:
08/11/92

4493

Witnesses:

Counsel, J. Pickersgill Cohen

Filed, 11 day of Aug 1892

Pleads, Not guilty 18

THE PEOPLE

vs.

B

Louis Sommer

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 461, Laws of 1892, § 32].

DE LANCEY NICOLL.

District Attorney.

A TRUE BILL.

Allen S. Apgar

Foreman.

Nov 29 93

POOR QUALITY ORIGINAL

0623

POOR QUALITY ORIGINAL

0624

1907

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Louis Sommer

The Grand Jury of the City and County of New York, by this indictment, accuse Louis Sommer of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said Louis Sommer

late of the City of New York, in the County of New York aforesaid, on the twenty-fourth day of July in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Louis Sommer of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Louis Sommer

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

Ambrose J. Bishop

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

DE LANCEY NICOLL

District Attorney.

0625

BOX:
492

FOLDER:
4493

DESCRIPTION:
Sperling, Benny

DATE:
08/17/92

4493

Witnesses:

Nathan Lehrkamp

(Appd) Jno. O. Sovercool

Counsel,

Filed 17 day of Aug 189

Pleads,

THE PEOPLE

vs.

Benny Sperling

Burglary in the Third Degree.
[Section 498, Code Crim. Proc.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

Elmira Ref

POOR QUALITY ORIGINAL

0626

POOR QUALITY ORIGINAL

0627

Police Court— District.

City and County of New York, } ss.:

Nathan Lehrhauff

of No. 125 Mercer Street, aged years,

occupation Dealer in furs being duly sworn

deposes and says, that the premises No 125 Mercer Street,

in the City and County aforesaid, the said being a three story brick

small building

and which was occupied by deponent as a store on the 2nd floor

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

were BURGLARIOUSLY entered by means of forcibly breaking

open the lock on the door leading

to said premises from the main hall

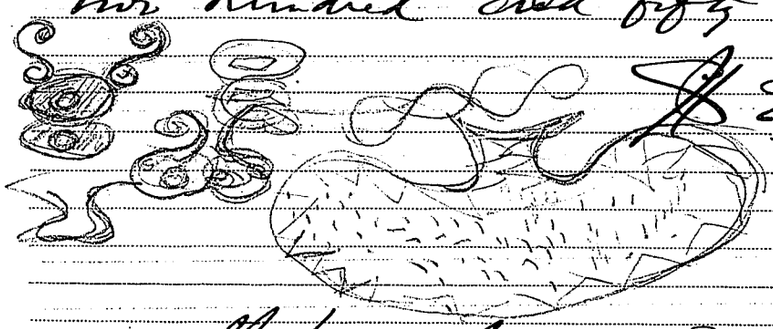
on the second floor

on the 30 day of April 1892 in the day time, and the

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

four shawls of the value of

two hundred and fifty dollars



$250

the property of the firm of Margolis & Lehrhauff

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Benny Sperling (now here)

for the reasons following, to wit: Deponent securely locked

and closed the said premises at 6 O'

clock P.M. on April 29. 1892 and at

12.30 O'clock P.M. on the following

day deponent found the said

premises broken open and the

POOR QUALITY ORIGINAL

said property missing. Deponent on ascending the stairs at the time he saw discovered the place broken open, saw defendant and another descending the stairs from said place having in their possession a bag, which deponent has reason to believe contained said stolen property. The said bag carried by defendant were the property found therein, and defendant, since his arrest has acknowledged that he, defendant, had committed said burglary.

Sworn to before me this 12th day of August 1892

Nathan Lehrhaupt.

Police Court ____ District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary ____ Degree.

Dated ____ 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of $ ____ Bail.

Bailed by ____

No. ____ Street.

POOR QUALITY ORIGINAL

(1335)

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Benny Sperling

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. Germany Austria

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

Answer. 204 Delancy St

Question. What is your business or profession?

Answer. Driver

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

Answer. I am not guilty

Benny Sperling

Taken before me this 12 *day of* August 1887

Police Justice.

POOR QUALITY ORIGINAL

0630

1009

Police Court, ... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Nathan Schlaff
128 Mulberry
Benny Sterling

2 .....
3 .....
4 .....

Offense, Burglary

Dated, Aug 12 189 2

White
Clerk Marcus
Magistrate.
Officer.
Precinct.

Witnesses .....

No. ..... Street.
No. ..... Street.
No. ..... Street.
$ 1000 to answer ..... Street.

RECEIVED AUG 15 189 DISTRICT ATTORNEY

BAILED,

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

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Benny Sterling *guilty thereof, ~~I order~~ that he be held to answer the same, and he be admitted to bail in the sum of* Fifteen *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, Aug 12 *189* ..... *Police Justice.*

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

Dated, ... *189* ..... *Police Justice.*

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

Dated, ... *189* ..... *Police Justice.*

POOR QUALITY
ORIGINAL

0631

R. Moeta

POOR QUALITY ORIGINAL

7 —

The People
vs.
Benny Sperling
Indictment for burglary in the third degree &c.

Court of General Sessions. Part I
Before Judge Martine. August 25. 1892.

Nathan Lehrhaupt, sworn and examined, testified.

I live at No. 151 Ridge street and am a dealer in furs at No. 125 Mercer street; the name of the firm is Margolis and Lehrhaupt; we occupy the second floor; we were in business there on the 30th of April 1892. What time on the 29th of April did you close up your place? Friday evening I closed up my place because I keep Saturday; the Sunday before that Saturday it was the first of May; on the 30th of April the goods were stolen. I closed up the store on the 29th of April at six o'clock. I locked it with two locks; there is only one door and two windows in front. I closed them; there are no windows in the rear. I left nobody in there when I locked the door. There were in there Astrachan and other furs, in there valued at about six or seven hundred dollars. I came to the place the next day Saturday between twelve and one o'clock. When I entered the place I met a man on the first flight of stairs carrying a bag and another man was with him; he was coming down stairs; the man who carried the bag is

POOR QUALITY ORIGINAL

not here, but the other man who was with him is the defendant. It was a big bag about four feet high; there was goods in it, but it was not full; it was less than half full because those goods are very expensive. I did not look into the bag. I did not say anything to the men I did not suspect anything when I saw those people going down out of the house I have seen bags like it before. I had a bag as large as it was and I have other smaller ones. I believe the bag I saw with the man was my bag, because on Friday evening goods came in in the same kind of bag and it was left in the store and the next day I did not see the bag any more Because the bag was gone I believe it to have been mine. I passed these men and went up stairs and do not know where they went. When you got up stairs to your floor in what condition was your door? The door was closed only and the lock was put back in the place; it was screwed out only so to stick over a little, it was put back. There was a padlock and another lock, the other one is a stationary screw. Was the iron

POOR QUALITY ORIGINAL

forced out of the wood? Yes, the one that holds the padlock was screwed out. I went into the room and I discovered that there were missing ninety two Astrachan fur shawls worth two hundred and fifty dollars; the shawls were about five inches broad and about four feet long; they are sewed on ladies jackets. The bag which I saw the man have could hold those ninety two shawls; the bag was about half full, and that would be about the size of the bag if the ninety two pieces of fur which I missed were in it. The night before I took the goods out of the bag and left the empty bag on the floor; it was not there when I came back to the store in the morning. When I found my place was broken open I ran down to see if I could see those men that I saw coming down and I could not see them; then I ran to the Prince street station house and notified the police; the detective and I immediately went around in search of those people; we went to different places and could not find them until fourteen days after; my salesman found the defendant; he and the detective talked to him; my salesman's name is H. Matter. I did not get

POOR QUALITY ORIGINAL

any property back

Cross Examined: I am sure the men whom I met on the stairs were companions because it is a narrow place to go up, and as I was going up they could not pass, so he (the defendant) lifted up the bag a little to get it out of the way. How do you know that Sterling was there? I recognized him. I know him. I am positive I saw him there on the 30th. I never said to the salesman that I thought the defendant was the man. Two weeks ago the salesman came up to me and said, the people that robbed you were discovered. I know the people, he said to me, and I know where they live;" and I went with the detective and the salesman and the detective arrested him. The detective asked me if this is the young man that I saw coming down stairs that day? I said, yes, that is the young man." The salesman was there before I came there. There is a firm who deals in furs on the first floor of my place. I do not know if they have bags. The man who occupies the first floor when he arrived went to his door and it was all right; it was not interfered with. I could not find the man who carried the bag.

POOR QUALITY ORIGINAL

Henry Matter sworn. I live at 727 East Fifth street. I am a salesman for several houses and I sell goods for Margolis and Lehshaupt 125 Mercer street. I remember the day when their place was broken open I was looking for the defendant before the arrest and I found him at No. 204 Delancy street where he boards. I told him that I found out that he was amongst the company; there was several boys, four or five. I says, "you had better tell me where you sold the goods and where you took the goods, we would not do nothing, if you tell us where the goods are and to whom you sold the goods." There was a whole gang; "he would not have you arrested, but if you do not, the detective down stairs will take you." He (the defendant) said, I do not know, I did not take nothing." He only worked for those parties for two dollars a week and board, he did not have nothing, he did not take nothing; that is what he answered.

Go back to the time when you first met Spelling and tell us the conversation you had with him? When I first saw him I was down stairs I says to him that he shall tell me, that I found out

POOR QUALITY ORIGINAL

that he was with the boys that stole the goods, and that he should tell me where the goods went to and who bought the goods and where the other boys are. If you tell me, I says to him, they would not do anything to you; if not, they will have you arrested, the detective is waiting down stairs to ~~arrest~~ take you down" Then he says, "I did not take nothing, but I only worked for those people that took the goods for two dollars a week and board." So I says to him, "You had better tell me because I found out that you were amongst the lot, the gang. The detective came up and took him downstairs. In the station house he told us several places to go to get the other fellows; he said the other fellows got the money and they did not give him nothing. He said we should we should get a fellow named Brodheim and a fellow by the name of Tate. We were looking for those fellows where he sent us; they were there the day before but we could not find them. He told us to go to the corner of Orchard and Delancey streets. I went there and enquired for them; they did not live there, but there was a friend of theirs

POOR QUALITY ORIGINAL

living there did you find out anything about them there? They told me they were there the day before. He sent us to another place 181 Clinton Street; we came there at about twelve o'clock and we went there early at six o'clock in the morning and the father of one of the boys — Pete — lived there. I went back to the station house and asked the defendant about more fellows. He said he did not know any more fellows than the two or three he sent us to. Did he say anything more about the burglary? No, he did not say anything more. Did he tell you how it was done? No. All he told me he said they gave him nothing, they got the money and he worked for two dollars a week. Did he say he was with them? No he did not say he was with them. Did you ask him about the bag? No. Did he tell you what he did with the furs? No, he did not.

Cross Examined. How did you come to find those young men? There was a gang of three or four of those fellows going around selling furs. I am an agent and salesman. They arrested two of those parties and one of those commenced to talk and tell who stole

POOR QUALITY ORIGINAL

the goods. That is the reason I found out they told me he was amongst them, Pete, Rhodheim, the defendant, and another party, Laventhal. They were arested; they are not in prison now. Is it not a fact that you told this man in the station house that he was arrested because you thought he knew about the thief and afterwards you said if he told you who stole the goods that you would release him, and then you said to him, "Did not your boss and your boss' assistant do that, and where are they to be found?" and he told you thereupon where he thought his boss could be found? He says in the station house, "you go and get those fellows; they have got the money, all I got was two dollars a week and board. I worked for them. He did not acknowledge that he worked for them to steal or anything like that. No, he did not say that to me. I could not get it from him. I do not know if anybody else tried. You do not know that this man took the property? No.

John Clarke sworn and examined. My partner and I arrested the defendant. I did not have any talk with him, and know nothing of the case.

POOR QUALITY ORIGINAL

Benny Sperling sworn and examined in his own behalf testified. I was arrested but I do not know for what. Did you ever see the complainant? I do not know him. You never saw him? No sir. I worked for my boss from the Easter holidays till about four weeks ago. You never went with any ~~[illegible]~~ to take any property, to steal any property? No sir. You never helped anybody to carry a bag? No sir. You know nothing at all of this affair? No sir. Do you know anything of this theft? No sir. Did you ever see the salesman Matter? Yes. I know him because he used to come up to my boss and sell goods. When you were arrested did you say anything to the salesman? He came up and said to me that I stole something. I did not say anything; and then he went down and called the detective up. He said to me, "What shall I do for you to help you? what do you want? I did not say anything.

Cross Examined. Do you know Mr. Lehrhaupt's place 125 Mercer Street? No, I do not know. Mr. Lehrhaupt says that he saw you coming down stairs with another man who had a bag on April 30th? No, it is not so. Were you in his premises

POOR QUALITY ORIGINAL

at all? I was not with this man. I have witnesses that I worked Saturday. Were you ever in Mr Lehrhaupt's building 120 Mercer street? No sir. I did not go there. Do you know Mr. Grosheim? No sir. Do you know Mr. Brodheim? I know Mr. Brodheim is a boss, but I did not work for him. Did you tell Mr Matter where Brodheim lived? No. I dont know where he lived. He says you told him where Brodheim and Pirte were to be found, did you? I said, "go to a countryman of yours and may be you will find them there." Where did you tell him to go, what street? I do not know the number of the house. I told him on the corner of Delancey and Orchard streets there is a countryman of theirs and he might find him there. Where else did you tell him to go? He asked me where he plays cards. I said, I did not know. I never went with him. Did Matter tell you about there furs being stolen from Mr. Lehrhaupt? When he came up he said that we stole the things, I and Pirte and those others. What did you say then? I said I did not know anything about it. Then he said

POOR QUALITY ORIGINAL

to me, "What shall I do to you?" I said, I don't know anything about it. Then he went out and immediately he came up with the detective. The detective was talking to me. I could not understand him. So I went along with him. Did you break into Mr. Lehrhaupt's place? No sir. Were you there when somebody else broke in? No sir. I worked that Saturday. Did not you help steal those furs of Mr. Lehrhaupt's? No sir. Did not you know that somebody was going to steal them? No sir. I know that this Brodheim and Porte are cousins and that they said that they will leave the city and establish business somewhere. Have you ever been convicted of crime? This is the first time that I was arrested. I never saw a Court before. What is your age? I am nineteen years old. I am from Austria, Poland. Is there anybody here that can prove that you worked Saturday? Yes. The witness is not here, but I have a witness who could prove that from the Easter holidays until about four weeks ago I was working steadily; every Saturday I was working. For whom did you work? For Mr. Porte. What is Mr. Porte's business? The fur business.

POOR QUALITY ORIGINAL

Where does he keep his place of business? In Wooster street. Where in Wooster street? No 143 near to the Court. Where did you see Pete last? Four weeks ago I saw him last. Where did you see him? When he discharged and paid me; he said he would not need my services more, that he was going to give up business. I was discharged about four weeks ago. I worked for Brodheim two weeks last winter. I did not see Brodheim for a long time. Pete is somewhat taller than I am; he is a stout man, maybe 21 or 22 years old, he is clean shaved and has no moustache, red hair. Pete had a partner whose name is Kenner. I was working, sewing little pieces of furs for him. He used to buy remnants of furs. I remember one place in Bond street where he used to buy them. Pete never got any goods in Mercer street. I was with him once about two months before when he bought some. I carried them. I dont know when the 30th of April was.

There were no other witnesses for the defence in Court. The jury rendered a verdict of grand larceny in the second degree with a recommendation to the mercy of the Court.

Testimony in the case of Benny Sperling filed August 1892

30 56

POOR QUALITY ORIGINAL

0644

POOR QUALITY ORIGINAL

— Armand

P John Bollinger ~~365~~

P Charles Kaiser

P Julius Henke

" off ~~George~~ Leo Fischell

" " Edward Isaac Bell 247 - ~~[illegible]~~ 5th ave

✓ William J McGann 251 W 32nd St

Find out where Fuchs was buried from.

Find out name of Fuchs brother, where he now lives.

Get Undertaker's name & address

M. Armand [illegible] 161 [illegible]

✓ John Bollinger 365 [illegible] 35th [illegible]

✓ [illegible] 263 [illegible]

✓ Julius [illegible] 238 7th [illegible]

✓ Leo Fischel 291 7th [illegible]

✓ Edward [illegible] 7th [illegible]

[illegible] 343 [illegible]

brother of [illegible] Fuchs.

Charles Fuchs was buried from John [illegible] 324

POOR QUALITY ORIGINAL

0646

1

John Bollinger I live at 365 W. 35th St & work in Hotel Metropole. On the tenth of May I was with Julius Hancke & Chas Fuchs. Fuchs was a cook. I knew Fuchs for about three years.
On the day in question we had been in Kenny man's saloon, between 24 & 25 sts on 7th Ave we left the saloon about 4.20 P.M. we drank some chem; we drank bier, & then we went out & went up Seventh Ave to the cor of 25th St & 7th Ave & stood there about three minutes, Hancke ~~asked me~~ & then asked decend to go to Hotel Metropole, we then crossed 25th St & went up Seventh Ave, in front of a Barber shop between 25 & 26th St we met a man with a basket; he walked in front of us & Fuchs kicked his basket & Hancke & me went right on, we walked about six steps & then turned I turned around & saw Fuchs & the defendant pulling each other around; I then turned around again & went up 7th Ave near 26th St & turned around for the second time & then I saw the defendant put a large knife in his basket and Fuchs had both of his hands up in the air, ~~I~~ I stood on 26th St & the Cor & Fuchs came up. he was bleeding I

POOR QUALITY ORIGINAL

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removed his coat & saw blood running down his leg, & then I went back with Fuchs ~~when~~ where the defendant still stood with his basket, then Fuchs begun to staggen I caught hold of his right arm & walked with him to Kaiser's saloon & right in front of the saloon is a boot black's stand & Fuchs caught hold of it; he then fell back in my arms I laid him down on the side walk; the defendant dropped his basket and ran down 25th St. I chased him in the middle of the block we caught him, I saw Fuchs when I went back. I went back when Hancke stood, we both walked down 25th St & to ok the car & went to work, The day afterwards I saw Charley Fuchs in Roth's undertaker shop on 6th Ave;

Julius Heucke lives at 238 Seventh Ave & I work in the Metropole on the day in question I was in company with Fuchs & Ballinger I met them about 4.10 PM on Friday 10, we were going up Seventh Ave! I met them in Kaufman saloon & we started out walked up Seventh Ave & we got to 25th St the peddler came

POOR QUALITY ORIGINAL

3

along, Fuchs kicked his basket, when the peddler stood still, & talked to Fuchs ~~then~~ and we went along, & went we looked around we saw the two fighting, together Fuchs was pushing the Frenchman around, And then Charli Fuchs came to us
I saw John Bollinger take hold of him & then Fuchs fell down, we then went to work, the next day I saw Fuchs try in the undertakers establishment
Fuchs skylarked a great deal.
I knew Fuchs three years.

Armand Picardeau 161 N. 26th st
I am a truckman. I stand on corner of 26th st & 7th Ave,
I heard some one call out, I was standing, on S.E. Cor 26th st & 7th Ave & I turned around & saw a man goin, toward 25th st & he fell, & then I saw a man running he run through 25th st toward 6th Ave
I caught him in the middle of the block, he did not say a word, I brought him back to Cor of 25th st & 7th & turned him over to officer Jones.
I saw him throw the basket away when he was running,
The defendant had some blood on his hands.

POOR QUALITY ORIGINAL

w

removed his coat & saw blood running down his leg, & then I went back with Fuchs ~~when~~ where the defendant still stood with his basket, then Fuchs begun to staggen I caught hold of his right arm & walked with him to Kaiser's saloon & right in front of the saloon is a boot black's stand & Fuchs caught hold of it; he then fell back in my arms I laid him down on the side walk; the defendant dropped his basket and ran down 25th St. I chased him in the middle of the block we caught him, I saw Fuchs when I went back. I went back when Hancke stood, we both walked down 25th St & took the car & went to work, the day afterwards I saw Charley Fuchs in Roth's undertaker shop on 6th Ave;

Julius Heucke lives at 238 Seventh Ave & I work in the Metropole on the day in question I was in company with Fuchs & Ballinger I met them about 4.10 PM on May 10, we were going up Seventh Ave' I met them in Kaufman saloon & we started out walked up Seventh Ave & we got to 25th St the peddler came

POOR QUALITY ORIGINAL

0650

4

Leo Fischel. I live at 291 7th Ave & keep a Barber shop there
On May 10-92 about 4 1/2 o'clock I was in the west of 7th Ave between 26 & 27 sts visiting a sick friend, I saw Fuchs fall over the boot block's chair
I saw Fuchs & the defendant standing together near Kaiers Saloon
I saw Fuchs & the defendant talking together Excitedly, I then went away & came down stairs and I then saw Fuchs go into Kaiers saloon & then he came out & fell over the chair I went there & saw him lying dead, I saw the Frenchmen run away,
I saw the Frenchmen brought back to the presence of Fuchs.
I then saw the officer take the defendant away,

John George Fuchs. I live 343 & 37th St & work at Boutage 42nd St & 5th Ave.
I am a cook am a brother to deceased,
My brother was 22 years old,
About 8 1/2 o'clock on May 10-1892 I saw my brother's body, in the 30th St Station House 19th Precinct; his body was taken away about 1 1/2 o'clock in the morning.
His body was taken to Undertakers establishment & was from there
I attended his funeral, at Evergreen cemetery

POOR QUALITY ORIGINAL

0651

5

~~John R~~ Louis Roth 512 6th Ave,

Officer Hugh Jones 19th Precinct
I was walking up 9th Ave 4½ o'clock, I saw a crowd toward 24th St, I saw prisoner, struggling, with Picardeau & crowd over asked what trouble was, Picardeau said he had stabbed a man, & I took defendant back where body lay raised the man up & asked who has stabbed him; simply looked at defendant, then I took defendant to station House.

When I got to station House I examined wound of deceased, he was stabbed about 1½ inches under collar bone on right side; there were also a stab wound on the right side, about an inch & half long & inch wide from which there was blood oozing - and on the right thigh there was a wound,

Officer ~~McAvice~~ McAvice 16th Precinct
~~I saw~~ I was standing on 26th St & 7th Ave. I saw two men apparently fighting - one had a basket on his arm & the man on the other side of the basket was pulling on it, he dragged him to the curb stone, he fell and he dragged

POOR QUALITY ORIGINAL

the basket again, then I saw the man who had the basket raise his hand & slash twice at the other man that was pulling the basket, he then fell, the man who had the basket ran away and I saw blood running from the man who fell, he charged defendant, I brought the dying man he made me no answer, I rang up an ambulance
I saw the basket & knife.
The basket & knife are in 19th Precinct Station House,

Officers Dorsey & Carey Central office
Went there at 4.50 p.m. got basket & knife, I found the knife the basket there was blood on the basket & blood on knife, & blood on side walk &c &c
~~I had a conversation~~ There was blood on Prisoner's hand & sleeve,
I had a conversation through an interpreter Mr Bell; he said he owned the basket; he said he did not know how blood came on it, I showed him knife whose knife it was asked him, he said it was his that is the knife I stuck him with. Cut off my head off - the defendant was under the influence of liquor.

POOR QUALITY ORIGINAL

0653

Charles Kaisey 263. Seventh Ave Cor of 25th St & 6th Ave =
I keep a liquor store it is on the N E Cor of 25th St & 7th
I had seen the defendant pass by before this time, but never spoke to him
On the day in question about 4½ I saw the deceased fall in front of my place; he tried to get into my door, he fell over the boot black chair outside of my place, he died there.
I went out as soon as I saw him bleeding so that I went to the street, it was then I saw the French man run & he ran through ~~7th~~ 6th St & 25th St, he was caught by Thomas Picardo
We then went hunting for the knife, & found it wrapped up in a negro's sock
when he run he dropped his bucket in front of my place.
There was blood in the knife when I got it
There was blood on the bucket.

POOR QUALITY ORIGINAL

0654

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Benny Sperling

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

Benny Sperling

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

The said Benny Sperling

late of the 8th Ward of the City of New York, in the County of New York aforesaid, on the thirtieth day of April in the year of our Lord one thousand eight hundred and ninety-two, in the day-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the store of one Nathan Lehrhaupt

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent the goods, chattels and personal property of the said Nathan Lehrhaupt in the said store then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

SECOND COUNT—

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

Benny Sperling

of the CRIME OF Grand LARCENY in the second degree, committed as follows: The said Benny Sperling

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

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ninety-two shawls of the value of three dollars each, and one bag of the value of one dollar

of the goods, chattels and personal property of one Nathan Lehrhaupt

in the Store of the said Nathan Lehrhaupt

there situate, then and there being found, in the Store aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said Benny Sperling of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Benny Sperling

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

ninety-two shawls of the value of three dollars each, and one bag of the value of one dollar

of the goods, chattels and personal property of Nathan Lehrhaupt

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

unlawfully and unjustly did feloniously receive and have; (the said Benny Sperling

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

DE LANCEY NICOLL,
District Attorney.

0657

BOX:
492
FOLDER:
4493
DESCRIPTION:
Stebbins, Carl M.
DATE:
08/03/92

4493

Witnesses:

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.....

.....

.....

.....

13 ordered

#13

Counsel,

Filed 3 day of Aug 1892

Pleads, Not Guilty

THE PEOPLE

vs.

Carl M. Stebbins

Grand Larceny, Second Degree.
[Sections 528, 58, Penal Code.]

Ha Jury Ca

DE LANCEY NICOLL,
District Attorney.

Aug 9 1892 D.A.D.

A TRUE BILL.

Allen P. Apgar
Aug 10 92 *Foreman.*

Tried & Convicted

Bail in
$250, Ins
B.M.

POOR QUALITY

0658

POOR QUALITY ORIGINAL

92

THE PEOPLE

vs

CARL M. STEBBINS.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE MARTINE.

Wednesday, August 10, 1892.

Indictment for grand larceny in the second degree.

A Jury was empannelled and sworn.

JACOB PIZER, sworn and examined.

Where do you live? At present 329 East 50th Street. You are in the real estate business? Yes. During last May and June where did you live? I moved about the 18th of May from 81 West 89th Street. Where does your father live? 329 East 50th Street. Where did you live on the 28th of May? At 81 West 89th Street. During the month of May did you take any property to your father's house? Yes, it was either the 5th or 8th of last May. What was that property? It consisted of half-a dozen ice-cream plates, Sterling silver, half a dozen cake plates, silver, one dozen ice-cream spoons, silver, and one silver tea service consisting of four pieces. What were those four pieces? There was a tea-pot and finger bowl, a sugar bowl and milk pitcher. How much were all those pieces worth? The whole thing was worth about $450.00 but there was some remained there. How was it that you came to take those to your father's house? My wife was confined in April and after that she was very sick and the doctor told me I had to go to the country, the sooner the better. I stored my furniture, but I did not want to keep my silver there. When you got to your father's house what did you do with these things? I gave them to my sister-in-law, Fannie Pizer. Is that the lady (pointing to her)? Yes. Did you see what she did with them? I did; she had some silverware of her own that was on the top

POOR QUALITY ORIGINAL

floor, front room; they were too heavy for her to carry, I carried them up to the top floorand she unlocked the trunk and she put them in the trunk, and then I went away. Did you see her lock the trunk? No, I did not, I just left them there, I was in a hurry that morning, that was on the 5th or 6th of May, I would not be positive. When did you next see those things or hear anything about them? About the middle of June my sister-in-law gave me information concerning them. There was a young painter working there over at the house and I told him to go over to Jersey and get this man (the defendant). When you spoke to your sister where were you? In 330 East 50th Street. Where these things had been stored? Yes. Did you go up to the room where they had been stored? Yes. Were they there? No, they were not there, they were missing. What part of that property that you took there was missing? Half a dozen ice-cream plates; they were worth about $75.00, Sterling silver, all from Tiffany. What else? Half a dozen cake plates, they were worth a round hundred dollars, I got them for a wedding present. What else was missing? One dozen ice-cream spoons, they were worth about $25.00, also a sugar bowl, worth about $25.00. Were there other articles missing not belonging to you? Yes, sir. What was the appearance of the trunk when you saw it? The lock was broke and there was a rope around which was cut, the rope was lying on the floor. How many trunks were there? There was two in the room and one was open; this was about the middle of June? Who was in the house when you discovered the property gone? My father, and mother, and brother, and two children and my sister-in-law. Any workmen? Yes, there was a young painter working in the house, his name is Frank Molter, he is in court. Was he painting alone? No, with this man, the defendant. Was that man

POOR QUALITY ORIGINAL

in the house at the time you discovered the loss? No. At the time you discovered the loss was the painter there? This Molter was working there. Between the time that you put those things there and the time that you personally saw the trunk unlocked for the first time, had you seen this defendant? No. You had never seen him down to the time you missed the articles? No, I saw him at the house. Did you see him prior to missing the things? Yes, I did. Where did you see him? At the house painting for my father. Did you have any conversation with him? No, never held a conversation with him. But you knew his appearance and had seen him often? Yes, I saw the defendant at the house, working as a painter with Molter. During What period? They must have started there about the 12 th or 15th of May. That was after you put the things in there? Yes. How long did they continue, and, as far as you know, when was the last time you saw the defendant before you missed the articles? I was away to the country. Did you see him working there? Yes, I saw him about the 14th of June last for the last time and then I went to the country. When you discovered the loss of these articles did you get any information as to the whereabouts of this defendant? Yes. From whom did you get it? From the boss painter and from my sister-in-law. What is his name? Samuel Heusner, he is in court. Did you go to find the defendant? No, I did not I sent this Frank Molter over to his house. I did not go personally at first; I gave him some errand concerning the defendant. Did the defendant come? No, sir, I asked Molter the defendants whereabouts. Did you then go after the defendant? Not at first, I went down to Police Headquarters; I went down there and they told me something. Did you lay the case before them? I did; that was about the 23rd or 24th of June. After

POOR QUALITY ORIGINAL

that what did youdo? I had some postal cards printed and sent them around to all the pawn brokers if such an d such stuff was put in their place. After that what did you do? I waited about four or five days at the Cortlandt street ferry looking for this Stebbins to come over; he did not come. I came home on the Monday and then I went over to Jersey, #70 South Street that was the 19th of July. Tells us what took place over there? I had to walk two or three blocks, I walked about a block and a half, I saw Stebbins standing on the corner of some street, and when he s w me he turned round the corner and walked very fast, he was standing on the corner and he turned the other way, I saw him look at me and he immediately turned and walked away fast on the same street as I was. I walked very quick after him and I tapped him on the shoulder. What did you say to him? I came over and I accused him of stealing my silver, that he had the silverware. He said, I never stole any silverware. I told him, you did steal it because I have witness that you did steal it. He says, no. I spoke to him about half an hour, and he said, no, I am sorry for you Mr. Pizer, and if I could help you I would like to. He says to me, I am thirsty, will you treat to a glass of beer? I said, certainly, I will treat you to a glass of beer. I took him into a saloon and treated him to a glass of beer. Then after that we went out; he said, excuse me; he went into a little cottage. He said, there was some money coming to him, he brought out a big sledge hammer. He says, I did not take your stuff. I told him, I have proof you did take it and as long as you are he e you might as well confess. I spoke to him about an hour and a half. He went into this place and he came out with that big hammer; what he wanted that hammer for I do not know. You were not afraid of the hammer? I was

POOR QUALITY ORIGINAL

excited at the time; it was about two hours we were there; at last he says, Mr. Pizer, you are a pretty good detective, you have me here, will you treat? I says, yes. That was the second time, I treated him twice to another glass of beer. He says, what stuff was stolen from you anyway? I told him. He says, how large a parcel would it make? I told him, it all depends upon how you take it. He said, would it make a parcel that size (illustrating)? He says, a person who would steal it, it would be worth $250.00. So I says, you can get a great deal of silverware for $250.00. He said, if a man was hard up you could get ten or fifteen dollars for it. He says, from ten to fifteen dollars would be petty larceny and anything over that would be grand larceny. I stood talking with him for quite a while and at last he says, you are a pretty good detective, there was a good many detectives after me and no man could work me, you deserve a gold medal set with diamonds; I stole the silverware and if you will wait a while I have a couple of tickets at the house and I will get them. I said, never mind the tickets, I want the silverware first, what did you do with it? He said, I went to the pawn-shop, between 45th and 46th Streets and I pawned it under the name of Martins. When did you pawn it, I said; that was about the 17th, 18th, or 19th of June, he said. I says to him won't you come over to New York? He said, oh, I am too cute for you, after you get me over once in New York I know what you will do with me. I said, you come to New York with me, the stuff don't belong to me, it belongs to my father and if you come along with me and get the stuff, I will go and tell my father I gave you the stuff to pawn. He says, but you won't say it? He said, you can take my word for it, I will say it. He says, all right. On the way he says, you sent over

POOR QUALITY ORIGINAL

for some paper hanging, are you going to give me that paper hanging to do? I said, certainly, I am going to give it to you. He said, I will tell you if you will give me the paper hanging and let me have a couple of dollars, I am broke, you can deduct it out of the paper hanging. He said, I pawned the silverware and I got about $3.25 for it, I do not remember how much. We took the elevated in Jersey and came over to Cortlandt Street, we took the elevated up to Third Avenue and got off at 42nd Street, we went to 45th or 46th Street and when Stebbins went into the pawn-brokers, he said, who are you. Stebbins said, I came for that silverware that I pawned. The pawn-broker looked at him and said, you did not pawn silverware. Stebbins said, I did, cake plates, Sterling silver plates and ice-cream spoons. The pawn-broker said, where is your ticket? Stebbins says, I gave you the ticket, you gave me half a dollar for the ticket and you put it on the stake, I do not know what he means by the stake. He said, you look on the stake, I never was in a pawnshop before, I do not know what it is. The pawn-broker said, you never came in here. Stebbins said, you told me any time you want the silverware you can have it. When the pawn-broker denied that he had the stuff, he (Stebbins) cursed him and said, you son of a bitch, you lie, that I did not bring silverware in your place. The pawn-broker said, no, and just as he said that Stebbins grabed the pawn-broker and gave him a pull and hit him. Was the pawn broker behind the counter? Yes. We went away from there and at the corner of 46th Street there was an officer standing and Stebbins went over with me to the officer; he said, Officer I want you to arrest the pawn-broker. It was Officer Fitzpatrick, he is here in court. The officer said, what for? Stebbins said, I pawned some silverware, some stuff or silver ware I would not say which, and the pawn-broker won't give

POOR QUALITY ORIGINAL

me the stuff, I want you to arrest him. He says, I can't arrest him, if you go up to the station house you can get a detective and he will go along with you. We left the officer and went up as far as 50th Street. I told Stebbins, you come along with me and we will go down and I will get father and he will go up to the station house with us. He walked down between 2nd and 3rd Avenue and father came along with the boss painter at the time, Sam. Housner. Stebbins met my father; he says, Mr. Pizer, I will get your silverware and don't you prosecute me. Your son said, I am going to say he gave me the stuff and I will get it. That was on the way up to the station house. We went up to the station house; the sergeant was there at the time. Stebbins came in thereand he made the complaint that the pawn-broker with whom he pawned some silverware, between 45th and 46th Street, would not give him the stuff, and he wanted a detective along to have the pawn-broker arrested. After that I made the charge against Stebbins that he was the man who stole my silverware. When I said that he says, I did not steal it all; I ain't the only one, Molter stole a water pitcher and a button-hook, and then a bum painter---there was some man hanging around with him at the time, he called him a bum painter---he stole some. The sergeant sent around for these two men and had them arrested at the same time. They were Edward Wickham and Frank Molter. The defendant was then held. I did not see the pawn-broker's book but the detective did, his name is Brett. Did you get any of this silverware back? No, I did not. Is that the man who was struck by Stebbins (pointing to Paul Kasker)? Yes.

CROSS EXAMINATION:

I had information from this man Molter that he caught the

POOR QUALITY ORIGINAL

defendant stealing in the house, he saw Stebbins have a saw in his breast at noon-time and he told Stebbins that if he did not take it out of his coat he was going to tell on him. Then my sister-in-law told me that she saw Stebbins going away with a bundle under his arm two or three days before. Was it overalls done up by the prisoner that he was taking away, what was in that package? I could not tell you. You went over to Jersey and brought him over here? I did. After you met him on the street didn't you go to the house where he was working at? No. Where he went up stairs? No. Where did he get the axe you speak about? He ran away from me; it was on one side, it was a hammer with a short handle, a heavy sledge hammer. We had two beers that afternoon. He did not do anything with the hammer? No, he left it in the saloon. Where did you wait while he was in the house for the hammer? On the opposite side, I waited about five minutes. Did you, at any time while coming to New York with this man, state to him that you were in a hole, and that you had silverware pawned in a pawn-shop, and that you were indiscreet in playing the races, and that you put the silverware away? No; I can make my check out for ten to twenty thousand; I did not need it. Did you tell the pawn-broker that you had this man pawn it? Yes, I did. What was the reason you stated that? Because the detective down at Headquarters told me if I got sight of him the only way to get him over was not to say the silverware belonged to me but to my father and coax him over: so that is what I done, according to advice I received. What did you tell the pawn-broker? I did not say anything when I came in, Stebbins came into the pawn-shop and said, that he wanted his silverware that he pawned in the name of Martins.

POOR QUALITY ORIGINAL

What did you say? I did not say anything. What do you mean, you first say no, you then said, yes, you told the pawn-broker you caused him to pawn it? I misunderstood. Now you say no? No. Did you pay the defendant for coming over with you? No. Did you give him a two dollar note? Yes. What was that for? He was hard up at the time and his wife had no money at home and would I please loan him two dollars until I give him the paper hanging and I shall deduct the two dollars for the paper hanging. He said he pawned the silverware for $5.25 or $5.50. Did you tell him where the pawn-shop was? No, I never knew where the pawn-shop was, Stebbins told me about it. Did the pawn-broker say to you that this man had never been in his place before? No, sir. Did you call the pawn-broker a liar? I did. What was the reason of that? Because this man told me how he brought the stuff in a bundle and that he (the pawn-broker) wore a little skull cap when he gave him the stuff behind the counter. Stebbins said to him, you said you will give me 50 cents for the ticket, you lying son of a bitch, you say I did not bring in the stuff. I told the pawn-broker that he was a liar, that he did bring the stuff in.

FANNY PIZER, sworn and examined.

Where do you live? 329 East 50th Street. Are you the sister-in-law of the last witness? Yes. Were you living there during May and June of this year? Yes, I am living there all the time. Do you remember the last witness bringing to your house some silverware? Yes. What did you do with it? I gave them to him to put away for me, I told him that I have silverware in the trunk and I put them in the trunk on the fourth floor, front, in a large room. Do you know what the silverware consisted of which he brought? Certainly, there was six ice-

POOR QUALITY ORIGINAL

cream plates, six cake plates, a dozen silver spoons, and a sugar bowl. Did you put these articles in the trunk? Yes, with others besides; there was four pieces of silver that I put in, each plate I wrapped with tissue paper and rugs; the other silverware belonged to my family, my father's name if Louis Pizer. When you put the things in the trunk what did you do? I locked the trunk and I had a line over from our 60th Street house and tied it three or four times around this trunk. There was two trunks in the room at the time. Did you lock the door? No, the door was open, that room was not used, we had other furniture in the room besides, it was a store-room. After that did you see this defendant anywhere in that house? He was working there, certainly I seen him. This silverware was brought by the last witness about what date? It was on the 5th or 6th, either Thursday or Friday, in May. This defendant was working there after that silverware was brought there and after you locked the trunk? Yes, sir, at work in the house, he was doing painting, he painted the woodwork in the house. You saw him most every day? Yes. Did you have occasion to speak to him while he was there? Good morning, or good evening when he went away. I spoke to him one day; he says to me, he left his wife without a loaf of bread at home and he will be desperate if he did not bring any money home on that day. Did you ever see him on the floor wwhere this trunk was? Yes. He was going up to the roof on that scaffold, and that door was always open leading to the roof. Did you speak to him? No, sir, he passed up and down around the house. Did you have occasion to tell him not to go into those rooms? Once I asked him what business he had in those little rooms; he always had different excuses. Do

POOR QUALITY ORIGINAL

you remember the last time that you saw him in the house? Yes that was in the middle of last June. Did you see him when he left the house? Yes. Under what circumstances did he leave? He had a bundle under his arm, I was on the third floor and I went down, father was in the back yard, I saw him from the front window of the third floor, he was going out on the stoop, he crossed over on the other side and he met a man on the other side and they walked down Second Avenue. I ran down and told my father. What kind of a bundle was it, describe it. It was a queer looking shaped bundle, he could not hardly keep it under his arm. I never seen him since hat day. Had he finished his work in the house? No, sir. Did he come back after that? I never seen him after that, after that bundle disappeared I did not see him. Did he come back in your house to do any work after that day? No, sir, never done a bit of work after that, that was about the middle of June. Did you make any examination to see if anything was lost? Yes, fifteen minutes after he left the house I discovered that the water pitcher which was in the corner closet next to the front parlor was gone. Did you miss anything else? Yes, some linen napkins, toweling, and side-board covers. Did you afterwards go up to the room on the fourth floor? I did, two or three days after I missed the pitcher. In what condition did you find the trunk? I found the lock of the trunk broken and the ropes cut and the silver stolen out of the trunk, my brother's silverware was missing, three pieces were left in the trunk, they were a silver pitcher, a tea-pot, and a finger bowl. Those were lined with gold. Was there any silverware belonging to the family? Yes, that was left in the trunk, plate silver, nothing but mr brother-in-law's silver was gone. After

POOR QUALITY ORIGINAL

that did you see the defendant or have any talk with him? I never seen him after that bundle. Was any of the silver recovered? No, sir, nothing at all; that is all I know about it

CROSS EXAMINATION:

How many men were working around your house? There was two or three painters, there was a plumber, carpenters, &c, I could not exactly say how many. There was two plumbers, certainly, two carpenters, a plasterer, a tinsmith, we got seven or eight in all, but they were not there all at once. Did they have the privilege of going into these different rooms of the premesis? Yes. When the prisoner would go there did he ever have a package in the mornings and afternoons? I never seen him with a package, this was the only one package I seen him with.

JAMES FITZPATRICK, sworn and examined.

I am a police officer of the 26rd precinct. Did you see the defendant? Yes, on 46th Steet crossing Third Avenue on the 19th of last July in the afternoon, I think it was in the heighborhood of four o'clock. He came rushing up across the avenue to me in a very excited manner and said, officer, I want you to go across the avenue and arrest a pawn-broker. I asked him what was the matter; he says, I ain't got the ticket with me but he has it on file. I says, that is very queer, he won't give them to you. He said, no, you come over and arrest him, that is all you have got to do. I said, I won't arrest him for you. He says, why not? I says, I don't feel at liberty to obey you. I know this man I have no right to arrest him, I know him for years as a licensed pawn-broker. He said, I am acquainted with some of the biggest detectives on the police force; I said, that makes no difference. He

POOR QUALITY ORIGINAL

said, I am a good detective. Where is the station house? In 53rd Street between Third and Lexington Avenues, and he walked away. Stebbins was with another man who looked like a mechanic; he had dilapadated clothes on him. I did not see the defendant again, I spoke to the pawn-broker afterwards, I did not see his book. Was not Mr. Pizer with this man at the time that he asked you to arrest the pawn-broker? He might have been, but I do not recollect. Do you recollect seeing him at all? No. What was it they wanted you to arrest him for, an assault? No, not giving up the goods he said he left there.

PAUL KASKER, sworn and examined.

Do you keep a pawn-brokers store? Yes, at 735 Third Avenue. Do you remember the defendant coming into your place last July in the afternoon, with another man, Mr. Pizer? Yes. What did he (the defendant) say to you? He demanded from me some goods, and I said, if you have the goods here you must have the ticket, and he says, I left the ticket with you. I says, you are an entire stranger to me and I will not keep a ticket on file for anybody; that is not my rule, he could not get his money unless he gave his ticket---when he leaves the articles there, he cannot get his money before he gives his ticket. I took the book and showed it to the two gentlemen, and told him, if you have lost your ticket and if you find it you are welcome to it. One man says to the other, shall I go for him? Mr. Pizer said yes, you go for him; he jumped over the counter and Mr. Pizer after him, I was afraid that my book will be torn, I grabbed for my book and I lost my presence of mind. Both of them went for me, each one struck me. Did this man Stebbins tell you what he had pawned there? He did, he said
13 hhe left some silverware, some silver ice-cream plates, I

POOR QUALITY ORIGINAL

told him I did not remember, if you have got the ticket you are welcome to it. Did he tell you how much he got on them? No, he did not. Did he tell you the name under which he had pawned them? I do not think so; he did not give me any name, the name which was afterwards given me was given by the officer. Pizer left with the other man. They never gave the name Martins or any other name. Do you ever keep tickets on file for anybody? No, never did, not for a man which I do not know? Have you an entry upon your books of Martins name pawning some silverware? This Martin which we found, teaspoons for $1.50 on the 18th of June, they were redeemed. Have you an entry of goods being pawned by a person named Martin on June 30th, 1892? That was redeemed June 30th, it came June 18th. Officer Brett came to my place, he saw this book, he saw the item of the 18th of June and the item which was redeemed June 30th, $5.25 was one article and another was for $1.60; there was $5.25 loaned on the ticket number 54,778. I do not know who pawned this property in my store. I could not swear that the defendant is the man.

EDWARD F. BRETT, sworn and examined.

I belong to the 23rd precinct, I did not arrest the defendant but I had him in custody in the station house on the afternoon of his arrest, July 19th. I had a talk with him. Another officer and myself got him out on the corridor of the prison there and asked him what he knew about Mr. Pizer's silverware. He said there was a man named William Wickham, whom we afterwards arrested; he told me that he had taken the silverware out of there and pawned it in a shop on Third Avenue between 45th and 46th Streets; says he, the other man, Molter, another painter in the house, he has taken some of the stuff out of
14 there in his overalls. I said, how do you know? He says, I

POOR QUALITY ORIGINAL

know because he had taken some of the stuff out of therein his overalls, I saw him have it in his overalls. I said, are ypu sure of that? He said, I do not know but I am positive that he had taken some of the stuff out in his overalls. The next morning, up in court, he (the defendant) denied all that he said. He said he only said that to satisfy Mr. Pizer; I think he said also that the silverware was pawned in the name of Martins in this pawn-shop. We went down that afternoon and called upon the pawn-broker, he said, there is the book, you can look it over, if there is anything belonging to that gentleman, if he can prove it, he can have it. We looked over the books and we saw this "Martin", Park Avenue, 1,004 I thing it is, some number like that, that was the biggest bulk of the silverware that we found; it was taken out on June 30th I went up that evening to Park Avenue to see whether there was any people of that name living there, there is a chruch on that corner, no dwelling place there at all. As I understand you, he told you this story when you had him on the corridor? Yes, and the next day, in the court, he denied it before Judge Welde. Judge Welde said to him, are you guilty of this charge? He said, no sir, that is all a mere fabrication, I said, that to satisfy Mr. Pizer. Did you have any further talk with him? No, never after that.

SAMUEL HOUSNER, sworn and examined.

Where do you live? 1,099 First Avenue. You are a boss painter? Yes. Did you have this defendant in your employ? Yes. When did he enter your employ first? The 26th of last May. Did you have any work at Mr. Pizer's house in East 50th St.? I had work, certainly, Was the defendant one of the men en-
15 gaged on that work by you? and he worked there at that house

POOR QUALITY ORIGINAL

did he? Yes, as a journeyman painter. When did he leave your employ or stop working for you? It was around the latter part of June. Did you know that he was going to leave or did he tell you anything about it? No, he did not, he simply did not turn up. Did he leave anything behind? His overalls. Did you owe him anything when he left? Yes. He gave you no explanation of his leaving? No, nothing of the kind. Did you learn afterward where he lived? Yes, I did. Did you finally send him what was owing to him? Yes, I did, his wife came around, he did not come for it, I sent him the money in a registered letter to 70 South Street, Jersey City Heights, $4.15 was due him. Did you see him at any time after that? No, I saw him in the station house, after he was arrested. Did you have any talk with him there? No, sir, nothing at all What did you hear him say in the s ation house? He said to Mr. Pizer, don't be hard against me and I will return that silverware. He said that to Mr. Jacob Pizer, the witness who was on the stand. What did Mr. Pizer say? That I could not say, I did not hear him. Did the defendant say anything more than that? No, I did not hear anything else. Whatwas the condition of Mr. Pizer at the time, in the station house, as to sobriety? I did not see him drunk. Did yo see evidence of drink on him? No. Did his father slap him in the station house, or push him back? I did not see anything of that.

FRANK MOLTER, sworn and examined.

Where do you live? 1,154 First Avenue. What do you work at? Painter. Did you work for Mr. Housner alongside of this defendant? Yes, sir. You were arrested also, were you not, for stealing this silverware? Yes, sir. Upon information which Stebbins gave? Yes. Did the Grand Jury indict you? No.

POOR QUALITY ORIGINAL

They dismissed the bill against you? Yes. They dismissed the bill against Edward Wickham, too, didn't they? I could not say. Do you know Wedward Wickham? I saw him once, that is al all. Were you working in this ho se of Pizer's with this defendant about the same time he was working the e? Yes, sir. Were you working for Mr. Housner at the time that Stebbins left Housner's employ? No. You had left before that, had you? I had left two days before, on the Monday morning. Did you have any talk with Stebbins after he was arrested about this silver? Yes. What did Stebbins say? I asked him in the station house why he had me arrested and he gave a false charge on me. He said, he wanted to get even with me; he asked me why I said I saw him take the saw? I saw him take it away; that is all he said about it. Did you have any further talk with him? He was talking about the pawn-shop, how he went in; he said they went to the pawn-shop, he and the man there (Pizer) who was with him, Pizer said he wanted him to go in and say he pawned it for him and he got five or six dollars, and that the pawn-broker looked over his book and said it was not there; and Mr. Pizer told him to hit the pawn-broker and he done it and he went to the station house and told the same thing. Do you recollect his saying anything about being willing to take a year? Yes, he said to me, I would take a year with a jump. When did he say that, in the station house? Yes, sir.

BY COUNSEL:

How many men were working in that building? There was carpenters and painters, about eight or nine men in all, they were not working steady, odd days, some days they would not come, they had access to all the apartments.

POOR QUALITY ORIGINAL

CARL M. STEBBINS, sworn and examined in his behalf, testified:

Where do you live? 70 South Street, Jersey City Heights. Do you know the complainant, Mr. Pizer, in this case and have you heard his testimony here? Yes. Will you tell the Judge and Jury all the facts connected with that transaction in regard to this silverware? Yes. I went to work for Mr. Sam. Housner, in 50th Street, at Mr. Pizer's place painting, I was working off and on for three or four weeks, I was in the habit of taking my overalls home with me once or twice a week to have them washed, I had two pair of overalls and two blouses, and a pair of shoes, I was in the habit of taking these home always Staurday night and sometimes Wednesday. I failed to get my money, the same as the other boy that was on the stand a little while ago who failed to get his. He and I quit on Monday morning, I told the boy that I should not work any more until I got my money, and I would not be back on the Tuesday morning. I went back on Tuesday morning and called for Mr. Housner at 50th Street and walked with him down to First Avenue, about four blocks I should judge. We stopped on the corner, I asked him how it was for my money, and he says, I can let you have a dollar. I said, a dollar will do now because my family is without a loaf of bread, this was on Tuesday; he says, you will be here in the morning? I says, Yes, I went on in the morning to work at Mr. Pizer's and was expected to go to work, but for some reason or other we did not work that day, on account of the frescoing, I think. I done up my overalls and blouse, one pair of overalls and two blouses and a pair of shoes, and put them in my room. I asked Mr. Housner for money that day and he said he hadn't got it.
18 I says, did you discharge the boy, he said, yes, not to pay

POOR QUALITY ORIGINAL

him for I told him I did not want him any more; he says you can come in a day or two to work. I said, all right, and went from there with a bundle under my arm went across the street and walked to the corner of 50th street and Second Avenue, went into a saloon and got a lunch and a glass of beer. This man that was arrested with me, I don't know his name now, he was not arrested with me, he was arrested afterwards, had a glass of beer with me; then I walked out and went down Second Avenue to the first street that leads up to Third Avenue Station, whichever street it is. Then I went up to the elevated station on Third Avenue and went to Barclay Street and went home. That night I was out with some young fellows and I drank rather to excess, I got up the next morning, I did not feel well, and I went down to the saloon and got a drink of liquor and th then went back to the house and told my wife that I would go to work at Housner's but instead of that went down to Hoboken, and I met a man named Andrew Peters in Washington Street, Hoboken. I asked him how he was off for men----

THE COURT:

We do not care about your looking for work, what about your meeting Pizer, get down to the transaction itself, did you steal that silver? No. Didn't have it in your possession and did not pawn that silver? No. I worked for Peters a week or two, I was sick and sent my wife to Housner for the money that he owed me, he would not pay it then and he said send it over the next Monday, and he sent a post-office order. This gentleman, Mr. Pizer, came to see me; I was going down South Street, I was working on Bower Street, I turned around the co corner to look back, I saw Mr. Pizer coming but I did not know him, it was after one o'clock and I was in a hurry to get to my work. How many times had you seen Pizer inyour life before

POOR QUALITY ORIGINAL

that, as near as you can estimate it? I should judge 25 or 30 times; he was quite a distance from me, he had a straw hat on, I had a hammer in my hand, a screw-driver and paper of tacks, I was working on Bower Street, he overtook me and says hold on, and I stopped and looked at him a moment; he rushed up and shook hands, he says, I want to see you a minute but I am so excited lets us go and have a glass of beer first. So we walked acrossthe corner and we had a glass of beer. We went further down to the house where I was doing work, upholstering a lounge, and he waited outside while I went inside and got excused from work that afternoon. He went down with me through Central Avenue towards the depot, he wanted me to d do him a favor, he wanted me to go to New York and go in a pawn-shpp with him and get out some silver that was pawned there. He says, Stebbins, I am in a fix, I don't know that he said he was in a hole or anything like that, something similar to that; there is some stuff pawned there, between 45th and 46th Streets on Third Avenue. He says, if you will come over and claim that you pawned the stuff, the tickets are on file, you can get the stuff; I am out $1.50 for this; he said, I will make that good. We went down to the saloon, we had another drink, he got change for a five dollar bill, he gave me a two dollar bill; he said, I will give you more when you come to New York. We came to the depot and got on the elevated cable road to Barclay Street Ferry, we came across the Ferry and up on the Third Avenue elevated. He says to me, on the way up, Didn't you see Molter take something away in his overalls? I says, no, he says, it isn't any harm to say so to help me out of this, I do not want my people to know anything about it. I said, if I can be of any use I will be , if you will pay for it. He said, I will do what is right, I will draw up a

POOR QUALITY ORIGINAL

check for a thousand dollars. I said, never mind your check; he (Molter) was innocent. We went up Third Avenue, I think, to 47th Street, and got off and went down to this pawn-shop. He said, here is the place, you ask for two tickets that are on file in the name of Martin for silverware, tell them that you pawned it. I walked into the pawn-shop; says I, I have got two tickets on file for silverware. The pawn-broker went behind the desk in front of the safe and looked at the row of tickets that was hung on the wire. He says, there is no tickets here by your name, you never pawned anything here, I never saw you in my place before. This man, Pizer, steps up, he says, you are a damn liar, to the pawn-broker. I mentioned my overalls and blouse, I had two pair of overalls. Pizer said to the pawn-broker, you are a liar, I had the stuff pawned here myself and this man wants to get it; he says, the tickets are on file. The pawn-broker said, they are not; one word brought on another and Mr. Pizer struck at him, says I, shall I hit him? Pizer says, yes, and I hit him. I only hit the pawn-broker because Pizer said I should do so. I was intoxicated and so was Pizer. We went across the street and I spoke to the policeman about having the man arrested for an assault. He says, what was the matter? I says, there is some silverware there and this man wants to get it, that I pawned it for him. The policeman said, you will have to go to headquarters, to the 50th Street station house; we went from the policeman to Pizer's house. I went with young Mr. Pizer to his house, he got his father and his brother, and we all walked up to the 51st Street station house together. Mr. Pizer says to me, you make this statement as you made it before and I will see there is no harm done you. I said to the sergeant,

21 I pawned some silverware for this man and we went to the pawn

POOR QUALITY ORIGINAL

shop to get it and we had a fuss.. Pizer, at the same time, said, he did so, that is right, he pawned the stuff for me. His father drew off and called him a liar and hit him and slapped him three or four times; he says, nobody would steal from a father. Then they took young Pizer and myself and put us in the back room and left us there for about fifteen minutes. Then we were called out and put under arest and put back. I never saw the silver, I never pawned it, never was in the pawn-broker's shop before only that one time I was in with Pizer, I do not know his name or his number.

CROSS EXAMINATION:

You went to the pawn-broker and told him you had pawned that silverware, didn't you? I told him I wished two tickets that were on file. You told him that you had pawned those things? Yes. And that was a lie? Yes. I struck him because I was instructed by Mr. Pizer to do so. Then you went to Poilco Officer Fitzpatrick and told him that you had pawned some stuff in that pawn-broker's office, and you wanted to have him arrested? I wanted to have the pawn-broker arrested, I think, for assault, I am not sure about that. I told the officer a lie there; then I went up to the station house and made a statement there, I told the sergeant I left the silverware at the pawn-broker's, which was a lie; I went before Judge Welde, I told him that it was a fabrication done to shield this man. Then did Mr. Pizer say that he had pawned it and wanted you to help him out? No, he said it was pawned there under the name of "Martin." Did he say who pawned it? He did not. I was not very drunk at the time, I should judge we drank 12 or 15 times, we drank whiskey and beer, I should judge we drank two or three hours. Did Pizer tell you that
22 you had pawned it? No, he told me it was pawned under the

POOR QUALITY ORIGINAL

name of "Martin." Did Pizer know where you lived before he found you over there in Jersey? Yes, he knew it from my giving my address to Mr. Housner. I had seen Mr. Pizer before that day and knew him quite a while. Did you know at that time that he was a man of means? I did, by what I heard. He is a man of considerable means, is he not reputed to have a pretty good bank account? Yes. I do not think Pizer struck the pawn-broker, I am very positive I did, I think I struck him on the side of the face. Can you give any reason why Mr. Pizer should want you to go there and get the stuff out? I cannot, only that he wanted it, that is all the reason I know. You say that your employer would not pay you, although you asked him several times, and that is the reason why you left? Yes, he did finally pay me and overpaid me a dollar. Stebbins what other name have you gone under? None, Stebbins is the only name. Do you mean to say that you have never given any other name than Stebbins at any time? I decline to answer.

THE COURT:

You must answer unless you base your refusal to answer on some legal ground, if you shall say that the answer will have a tendency to criminate or degrade you, if you put it upon that ground, you need not answer; otherwise you must answer. That is the way I put it. You decline to answer because it will criminate or degrade you? Not criminate but degrade me.

BY MR. DAVIS:

Stebbins, have you ever been convicted of any other crime? No, sir, not that I ever found out. Stop and think about that, try to recollect and see whether you have not been convicted of some crime? There is no necessity of thinking about it; I decline to answer for the same reason. Do you know of-

POOR QUALITY ORIGINAL

ficer Cuff of the First Precinct? I do not. You had Mr. Berlinger assigned to you to defend you in this charge? Yes. You discharged him, I believe, from that service that the Court gave him? Yes. Did you ever see Mr. Berlinger before you came here on this charge? No, sir, never, I never saw him to my recollection. He was not your counsel in any other matter? No. Was he not assigned to you once before? No, sir, never. Before you went to work for Mr. Housner who have you worked for? I worked for a man named Ackerman on Jersey City Heights, a painter. I worked for him about the middle of June until the first of April. Mr. Ackerman knew me quite well, I was not discharged by him, I never heard that he had anything but a good opinion of me, he is not in court, I have not communicated with him. Who did you work for prior to January before working for Mr. Ackerman? I worked for a man named Kulshoven, I worked for him in November and December in Jersey City Heights painting, he is not here. Before that I worked for a man named Spice in Union Hill, New Jersey, that was in October and the fore-part of November, he is not in court. I worked for a man named Cohen for about two months, I was not out of work more than two months, I spent a good deal of that time at home, 70 South Street, Jersey City. Did Mrs. Pizer ever speak to you about going into rooms where you had no business to go? Yes. Did you tell anybody that Wickham and Molter had stolen the stuff? Yes; I told the old gentleman, Mr. Pizer, I told him the story that young Pizer toldme to tell, and I told it to his brother also. You told it ,did you not, to the Police Magistrate? I did not tell it to him when I was under oath. Did anybody else tell the magistrate that these two men had stolen the silverware? I do not know, I did not know a charge had been made against them until they

POOR QUALITY ORIGINAL

were arrested, they were held by the magistrate in a thousand dollars bail. I suppose the grand jury discharged the bill against them. Molter, who you said had stolen it, was the witness who came here to-day, was he not? Yes, sir.

LOUIS PIZER, sworn and examined.

You and your son were in the police court when the defendant was arrested? Yes. Did you slap your son in the face and reprimand him? Yes. My son said that he promised him on the way that he shall tell him that he sent him in there and that the things belonged to meand we did not do anything to him and I slapped him; I said to my son, you take the thieves part. That is the reason I slapped him. Didn't they take him in the back room for being intoxicated? No, he was excited. Did they send him in the back room in the station house? Yes. My son said, father, I could not get him (meaning the defendant) here to New York, I had to coax him. Did your son say this in the presence of Stebbins. Yes, he said he could not get him over, he had to coax him, and I told him that I would give him the silverware. When my son said that, I got mad, I says, you go for the thief, I would rather lose the whole thing. I did not like the construction of it. You were indignant at the time? I was; he (Stebbins) said on the way, promise me that you will not go against me; I did not answer him at all. The defendant said, Mr. Pizer you can deduct it from your paperhanging money. My son said, I am positive he stole it, and nobody else did steal it.

PAUL KASKER, re-called by Counsel:

At the time that the defendant and young Pizer came into your place what was their condition in regard to intoxication? To

POOR QUALITY ORIGINAL

my knowledge none of them was sober, because a sober man would not come that way. When they came into my store they came like wild animals, I did not know what was the matter at all when they came in. You only concluded that they were drunk because they came in that way, is that right? Yes, that is right.

JACOB PIZER, re-called by Counsel:
Were you in the back room in the station house? Yes. Were you put in there, did the officer follow you in or lead you in the back room. We were drunk when we went to the pawn-brokers I am not a drinking man. How much drink did you have on this day? I treated him to a glass of beer, that is all I had.

SAMUEL HOUSNER, recalled by Mr. Davis:
The defendant says just before he left your employ he asked you for money two or three times but you failed to give it to him? Wheever he asked for money I gave him some. Did he leave your employ because you could not pay him his wages? No, sir.

The Jury rendered a verdict of GUILTY of PETTY LARCENY.

POOR QUALITY ORIGINAL

0685

Testimony in the case of Earl M. Jeffries

filed Aug. 1997

POOR QUALITY ORIGINAL

0686

District Attorney's Office
City & County of
New York June 15 1892

Delaney Nicoll Esq
Dist Atty
Dear Sir,

The bearer of this note is Mr. L. M. Burrows the father of young Burrows who is now held on a charge of larceny of package from Hotel. I have taken the liberty to investigate the boy's past life and character of parents &c I am convinced that he has been led inveigled into this affair & so far as I am concerned, desire no further prosecution. He no doubt has been punished enough.

Yrs very Truly
Geo. Sheppard
Mgr Hotel Davis

POOR QUALITY
ORIGINAL

0687

POOR QUALITY ORIGINAL

0688

Police Court 4 District. Affidavit—Larceny.

City and County of New York, } ss:

Jacob Pizer

of No. 329 East 50 Street, aged 31 years.

occupation Real Estate being duly sworn,

deposes and says, that on or about the 26 day of May 189 2 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

A quantity of Silverware of the value of about Two hundred & fifty 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 Carl Stebbins, Edward Nickham and Frank Motter (all workers) and acting in concert from the fact that said property was in the above premises and the said defendants Stebbins and Motter were employed in said premises as painters. Deponent missed the said property and caused the arrest of the said defendant Stebbins who informed deponent that he did take said property and that the said defendant Nickham was in his company and pushed the said property. Said Stebbins also informed deponent

Sworn to before me, this day of 189

Police Justice.

4759

POOR QUALITY ORIGINAL

that the said defendant Mottes did take from said premises a silver watch & chain. Deponent therefore accuses the said defendants with having acted in concert and taking stealing and carrying away said property and asks that they may be dealt with as the law directs

Sworn & subscribed before me this 31 day of July 1892

Jacob Pizzi

Wm. Wells

Peter Justin

POOR QUALITY ORIGINAL

0690

Sec. 198—209 ..... 4 ..... District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question What is your name?

Answer. Carl Stebbins

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer, New York State

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

Answer. 70 South Street, Jersey City N.J.

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

Carl Stebbins

Taken before me this 29 *day of* May 1899

..... *Police Justice.*

POOR QUALITY ORIGINAL

Sec. 198—200

4 District Police Court.

CITY AND COUNTY OF NEW YORK. } ss.

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

Question What is your name?

Answer. Edward Wickham

Question. How old are you ?

Answer. 27 years

Question. Where were you born ?

Answer, New York City

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

Answer. 227 East 48th Street. 1 1/2 months

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. I was promised a job by Mr Stebbins and saw him once on the premises. I know nothing about any property that was taken

Edward Wickham

Taken before me this 21 *day of* July 1886

[illegible] *Police Justice.*

POOR QUALITY ORIGINAL

Sec. 198—200

..... District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question What is your name?

Answer. Frank Mutter

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer, N.Y.

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

Answer. 1154 1st Avenue. 9 years

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 I know nothing about my other

Frank Mutter

Taken before me this 19th *day of* May 188[illegible]

[illegible] *Police Justice.*

POOR QUALITY ORIGINAL

0693

#13 Bill found guilty on Indictment

Police Court ... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1. Geo. O'Neil 329 E 23d St
2. Chas. Martin
3. Edward Strickland
4. Frank Smith

Offence Felonious Assault

Dated July 21 1892

Walsh Magistrate.

BAILED,

No. 1, by John J. Kingsley Residence 348 E 88 Street.

No. 2, by ..... Residence ..... Street.

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street

Witness Geo. O'Neil 329 E 23 Street

Officer. Precinct 13

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ 1000 to answer

DISMISSED.

Aug 25 1892

Abraham Hutter

FOREMAN.

Bill laid over

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 July 21 1892 Wm. Walsh *Police Justice.*

I have admitted the above-named Defendant Edward Strickland *to bail to answer by the undertaking hereto annexed.*

Dated July 22 1892 Wm. Walsh *Police Justice.*

There being no sufficient cause to believe the within named .....

..... *guilty of the offence within mentioned. I order h to be discharged.*

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

POOR QUALITY ORIGINAL

0694

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Carl M. Stebbins

The Grand Jury of the City and County of New York, by this indictment, accuse Carl M. Stebbins of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Carl M. Stebbins late of the City of New York, in the County of New York aforesaid, on the 26th day of May in the year of our Lord one thousand eight hundred and ninety-two at the City and County aforesaid, with force and arms,

twelve plates of the value of ten dollars each, twelve spoons of the value of five dollars each, one sugar bowl of the value of forty dollars, and one pitcher of the value of twenty dollars

of the goods, chattels and personal property of one Jacob Pizer

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll
District Attorney.

0695

BOX:
492

FOLDER:
4493

DESCRIPTION:
Stephens, Patrick

DATE:
08/18/92

4493

Bailed by
Henry Weinard
309 East 31st St

Witnesses:

Patrick J Henry

270

Counsel, B. W. Dwyer

Filed 18 day of Aug 1892

Pleads, Not Guilty

THE PEOPLE

vs.

B

Patrick Stephens

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

DE LANCEY NICOLL,
District Attorney.

Dec 9 1892

A TRUE BILL.

Allen P. Apgar
May 1 93 *Foreman.*

Bail Discharged

POOR QUALITY ORIGINAL

0696

POOR QUALITY ORIGINAL

0697

Police Court— 11 District.

City and County of New York, } ss.:

John J. Kenny

of No. 147 East 79th Street, aged 26 years,

occupation Plumber being duly sworn

deposes and says, that on 17 day of April 1892 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Patrick Stephens, brother, who shot and wounded Deponent once in the right groin with a bullet fired and discharged from a revolving pistol then and there held in the hands of the defendant Stephens

Deponent further says that such assault was committed

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 dealt with according to law.

Sworn to before me, this 4 day of July 1892 } John J. Kenny

J. Williams Police Justice.

POOR QUALITY ORIGINAL

Sec. 198—200

4 District Police Court.

CITY AND COUNTY OF NEW YORK. } ss.

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

Question. What is your name?

Answer. Patrick Stephens

Question. How old are you ?

Answer. 46 years

Question. Where were you born ?

Answer, Ireland

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

Answer. No 235 East 39th Street 3 years

Question. What is your business or profession ?

Answer, Liquor dealer

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

his
Patrick X Stephens
mark

Taken before me this 9 *day of* Oct 188 1

[illegible] Police Justice.

POOR QUALITY
ORIGINAL

0699

POOR QUALITY
ORIGINAL

0700

POOR QUALITY ORIGINAL

0701

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 4 DISTRICT.

Joseph T. Kesselmark

of ~~No.~~ the 21st Precinct Police Street, aged — years,

occupation police officer being duly sworn deposes and says,

that on the 17th day of April 1892

at the City of New York, in the County of New York, he arrested Patrick Stephens (now here) charged with shooting one John J. Henry, with a pistol loaded with cartridges, at 32nd Street and Second Avenue. That said Henry is now confined in Bellevue Hospital as the result of injuries thus received: that deponent brought said Stephens to the hospital and said Henry then and there identified said Stephens as the person who shot him. Therefore deponent ~~accuses~~ prays that said Stephens be held pending the result of said Henry's injuries

Joseph T. Kesselmark

Sworn to before me, this 18 day of April 1892

Charles Nehrenberg

Police Justice.

POOR QUALITY ORIGINAL

0702

28

Police Court, 4 District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

vs.

Patrick Stephens

AFFIDAVIT.

Dated April 18 1892

Taulbee Magistrate.

Kesselman Officer.
21

Witness,

Bailed

Disposition,

May 31 - 9 a.m.
June 7 2 P.M.
July 7 2 P.M.

Committed without bail to await inquiries CMT P.J.
$2500. bail - CMT.

~~Henry Meinard Bauer~~
309 E. 31 St

POOR QUALITY ORIGINAL

0703

BAILED.

No. 1, by Henry Emmanuel

Residence 39 E 31 Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Police Court 1 District.

THE PEOPLE, &c., on the complaint of Thos. F. Ollis

vs.

1 Abe Cohen 2 Jacob Cohen 3 4

Offence Assault & Battery

Dated July 7 1892

Before J. K. Welch Magistrate.

Witnesses, Thos. F. Ollis Precinct Officer

No. 147 East 29th Street

James Doughe

No. 147 E 29th Street

Lyle Sterling

No. 23 32 Street

Person

No. 147 E 29th Street

$ 250 Bail

July 12 1892

Henry Emmanuel

Paulus John Myers Bail

Notice

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 25 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 July 12 1892 J. K. Welch Police Justice.

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

Dated July 12 1892 J. K. Welch Police Justice.

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

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

POOR QUALITY ORIGINAL

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
Bring this Subpœna with you, and give it to the officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To John J. Henry

of No. 147 East 29th Street, New York City

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 10th day of MAY 1893 at 10.30 o'clock in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Patrick Stephens

Dated at the City of New York, the first Monday of MAY in the year of our Lord, 1893

DE LANCEY NICOLL, *District Attorney.*

POOR QUALITY ORIGINAL

0705

1714

Court of General Sessions.

THE PEOPLE

vs.

Patrick Stephens

City and County of New York, ss:

James Smith being duly sworn, deposes and says: I reside at No. 328 East ~~27~~ 37th Street, in the City of New York. I am a Subpœna server in the office of the District Attorney of the City and County of New York. On the 9th day of May 1893 I called at No 147 East 29th Street in the city of N.Y. the alleged residence of John J. Henry the complainant herein, to serve him with the annexed subpœna, and was informed by a lady with whom the said complainant boarded and was told that said complainant had left the State of New York and would not return to this State. the said lady also informed me that Thomas H. Britt and James Scanlon who were witnesses in the above case had also left the house 147 East 29th Street N.Y. City where they boarded. and their whereabouts unknown to the lady with whom they boarded.

Sworn to before me, this 10th day of May 1893

James Smith
Subpœna Server.

William J. Boyhan
Com. of Deeds N.Y. City

Court of General Sessions.

THE PEOPLE, *on the complaint of*

John J. Henry

vs.

Patrick Stephens

Offense

DE LANCEY NICOLL,
District Attorney.

Affidavit of

James Smith

Subpœna Server.

FAILURE TO FIND WITNESS.

POOR QUALITY ORIGINAL

0706

POOR QUALITY ORIGINAL

0707

Patrick Stephens, 255 East 32nd St, liquor dealer
Bailed $2500. by Henry Weinand, saloon keeper, 309 E 31
July 12, 1892.
Bond taken by Judge Kellogg, 4th Dist
Police Court & filed in Clerk's office, General
Sessions July 18, 1892

POOR QUALITY ORIGINAL

District Attorney's Office,
City and County of New York.

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

John J. Henry

of No. 147 East 29th *Street, aged* 26 *years,*
occupation plasterer *being duly sworn, deposes and says,*
that on the 17th *day of* April 1892, *at the City of New*
York, in the County of New York, ~~he was assaulted in his own room~~

at 255 East 32nd street by Patrick Stephens, a saloon keeper of the same address, who discharged a loaded pistol at deponent's person, twice, one of the bullets striking deponent in the right groin, inflicting an injury from which deponent was under treatment in Bellevue Hospital for nearly five weeks. That said assault was wholly unprovoked

Deponent caused the defendant to be arrested and he was subsequently released on $2500. bail to await trial, by the Justice Kilbreth, and the police court papers were sent to the District attorney Office. Deponent is now informed that the papers have been lost or mislaid, and that no trace of them can be found in the District attorney office.

Sworn to before me this 18th day of August 1892 } John J Henry

Jno. A. Lindsay
Commissioner of Deeds
City & Co. of N.Y.

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John J. Henry

vs. 147 E. 29

Patrick Stephens

Saloon Keeper

255 E. 32 St.

Offence disorderly

Dated August 18 1892

Witnesses, Officer Kesselmark

21st Precinct

No. James Scanlon Street,

147 E. 29

Dr Hubbard

House surgeon

No. Bellevue Hospital Street,

No. Street,

Bailed $2500.

by Henry Wernard

309 E 31 St.

original papers lost

POOR QUALITY ORIGINAL

0709

POOR QUALITY ORIGINAL

0710

District Attorney's Office. 1690

Part one

Patrick Stephens

for

Dec 9

Off's issued

G

POOR QUALITY ORIGINAL

0711

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Patrick Stephens

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

Patrick Stephens —

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

The said Patrick Stephens,

late of the City of New York, in the County of New York aforesaid, on the seventeenth day of April, — in the year of our Lord one thousand eight hundred and ninety-two, with force and arms, at the City and County aforesaid, in and upon the body of one John J. Henry, — in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said John J. Henry, — a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Patrick Stephens — in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge with intent him the said John J. Henry — 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

Patrick Stephens —

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

The said Patrick Stephens,

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 John J. Henry, — in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against him the said John J. Henry, —

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said Patrick Stephens —

in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, 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.

DE LANCEY NICOLL,
District Attorney.

0712

BOX:
492

FOLDER:
4493

DESCRIPTION:
Stewart, John E.

DATE:
08/09/92

4493

Recognizance forfeited
at $500.—
J. Sullivan
Sergt.

Witnesses:

Filed

Attorn

75 Paul Rows

The accompanying affidavit shows that the complainant cannot be produced in Court and matters his testimony his conviction can be had — I therefore recommend the dismissing of the indictment upon his own recognizance.

Abel Murrell
Cash Mutty.

Pt. 3 Apl. 30th 96.

#123 B.W. aug 9/92

Counsel,

Filed 9 day of Aug 1892

Pleads, Not guilty 18

THE PEOPLE

vs.

John E. Stewart

Assault in the Third Degree.
(Section 219, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Allen S. Apgar
Foreman.

Part 3, April 30, 1896.
Discharged on his recognz on motion of D.A. Dillman
Apgar
Apl 30 '96

POOR QUALITY ORIGINAL

E1 C 0 1 3

POOR QUALITY ORIGINAL

Court of General Sessions.

THE PEOPLE

vs.

City and County of New York, ss:

Cornelius Roche being duly sworn, deposes and says: I reside at No. 1897 third avenue Street, in the City of New York. I am a Subpœna Server in the office of the District Attorney of the City and County of New York. On the 29th day of April 189 6 I called at 62. East 116th St. and to the Sw Cor 116th St

the alleged Residence of Bastman Wilson, Ed Giovanni Cavallini

the complainant ~~herein, to serve~~ and witness herein with the annexed subpœna, and was informed by People living in House 62 E 116th St that they did not know any such person. at present living there Also Called to Cor 116th St and Park Ave and Enquired of People living in the neighborhood. and of an Italian Bootblack on the Corner. no person seemed to know him

Sworn to before me, this 30 day of April 189 6

Cornelius Roche
Subpœna Server.

Pierce N Poole
Comm Deeds

Court of General Sessions.

THE PEOPLE

ON THE COMPLAINT OF

Benjamin Wilson

vs.

John E Stewart

Offense,

JOHN R. FELLOWS,

District Attorney.

Affidavit of Cornelius Roche

Subpœna Server.

FAILURE TO FIND WITNESS.

POOR QUALITY ORIGINAL

0715

POOR QUALITY ORIGINAL

Fol. 1 ---------- ----------X

In the matter of Benjamin Nixon,
Complainant,

vs.

John E. Stewart.

----------X

State, City and County of New York, SS:

Benjamin Nixon, the complainant above named, being duly sworn says:

That he resides at No. 62 East 116th Street, in the City of New York with his wife and children, and is
" 2 engaged in business as a commission merchant at No. 732 Broadway in said City.

That on the first day of August 1892, he was assaulted by one John E. Stewart, that said assault was entirely unprovoked, and that the facts and circumstances thereof are as follows:

That said John E. Stewart owns and has for many weeks past owned a dog, which dog said Stewart has permitted to run at large without a muzzle. That several times before the occasion of the assault complained of, said dog while so at large, has frightened deponent's
" 3 children by jumping upon or about them.

That about one month ago deponent remonstrated with said Stewart in regard to allowing said dog to run at large and that deponent told said Stewart that it ought not to be permitted, and that he, deponent, would not allow it, and that unless said dog were chained or muzzled, deponent would have the dog shot. That said Stewart replied saying,

POOR QUALITY ORIGINAL

"If you do, I will do you up".

That since that time and until the assault complained of, deponent has held no conversation with said Syewart.

That at about half past six oclock in the evening
" 4 of the first day of August 1892, deponent, while, on his way home from his office, went into a certain liquor store at the South West corner of One Hundred and Sixteenth Street and Park Avenue in the City of New York, being at the time entirely free from the influence of liquor. That immediately upon deponent's entrance into said liquor store and without provocation from deponent, said Stewart who was there present, walked up to and said to deponent "I hear you have been asking for my address". Deponent replied, "Yes, I asked for your address". Said Stewart
" 5 then said to deponent, "What is that for"? Deponent replied "I wish to know your address in case your dog should in the future repeat his attack upon my child." Whereupon said Stewart exclaimed with a vile epithet, "I promised to do you up and I am going to". Thereupon and instantly said Stewart struck deponent a blow in the face with his clenched fist and followed up his attack with other blows in rappid succession, several of which struck deponent in the face, blackening deponent's eye and bruising him severe
" 6 ly, and that said Stewart desisted from such attack only when stopped and pulled away by several bystanders. That although deponent put up his arms before his face in order to ward off the blows of said Stewart, deponent did not at any time strike or offer to strike said Stewart.

That such assault was made in the presence of

POOR QUALITY ORIGINAL

bystanders, that almost immediately thereafter deponent left said store and that deponent has suffered severely and still suffers from the bruises sustained by said assault.

Sworn to before me Benjamin Nixon

this 5th day of August 1892.

C. Franc Goddard
Notary Public,
N.Y. Co.

Grand Jury Room.

PEOPLE

vs.

John E. Stewart

Mr Macdona, —
I think this
matter should be
submitted to the
Grand Jury.
Aug 6/92 Geo W Lindsay

Aug 6 1892
Mr Lindsay Submit this
case to Grand Jury
H. D. Macdona
Actg. D. A.

In the matter of Benjamin Nixon,

Complainant,

vs.

John E. Stewart.

Affidavit of Complainant

LOUIS F. DOYLE,
Attorney for Complainant,
Times Building,
41 Park Row,
N. Y. City, N. Y.

POOR QUALITY ORIGINAL

6119

Grand Jury Room.

PEOPLE

vs.

John E. Stewart

Mr Macdona,
I think this matter should be submitted to the Grand Jury.
Aug 6/92 Jno W Lindsay

Aug 6 1892
Mr Lindsay
Submit this case to Grand Jury
H. D. Macdona
Actg. D. A.

In the matter of Benjamin Nixon,

Complainant,

vs.

John E. Stewart.

Affidavit of Complainant

LOUIS F. DOYLE,
Attorney for Complainant,
Times Building,
41 Park Row,
N. Y. City, N. Y.

POOR QUALITY ORIGINAL

0720

POOR QUALITY ORIGINAL

0721

1897.

District Police Court
New York

To whom it may concern

1896.

5 District Police Court

New York Dec 7 1896

To whom it may concern
This is to certify
that John E. Stewart was
summoned before Clarence W.
Meade. Esq. Police Justice
presiding at this 5th Dist Police
Court by me Wm. who
charged Stewart with having
assaulted him. and upon the
examination of said charges
so made by Wm. the said
Stewart was discharged by
said Police Justice.

David Crocheron
Asst Clerk
5th Dist Police Court

POOR QUALITY ORIGINAL

0722

1428

COUNTY OF NEW YORK, SS.:

In the Name of the People of the State of New York, To any Sheriff, Constable, Marshal or Policeman in this State, GREETING:

An indictment having been found on the 9th day of August 1892, in the Court of General Sessions of the Peace of the County of New York, charging John E. Stewart

with the crime of Assault in the Third Degree

You are therefore Commanded forthwith to arrest the above named John E. Stewart and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York, or if he require it, that you take him before any Magistrate in that County, or in the County in which you arrest him, that he may give bail to answer the indictment.

City of New York, the 9th *day of* Aug 1892

By order of the Court,

John F. Carroll

Clerk of Court.

POOR QUALITY ORIGINAL

0723

New York General Sessions of the Peace.

THE PEOPLE

OF THE STATE OF NEW YORK,

against

John E. Stewart

BENCH WARRANT FOR MISDEMEANOR.

Issued Aug 9th 1897

.....189..

The within named defendant was arrested this day and brought to the Court of General Sessions by

.....

☞ The defendant is to be admitted to bail in the sum of.....dollars.

POOR QUALITY ORIGINAL

Fol. 1 In the matter of Benjamin Nixon,

Complainant,

vs.

John E. Stewart.

State, City and County of New York, SS:

Giovanni Cavaliere of the City of New York, being duly sworn says:

I am employed as boot black and man of all work in a certain liquor store at the South West Corner of One Hundred and Sixteenth Street and Park Avenue in the City

" 2 of New York. That I was present in said liquor store at, or about the hour of half past six oclock in the evening on the first day of August, 1892. That while there present I saw Mr. Nixon the Complainant above named ~~enter said liquor store and walk up to~~ at the bar, ~~and order a drink.~~ That Mr. Nixon had a newspaper in his hand. That immediately after that I saw the above named John Stewart ~~enter the saloon, and~~ walk over to where Mr. Nixon was standing. Said Stewart went up to Mr. Nixon ~~and took hold of the [illegible] of his coat.~~ I heard them say something about where Mr. Stewart lived I don't know what it was. Said Stewart then raised his clenched

" 3 fist and struck Mr. Nixon in the face. Mr. Nixon put up his arms in front of his face and began to back away toward the back of the room. Said Stewart followed him striking at his face and head with both fists. Mr. Nixon struck no blow at all. Said Stewart is a much bigger man than Mr. Nixon. The bartender and one or two other persons who were in the room ran up to Stewart and pulled him

POOR QUALITY ORIGINAL

de.7.9. away from Mr. Nixon. I helped them. ~~I saw that Mr. Nixon's face was bruised.~~ Mr. Nixon went out very soon

" 4 after that. ~~That said Stewart gave cidad with me afterward because I had helped to stop him and said to me, "What do you want to stop me for? You are always trying to stop my fights."~~

C.7.9. ~~That doctor said Stewart to me that if I should testify against him, he would make me lose my place.~~

The foregoing affidavit was by me carefully read over to and explained to the said Giovanni Cavaliere, who declared to me that he fully understood the same, and was thereupon by him subscribed and sworn to before me this 5th day of August, 1892.

Giovanni Cavaliere

C. Franc Goddard
Notary Public,
N.Y. Co.

" 5

In the matter Benjamin Nixon,

Complainant,

vs.

John E. Stewart.

Affidavit of Giovanni Cavaliere

LOUIS F. DOYLE,
Attorney for Complainant,
Times Building,
41 Park Row,
N. Y. City, N. Y.

POOR QUALITY ORIGINAL

0726

In the matter Benjamin Nixon,

Complainant,

vs.

John E. Stewart.

Affidavit of Giovanni Cavaliere

LOUIS F. DOYLE,
Attorney for Complainant,
Times Building,
41 Park Row,
N. Y. City, N. Y.

POOR QUALITY ORIGINAL

0727

POOR QUALITY ORIGINAL

PART III.

THE COURT ROOM IS IN THE SECOND STORY.
☞ If this Subpœna is disobeyed, an attachment will immediately issue.
☞ Bring this Subpœna with you, and give it to the officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To Benjamin Nixon

of No. 62 East 116 Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the New Criminal Court House on Centre Street, between Franklin and White Streets, in the City of New York, on the 30 day of April 1896, at the hour of 10 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against John E. Stewart

Dated at the City of New York, the first Monday of April in the year of our Lord 1896

JOHN R. FELLOWS, *District Attorney.*

PART III.

THE COURT ROOM IS IN THE SECOND STORY.
☞ If this Subpœna is disobeyed, an attachment will immediately issue.
☞ Bring this Subpœna with you, and give it to the officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To Giovanni Cavallino

of No. S. W. Cor 116 & 2nd Street Park ave

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the New Criminal Court House on Centre Street, between Franklin and White Streets, in the City of New York, on the 30 day of April 1896, at the hour of 10 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against John E. Stewart

Dated at the City of New York, the first Monday of April in the year of our Lord 1896

JOHN R. FELLOWS, *District Attorney.*

POOR QUALITY ORIGINAL

0729

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John E. Stewart

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

— John E. Stewart —

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

The said John E. Stewart,

late of the City of New York, in the County of New York aforesaid, on the first — day of August, in the year of our Lord one thousand eight hundred and ninety- two, at the City and County aforesaid, in and upon the body of one Benjamin Nixon, — in the peace of the said People then and there being, with force and arms, unlawfully did make an assault, and him the said Benjamin Nixon, did then and there unlawfully beat, wound and illtreat, 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.

DE LANCEY NICOLL,
District Attorney.

0730

BOX:
492
FOLDER:
4493
DESCRIPTION:
Sullivan, Francis
DATE:
08/19/92

4493

Witnesses

Paul Edby
Wm Neill
920 - 9th av

Counsel,

Filed 19 day of Aug 1892

Pleads, Wrongfully &c

THE PEOPLE

vs.

29 Van Buren St Hung
Liquor dealer

Frances Sullivan

(See case of William Smith same date and cond)

Aug 25/92

Grand Larceny, Degree
[Sections 528, 529, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

Pars II
Oct 28 1892

F Mar 12/93

Jury 3/94

A TRUE BILL

Acq & Convict

Allen S. Apgar
Foreman.

Sent 2 - Jan. 18, 1894.

Pleads G. L. 2nd Degree

S. P. 4 years.

POOR QUALITY ORIGINAL

FIELD

POOR QUALITY ORIGINAL

POLICE COURT,
SECOND DISTRICT,
W. L. GRESBY, JR.
STENOGRAPHER.

The People
John A. Riley
v
William Smith
Frank Sullivan

Examination Before Justice White
Aug 12 1892

For the Defendant — Jas D. McClelland

John A. Riley being duly sworn and further examined by the Court deposes and says:-

Q What is your name?
A John A. Riley.
Q Where is your place of business.
A At 860 Broadway
Q On the 5th day of August 1892 was any property stolen from you?
A Yes
Q What was it & of what jewelry?
A Yes Sir

POOR QUALITY ORIGINAL

Q. Of the value of twelve hundred dollars;
A Yes sir
Q Where was it stolen from?
A. From my store; from trays on the table
Q Do you know anything about it of your own knowledge;
A All I know is that the articles were on the table on trays and were stolen; that on Monday morning Capt McLaughlin came to me and asked me if I had lost anything; I did not know at that time that they had been stolen. He showed me the articles and I at once recognized them by our tickets. the tags on them.
Q You know that these were the articles stolen from you

Cross Examined by Mr McClelland

Q. When did you last see your property before Capt. McLaughlin

POOR QUALITY ORIGINAL

called your attention to it?

A On Friday morning - about 11 O'clock - along there

Q Do you mean to say that you saw the identical articles that Capt Mc Laughlin showed you - that those identical articles were identified

A I do not say that I looked at every article.

Q You mean to say that you have seen the property and that, generally, it was in your place on Friday morning!

A Yes,

Q Who had charge of the property

A There was no particular salesman had charge of it - it was brought in and laid on the table. The goods were in trays laid out on the table - the salesman went to dinner -

Q Were you present?

3 A Yes sir

POOR QUALITY ORIGINAL

Q How many persons besides yourself had access to this particular property?

A Two or three persons

Q Are those persons here in court?

A No sir

Q Do you know whether any of those persons removed that property: can you swear of your own knowledge

A No positive knowledge.

Q You identify that property as yours by certain tickets?

A Yes.

Q Did you ever see either of these defendants in your place:

A No: I do not remember of seeing them there.

Q You don't examine the stock every night:

A Every night — yes sir.

Q Do you trust no other person to examine the stock:

POOR QUALITY ORIGINAL

A Yes. I have several clerks
Q and they arrange the goods and put them in the safe.
my clerks generally arrange them — all the articles are ~~[illegible]~~ left in the trays — and the trays are put in a bag
Q Do you know whether on that particular night — what was done with this particular property?
A No sir, I could not say.
Q You did not discover you loss until after Mr Langlin called your attention to it?
A No I did not miss them.
Q Have you any knowledge that these jewels were ever in your place?
A No Sir.
Q When Capt. McLaughlin informed you about these goods you were surprised?
A Yes. when the captain showed me these goods I went back to where the trays were and found that these articles were

POOR QUALITY ORIGINAL

Q Have you any witnesses?
A None.

John Riley

Adjourned to 10 A.M. Tomorrow

6

POOR QUALITY ORIGINAL

0738

Police Court 2 District.

Affidavit—Larceny.

City and County of New York, } ss:

John A Riley

of No. 860 Broadway Street, aged 6[illegible] years, occupation Jeweller being duly sworn, deposes and says, that on the [illegible] day of August 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz: a quantity of female jewelry of the value of twelve hundred dollars $1,200.

the property of the John A Riley & Brother & of which from deponent is a member

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 William Smith and Frank Sullivan both now here. The said property was stolen from deponents store at 860 Broadway on said date, and deponent is informed by Capt McLaughlin of the 6th Precinct that he arrested the defendants with the said stolen property in their possession at the corner of Bowery and Canal streets in the city of New York

John A Riley

Sworn to before me, this [illegible] day of August 189[illegible]

[illegible]

Police Justice.

POOR QUALITY ORIGINAL

CITY AND COUNTY OF NEW YORK, } ss.

1377

Wm W. McLaughlin

aged ~~years~~, occupation Police Captain of No. 19th Precinct Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of John A. Riley and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 8 *day of* August *189*2

Wm. W. McLaughlin

Thos. F. Grady

Police Justice.

POOR QUALITY ORIGINAL

(1335)

Sec. 198—200.

.....District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Frank Sullivan

Question. How old are you?

Answer. 21 years

Question. Where were you born?

Answer. U.S.

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

Answer. Vandyke House

Question. What is your business or profession?

Answer. Liquor dealer

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

Francis J Sullivan.

Taken before me this 8 *day of* May 1894

..... *Police Justice.*

POOR QUALITY ORIGINAL

(1335)

Sec. 198—200.

.....District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question. What is your name?

Answer. William Smith

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. U. S

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

Answer. 207 Eldridge St — 1 year

Question. What is your business or profession?

Answer. Saloon Keeper

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
Wm. F. Smith.

Taken before me this 17 *day of* Oct 1887

Police Justice.

POOR QUALITY ORIGINAL

0742

Sullivan bailed Aug 15/92
G Ryan Nele
920-9 "Ave
M.H.

BAILED,

No. 1, by Chas Schaeffer
Residence 142 Suffolk Street.

No. 2, by John Greeley
Residence 141 Essex Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

617 Bicycle
1021

Police Court, 2 District.

THE PEOPLE, &c., ON THE COMPLAINT OF
vs.
Patrick Reilly
860 Broadway
William Smith
Frank Sullivan
3
4 Larceny

Offense, Larceny & Forg

Dated, Aug 8 189 2

Witness
City Mac Laughlin Magistrate.
Officer.
Call City McCaughey 19 Precinct.
Witnesses
No. Allen Macdougall Street.
Geo Baldwin Street.
No. 203 Chrystie Street.

FILED AUG 13 1892 CLERK OF THE CITY OF NEW YORK

No. 1000 Street.
To Answer
Sec Aug 10/23
Aug 12/92 - 29 Sept 92
" 13/92 11 am

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named William Smith, Frank Sullivan *guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of* Twenty *Hundred Dollars,* *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated, Aug 13 *189* 2 A J Wahle *Police Justice.*

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

Dated, Aug 15 *189* 2 A J Wahle *Police Justice.*

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

Dated, *189* *Police Justice.*

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Francis J. Sullivan

The Grand Jury of the City and County of New York, by this indictment, accuse Francis J. Sullivan of the CRIME OF GRAND LARCENY IN THE First DEGREE, committed as follows:

The said Francis J. Sullivan

late of the City of New York, in the County of New York aforesaid, on the 5th day of August in the year of our Lord one thousand eight hundred and ninety-two at the City and County aforesaid, with force and arms,

fifty hairpins of the value of twenty dollars each, and fifty seven scarf holders of the value of six dollars each

of the goods, chattels and personal property of one John A. Riley

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

SECOND COUNT—

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

Francis J. Sullivan

of the Crime of CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said Francis J. Sullivan

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,

fifty hairpins of the value of twenty dollars each, and fifty seven scarf holders of the value of six dollars each

of the goods, chattels and personal property of one John A. Riley

~~by one W. Shaine Smith and~~

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

unlawfully and unjustly did feloniously receive and have; the said

Francis J. Sullivan

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

DE LANCEY NICOLL,
District Attorney.

0745

BOX:
492

FOLDER:
4493

DESCRIPTION:
Sullivan, Mary

DATE:
08/02/92

4493

Witnesses:

Counsel,

Filed 9 day of Aug 189 2

Pleads, Not guilty

38

442 Washington St

THE PEOPLE

vs.

Mary Sullivan

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

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Allen S. Apgar
Foreman.

Pad 2 – August 9. 1892
Tried and Convicted of Asst. 3rd Deg. with recom. of mercy
Pen 4 months.
25 Aug. 12/92

POOR QUALITY ORIGINAL

9746

POOR QUALITY ORIGINAL

0747

Police Court. 1 District.

CITY AND COUNTY OF NEW YORK, } ss:

Mary Roche

of No. 415½ Grand Street, aged 28 years,

occupation Married being duly sworn, deposes and says, that

on the 22 day of July 189 at the City of New York,

in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Mary Sullivan

who strucks deponent on the head with a hatchet

without any justification on the part of the said assailant.

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

Sworn to before me, this 30 day of July 189 } Mary Roache

H. D. White Police Justice.

POOR QUALITY ORIGINAL

CITY AND COUNTY OF NEW YORK } ss.

POLICE COURT, 5 DISTRICT

of No. 5 Precinct Street, aged 45 years,

occupation Police Officer being duly sworn, deposes and says

that on the 22 day of July 189?

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

He arrested Mary Sullivan for assaulting Jane Mary Roche and inflicting severe injuries to the said Mary Roche. He caused her to be confined to the New York Hospital as per annexed certificate. Wherefore deponent prays that the said defendant be held to answer the results of said

George M Skinner

Sworn to before me this 22 day of July 189?

Police Justice.

POOR QUALITY ORIGINAL

Police Court, ... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

.....

vs.

Mary Sullivan

AFFIDAVIT.

Dated July 23 189 2

..... Magistrate.

..... Officer.

Witness, ...

Disposition .....

$1000 to await results

POOR QUALITY ORIGINAL

(1335)

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Mary Sullivan

Question. How old are you?

Answer. 38 years

Question. Where were you born?

Answer. Ireland

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

Answer. 244 Washington St. Brooklyn

Question. What is your business or profession?

Answer. Housekeeper

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

Mary Sullivan

Taken before me this 30 *day of* [illegible] 189[illegible]

[illegible] *Police Justice.*

POOR QUALITY ORIGINAL

0751

Police Court, ... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.

1 [illegible]
2 .....
3 .....
4 .....

Offense, Felony

Dated, July 30 189 2

..... Magistrate.
..... Officer.
..... Precinct.

Witnesses
No. ..... Street.
No. ..... Street.
No. ..... Street.

BAILED,

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

No. ..... Street.
$ 500 to answer

Bail Bond
$25

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 [illegible] *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, July 30 *189* 2 ..... *Police Justice.*

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

Dated, ... *189* ..... *Police Justice.*

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

Dated, ... *189* ..... *Police Justice.*

POOR QUALITY ORIGINAL

0752

The Society of the New York Hospital,
HOUSE of RELIEF, 160 Chambers St.,
New York, 7-23-1892

This is to certify that Mary Roach is in this hospital suffering from a compound fracture of the skull - So far as can be judged now her condition is not serious

William S. Stone
House Surgeon

POOR QUALITY ORIGINAL

Court of General Sessions.

City and county of New York.

The People vs. Mary Sullivan	Before the Hon. Rufus B. Cowing and a jury.

Indicted for assault in the second degree.

Indictment filed August 2, 1893.

Tried August 9, 1893.

Appearances:

Assistant District-Attorney Bedford for the people .

Mr. for the defence.

M A R Y R O C H E being called for the people and duly sworn, testified that she was a married woman and lived with her husband at 415 1/2 Greenwich street, New York. On the 22d of July, complainant saw defendant in the hall of 422 Washington street, and only slightly knew her previously. Defendant was accompanied with a little child. Complainant's sister lived there also, and they

POOR QUALITY ORIGINAL

were fighting. Complainant said defendant ought to be ashamed of fighting with such a young girl, and defendant called complainant an English whore. Complainant said she would make her prove it. A woman who lives in the house then called complainant into her apartment to see a baby. When complainant came out her sister was scolding defendant, and complaiant tried to put her sister into her own rooms, and while doing that complainant got a blow with a hatchet in the head administered by the defendant. The blood immediately gushed out of the head, and complainant ran down the hall after defendant who opened her door and struck complainant with the hatchet again. Complainant does not want to send the defendant up to the penitentiary, as she has children, and as the husband of the defendant paid complainant $4 consideration, and promised $4 more to pay complainant's doctor.

On the 21st of July complainant said to defendant's daughter whom she met in the street, that her mother should not fight with complainant's sister as she was too old, and her sister was only 24 years of age. Complainant thought she ought to have better sense. Complainant did not say to defendant's daughter that she was going to knock the stuffing out of her belly; did not stop the

POOR QUALITY ORIGINAL

girl, but spoke as she was passing along. The assault in question took place about two o'clock P. M. The way it happened was that complainant was going to the bath, and called upon her sister on the way, and found defendant and her sister had been fighting all the morning. Complainant remained there from two o'clock to about three o'clock P. M. at which latter time the officer took complainant to the station house covered with blood, and after being at the hospital complainant arrived at home with a compound fracture of the skull somewhat cured. Was not in the police station more than 4 or 5 minutes, and was in the hospital from Friday to Saturday night about 8 o'clock, and they wanted to put complainant at Bellevue but complainant objected, and said that her husband was home to take care of her. After that had a doctor at home. Complainant's sister and defendant lived on the top floor in separate flats, the former in front and the latter more in the rear of the flat. Complainant first saw her sister on the top landing, and defendant was near the sink in the hall, and did not see any one else except Mickey, a son. At first complainant's sister and defendant were arguing, which soon

POOR QUALITY ORIGINAL

ended in calling one another bad names. Complainant always has a glass of beer with her husband about dinner time, and every time she feels like taking it complain ant takes it with her husband. Only took one glass of beer at dinner time on the day in question; don't think it was more than that. There was no one in her family but complainant and her husband .

Never took more than two glasses of beer out of a pint . On the afternoon in question complainant's sister had some beer in a can and afterwards there was a lady came and she sent out for a pint more . After the jawing in thehall complainant's sister retired to her rooms and did not see defendant until she felt the weight of defendant's hatchet on her head at defendant's door. Complainant having gone out of her sister's rooms to see a baby a month old who lived near defendant's rooms. Complainant upon receiving the first blow followed defen dant to get the hatchet, and there were no neighbors in the hall but her sister with the baby who ran away. Complainant did not provoke defendant previously by using bad language, and did not go into defendant's rooms, and did not tear the clothes off her back. Complainant did not say to defendant's son Mickey, if he did not go into his rooms she [illegible] would kill him. Never was

POOR QUALITY ORIGINAL

0757

defendant 's rooms, she would kill him, and did not tear the clothes off of her (defendants) back. Defendant did not say to defendant's son Mickey, if he did not go into his room she (complainant) would kill him. Never was arrested or had any trouble before. Was under Dr. Hyongo's care for nine days, and the doctor is attending complainant now at her home .

G E O R G E M. S K I D M O R E being duly sworn testified that he was an officer attached to the 5th precinct and arrested defendant on July 22d at 442 Washington street, New York, at about three o'clock P. M. The complainant was there wounded in the head with two cuts one on either side; one cut was pronounced a compound fracture by a physician at the Chamber's street hospital in witness presence . Witness attention was called to the house by what a lady told him. On the first occasion witness found all the parties in their respective apartments, and defendant told witness that she had holloed out of the window, and that she was afraid of the complainant and complainant's sister; that they threw a pail against her door. Witness observed that the door had a dent in it as if it had been struck with a pail or something. The door was not broken but only marked Witness then told defendant to stay in the house and

POOR QUALITY ORIGINAL

there would be no trouble; and told the other women whom he met in the hall to keep in their rooms.
Witness afterwards returned having received an account from a boy who said they were fighting. Witness discovered complainant sitting at the head of the stairs wounded, and defendant was in her apartment. Complainant alleged that defendant did it. Appearances in the hallway indicated that there had been a fight. Witness remarked on the way out of the house that complainant was looking for a fight and had got all she wanted.
After the assault witness entered defendant's rooms, and discovered her skirt torn down but saw no wounds.
There was a bed in the room and two or three little children there . All parties seemed to be sober at the time .

M A R Y S U L L I V A N ,the defendant, being called by the defence and duly sworn testified that she resided at 442 Washington street and had resided there about four months. Defendant is the mother of 13 children five of whom are living, the youngest being three years old .
First knew complainant about two weeks after defendant moved into the house. Complainant's sister lived on

POOR QUALITY ORIGINAL

the same floor front, defendant having two rooms there. Never had any words with the parties prior to the time in question. Complainant called on the evening of the 21st of July. She had told defendant's daughter that she was going to punch the belly out of her, to kill her. (Defendant).. The defendant locked the door, and said to go and call the housekeeper. The housekeeper came and put the complainant and complainant's sister into their rooms, and told defendant they would not bother her any more. Then complainant came on the 22d of July and defendant was hanging up clothes on a line. Complainant pushed the defendant from the line and defendant expostulated in vain. Then defendant went back to her room, and complainant called defendant bad names as an old bitch. Then defendant was folding up the clothes she had taken from the line on the bed in her room, and complainant's sister came on the landing and stamped her feet and said "You bloody old whore come out and I will punch you." The door happened to be open, so defendant shut it, and called complainant a barren old tar, as she did not have any children. The complainant fired a pail at defendant which struck the door breaking it; then defendant called for the police from the window. The officer came, and said they would not

POOR QUALITY ORIGINAL

trouble her any more. Again when she holloed for an officer, and he did not come, they tore the clothes off of her clothesline, stamped on them in the hallway, and were holloing all the time for defendant to come out. Defendant was frightened. So when they went into their rooms defendant sent her little boy to pick up the clothes, and he brought them into the room. Defendant said to the boy Mickey "They will kill me if you cannot get anybody to protect me". The boy went into the hall way, and complainant jumped at defendant and said "You son of a bitch, if you come out here I will kill you". A third time they burst in the lock and broke the door of defendant's room, and they dragged defendant through the door and tore her clothes off of her back. Then defendant took a flat piece of iron, as her life was in danger, and defendant knew if they succeeded in pulling her through to the landing they would kill her. They jumped on defendant, threw her into her bed, bit her cheek, and complainant beat her on the floor. There is no mark now of it and there was no blood at the time. Defendant did not take an axe, but wrenched the piece of iron out of complainant's hand, and only struck complainant once on the head with the iron.

POOR QUALITY ORIGINAL

At the time defendant gave the blow she was pulling her through the doorway towards the landing. Defendant was taken to the station house by the officer, and has been locked up ever since. The officer told defendant that the two women were drunk. Defendant's boy saw them sending out for beer; defendant did not see them drink any. Defendant positively denies using an axe or hatch et. Defendant had called complainant corkey, and for that reason, she had said she would come up and knock the stuffing out of defendant .

M A M A I E S U L LI V A N being duly sworn testified that the defendant was her mother, and worked at Falks & Ives on handkersheifs in Desbrosses street up to the day her mother was arrested. On the 21st of July met complainant corner of Greenwich and Laight syreets, and asked if her mother was up stairs. Witness said yes. Complainant asked why she (defendant) called complainant's sister a corkey; and said she would go up and punch the gGod damn belly out of her (defendant) At the same time she punded her hands together and witness got freightened. Complainant told witness to tell her mother and she did so.. This was on the 21st of July. Witness told defendant that complainant was coming up to beat her

POOR QUALITY ORIGINAL

and defendant said to call somebody, so that she could not do it. As witness went out she saw complainant stamping her feet and calling to her mother that she would lick her. Witness went for the housekeeper, but she was up there before witness, and went into complainant's sister's room. Witness was not home on the 22d.

M I C H A E L S U L L I V A N being duly sworn testified that he was 10 years old, and was home at the time of the assault on the 22d of July; heard complainant call his mother bad names, and then she hammered on the door with a pail and broke the door in. Defendant sent witness for a policeman, and did not see them go into his mothers room. When witness returned he found his mother at her door, and the complainant and the complainant's sister calling her bad names. Then complainant fired a stick at witness mother in the room, which hit the baby in the head. When witness went for a policeman complainant said "If you come out here I will choke you", and she called the witness a damn little snapper. Witness saw complainant come into defendant's room. Witness only talked the matter of the assault over two times. Witness mother told her that complainant was a bad woman. After this occurrence witness saw complainant in the Tombs .

POOR QUALITY ORIGINAL

A D E L I N E K E N N E D Y being duly sworn, testified that she resided at 442 and 444 Washington street, New York, and knew the parties to the action, and was at home on the 22d of July. Witness at the time in question was sitting in the yard sewing, and saw defendant hanging up her clothes, and heard her say "Please let me alone; I want to hang up my clothes; I am not interfering with you." Then witness heard a row; didn't see anything of the alleged assault. Witness has known defendant since she has lived in the house, and as far as she knows she seemed a quiet woman. Saw complainant go in and out in visiting her sister. Complainant never had any fight there except with complainant.

C A T H E R I N E Q U I N N being duly sworn testified that she was housekeeper at 442 Washington street and knows the complainant and defendant; never knew of any trouble between them until this time, and was not there at the time the assault took place.

//

POOR QUALITY ORIGINAL

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, 7-27-1892

This is to certify that Mary Roach returned to Chambers Street Hospital this date - was treated, and is out of danger

William S. Stone
House Surgeon

GEO. E. HAYUNGA, M. D.,

500 Canal Street, Office Hours: 8 to 10 A. M. 2 to 4 P. M.

NEW YORK.

569 Broome Street, Office Hours: 11.30 to 1 P. M. 5 to 6 P. M.

℞ On July 26th I was called to attend Mrs. Mary Roach of 415½ Greenwich St and found that she had received a few injuries a short time previously. At the time I first saw her she complained of great pain in the injured parts -

Her condition has not materially changed since -

7-26-92 Respy G. Hayunga M.D.

POOR QUALITY ORIGINAL

0765

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, 7-27- 1892

This is to certify that Mary Roach returned to Chambers Street Hospital this date - was treated, and is out of danger

William S. Stone
House Surgeon

GEO. E. HAYUNGA, M. D.,

500 Canal Street, Office Hours: 8 to 10 A. M. 2 to 4 P. M.

NEW YORK.

569 Broome Street, Office Hours: 11.30 to 1 P. M. 5 to 6 P. M.

℞ On July 26th I was called to attend Mrs. Mary Roach of 415½ Greenwich St and found that she had received a few injuries a short time previously. At the time I first saw her she complained of great pain in the injured parts -

Her condition has not materially changed since -

7-26-92- Geo. E. Hayunga M.D.

POOR QUALITY ORIGINAL

0766

New York
Aug 11/92

This is to certify that I M J Roach have known Mrs Michael Sullivan for the Past 18 Months She residing for that time at No 50 Vestry st I Lived on the same floor with her and I know her to be a good Sober Industrious woman

Michael J Roach
414 Greenwich st
N Y City

POOR QUALITY ORIGINAL

0767

New York Aug 11/92

"Honorable Gents"

This is to Certify That we — the Undersigned. have Known Mrs. Mary Sullivan for the past Year or More. And we Can vouch that the above said Mrs. M Sullivan is of a Quiet disposition. And a good Mother to her Family? She is the Mother of Five, helpless Children — And has an ~~indeus~~ industrious husband whom we Can recommend s"

"Signed"

Joseph W. Grier 542 Broome St.
M. Conlin — 163 Hudson — M. S. Sowerg 163 Hudson St
William Keegan 50 Vesey St
Martin J Smith 52 Varick St
[illegible] 45th Washington St
Geo. John [illegible] 34 Desbrosses St
Mrs John Gilehan 34 Desbrosses St
David [illegible] 16 [illegible] St
Miss [illegible] 34 [illegible] St.
Mrs P A Ford 34 Desbrosses St
Mrs. A. Holmes 34. Desbrosses St
Mrs. S. Ogden 34 Desbrosses St

POOR QUALITY ORIGINAL

0768

Mrs. J. H. Harrison 34 Dupont St

Joseph Flack 90 Laight St.

John McGuire 27 [illegible]

William Whitehead 44 [illegible]

S. H. Hudson 28 [illegible]

S. J. Kelshaw 15 Beach St

B. Morran 15 Beach St

Ed B Bradley 15 Beach St

Mrs Bradley 15 Beach St

Henry J. McCluskey 15 Beach St

[illegible] 150 [illegible]

Mrs Byrne 10 Renwick St.

H. L. Murray No 10 Renwick St

J. W. Cathey 10 Renwick St.

H. D. McCabe Cor Canal & Renwick

[illegible]

Jas B Dudley 442 Washington St.

Wm E Jeffery 457 Washington St

Mr. G. [illegible] 82 Watts St

Mr. P. J. Shinnick 82 Watts St.

John Murphy 166 Renwick St

POOR QUALITY ORIGINAL

0769

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Mary Sullivan

The Grand Jury of the City and County of New York, by this indictment, accuse Mary Sullivan of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Mary Sullivan, late of the City and County of New York, on the 22nd day of July in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, in and upon one Mary Roache in the peace of the said People then and there being, feloniously did wilfully and wrongfully did make an assault; and the said Mary Sullivan with a certain hatchet which she the said Mary Sullivan in her right hand then and there had and held, the same being then and there a weapon and an instrument likely to produce grievous bodily harm, her, the said Mary Roache then and there feloniously did wilfully and wrongfully strike, beat, cut bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

POOR QUALITY ORIGINAL

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Mary Sullivan of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Mary Sullivan late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, in and upon the said Mary Roache in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said Mary Sullivan the said Mary Roache with a certain hatchet which she the said Mary Sullivan in her right hand then and there had and held, in and upon the head of her the said Mary Roache then and there feloniously did wilfully and wrongfully strike, beat, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said Mary Roache to the great damage of the said Mary Roache 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.

DE LANCEY NICOLL, *District Attorney.*

0771

BOX:
492

FOLDER:
4493

DESCRIPTION:
Sullivan, Thomas

DATE:
08/17/92

4493

0772

BOX:
492

FOLDER:
4493

DESCRIPTION:
Miller, Frederick

DATE:
08/17/92

4493

Witnesses:

Officer Henry Herlich

It being impossible to find the complainant without other testimony I cannot proceed to trial. I recommend the discharge of the defendants on their respective recognizances

Nov 2/92 J W Osborne Deputy

255

Counsel,

Filed 17 day of Aug 189

Pleads, Guilty 18

THE PEOPLE

vs.

Thomas Sullivan

and

Frederick Miller

Grand Larceny, Degree. Fear
[Sections 528, 53[illegible], Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Alley S. Apgar

Nov 3/92 *Foreman.*

Bds

Defendants released on their own Recognizances

J.M.O

POOR QUALITY

E110

POOR QUALITY

0774

(1865)

Police Court— 3 District.

Affidavit—Larceny.

City and County of New York, } ss.

Thomas Harrison

of No. 201 E 88th Street, aged 24 years,

occupation Laborer being duly sworn,

deposes and says, that on the 14th day of August 1892 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:

and person

About Ten dollars in Gold and Lawful money of the United States.

$10 00/100

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 Thomas Sullivan and Frederick Miller who was acting in Concert in the manner following to wit. Deponent was on East Broadway near the hour of 1 P.M. on said date he was accosted by defendants. Deponent is informed by Officer Kirsch that he saw the defendants Miller and held of deponent while defendant Sullivan took said money from deponents pocket. Deponent is further informed by Officer Maher that he found part of said money lying on the sidewalk near to where defendants had held deponent.

Thomas Harrison

Sworn to before me, this 14 day of August 1892

Police Justice.

POOR QUALITY ORIGINAL

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

Frederick Miller be[redacted] 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 sees 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. Frederick Miller

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer New Jersey

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

Answer. 144 Cherry Street 2 years

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

his
Frederick X Miller
mark

Taken before me this 14 *day of* [illegible]

[illegible] *Police Justice.*

POOR QUALITY ORIGINAL

Sec. 198—200.

3rd District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

Thomas Sullivan 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 sees 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. Thomas Sullivan

Question. How old are you?

Answer. 34 years

Question. Where were you born?

Answer New York

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

Answer. No home

Question. What is your business or profession?

Answer. Machinist

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

Answer. I am not guilty

his
Thomas X Sullivan
mark

Taken before me this 14 *day of* November 1892

[illegible] *Police Justice.*

POOR QUALITY ORIGINAL

0777

1004

Police Court, 3 District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

William Sandow
205 E. 88th St.

vs.

1 Ted Miller
2 Ben Gellman
3
4

Offense, Larceny from the person

Dated, New York, 189 2

Duffy
Magistrate.

Officer.

Precinct.

Witnesses Officer Hughes
No. Street.
Officer Brown
No. 72 Precinct Street.

No. Street.

$ to answer

RECEIVED AUG 15 1892 DISTRICT ATTORNEY

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

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

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, New York *189*2 *Police Justice.*

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

Dated, *189* *Police Justice.*

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

Dated, *189* *Police Justice.*

POOR QUALITY ORIGINAL

Court of General Sessions.

THE PEOPLE

vs.

Thomas Sullivan et al

City and County of New York, ss: David Sheerin being duly sworn, deposes and says: I reside at No. 3 Patchin Place Street, in the City of New York. I am a Subpœna server in the office of the District Attorney of the City and County of New York. On the 29th day of October 1892 I called at 205 East 88th Str.

the alleged residence of Thos. Hennidan the complainant herein, to serve him with the annexed subpœna, and was informed by the lady, with whom he boarded, that he had left there about three weeks ago. She does not know where he is at present or where he could be found, or dont know if he will return

Sworn to before me, this 31st day of October 1892

John J. Buckley
Com of Deeds N. Y. Co.

David Sheerin
Subpœna Server.

Court of General Sessions.

THE PEOPLE, *on the Complaint of*

vs.

Thos. Sullivan et al

Offense:

~~JOHN R. FELLOWS,~~

De Lancey Nicoll *District Attorney.*

Affidavit of

David Sheerin

Subpœna Server.

Failure to find Witness.

POOR QUALITY ORIGINAL

0179

POOR QUALITY ORIGINAL

0780

1701

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
☞ If this Subpœna is disobeyed, an attachment will immediately issue.
☞ Bring this Subpœna with you, and give it to the officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To Thos Hermidson

of No. 205 East 88 Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 31 day of OCTOBER 1892, at 10.30 o'clock in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Thos Sullivan et al

Dated at the City of New York, the first Monday of OCTOBER in the year of our Lord 1892.

DE LANCEY NICOLL, *District Attorney.*

POOR QUALITY ORIGINAL

0781

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Sullivan
and
Frederick Miller

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse Thomas Sullivan and Frederick Miller of the CRIME OF GRAND LARCENY IN THE first DEGREE, committed as follows:

The said Thomas Sullivan and Frederick Miller, both late of the City of New York in the County of New York aforesaid, on the 14th day of August in the year of our Lord one thousand eight hundred and ninety-two at the City and County aforesaid, with force and arms, in the night time of said day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of ten dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of ten dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of ten dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of ten dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of ten dollars,

$10.00

of the goods, chattels and personal property of one Thomas Hermon, on the person of the said Thomas Hermon, then and there being found, from the person of the said Thomas Hermon 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.

DE LANCEY NICOLL,
District Attorney.

0782

BOX:
492

FOLDER:
4493

DESCRIPTION:
Swan, Frank

DATE:
08/09/92

4493

Witnesses:

.....

.....

.....

.....

.....

#126

Counsel,

Filed, 9th day of August 1893

Pleads, Not guilty

THE PEOPLE

vs.

B

Frank Swan

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32].

of Glenn / May 11 - 19

DE LANCEY NICOLL.

District Attorney.

A TRUE BILL.

Allen S. Agnew

Foreman.

POOR QUALITY ORIGINAL

E818

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank Swan

The Grand Jury of the City and County of New York, by this indictment, accuse Frank Swan of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said Frank Swan

late of the City of New York, in the County of New York aforesaid, on the seventeenth day of July in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Frank Swan of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Frank Swan

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

and to certain other persons whose names are ~~to the Grand Jury aforesaid unknown,~~ Thomas W. Callanan 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.

DE LANCEY NICOLL

District Attorney.