

0286

**BOX:**

538

**FOLDER:**

4899

**DESCRIPTION:**

Schweikhardt, Carl

**DATE:**

10/18/93



4899

POOR QUALITY  
ORIGINAL

0287

Witnesses:

Frank Kertész  
Max Horvath

The issues in this case  
are clear, properly the  
subject of a statement  
in the local courts the  
charge being a technical  
one. In any event,  
it seems the  
complaint  
'cannot be found,  
(by answer affid) and  
I recommend clepto  
discharge on his  
own recognizance  
Nov 15/97 R. W. Hays  
of an  
I concur.  
D. Frank Lloyd.  
closed.

Counsel,

Filed

day of

1893

Pleads

Myself vs

THE PEOPLE

vs.

Carl Schweikhardt

Grand Larceny, 2nd Degree,  
[Sections 528, 529, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Discharged on his own

recog. or order of DC

Nov 15/97

A TRUE BILL.

Edward G. Taylor

Foreman.

POOR QUALITY  
ORIGINAL

0288

Police Court

5<sup>th</sup> District.

Affidavit—Larceny.

City and County } ss:  
of New York,

of No. 346 East 92<sup>nd</sup> Street, aged 42 years,

occupation Liquor being duly sworn,

deposes and says, that on the 5 day of June 1893 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the pos-  
session of deponent, in the day time, the following property, viz:

One air Pump. valued at -  
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 Schweikhardt from  
the fact; that deponent bought the  
said property from the said defendant  
and thereafter is informed that the  
said property is the property of  
the Anchor Brewing Company.

Wherefore deponent prays  
that the said defendant may be apprehended  
and held to answer.

Frank Hartenstein

Sworn to before me this

1893

day

of

June

1893

at

New York

City

Police Justice.

POOR QUALITY  
ORIGINAL

0289

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not Guilty.

Carl Schweikhardt.

Taken before me this  
day of Dec 1899

Wm. H. H. H.  
Police Justice.



POOR QUALITY  
ORIGINAL

0290

State of New York, }  
COUNTY OF KINGS, } ss.  
CITY OF BROOKLYN.

Form No. 6

*John Fay* of No. *the 5<sup>th</sup> District Court Room*  
being duly sworn says that he is acquainted with the handwriting of *Thomas Heitner*  
the Police Justice, who issued the annexed Warrant and that  
the signature to this Warrant is in the handwriting of said *Thomas Heitner*  
Sworn to before me this *5* day of *Oct* 18*93*

*John Fay*  
Police Justice of the City of Brooklyn.

This warrant may be executed in the City of Brooklyn.

Dated this *5* day of *Oct* 18*93*

*John Fay*  
Police Justice.

POOR QUALITY  
ORIGINAL

0291

1847

Sec. 151.

Police Court District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of  
the Police Justices for the City of New York, by Frank Hartenstein  
of No. 346 E 92 Street, that on the \_\_\_\_\_ day of \_\_\_\_\_  
189 3 at the City of New York, in the County of New York, the following article, to wit:

One air Pump  
of the value of Fifty Dollars,  
the property of as  
w. as taken, stolen and carried away, and as the said Complainant has cause to suspect, and does  
suspect and believe, by Carl Schurckhardt

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

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

Dated at the City of New York, this \_\_\_\_\_ day of \_\_\_\_\_ 189 3

Chas. F. Finner POLICE JUSTICE.

POOR QUALITY  
ORIGINAL

0292

Carl Schweikhardt - 66. German.  
529. Leonard St. Brooklyn

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 189

Magistrate.

Officer.

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

Officer.

Dated October 22 1893

This Warrant may be executed on Sunday  
or at night

Police Justice.

0293

[illegible]

There being no sufficient cause to believe the within named.....  
..... guilty of the offence within mentioned. I order h to be discharged.  
Dated.....189•.....Police Justice.

POOR QUALITY  
ORIGINAL

0294

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK, }

An information having been laid before Chas. W. Old Police Justice  
of the City of New York, charging Carl Schurckhardt Defendant  
with the offence of Larceny

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

WE, Carl Schurckhardt Defendant of No. 529 1/2  
Leonard St. New York Street, by occupation a none; and  
Emil Maurer of No. 864 Columbus Street,  
by occupation a Lawyer Surety, hereby jointly and severally undertake  
that the above-named Carl Schurckhardt Defendant  
shall personally appear before the said Justice, at the ✓ District Police Court in the City  
of New York during the said examination, or that we will pay to the People of State of New York the  
sum of Five Hundred Dollars.

Taken and acknowledged before me this 3  
day of Oct 1908

Schurckhardt

Emil Maurer

Chas. W. Old Police Justice.

POOR QUALITY  
ORIGINAL

0295

City and County of New York, ss.

Sworn to before me this  
11th day of  
March 1909  
Police Justice.

*Emil Maurer*  
house  
the within named Bail and Surety, being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth *Ten* Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and  
that his property consists of *the stock and fixture of*  
*a hardware store situated at*  
*No 864 Columbus ave. and worth*  
*Two thousand dollars free value*

*Emil Maurer*

District Police Court

Undertaking to Answer.  
THE PEOPLE, & c.,  
ON THE COMPLAINT OF  
vs.

Taken the day of 189

Justice.

POOR QUALITY  
ORIGINAL

0296

**PART I.**

THE COURT ROOM IS IN THE SECOND STORY

If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

C. R. 3603

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

To Frank Hartenstein  
of No. 346 E 92 nd 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 15 day of November 189 7, at 10 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

Carl Schweckhardt

Dated at the City of New York, the first Monday of  
in the year of our Lord 189

WILLIAM M. K. OLCOTT, District Attorney.

GLUED(S)  
PAGES

POOR QUALITY  
ORIGINAL

0297

Not found

Mrs. Priders  
Mrs. Ashmore  
Mrs. Dub.  
Mrs. Dub.  
Mrs. Dub.

Court of General Sessions.

more the magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

THE PEOPLE

Hartenstern

vs.

Schweikhardt

County of New York, ss:

William Rosenthal  
1269 1st Ave

being duly

and says: I reside at No.

Street, in the City of New York. I am a Subpoena Server in the office of the District Attorney of the City and County of New York. On the 13 day of November 1897, I called at 346 E 92

the alleged residence of Carl Schweikhardt

the complainant herein, to serve him with the annexed subpoena, and was informed by

Mrs. Priders, Mrs. Dub. & Mrs. E. Ashmore that no such person lived there for a year at least as Mrs. Dub. lived for that time, as she lived there for that time & that she does not know him, nor has she heard of him

Sworn to before me, this  
of November

15<sup>th</sup> day  
1897

William Rosenthal  
Subpoena Server.

James Riley

COMMISSIONER OF DEALS  
NEW YORK COUNTY



POOR QUALITY  
ORIGINAL

0298

Court of General Sessions.

THE PEOPLE, on the Complaint of

Frank Hartenstein

vs.

Carl Schweikhardt

Offense:

WILLIAM R. K. O'BRYEN,

JOHN R. FELLOWS,

District Attorney.

Affidavit of

William Rosenthal

Subpoena Server.

Failure to Find Witness.

POOR QUALITY  
ORIGINAL

0299

C. R. 3612

COURT OF GENERAL SESSIONS, Part One

THE PEOPLE

vs.

Carl Schweikhardt

For

INDICTMENT

To M

Emil Maurer

No.

864 Columbus Ave

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for Trial at the COURT OF GENERAL SESSIONS OF THE PEACE, at the New Criminal Court House, on Centre Street, between Franklin and White Streets, in the City of New York, on Monday the 15 day of Nov. instant, at 10 o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

W. M. K. OLCOTT,

District Attorney.

**POOR QUALITY  
ORIGINAL**

0300

864-621 m

102

POOR QUALITY  
ORIGINAL

0301

Court of General Sessions.

THE PEOPLE

vs.

Carl Schuckhart

City and County of New York, ss:

Michael Roach being duly  
sworn, deposes and says: I reside at No. 815 25th Ave  
Street, in the City of New York. I am a Subpoena Server in the office of the District Attorney of  
the City and County of New York. On the 15th day of November 1897,  
I called at 864 Columbus Ave

the alleged address of Emil Manner  
the complainant herein, to serve him with the annexed subpoena, and was informed by

the janitor that Manner had moved  
from that house three years ago and that  
she did not know where he had moved to  
or of his present whereabouts

Sworn to before me, this 15 day  
of November 1897

Michael Roach  
Subpoena Server.  
James Rely

NOTARY PUBLIC IN THE CITY AND COUNTY OF NEW YORK

POOR QUALITY  
ORIGINAL

0302

Court of General Sessions.

THE PEOPLE, on the Complaint of

*And Wrenst*

vs.

*Carl Schwertke hands*

Offense:

JOHN R. FELLOWS,

District Attorney.

Affidavit of

Subpoena Server.

Failure to Find Witness.

POOR QUALITY  
ORIGINAL

0303

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 Schweikhardt*

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

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

The said

*Carl Schweikhardt*

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

*one air-pump of the value  
of fifty dollars*

of the goods, chattels and personal property of one

*Frank Hartenstein*  
a certain corporation known  
as the Anchor Brewing Company  
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

0304

582

Second COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Carl Schuckhardt*  
of the same CRIME OF *Grand* LARCENY, in the  
*second degree*, committed as follows:

The said *Carl Schuckhardt*  
late of the City of New York, in the County of New York aforesaid, on the  
day of *June* in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, being then and there the  
*bailee* of a certain corporation  
known as the *Anchor Dressing Company*

and as such *bailee* then and there having in *his* possession,  
custody and control certain goods, chattels and personal property of the said  
*corporation*  
the true owner thereof, to wit:

*one air pump of*  
*the value of fifty dollars,*

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with  
force and arms, feloniously appropriate the said *air pump*  
to *his* own use, with intent to deprive and defraud the said *corporation*

of the same, and of the use and benefit thereof; and the same goods, chattels and personal property  
of the said *Corporation*,

did then and there and thereby feloniously steal, 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.

0305

**BOX:**

538

**FOLDER:**

4899

**DESCRIPTION:**

Shilleto, Thomas

**DATE:**

10/05/93



4899



POOR QUALITY  
ORIGINAL

0306

Witnesses:

Henry De Carr

need not send for  
any body

Sentence dropped.  
See Compliments  
and other letters  
J. J.

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

19 13 44 2nd 3rd 4th

as  
Counsel independent

Thomas Shillet

Lat 2 - Nov. 2, 1893

and and. Committed

Grand Larceny, second Degree. [Sections 552, 553, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

1. Sentence dropped

POOR QUALITY  
ORIGINAL

0307

1912

Police Court— District.

Affidavit—Larceny.

City and County { ss.  
of New York, }

of No. 178 Broadway Street, aged 62 years,  
occupation Real Estate being duly sworn,  
deposes and says, that on the 20 day of May 1893 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:

Good and lawful money to  
the amount and value of One hundred  
and five Dollars

\$105.00  
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 Shillito (number

from the fact that on said  
Date said Shillito was in the  
Employ of Deponent and deponent  
entrusted to the said Shillito the above  
sum of money to be deposited in the  
Hudson River Bank the said Shillito  
has since failed to deposit said  
money or to return the same to  
Deponent (Wherefore Deponent accuses  
the said Shillito with having stolen  
said money and appropriated the  
same to his own use and benefit

Henry Carr

Sworn to before me, this

1893

of Amos W. Smith Police Justice.

0308

**District Police Court.**

*Answer.*

## Police Justice

POOR QUALITY  
ORIGINAL

0309

1030  
1894  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Henry S. Davis*  
*William S. Davis*  
*James S. Davis*

1  
2  
3  
4  
Offense

Dated, *Sept 25* 189 *5*

*Bruckner* Magistrate.

*Amst* Officer.

No. 3, by *C* Precinct.

Witnesses *John McLean*

No. 4, by *167* 90 Street.

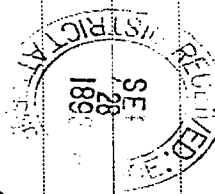
Residence *Street.*

No. *28* Street.

No. *500* Street.

\$ *500* to answer *S. J.*

*William S. Davis*



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 *Offenders*

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Five* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.  
Dated, *Sept 25* 189 *5* *John H. Rorke* Police Justice.

I have admitted the above-named *Offenders*  
to bail to answer by the undertaking hereto annexed.  
Dated, *Sept 26* 189 *3* *Wm. F. Brady* 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

03 10

Mr. Tomb Nov. 8/93

To the Hon. Jas. Fitzgerald,  
Judge Court of General Sessions,  
May it please your Honor  
I am now in the Tomb convicted  
of "Grand Larceny" awaiting sen-  
tence of your Honor on Monday  
next, and although there are  
circumstances connected with my  
conviction which might mitigate  
the enormity of my crime, I wish  
to throw myself entirely upon  
the mercy of the court. I confess  
that for the past eighteen months  
I was in Mr. Carr's employ I have  
been drawn into the society of  
bad women and have completely  
disgraced my family, but as my  
pastor the Rev. Dr. Hughes will

POOR QUALITY  
ORIGINAL

0311

testify I was a well conducted boy  
not only in the Sunday school but in  
Grammar school No 5 of which Mr E.  
P. Pitcher is principal and where I  
graduated, and also in my family as  
my father and mother will testify  
If your Honor will only suspend  
sentence I will promise with God's  
help to reform, and I will report  
myself every month to the Rev. Dr.  
Hughes who in the event of my  
doing wrong says he will ask your  
Honor to sentence me to the  
Reformatory. My father who is a  
Humber Inspector will take me in  
his employ and I promise to  
obey him and to work steadily  
for him.

I humbly beg your honor  
to remember that I am only  
eighteen years of age and that

I am beginning life. If I go  
to the Reformatory I will get into  
the society of young thieves.

My sin has been that I have  
been in the society of bad women  
and I have not associated with  
dishonest boys or young men.

I therefore beg of your honor  
to have pity upon me and to  
give me the chance of a life  
time and I will yet prove that I  
can be a good honest citizen  
I am your Honor's humble  
servant and petitioner

Thomas St. Shillito

Witness

John A. [Signature]

POOR QUALITY  
ORIGINAL

03 12

HENRY J. CARR,  
REAL ESTATE AND MORTGAGES,  
176 BROADWAY,

*Special attention given to the Rental and  
General Management of Property.*

Member of the Real Estate  
Exchange & Auction Room (Limited).

New York, Nov 9<sup>th</sup> 1893

W. Thos. H. Shillineau Esq.  
Dear Sir

It is right  
that I should say to you that  
as the jury brought in a  
verdict sustaining my charge  
against you I have  
no disposition or wish in  
any way to personate the  
matter of having him  
punished beyond what he  
must have been by the  
verdict & if the Judge finds  
it proper to suspend sentence  
I certainly will not  
in any way use any  
means to have him committed  
to a Reformatory or other  
place of confinement



POOR QUALITY  
ORIGINAL

0313

For his Mother &  
sister sake I truly  
trust you will be satisfied  
completely as I think  
I was assisted by your  
son in clearing me  
with Lordship here with  
a view of infamy.

Yours respectfully  
Henry Lane



POOR QUALITY  
ORIGINAL

0314

HENRY J. CARR,  
REAL ESTATE AND MORTGAGES,  
176 BROADWAY,

*Special attention given to the Rental and  
General Management of Property.*

Member of the Real Estate  
Exchange & Auction Room (Limited).

New York, Nov 9<sup>th</sup> 1893

W. Thomas H. Shillineau Esq.  
Dear Sir

It is right  
that I should say to you that  
as the jury brought in a  
verdict sustaining my charge  
against you I have  
no disposition or wish in  
any way to pursue the  
matter of having him  
punished beyond what he  
must have been by the  
verdict & if the Judge finds  
it proper to suspend sentence  
I certainly will not  
in any way use any  
means to have him committed  
to a Reformatory or other  
place of confinement

POOR QUALITY  
ORIGINAL

0315

For his Mother &  
sister sake I trust  
sentence will be suspended  
mercifully as I think  
I was assailed by you  
you in charging me  
with kidnapping him into  
a den of infamy.

Yours respectfully

Henry Lane

POOR QUALITY  
ORIGINAL

03 16

252 West 52d Street.

N. Y. Nov. 12/93.

Rev. Dr. Hughes

My dear Sir

I feel  
greatly interested in  
the case of Thomas  
Shillit who in 1891  
was graduated from  
Gr. School No. 55 of  
which I am prin-  
cipal.

Although I cannot  
truthfully say he  
was a very good

POOR QUALITY  
ORIGINAL

0317

boy, and although he  
gave us some trouble,  
I do not remember  
that I had reason  
to doubt his honesty,  
nor to consider him  
vicious.

If evil compo-  
sition has brought  
him here, surely  
commitment to the  
Reformatory may prove  
the end of all hope  
of saving him.

I therefore would  
pray Judge Fitzger-

also to postpone sentence  
until after the boy reaches  
your care -

Very respectfully yours

E. P. McElrea

POOR QUALITY  
ORIGINAL

0318

1413 Berkeley place  
Brooklyn  
Nov 5/93

Hon: Judge Fitzgerald.  
Court of Sessions  
N.Y.C.

Dear Sir, I feel that I  
should be wanting in all  
sympathy if I were  
insensible to the sorrow  
that must have come to  
Mrs Shillito by the  
conviction of her Son; and  
I have to ask of you

POOR QUALITY  
ORIGINAL

0319

to mitigate the sentence  
of Thomas Skillets, so far  
as the law gives your  
discretion, and your own  
kindly feelings may.

Prompt you.

I make this appeal  
for the sake of his Mother  
and Sisters, regardless  
of the natural inclination  
I can but feel by  
reason of the  
upon my habits and  
character as the truth

Very respectfully,

Henry Jones

**POOR QUALITY  
ORIGINAL**

0320

*Commissioner's Office  
Police Department  
of the City of New York  
300 Mulberry St*

*New York,*

Nov. 3rd, 1893.

Hon. James Fitzgerald,  
Court of General Sessions.

Dear Judge:-

Permit me to say a word in behalf of  
Thomas H. Shilleto, Jr., who has been convicted of grand larceny,  
and who will come before you for sentence on Monday next.

I know the young man's father very well and have known him  
for years. He is a well-known business man and is highly appre-  
ciated and respected by all who know him. A number of his friends  
and family reside in Buffalo, and they are recognized as amongst  
the very best people of that City.

I am informed that the young fellow himself has always been a  
very good boy and never before been in trouble of any kind. It is  
feared that if he is sent to prison it will result in ruining his  
life. If anything can be done to prevent this I know it will  
be greatly appreciated by the many friends of the young man's  
father, and in the end be of great benefit to the boy himself.

Respectfully yours,

*John C. Sheehan*

POOR QUALITY  
ORIGINAL

0321

COURT OF GENERAL SESSIONS OF THE PEACE,  
City and County of New York.

\*\*\*\*\*

The People,  
vs.  
THOMAS SHILLETO.

Before,  
HON. JAMES FITZGERALD,  
and a Jury.

\*\*\*\*\*

Tried, NOVEMBER 2ND, 1893.

Indicted for GRAND LARCENY, in the SECOND DEGREE.

Indictment filed OCTOBER 5TH, 1893.

-----  
APPEARANCES:

ASSISTANT DISTRICT ATTORNEY STEPHEN J. O'HARE,  
For THE PEOPLE.

MESSRS. FOSTER & SPIER,  
For THE DEFENCE.

-----



**POOR QUALITY  
ORIGINAL**

0322

2

HENRY J. CARR, THE COMPLAINANT, being duly sworn, testified that he was in the real estate business. He knew the defendant. The defendant had been in his employ about two years. He saw the defendant on the 20th of May, 1895, in his office, which was at 628 Columbus avenue at that time, about 2 o'clock in the afternoon. He saw \$105.00 in bills in the drawer at that time and about \$40.00 in checks. The 20th of May was Saturday. He told the defendant to deposit the money in the bank the first thing on Monday morning, as he would not be there. He told the defendant to deposit the money in the Hudson River Bank, in which he, the complainant, was a register. The bank book was in the defendant's charge. He, the complainant, returned to his office about 2 o'clock on the following Monday, but the defendant was not there. The defendant did not return to his place. The money which had been in the drawer was also missing.

(It is conceded that the defendant did not deposit, in the Hudson River Bank, the sum of \$105., nor did he deposit it subsequently thereto.)

**POOR QUALITY  
ORIGINAL**

0323

3

In cross-examination the complainant testified that he usually entrusted the defendant with about \$2,000.00 a month. There might have been a month during which the defendant had \$5,000. in cash and \$1,000. in checks. The defendant very frequently made deposits, when he, the complainant, was not there. The defendant usually made the deposits under his, the complainant's, instructions. There were only two keys to the drawer in which the money was; the defendant had one and he had one. He had a man named Hubbard also in his employ, and he thought Hubbard was in his office on the day in question. Subsequent to the loss of the money, he had called at the defendant's house a number of times, to see him. He had seen the defendant's mother three or four times, when he called. He had said to the defendant's mother that, beyond the \$105., he did not know how much the defendant had stolen, as he, the complainant, had been sick and away from his office. He made his complaint in the Police Court in September. He saw the defendant

**POOR QUALITY  
ORIGINAL**

0324

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in September, at the defendant's residence, and had a conversation with him. He asked the defendant why he had absented himself, and told him he had been there a number of times to see him. The defendant said that he was ashamed to see him. He asked the defendant if he would go down to the office and go over the books, so that he could see what might be wrong in the matter. The defendant promised to go to the office, but he did not go. He next saw the defendant after his arrest. The defendant did not leave his employ on the 15th of May.

JOHN McCANN, being duly sworn, testified that he lived at 101 West 95th street. He was the janitor of the Trinity building, in Columbus avenue. The complainant had his office in that building in May, 1893. He knew the defendant. He received a telegram, and in consequence of that he went to the Desbrosses street elevated station, where he met the defendant. He said, "What do you want with me, Tommy?" The defendant said, "I want to give you some checks." The defend-

**POOR QUALITY  
ORIGINAL**

0325

5

ant then asked him to go to his home with him, and he went with the defendant to his home in 30th street. The defendant gave him three or four checks, which he, the witness, delivered to the complainant. The defendant asked him to give the checks to the complainant.

In cross-examination the witness testified that he last saw the defendant in the complainant's place about the 10th or 11th of May; it could not have been later than that. About that time the defendant left the complainant's employ. He was positive that the defendant was not in the complainant's office on the 20th of May.

THE COMPLAINANT, being recalled by the District Attorney, testified that on the 25th of May, 1893, he received four checks from the witness McCann. Two of the checks were made by him; the body of his check was in the hand-writing of the defendant.

In cross-examination the complainant testified that the checks were not dated ahead.

**POOR QUALITY  
ORIGINAL**

0326

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OFFICER EDWARD J. SMITH, being duly sworn, testified that he was an officer of the Municipal Police force, assigned to the Fourth District Police Court, in 57th street. He arrested the defendant some time in September, but he could not remember the date. It was about 8 o'clock in the morning when he arrested the defendant. He told the defendant that the complainant charged him with taking some two hundred and dollars. The defendant said to him, on the way to court, that if he, the defendant, had done anything to the complainant, the complainant was doing it to Mr. Ferris.

GEORGE B. HUBBARD, called by THE DEFENCE, being duly sworn, testified that at the time of the trial he was not doing anything. He had been employed by the New York Terminal Express Company, as cashier. He had worked for the complainant. He worked for the complainant from the 1st of April, 1893, to the 1st of June, 1893. He knew the defendant. The defendant left the complainant's employ on the 13th

**POOR QUALITY  
ORIGINAL**

0327

7

of May, 1893, which was Saturday. He defendant went to the complainant's office on the 19th of May, and asked him, the witness, to go for Mr. Ferris, the owner of the property between 90th and 91st streets, on Columbus avenue. Mr. Ferris went to the complainant's office, and the defendant then showed Ferris the books of the complainant. The defendant was not at the complainant's place on the 20th of May. He, the witness, went there at 8 o'clock in the morning, and remained there until after 7 o'clock that night. The complainant went to his office about 3 o'clock on the afternoon of the 20th. On that afternoon, the complainant did not count \$105. He was out of the office about twenty minutes that afternoon, talking to the janitor, on the corner. He was in sight of the door and could see who went into the place. When he, the witness, collected money, he turned it over to the defendant. He was absolutely positive that the defendant was not in the complainant's office on the afternoon of the 20th of May, 1893.

**POOR QUALITY  
ORIGINAL**

0328

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WILLIAM H. SHILLETO, being duly sworn, testified that he was a lumber inspector, on his own account. He was a brother of the defendant. His brother was not in town during the first three days of the week ending May 20th, 1893. His brother was at home on the 18th, 19th, and 20th of May. The complainant had spoken to him about the charge against the defendant. The complainant went to his, the witness's residence. The complainant said that the defendant had "stolen considerable money from him." He asked the complainant to state what the defendant had stolen, and the complainant said he couldn't, that his books were all complicated and he couldn't tell. The complainant said he thought maybe the defendant was sick, and he would turn up all right. The second time the complainant called, his, the witness's, brother began to question him, and the complainant wanted to know what right he had to question him. The complainant said he did not think the defendant was the responsible party, that he was sick. His, the witness's, brother asked the complainant

**POOR QUALITY  
ORIGINAL**

0329

9

why he gave the defendant money, if he considered him irresponsible. The complainant jumped up, and said, "Young man, you are not a lawyer, and I am not here to be cross-examined by you." The complainant then left the house, and he, the witness, walked to the elevated station with him. On the way, the complainant said he couldn't tell how much he had lost, that his books were very complicated, but he thought he had lost between \$200. and \$300. He told the complainant to look at his books, and if he could show that there was that much loss, they would make it good. The complainant first went to the house on the 15th or 18th of May, 1893. He was positive in regard to the date, because he had gone to Philadelphia on the 18th.

In cross-examination the witness testified that he went to Philadelphia to find his brother, but he didn't find him. McCann had told his brother that the defendant was in Philadelphia.

JOHN McCANN, being recalled by counsel for the defendant, testified



**POOR QUALITY  
ORIGINAL**

0330

10

that he had heard the testimony of the preceding witness, and, as far as he was concerned, it was true. He had told the preceding witness that the defendant was in Philadelphia, and had given him the address. He had asked a boy with whom the defendant associated if he knew where the defendant was, and the boy said that the defendant had gone to Philadelphia, and the boy had given him the address.

ELIZABETH SHILLETO, being duly sworn, testified that she was the mother of the defendant. She knew the complainant. The complainant called on her, to the best of her knowledge, on or before the middle of May, 1893. The complainant asked her if Thomas was in; the complainant said that he had given the defendant some money and checks, to deposit for him, and that the defendant had deposited them. She asked the complainant how much the amount was, and the complainant said he could not tell exactly, and the complainant said, "I wouldn't like to charge him with being

**POOR QUALITY  
ORIGINAL**

0331

11

guilty of taking it, because the boy has been sick, and there were times when I did not think he would be really accountable." The complainant said that the defendant might return, and then it would be all right. The next time the complainant called was after the defendant had given the checks to McCann. The defendant had the checks in his overcoat pocket. The complainant said to her that he wanted the affair settled. She asked him the amount, and he said it was \$333.37. The complainant did not say anything to her about \$105.00.

In cross-examination the witness testified that she did not know that the defendant gave McCann checks out of his overcoat pocket; she saw some papers, and she thought they were checks.

THOMAS H. SHILLETO, THE DEFENDANT, being duly sworn, testified, in his own behalf, that he would be nineteen years of age in February, 1894. He had been in the complainant's employ about a year and a half. He was in the habit of collecting money for the complainant

**POOR QUALITY  
ORIGINAL**

0332

12

He usually collected \$2,000. or \$3,000. in a month, in cash. He deposited the money without getting any special instructions. He had general instructions to deposit the money. He left the complainant's employ on the 13th of May, 1893. At that time he told the complainant that he was sick, and would not be back on Monday. He had only been in the complainant's office once after the 13th of May. On that occasion, he met Mr. Ferris, the owner of the property, in the office. He showed Mr. Ferris the complainant's books, which showed that the complainant had not accounted for certain moneys which had been received by him. He was not in the complainant's office on the 20th of May, 1893. He had retained \$95.00, on May 13th, because Mr. Ferris told him to keep it; it was money that had been collected for Mr. Ferris, and belonged to him. He had never taken one dollar of the complainant's money. The money which he retained was not handed to him to deposit. The checks in evidence were drawn on the 13th of the month, and were dated the

**POOR QUALITY  
ORIGINAL**

0333

13

the 17th, because the complainant told him to date them ahead, for there was not enough money to meet them.

In cross-examination the defendant testified that he had a venereal disease which prevented him doing the work which he had to do for the complainant. He was in a doctor's care, but the doctor did not cure him. He then went to Philadelphia and took a furnished room, at 1,621 Ogden street, and was cured in five days. Mr. Ferris told him, the defendant, if he had any money belonging to him, Mr. Ferris, to keep it, as the complainant had been defrauding him, Ferris, of money. He returned to New York on the 18th, and it was about a week later than that that he met McCann.

In re-direct examination the defendant testified that he had gotten the venereal disease in a house in Forsyth street, No. 74, where he had gone with the complainant.

THOMAS PATRICK HUGHES, being duly sworn, testified that he was the

**POOR QUALITY  
ORIGINAL**

0334

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rector of the church of the Holy Sepulchre. He knew the defendant, and had known him about six years. The defendant had been in his Sunday-school class for a number of years. He knew nothing against the defendant's character.

IN REBUTTAL, THE COMPLAINANT, being recalled by the District Attorney, testified that he had heard the defendant's testimony, to the effect that he had accompanied him, the complainant, to a disorderly house in Forsyth street, where the defendant had contracted a venereal disease; that statement was absolutely false. He never had been out with the defendant for five minutes.

In cross-examination the complainant testified that if the checks in evidence had been drawn on the 13th of May, and sent out at that time, they would have overdrawn his account. There was no record in his cash book of any wages having been paid to the defendant on the night of the 20th of May. The defendant was in the habit of paying himself,

**POOR QUALITY  
ORIGINAL**

0335

15

and making the entry. He had entered the payment which was made to him on the 13th of May.

OSCAR C. FERRISS, being duly sworn, on the part of the DEFENCE, testified that he had no occupation; he owned real estate. He knew the complainant, and had known him about four years. He also knew the defendant, whom he had known about eight months. The complainant had charge of a block of buildings for him, on Columbus avenue. He saw the defendant at the complainant's office on the 13th of May. He fixed the date by entries in his books. He was standing outside the complainant's office, in company with the complainant; the defendant came along and had some conversation with the complainant. The complainant and the defendant then went into the office, and he, the witness, followed them in, expecting to have a talk with the defendant. The complainant started the defendant at writing in the books. The defendant called on him about the 18th or 19th of May. Between the 13th and the 19th, the complainant

**POOR QUALITY  
ORIGINAL**

0336

16

told him, the witness, that the defendant had stolen about \$450. from him. He said to the complainant, "Mr. Carr, that will hurt you very much; won't it?" The complainant said, "Well, I don't think it will be over \$85.00." He said, "Well, you can stand it." The complainant said, "Well, I think it will be over \$250.00." The complainant told him the three different amounts inside of ten minutes. He asked the complainant why he did not have the defendant arrested, and the complainant replied that he did not know anything about law, that he hated law, and hated to do anything of that kind. He was around his property a good deal, nearly every day, and was frequently in the complainant's office. He did not see the defendant in the office or around the property during the week beginning May 14th. He asked Mr. Carr, the complainant, during that week where the defendant was, and the complainant said he did not know. He had a conversation with the defendant about certain money which the defendant had, which had been collected from his, the witness's,

**POOR QUALITY  
ORIGINAL**

0337

17

property. He advised the defenant to retain certain money, until he could get a receipt for it, from the complainant.



POOR QUALITY  
ORIGINAL

0338

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 Shilleto*

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

*Thomas Shilleto*

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

The said

*Thomas Shilleto*

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

*the sum of one hundred and  
five dollars in money, lawful  
money of the United States  
of America, and of the value  
of one hundred and five dollars*

of the goods, chattels and personal property of one

*Henry J. Carr*

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.*

0339

**BOX:**

538

**FOLDER:**

4899

**DESCRIPTION:**

Smith, Jacob

**DATE:**

10/06/93



4899

POOR QUALITY  
ORIGINAL

0340

Witnesses:

*A. Crosonman*

Counsel,

Filed

day of

1893

Plaintiff

*Maguldy*

THE PEOPLE

*194268272*

*Laban H*

*vs. Plaintiff*

*Jacob Smith*

*Defendant*

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

*Part 2 - 84. 18/80 District Attorney*

*Snid and Criminal*

A TRUE BILL.

*Edward J. Taylor*

Foreman

*Ed. J. Taylor*

Witnesses:

*A. Crookman*

Counsel,

Filed

1893

day of

*Oct*

at

*Windsor*

THE PEOPLE

*1942 6 82 75*

*Robert H. Smith*

*is by*

*Robert H. Smith*

*10/11*

Grand Jurors  
[Sections 528, 529, Penal Code.]

*Oct 2 - 84. 18/89*  
LANCEY NICOLL,  
District Attorney

*Smith and Corwin*

A TRUE BILL,

*Edward G. Taylor*

Foreman

*Ed. G. Taylor*

COURT OF GENERAL SESSIONS OF THE PEACE,  
City and County of New York

\*\*\*\*\*

The People,

vs.

JACOB SMITH.

\*\*\*\*\*

"

"

"

"

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"

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Before,

HON. JAMES FITZGERALD,

and a Jury.

Tried, OCTOBER 18TH, 1893.

Indicted for GRAND LARCENY, in the SECOND DEGREE.

Indictment filed OCTOBER 6TH, 1893.

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APPEARANCES:

ASSISTANT DISTRICT ATTORNEY STEPHEN J. O'HARE,

For THE PEOPLE.

MR. JAMES W. McLAUGHLIN,

For THE DEFENSE.  
-----

ARPAD S. GROSSMAN, THE COMPLAINANT, being duly sworn, testified that he lived at 1 West 81st street. On the 27th of September, 1893, he owned a tourist bicycle, manufactured by the Bidwell manufacturing company. The bicycle was valued at \$150.00. He kept the bicycle in the basement of the apartment house in which he lived. He saw the bicycle about the 24th or the 25th of September. He next saw the bicycle in the police station. There was a number on the bicycle and one or two others marks by which he could positively identify the bicycle as his.

OFFICER AUGUSTUS J. CHRIST, being duly sworn, testified that he was attached to the 27th police precinct. He arrested the defendant on the 30th of September, at East End avenue and 82nd street. The defendant was riding the bicycle at the time of his arrest. He first saw the defendant at 81st street and East End avenue, and the defendant went back again to 81st street, and he jumped out and caught the defendant and asked him whose bicycle it was that he

was riding. The defendant said the bicycle belonged to a man of the name of Waters, at Sea Cliff. He arrested the defendant, on suspicion, and took him to the station house. A man named Becker went to the station house but failed to identify the bicycle. The defendant was discharged the next morning, in the Police Court, by Judge Welde. The bicycle was retained at the station house after the discharge of the defendant. The bicycle which had been taken from the defendant was the bicycle identified by the complainant.

FOR THE DEFENCE, JACOB SMITH, THE DEFENDANT, being duly sworn, testified, in his own behalf, that he resided at 427 East 82nd street. He had never been arrested before. He did not steal the bicycle from the apartment house at the corner of 81st street and Eighth avenue. He did not know the bicycle was stolen when he received it from a man of the name of Waters. He met Waters standing on the corner, talking to a friend of his, and he afterwards met Waters in Avenue

B and waters told him he was going out of the city and he would leave the bicycle with him. He asked Waters if there was anything wrong with the bicycle, if it was stolen or anything; and said said there was not, so he took charge of the bicycle. The man's name was not Waters; it was George Walker, and he gave him his address as 22 Main street, Sea Cliff, Long Island City.

In cross-examination the defendant testified that he had spent most of his life in Philadelphia, where he lived at 343 North 9th street. He had worked for George Robinson & Co., in Philadelphia. He had been in New York nine months. He had worked in this city for Semel Brothers, 49 Walker street. He worked for them about six months, and received \$5.50 per week. He left them because he wanted more pay. He had lived at 427 East 82nd street for six months, but he did not know the name of the woman with whom he boarded; he thought she was a married woman. Walker did not look well dressed enough to own the bicycle, and that was the reason



**POOR QUALITY  
ORIGINAL**

0346

5

he asked him if there was anything the matter with  
the wheel. He had no money on his person at the  
time of his arrest.

POOR QUALITY  
ORIGINAL

0347

STATE OF NEW YORK  
Executive Chamber  
ALBANY

Dec. 21 1897

Dear Sir:

Application for Executive clemency having been made on behalf of Jacob Smith who was convicted of Gr. Larceny 2d in the County of N. Y. and sentenced Oct. 18. 1893 to imprisonment in the State Prison at for the term of 10 years. I am directed by the Governor respectfully to request that in pursuance of Section 695 of the Code of Criminal Procedure, you will forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

172 filed Oct. '93

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

William M. Griffith

Private Secretary.

Edw. Oct 6/93

**POOR QUALITY  
ORIGINAL**

034E

Col Swords

Police Court—9 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 1 West 81st Street, aged 38 years,  
occupation Retired being duly sworn,  
deposes and says, that on the or about 27 day of September 1893 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property, viz:

One bicycle of the value  
of one hundred and fifty  
dollars.

(~~25~~ / 50.00)

the property of Heppner

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 Jacob Smith (now here)

from the fact that on or about the  
29th day of September 1893 deponent  
missed said property from the  
basement of no 1 West 81st St.  
Deponent is informed by Officer  
August J. Christ that he found  
this defendant at the corner of East  
End Avenue and 82nd street at the  
hour of 10.30 o'clock A.M. September  
30th 1893 with a bicycle in his  
possession.

Deponent further says he identifies the bicycle  
found in the defendant's possession, as his  
property and charges this defendant with  
feloniously taking stealing and carrying  
away said property from said premises.

Arpad S. Grossmann

Sworn to before me, this

Oct 1st 1893

Police Justice.

POOR QUALITY  
ORIGINAL

0350

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

aged \_\_\_\_\_ years, occupation August J. Christ of No. Police Officer  
27th Porch Police Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Arpad S. Grossman  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 4  
day of Oct 189 31

August J. Christ

M. J. [Signature]

Police Justice.

POOR QUALITY  
ORIGINAL

0351

Sec. 193-200.

5 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Jacob Smith

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

New York

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

Answer.

427 East-82 St. 3 weeks.

Question. What is your business or profession?

Answer.

Labour.

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-  
Jacob Smith

Taken before me this  
day of Oct-7 1891

[Signature]  
Police Justice.

POOR QUALITY  
ORIGINAL

0352

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

Police Court--- District.

1066

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Arthur J. Gorman  
vs.  
Jacob Smith

Offence

Grand Larceny

Dated October 4 1893

McClure  
Magistrate

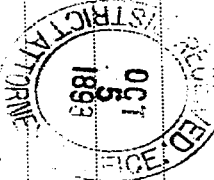
Christ  
Officer

Preced.

Witnesses:

No. .... Street.

No. .... Street.



No. 1000 B.D. 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

Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of

the City Prison, of the City of New York, until he give such bail.  
Dated October 4 1893. Police Justice.

I 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 offence within mentioned. I order h to be discharged.

Dated 189 Police Justice.

POOR QUALITY  
ORIGINAL

0353

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Jacob Smith*

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

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

The said

*Jacob Smith*

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

*one bicycle of the value of  
one hundred and fifty  
dollars*

of the goods, chattels and personal property of one

*Arpad D. Groseman*

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.



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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Jacob Smith*

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

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

The said

*Jacob Smith*

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

*one bicycle of the value of  
one hundred and fifty  
dollars*

of the goods, chattels and personal property of one *Arpad D. Groseman*

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**

0355

SECOND COUNT—

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

*Jacob Smith*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows :

The said

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

*one bicycle of the value of  
one hundred and fifty dollars*

*Arpad S. Grossman*  
of the goods, chattels and personal property of one

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

*Arpad S. Grossman*  
unlawfully and unjustly did feloniously receive and have ; the said

*Jacob Smith*  
then and there well known 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.*

0356

**BOX:**

538

**FOLDER:**

4899

**DESCRIPTION:**

Smith, Joseph

**DATE:**

10/20/93



4899

POOR QUALITY  
ORIGINAL

0357

Witnesses:

*Geo Head*  
*off W C Cumber*  
*[Signature]*

Counsel,

Filed

189

Pleads

THE PEOPLE

vs.

*Joseph Smith*

DE LANCEY NICOLL,

District Attorney.

[Section 498, v 26, p 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

A TRUE BILL.

*Edward G. Taylor*

Foreman.

*Sept 6/93*

*Theresa J. Taylor*  
*Den 1 yr*  
*Feb 1/93 P.S.*

27

POOR QUALITY  
ORIGINAL

0358

Police Court—2 District.

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

George Herdt  
of No. 498 Hudson Street, aged 52 years,  
occupation Saloon Keeper being duly sworn

deposes and says, that the premises No 498 Hudson Street,  
in the City and County aforesaid, the said being a four story brick  
building  
and which was occupied by deponent as a store on the first floor  
and in which there was at the time <sup>no</sup> human being, by name

were BURGLARIOUSLY entered by means of forcibly opening the  
door left over the front door

on the 17 day of October 1887 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

a quantity  
United State coin, English coin  
and Italian coin, all of the value  
of about nine dollars and thirty  
two cents.

\$ 9.32

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Joseph Smith

for the reasons following, to wit: Deponent left the said  
property securely locked and closed  
in said saloon on the night of October  
16, and deponent is informed by  
Policeman John R. McCusker now in  
that on said date, about the hour  
of 2 o'clock in the morning,  
caught the defendant in the  
act of committing said burglary, and

POOR QUALITY  
ORIGINAL

0359

with the said stolen money in his  
possession and Defendant also  
had in his possession a burglar  
tool known as a "jimmy" and  
also a screw driver. Defendant  
asks that Defendant be held to  
answer said charge.

Arraigned before me this } George Hendt  
19th day of October  
1893 }  
J. H. Hendt  
Judge

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No.

Street.

POOR QUALITY  
ORIGINAL

0360

1977

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 32 years, occupation Police of No. 5th Avenue Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Seap Hunt and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 17 day of Dec, 1899.  
John R McChesney  
[Signature]  
Police Justice.

POOR QUALITY  
ORIGINAL

0361

Sec. 198—200.

1883  
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this  
day of 189

Police Justice.



POOR QUALITY  
ORIGINAL

0362

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court--- 2

District.

1115

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George Herkitt  
498 W. Hudson

Joseph Smith

Offence

Burglary

Dated

Oct 17

1893

Hoson Magistrate.

Mr. Cluckey

Officer.

Precinct.

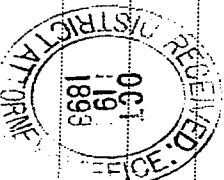
Witnesses

No.

Street.

No.

Street.



No.

Street.

No.

Street.

\$ 1000

to answer

Geo. J. J.

John

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 \_\_\_\_\_

Joseph Smith

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 Oct 17 1893 \_\_\_\_\_ Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0363

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

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Joseph Smith*

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

*Joseph Smith*

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

The said

*Joseph Smith*

late of the 9<sup>th</sup> Ward of the City of New York, in the County of New York, aforesaid, on the  
*seventeenth* day of *October* in the year of our Lord one  
thousand eight hundred and ninety-*three* in the *night* time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of  
one

*George Herd*

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

*George Herd* 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

0364

SECOND COUNT—

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

*Joseph Smith*  
of the CRIME OF  *Petit* LARCENY committed as follows:  
The said *Joseph Smith*

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

*divers coins of the United States*  
*of America, of a number, and*  
*denomination, description, to the Grand Jury*  
*aforesaid unknown, of the*  
*value of four dollars, divers*  
*coins of the United Kingdom of*  
*Great Britain and Ireland*  
*of a number, and description, to the*  
*Grand Jury aforesaid unknown,*  
*of the value of three dollars, and*  
*divers coins of the Kingdom of*  
*Italy of a number, kind and denom-*  
*ination to the Grand Jury aforesaid*  
*unknown, of the value of three dollar*

of the goods, chattels and personal property of one

in the

*store*

of the said

*George Herdt*

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.

*De Lancey McCall*  
*District Attorney*

0365

**BOX:**

538

**FOLDER:**

4899

**DESCRIPTION:**

Spaven, Thomas

**DATE:**

10/24/93



4899

POOR QUALITY  
ORIGINAL

0366

Witnesses:

*off Place*

*Quincy*

Counsel,

Filed, 24 day of

189

Pleads,

*Quincy - 20*

THE PEOPLE

vs.

CONCEALED WEAPON.  
(Section 410, Penal Code.)

*Thomas Spaven*

*Def. 23/99*

*Henry D. Gentry*

*S. P. 48 & 3 mo. P.S.A.*

*DE LANCEY NICOLL,*

*Feb 26/99 District Attorney.*

A TRUE BILL.

*Edward G. Taylor*

Foreman.

0367

Police Court, 3 District.

1901

City and County of New York, ss. Charles A. Place  
of No. the 14<sup>th</sup> Precinct Police Station, aged \_\_\_\_\_ years,  
occupation police officer being duly sworn, deposes and says,  
that on the 19 day of October 1893, at the City of New  
York, in the County of New York,

Thomas Spaven (now here) did  
wilfully and unlawfully, with intent  
to use the same, carry concealed  
upon his person a certain weapon  
to wit: a slung-shot in violation  
of the provisions of Section 410  
of the Penal Code. Therefore  
deponent prays that defendant  
may be held and dealt with  
according to law.

Sworn to before me  
this 19<sup>th</sup> day of October 1893 } Charles A. Place,  
John B. Vochis  
Police Justice

POOR QUALITY  
ORIGINAL

0368

Sec. 198—200.

1882  
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

*Thomas Spaven*

Question. How old are you?

Answer.

*23 years*

Question. Where were you born?

Answer.

*England*

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

Answer.

*25<sup>th</sup> - 3<sup>rd</sup> Avenue - 1 month*

Question. What is your business or profession?

Answer.

*Paper Cutter*

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  
Thos Spaven*

Taken before me this

day of

*October 1893*

1893

*John H. H. H.*  
Police Justice.

POOR QUALITY ORIGINAL

0369

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court--- District 1128  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Charles J. Mac*  
1. *James Spence*  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
Offense *Carry concealed weapons*  
Dated, *Oct 19<sup>th</sup>* 1893  
Magistrate *Ward*  
Officer *Mac*  
Precinct *114*  
Witnesses \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
to answer *Oct 19<sup>th</sup>*  
\$ *500*  
*Charles J. Mac*  
*Oct 19<sup>th</sup>*  
RECEIVED DISTRICT ATTORNEY OCT 23 1893

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Five* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.  
Dated, *Oct. 19* 189 *John McMorris* Police Justice.

I 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.



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

154

THE PEOPLE OF THE STATE OF NEW YORK

against

*Thomas Spaven*

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

of a FELONY, committed as follows:

The said

*Thomas Spaven*

late of the City of New York, in the County of New York aforesaid, on the *Seventeenth*  
day of *October* in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, with force and arms, feloniously did furtively  
carry, concealed on his person, a certain instrument and weapon of the kind commonly known as  
*a slung-shot* with intent then and there  
feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown,  
against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

SECOND COUNT—

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

of a FELONY, committed as follows:

The said

*Thomas Spaven*

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

DE LANCEY NICOLL,  
District Attorney.

0371

**BOX:**

538

**FOLDER:**

4899

**DESCRIPTION:**

Stevens, John

**DATE:**

10/17/93



4899

POOR QUALITY  
ORIGINAL

0372

Witnesses:

Michael Hurley

John F. Keohane

Counsel,

Filed

Pleads,

day of

1893

THE PEOPLE

Account, Account  
[See 218, Bond Case]

24 September 21

John S. Stevens

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward S. Taylor

Pa. 23. Sep 24/93 Foreman.

Pleads guilty  
Account 21 day

S. P. 4 14 93 and.

COURT OF GENERAL SESSIONS---PART III.

-----X  
The People of the State of New York :

vs. :

J o h n S t e p h e n s, :

Indictment filed October 17th, 1893; :  
indicted for assault in the second :  
degree. :

:Before  
:Hon. Rufus B. Cowing  
:and a Jury.

-----  
New York, October 23d, 1893.

A P P E A R A N C E S:

For the People, Assistant District Attorney

Henry D. Macdona;

For the defendant, Mr. Mark Alter.

-----  
MICHAEL HURLEY, a witness for the people, sworn,  
testified:

I live at 76 East 131st Street, with my mother and  
father. I saw the defendant on the morning of the  
12th of October last. I said to the defendant, "You  
had no right to go down to the Harlem Police Court  
and swear falsely against my mother." Then we had a  
few words and he drew a knife and cut me. I ran away  
from him. He did not pursue me. As soon as I saw  
him take out the knife I ran right into the house. I  
stayed in the house until about a quarter of two I heard

my mother scream and I ran out. The defendant pointed a pistol at me and he says, "You son of a bitch, I will shoot you." This was in the yard of the house in which I live, No. 76 East 131st Street. I saw the pistol in his hand at the time he said he would shoot me. He deliberately took the pistol out of his pocket and aimed it at me. The bullet entered my leg. My hat went off. I ran into my own house then and locked the door. The officer came in and arrested the defendant. He took the pistol from him. I saw the pistol on the desk in the station house. The defendant said nothing to me when he was arrested.

C R O S S E X A M I N A T I O N .

I am not a member of the Knickerbocker Ice gang, or any other gang that hangs out at 128th Street and Pleasant Avenue. I do not know any of the boys that hang around that neighborhood. I was never locked up in my life. I swear positively that this man fired a pistol at me. He was having some discussion with me mother when I ran out. I did not strike the defendant at all. I did not have hold of him at the time he fired the pistol at me. My mother has never been on the Island for being drunk. I do not remember meeting the defendant when I had two other boys with me and threatening to do him up. I did not say, "You son of a bitch, I will follow you around and I will kill you anyhow." I never made use of such an expression to this

man. I did not go out into the yard for the purpose of doing up the defendant because he was quarrelling with my mother.

JOHN E. COLHANE, a witness for the People, sworn, testified:

I am a police officer attached to the Twenty-ninth Precinct. I was on duty in the neighborhood of 131st Street on the afternoon of October 12th. I arrested the defendant Stephens. I was walking up on the west side of Park Avenue about twenty minutes to two o'clock. My attention was attracted by a colored woman running down between 30th and 31st Street on the west side of the avenue. This colored woman says: "Hurry up, Officer, there is a shooting affair up the street." I ran up. I met this fellow Stephens between Madison and Park Avenue in the middle of the block. He was in his shirt sleeves and was after putting the pistol in his pocket. I caught him and said "Give me that revolver." He says, "No, I won't." I says, "If you don't give it to me I will make you." He says "I won't give it to you," and I says, "I will put the contents of what I have got into you if you don't," and he handed out the revolver. I took the revolver and put it in my own pocket, and brought him back to this house, No. 76 East 131st Street. I there saw the complainant, and he told me the story of the assault. I said to the defendant, "What did you want to do that for?" and he says,

"Why didn't you let me finish him; why didn't you let me do him up." I said "You ought to know better than to talk that way. If you do anything like that you will get into trouble." He said, "I wanted to finish him." I found the pistol in his pocket; it was loaded with cartridges. I now produce in court the cartridges and the pistol taken from this defendant.

C R O S S E X A M I N A T I O N .

The complainant was shot in the leg. He was attended by the ambulance surgeon from the Harlem Hospital. I have been on the force four years and nine months. I never had a case of this sort before. I went looking to see what the trouble was because the colored woman told me there was a shooting affair down the street. I immediately found this man running, and placed him under arrest. I am positive that he made the statement that I have given in evidence to the jury.

The prisoner withdrew his plea of not guilty, and pleaded guilty to assault in the second degree.

Ind. no. 8 filed Oct. 17/1893

Court of General Sessions

Part 3

The People,

John Stephens

absent of testimony  
on trial, Oct 23<sup>rd</sup>

1893



POOR QUALITY  
ORIGINAL

0378

Police Court—S District.

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

of No. 76 E 131<sup>st</sup> Street, aged 19 years,  
occupation Bricklayer being duly sworn  
deposes and says, that on the 12 day of October 1893 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John  
Stevens (now here) who wilfully  
and maliciously pointed and  
aimed a revolving pistol loaded  
with powder and ball which he  
then and there held in his hand  
at deponent. and discharged  
one shot from said pistol at  
deponent which said shot struck  
deponent in the right knee.  
Deponent further says that such  
assault was committed

134<sup>th</sup> Park Ave

145

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 he said assailant may be ~~apprehended and~~ bound to answer  
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 12 day  
of Oct 1893

M. Hurley.

W. V. Veldt Police Justice.

POOR QUALITY  
ORIGINAL

0379

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not Guilty-*  
*John Stevens*

Taken before me this

day of

189

*W. C. Wells*  
Police Justice.

POOR QUALITY  
ORIGINAL

0380

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

2006 5 1998  
Police Court, District,

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Michael J. Sullivan  
vs. John Sullivan

Assault-  
Battery

Dated, October 12 1893

Orlando Magistrate.

W. C. Smith Officer.

Witnesses  
John J. Sullivan  
John J. Sullivan

No. 1000 to answer  
No. 1000 to answer



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

Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of \$1000 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Oct 12 1893

W. C. Smith Police Justice.

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

Dated, 1893

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, 1893

Police Justice.

(455)

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 Stevens

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

John Stevens  
of the crime of Assault in the second  
degree,  
committed as follows:

The said

John Stevens

late of the City of New York, in the County of New York aforesaid, on the  
twelfth day of October in the year of our Lord one thousand  
eight hundred and ninety-three, at the City and County aforesaid,  
with force and arms, on and upon the  
body of one Michael Hurley in the  
presence of the said People then and there  
being, feloniously did wilfully and  
wrongfully make an assault, and  
to, at and against him, the said  
Michael Hurley, a certain pistol  
then and there charged and loaded  
with gunpowder and one leaden  
bullet, which the said John Stevens  
in his right hand then and there

Had and held, feloniously ~~and~~  
~~fully~~ ~~not~~ this and being 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.

Edw. Lacey Nicoll,  
District Attorney

0383

**BOX:**

538

**FOLDER:**

4899

**DESCRIPTION:**

Sukenik, Joseph

**DATE:**

10/17/93



4899

POOR QUALITY ORIGINAL

0384

215

Witnesses:

*Etzel Salsky*

Counsel,  
Filed  
Pleads  
17 day of  
March 1893

THE PEOPLE

vs.

*Joseph Subenik*

Grand Larceny,  
(From the Person)  
Degree.  
[Sections 628, 629, Penal Code.]

DE LANCEY NICOLL,

District Attorney.



A TRUE BILL.

*Edward G. Taylor*

Sept 2 - Nov. 14, 1893 Foreman.

*Ind and Acquitted*

Police Court—03 District.

1912  
Affidavit—Larceny.

City and County {  
of New York, } ss.

of No. 1 Morgan Estel. Solsky  
Street, aged 50 years,  
occupation tailor

being duly sworn,  
deposes and says, that on the 13 day of October 1897 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property, viz:

One Silver Watch with a  
Chain attached Valued at Ten  
Dollars

Sworn to before me this  
of 13 day

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 Joseph Suknick (Tommy)

for the reasons following, to-wit: on said  
date was on Green St. having said  
watch which was attached a chain said  
watch being in the pocket of the vest which  
said deponent wore. This defendant seized  
said watch and parted said chain  
and ran away with the same.  
Deponent found the said property  
in the person of the defendant.

Estel Solsky  
his mark

John Hegan Police Justice.



POOR QUALITY  
ORIGINAL

0386

Sec. 198-200.

03

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*Joseph Suknik*

Question. How old are you?

Answer.

*20 years*

Question. Where were you born?

Answer.

*Russia*

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

Answer.

*146 Clinton St. - 6 months*

Question. What is your business or profession?

Answer.

*Tailor*

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 mark*  
*Joseph Suknik*

Taken before me this  
day of *October* 189*3*

*13*

Police Justice

POOR QUALITY  
ORIGINAL

0387

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

215  
Police Court...  
District... 1102

THE PEOPLE, vs.,  
ON THE COMPLAINT OF

Attest: *Joseph A. Sullivan*  
*1 month*

Offense: *Larceny for the person*

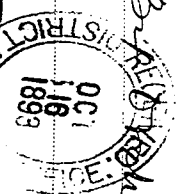
Dated, *Oct 13* 189 *13*

*W. H. Ryan* Magistrate.  
*W. H. Ryan* Officer.

Witnesses: *James G. Carrol* Precinct \_\_\_\_\_  
No. *189*, *Wilmington* Street \_\_\_\_\_  
*Morris Goldstein*

No. *3*, *Wilmington* Street \_\_\_\_\_

No. *5*, *Wilmington* Street \_\_\_\_\_  
to answer



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

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

Dated, *Oct 13* 189 *3* *W. H. Ryan* Police Justice.

I 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

0388

504

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Joseph Sakenik*

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

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

The said

*Joseph Sakenik*  
late of the City of New York, in the County of New York aforesaid, on the *thirteenth*  
day of *October* in the year of our Lord one thousand eight hundred and  
ninety-*three*, in the day-time of the said day, at the City and County aforesaid,  
with force and arms,

*one watch of the value  
of five dollars, one chain of the  
value of two dollars*

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

0389

**BOX:**

538

**FOLDER:**

4899

**DESCRIPTION:**

Sullivan, John

**DATE:**

10/25/93



4899

POOR QUALITY  
ORIGINAL

0390

Witnesses:

Attest Fogarella  
Agnes Smith

Counsel,

Filed

189

Reads,

THE PEOPLE

vs.

John Sullivan

Grand Larceny, *Second*  
(From the Person)  
[Sections 528, 531,  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward J. Taylor

Sept 2 - Nov. 14/89

Foreman.  
tried and acquitted.

POOR QUALITY  
ORIGINAL

0391

1012

Police Court— District.

Affidavit—Larceny.

City and County } ss.  
of New York,

Michael Focarile  
of No. 61 James Street, aged 33 years,  
occupation Contractor being duly sworn,

deposes and says, that on the 29 day of September 1893 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
and person of deponent, in the day time, the following property, viz:

A Gold Watch of the  
Value of Eight 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 John Sullivan (now here) and one other  
person not arrested acting in concert  
for the following reasons— on said date  
deponent was standing on James Street  
looking at a procession which was passing  
he had said watch in the left hand  
pocket of the vest that he then wore and  
was attached to said vest with a chain  
deponent. The person not arrested took  
said watch from deponents pocket and  
broke off the ring of said watch— deponent  
seized said defendant and he (defendant)  
gave said watch to the defendant Sullivan who ran  
away with it— deponent ~~has~~ let go of the  
person who had taken said watch from his pocket

Subscribed to before me, this

1893

Police Justice

POOR QUALITY  
ORIGINAL

0392

and pursued the defendant Sullivan and  
caused his arrest - Depovent is informed  
by Agnes Smith 191 Troffitt Street Brooklyn  
that she picked up from the street <sup>a</sup> ~~said~~  
watch which she gave to officer Barlow  
of the 14 Precinct - Depovent further says  
that he has since seen the watch  
found by said Agnes Smith and fully  
identified it as his property that was stolen

Wichle Locantile

Sworn to before me

This 30<sup>th</sup> day of September 1893

J. J. - - -  
Police Justice

POOR QUALITY  
ORIGINAL

0393

CITY AND COUNTY }  
OF NEW YORK, } ss.

Agnes Smith  
aged 17 years, occupation Paper box Maker of No. 191 Troffitt St Brooklyn Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Michael Focarile  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me this, 30 } Agnes Smith  
day of Sept 1893 }

[Signature]  
Police Justice.



POOR QUALITY  
ORIGINAL

0394

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer. *John Sullivan*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *10 Dover St 3 months*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty*  
*John Sullivan*

Taken before me this

day of

188

Police Justice.

0395

1891

POOR QUALITY  
ORIGINAL

0396

501

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 Sullivan*

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

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

The said

*John Sullivan*  
late of the City of New York, in the County of New York aforesaid, on the *29th*  
day of *September*, in the year of our Lord one thousand eight hundred and  
ninety-*three*, in the day - time of the said day, at the City and County aforesaid,  
with force and arms,

*one watch of the  
value of eight dollars*

*Michael Tocante*  
of the goods, chattels and personal property of one *Michael Tocante*  
on the person of the said *Michael Tocante*  
then and there being found, from the person of the said *Michael Tocante*  
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

0397

SECOND COUNT—

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

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

The said

*John 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,

*one watch of the value of  
eight dollars*

*[Signature]*  
of the goods, chattels and personal property of one

*Michael Foranile*

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

*Michael Foranile*

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

*John 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.*

0398

**BOX:**

538

**FOLDER:**

4899

**DESCRIPTION:**

Sullivan, Thomas

**DATE:**

10/09/93



4899

POOR QUALITY ORIGINAL

0399

defts. real names is Brady -  
P.B.M.

Witnesses:

Leonard H. Grasso

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

Thomas Sullivan

Grand Larceny,  
(From the Person, 2nd Degree,  
[Sections 528, 537,  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward J. Taylor  
Foreman.  
Hearsh J. Taylor  
S.P. 2 yrs. 86 mo.  
P.B.M.

POOR QUALITY  
ORIGINAL

0400

Police Court—

3.

District.

1912

Affidavit—Larceny.

City and County of New York, } ss.

of No. 51 Manner Street, aged 37 years,  
occupation Physician being duly sworn,

deposes and says, that on the 14 day of September 1893 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 portion of a plated  
gold watch chain  
valued at ten 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 Thomas Sutter and Nathan

for the reasons following to wit: at the hour of eight o'clock P.M. on said date, as deponent was on Manner Street having the said chain to which was attached a watch, fastened to the vest which he then wore, the defendant seized said chain, broke it, and ran away with a portion of it. The defendant admits having stolen said property.

Leonard K. Graves

Sworn to before me this 14 day of September 1893

Police Justice.

POOR QUALITY  
ORIGINAL

0401

Sec. 198-200

3

District Police Court.

1882

City and County of New York, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am guilty*  
*Tho. Brady*

Taken before me this

day of

1892

Police Justice.



0402

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court... 3 Dismissed

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Edward H. Ryan  
vs.  
Thomas B. Ryan

Thomas B. Ryan

Offense \_\_\_\_\_

Dated, Sept 15 1893

Magistrate

William Officer

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

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

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

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

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

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

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

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of \_\_\_\_\_

Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of

the City Prison of the City of New York, until he give such bail.

Dated, Sept 15 1893 \_\_\_\_\_ Police Justice.

I 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.

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*

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

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

The said

*Thomas Sullivan*  
late of the City of New York, in the County of New York aforesaid, on the *fourteenth*  
day of *September* in the year of our Lord one thousand eight hundred and  
ninety-*three*, in the *day* time of the said day, at the City and County aforesaid,  
with force and arms,

*a part of a watch-  
chain of the value of  
ten dollars*

of the goods, chattels and personal property of one *Leonard K. Graves*,  
on the person of the said *Leonard K. Graves*,  
then and there being found, from the person of the said *Leonard K. Graves*  
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.

*He Lancey Nicoll*  
*District Attorney*