

0453

BOX:

418

FOLDER:

3864

DESCRIPTION:

Sailor, Charles

DATE:

11/26/90



3864

0454

BOX:

418

FOLDER:

3864

DESCRIPTION:

Randall, George

DATE:

11/26/90



3864

0455

234

Witnesses:

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

Counsel,
Filed 26 day of Nov 1890
Pleads Not guilty (28)

THE PEOPLE
36 confederate vs Philadelphia T
Charles Sailor }
25 81 Oliver Knapp T }
Press field }
George Randall }
[Sunglars' - tools.]
[Sen. 508, Remal. Cooks]

JOHN R. FELLOWS,
District Attorney.

A TRUE BILL.

J. J. Higgins
Part 2 - Dec. 10th 1890.
Both plead guilty Foreman.
Nos 1 & 2 -
Sen 1 of 2 ends
J. J.
L. V.

0456

Police Court, 2 District.

City and County } ss.
of New York, }

of No. Central Office Street, aged 37 years,
occupation Detective Sergeant being duly sworn, deposes and says,
that on the 30 day of October 1880, at the City of New

York, in the County of New York, He arrested Charles Sailor and George Randell (both now here) and while acting in concert with each other, from the following facts to wit: that while deponent was standing in company with Detective Jeremiah J. Murphy of the Central Office, in Division Street near Pike on the aforesaid date, about the hour of 12.30 A.M. he saw the defendant Sailor drive a horse attached to a crowd wagon, through Division Street and stop at the corner of Orchard Street, and that the defendant Sailor immediately jumped from said wagon and was immediately joined by the defendant Randell, and that the said defendants acting in concert with each other loitered around the said corner and that the said defendant Randell, in a short time afterwards got on the said wagon and drove slowly away, and that the defendant Sailor then entered and came into the hallway of a tenement house in Division Street where deponent and Detective Murphy had hidden and the said defendant Sailor was immediately placed under arrest by Detective Murphy, and that deponent then arrested the defendant Randell, who was in the wagon standing and waiting in Division Street and the following Burglarious Tools were in the said wagon, One Jimmy and Four Wooden Nedges. Deponent therefore charges said defendants with the violation of Section 508. Penal Code

John Cottrell

John Cottrell

October 31 1880

0457

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 35 years, occupation Jeremiah J. Murphy
Detective Officer of No.

Central Office Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of John Cottrell

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

Sworn to before me, this 31
day of October 1888 Jeremiah J. Murphy

D. J. C. [Signature]
Police Justice.

0458

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer *Charles Saylor*

Question. How old are you?

Answer *36 years*

Question. Where were you born?

Answer *England*

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

Answer *Philadelphia*

Question. What is your business or profession?

Answer *Stage Carpenter*

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
Charles Saylor

Taken before me this

day of

October

1880

Joseph M. Murphy

Police Justice

0459

Sec. 196-200.

2

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

George Randall

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. *George Randall*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *81 Oliver Street - 4 months*

Question. What is your business or profession?

Answer. *Printer*

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.

Geo. Randall

Taken before me this *27* day of *March* 188*9*

Police Justice

0450

Police Court No. 2 District 1649

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Mitchell
Charles Walker
George Randle

Offense *Carrying Dangerous
Tools, Sec 508 Penal Code*

Date *October 31 1890*

Charles J. Murphy
Magistrate
A. B.
Precinct

Witnesses
Callie M. Jones
Street

No. *152*
Street
RECEIVED
NOV 3 1890
CLERK'S OFFICE

Connelly

BAILED,

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

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifty 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 31 1890 *James C. Bennett* 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.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Sador and George Randall

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse Charles Sador and George Randall -

of the crime of unlawfully possessing jewelry and instruments -

committed as follows:

The said Charles Sador and George Randall, both -

late of the City of New York, in the County of New York aforesaid, on the

11th day of October, in the year of our Lord one thousand eight hundred and ninety

did unlawfully have in their possession, in the night time of the said day, certain tools and implements adapted, designed and commonly used for the commission of

0462

BOX:

418

FOLDER:

3864

DESCRIPTION:

Sanders, Charles

DATE:

11/21/90



3864

0463

181

Witnesses;

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

Counsel,

Filed 21 day of Nov 1890

Pleads,

18
1746

THE PEOPLE

vs.

Charles Sanders

Grand Larceny Second degree,
[Sections 528, 537, Penal Code].

JOHN R. FELLOWS,

District Attorney.

John R. Fellows
Clenda J. Kelly

A True Bill.

Foreman.

J. M. Benjamin
Et al.

0464

Police Court—9 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Mary Sanders
of No. 174 E. 82nd Street, aged 60 years,
occupation Keep home being duly sworn
deposes and says, that on the 24 day of October 1890
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:

Three Silver Candelsticks
together of the value of forty
Dollars
(#40.00)

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 Charles Sanders Cumber who is deponent's son and lived in the same home with deponent from the fact that on or about said date deponent went out leaving the deponent and said property in said home. and when deponent returned, after an absence of about one hour the deponent and said property was missing. and the deponent admitted in open court in the hearing of deponent and Detective Dwan that he furnished said property. Wherefore deponent

of
Sworn to before me at the City of New York, this 28 day of October 1890
Police Justice

Charges the said defendant
with feloniously taking, stealing,
and carrying away said property,
and says he may be dealt
with according to Law,

Sworn to before me
this 14th day of Nov 1890 } Mary ^{by} Sanders
Mead

W. W. Mead
Police Justice

0466

Sec. 198-200.

3
District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Sanders

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

Question. What is your name?

Answer. *Charles Sanders*

Question. How old are you?

Answer. *18 years old*

Question. Where were you born?

Answer. *New York*

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

Answer. *174 E. 84 St 2 years*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer.

I am not guilty
Charles Sanders

Taken before me this *14*
day of *Nov* 189*9*
W. J. ...
Police Justice.

0467

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

Police Court, 5-1914
 District

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

Mary Shuck
 174 60 St. Bk. E.
 Edward Shuck

Offense, Larceny Felony

Dated, Nov 14 1890

Magistrate,
 Geo A Brown

Precinct,
 said officer

No. Street.

No. Street.

No. 1570 to answer
 Street.



Handwritten signatures and initials.

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

Edward Shuck

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

Dated, Nov 14 1890 *Geo A Brown* Police Justice.

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

Dated, 1890 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, 1890 Police Justice.

0468

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Sanders

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

Charles Sanders

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

The said *Charles Sanders*

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

three candlesticks of the value of thirteen dollars each

of the goods, chattels and personal property of one

Mary Sanders

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

John R. Fellows
District Attorney

SECOND COUNT—

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

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

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,

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

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

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.

JOHN R. FELLOWS,
District Attorney.

0470

BOX:

418

FOLDER:

3864

DESCRIPTION:

Sauricella, Tomaso

DATE:

11/12/90



3864

Witnesses;

Counsel,

Filed *10* day of *Nov* 18*90*

Pleads, *Guilty*

78 Rueoy

THE PEOPLE

14
60 *Mulberry*
vs.
Walker.

Thomas Sauricella

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. H. Pringle

Foreman.

Part III November 14/90.

Tried and convicted

9 *Nov* *14* *90*

0472

Police Court— 2 District.

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

of No. 439 West 41 Angelo Lazaro
Street, aged 31 years,
occupation Express being duly sworn
deposes and says, that on the 7 day of November 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Thomas Gallricetto (now known)
who discharged three shots from a Revolver
 pistol at deponent, one of said shots
 struck and wounded deponent in the leg
 and he cut deponent in the left arm
 with a razor ^{he held in his hand} said assault was
 committed by said deponent

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

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

Sworn to before me, this 8 day }
of November 1888 } Angelo L. Lazaro
 } Quar

D. H. [Signature] Police Justice.

0473

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Thomas Sallricetto 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 Sallricetto*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *60 Mulberry Street 7 months*

Question. What is your business or profession?

Answer. *Barber*

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

Answer. *The brother of the complainant shot at me, and hit the complainant. I had no revolver and no razor.*

Thomas Sallricetto

Taken before me this

day of *March* 188*6*

J. J. [Signature]
Police Justice

0474

9-13-18

Police Court... 2 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Savage
439 West 41st St

Thomas Mallico

1
2
3
4

Offence Assault
felonious

Dated Nov 8 1888

William Magistrate

Joseph D Boyle Officer

Refus D Jones Precinct

Witnesses Charles Mallico

No. 574 Street West

Palmer Precinct

No. 423 Street West

Henry Precinct

No. 401 Street West

John Precinct

Off Precinct



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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated Nov 8 1888 William Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

COURT OF GENERAL SESSIONS -Part III.

-----X
 The People of the State of New York, : Before Hon. Fred'k.
 against : Smyth, and a Jury.
 THOMASO SAURICELLA. :
 -----X

Indict ment filed NoV. 12th 1890.
Indicted for Assault in the 1st degree .

N e w Y O r k ? November 14th 1890.

APPEARANCES: For the People Asst. Dist. Atty. Parker .
f f For the defendant Mr. J. Berlinger .

RAFAEJA LAZZARRO, a witness for the People, sworn, testified:

I live at No. 423 West 41st street in this city. I am the wife of Antonio Laz arro who lives at that place with me . I am acquainted with the defendant now at the bar . I have known him to see him about one month. On the day of this assault I saw him . Before this day I had seen the defendant around our house several times; on one occasion he approached me on the street and asked me if he could not come to my rooms; I told him he had nothing to do in my room s, that I did not want to talk with him. He said "Oh~~y~~ yes, I could find Paradise in your rooms". I told him he had no busines to address~~s~~me in such a manner as that, and if he dared to speak with me again I should inform my husband of the matter /. He said that if my husband said anything to him he would come and shoot him . This was on Thrsday evening and the assault took place on Friday evening . At about seve n o'clock on Friday evening my brother in law Angelo Lazarro and my- self were sitting in my room s waiting for my husband to come thome to supper . I heard a shot from a revolver

and at the same time I heard of the voice of my husband shouting for the Police . Both my brother in law and myself went down to the street door and there we saw this defendant on the sidewalk in a struggle with my husband; my brother in law interfered and the defendant aiming his revolver at him shot him three times. After he had fired the shots he took out a razor and cut my brother in law on the arm . My husband was not injured at all; but my brother in law was wounded in the leg and on the arm . . The prisoner ran away and was arrested on the 110th avenue .

Cross Examination .

I have known this defendant about a month. I am positive that he is the man who did the acts to which I have testified . I have seen him at least six or seven times since I have known him .

ANTONIO LAZARRO, a witness for the People, sworn, testified:

I am the husband of the last witness . . I live at No. 423 West 41st street in this city . At half past seven on the evening of this assault I was on my way home to supper; when I arrived at the door of my house I met this defendant . He bid me good evening, and said he was going to Italy the following morning. I told him "Now that you are going to Italy I wish you a good voyage across". He said "But before I go to Italy I am going to shoot you". I answered him "Dont talk so foolishly, let me alone, because I am going to my supper". I saw him at that moment put his hand into his pocket, draw a revolver,

and as I saw his action I lowered my head and then he fired I then commenced crying for the Police. Whilst I was crying for Police I saw my brother and my wife coming down stairs to help me . My brother Angelo came and I told him that this defendant had shot at me. My brother then asked the defendant why he did it, and he answered "If you dont go away I will shoot you also.". My brother told him to go away about his own business"; then seeing that my brother was taking my part he pointed the revolver at him and shot him. He fired his revolver at my brother three times. My brother ~~tr~~ tried to catch hold of him after he had fired the shots, and the defendant drew a razor from his pocket and cut him on the arm . Then th defendant ran away towards 10th avenue and was caught by some gentleman who was there . I was present when the defendant was arrested .

CROSS EXAMINATION:

- Q Your wife had told you before this evening that the defendant had spoken to her ? A. Yes sir .
- Q Did you not say anything to him when you met him ^{at} ~~that~~ _^ night on the street about your wife ? A. No sir .
- Q Did your wife ~~st~~ tell you he was going to shoot you ?
A Yes sir .
- Q What did you do then ? A. I told my wife to have nothing to do with him, and not to notice him when she saw him on the street . ; that we had done him no harm and why should he wish to do us any harm.
- Q Are you sure he was there that night ? A. Yes sir .

ANGELO LAZARRO, a witness, for the People, sworn, testified:

I live at No. 439 W. 41st street. I am the brother of the last witness and the brother in law of the wife. I had seen this defendant before the time of this shooting but I had never held any conversation with him at any time. On the night of this affair I was at my brothers house. I went there for supper and at about half past seven o'clock myself and his wife were sitting in the house waiting for him to come home to supper. At that hour we suddenly were startled by hearing the noise of a shot in the street. We both ran down stairs to the door. When we got to the street we saw my brother and this defendant there; the defendant had a revolver in his hand. I immediately stepped up to him and asked him what he meant by shooting at my brother; he told me that if I did not keep away he would do the same thing to me. He at once fired three shots at me; one of them struck me in the leg just below the knee. I tried to catch hold of him but could not and he took a razor from his pocket and slashed me on the arm with it. He then ran way from us and went towards 10th avenue when he was recaptured. I had not talk with him.

Q During the time that he was firing these shots at you did you strike him or attempt to strike him?

A No sir; I did nothing at all to him more than hold him and prevent him from firing any more at my brother.

Cross Examination:

Q Do you know the defendant? A. Only by sight.

Q How long do you know him that way ? Well about one month.

Q You are sure he is the man who was there that night ?

A Yes sir; I am positive of it .

CHARLES MENNINGER, a witness for the People, sworn, testified:

I live at 514 W. 44th street in this city . On the night of the 7th of November I was coming through 41st street when I heard some shots . I saw this defendant running . I ran after him and captured him at the corner of 41st street and 10th avenue. I found this razor which is now produced in his hand and at that time handed it over to the officer . I am positive that the man who is now at the bar is the man whom I caught and who handed me this razor . I did not get a chance to say anything to him .

CROSS EXAMINATION:

Q Did you ever see this defendant before that night ? A. No.

Q Are you sure he is the man you saw ? A. Yes sir; I am positive .

JOSEPH T. DOYLE, a witness for the People, sworn, testified:

I am an officer attached to the 20th precinct . On the night of the 7th of November I arrested this defendant at the corner of 41st street and 10th Avenue . He was in the custody of the last witness . Mr. Menninger handed me this razor which he told me he had taken from the person of the defendant . I had no conversation whatever with the defendant, because he did not speak our language.

THOMAS SAURICELLA, the defendant, sworn, testified :

I have been in this country seven months.

Q Have you ever been arrested before this time ? A. Never.

Q Do you know the complainant in this case who was shot ?

A No sir .

Q You dont know him at all ? A. No sir .

Q You have never seen him before ? A. No sir .

Q Do you know Angelo ? A. I only saw him to day for the first time.

Q Did you ever see the lady before who has testified ?

A No sir .

Q Did you have a pistol on the night of the 7th of November?

A No sir. I had nothing . I dont know why it is that these people put all of this on to me . I have done nothing . If I had a revolver on that night why dont they bring it and show it to me . I had no revolver . If I had where is it . I had no razor either . My razors are all at the Barber's agency . I am a barber by profession and I have had razors in my pocket but I had none on the night of the 7th of November .

Q Ware you ever in a lunatic asylum ? A. No sir; I am not a lunatic .

Q Did you ever see the officer who arrested you ? A. Yes sir; I saw him at the time he came and took me .

Q Did you ever see Menninger ? A. No sir .

Q Did Menninger take a razor out of your hand ? A. No sir; I swear that is not true .

Q Did Memminger hold you at the corner of 41st street and 10th avenue ? A. No sir; there was a large crowd and they held me .

You did not have any quarrel with these people, did you ?

A No sir .

Q Are you the right man named in this complaint , A. I am Thomaso Sauricella . That was the name I gave in the station house . That is my right name .

CROSS EXAMINATION:

Q Did you understand what the witnesses stated on the stand?

A I did not pay any attention to what they said because they were not talking to me they were talking to the Judge and what they said did not concern me .

Did you fire three shots at Angelo ? A. No sir .

Q Did you ever go into the house in which they live ?

A Yes sir; I have been in that house as I have a friend who lives on the first floor . I may have seen these people there but I did not have anything to do with them .

Q Did you say to the husband that you were going to Italy and that you would shoot him before you went ? A. I swear before God that that is not true . I never said anything of the kind to any man .

Q Did you run away from this house towards 10th Avenue ?

A No sir; I walked slowly and I wanted to catch a car that was passing when the crowd of people gathered around and held me . I did not know what they wanted with me a I had done nothing .

Q It is not true as the witness stated that you had a razor in your hand and that it was taken from you ? A. No sir .

The jury returned a verdict of Guilty of Assault in the first degree .

0482

Faint, mostly illegible text at the top of the page, possibly bleed-through from the reverse side.

<p>Indictment filed Nov. 12-1890</p> <p>COURT OF GENERAL SESSIONS</p> <p>Part III.</p>	<p>THE PEOPLE &c.</p> <p>against</p> <p>THOMAS SAURICILLA.</p>	<p>Abstract of testimony on</p> <p>trial New York Nov. 14th</p> <p>1890.</p>	<p>Faint text in the rightmost column of the table.</p>
--	--	--	---

Faint, mostly illegible text at the bottom of the page, possibly bleed-through from the reverse side.

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 Sauricella

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

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

The said Thomas Sauricella

late of the City of New York, in the County of New York aforesaid, on the seventh day of November in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the City and County aforesaid, in and upon the body of one Angelo Lagaro in the Peace of the said People then and there being, feloniously did make an assault and with a certain razor the said Angelo Lagaro

which the said Thomas Sauricella in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound, and to at and against him, the said Angelo Lagaro a certain pistol, then and there charged and loaded with gunpowder and one leaden bullet, which the said Thomas Sauricella in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did shoot off and discharge, with intent to kill, the said Angelo Lagaro, thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

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

The said Thomas Sauricella

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Angelo Lagaro in the peace of the said People then and there being, feloniously did wilfully, and wrongfully make another assault, and to at and against him, the said Angelo Lagaro, a certain pistol, then and there charged and loaded with gunpowder and one leaden bullet, which the said Thomas Sauricella in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did shoot off and discharge, and from the said Angelo Lagaro with a certain razor which the said

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

John R. Fellows, District Attorney

THIRD COUNT—

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

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

The said

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

which the said in right hand then and there had and held, in and upon the of the said

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

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.

JOHN R. FELLOWS,
District Attorney.

0485

BOX:

418

FOLDER:

3864

DESCRIPTION:

Scheyer, Katie

DATE:

11/07/90



3864

Witnesses;

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

I am informed by Officer Frink of the C.C. that the complainant has gone out of the state and there is no reason to believe that she will return in a reasonable time. There has been a trial and the jurors were for acquittal. Under the circumstances I do not think that the ends of justice require that the deft. should be longer kept in custody. I therefore respectfully recommend that the deft. be discharged upon her own recognizance.
Part 3 Dec. 2/90.

W. F. Jerome
Dep. Asst.

⁴⁷
H. J. [Signature]
Counsel,
Filed ¹⁷ day of Nov 18 90
Pleads, ^{Not guilty - W}

THE PEOPLE

vs.

Katie Scheyer

Grand Larceny Secured Degree.
[Sections 588, 589, Penal Code].

JOHN R. FELLOWS,

District Attorney,
Part III Nov. 14, 1890
Tried and jury disagreed
10 for acqu.

A True Bill.

J. V. [Signature]
Foreman.

Part III December 2/90
Deft. discharged on
her own recognizance

0487

POOR QUALITY ORIGINAL

PACKAGE RECEIPT.

Exa New York, Oct. 25 1890

Received from *J. P. ...*

for *Mrs. ... 148 ...*

in good order the following packages:

One (1) Package (E ...)

... met ...

J. LEACH, Printer and Stationer, 86 Nassau St., N. Y.

0488

Police Court _____ District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Sarah Loewenthal
of No. *148 East 98th* Street, aged *33* years,
occupation *Housekeeper* being duly sworn
deposes and says, that on the *25* day of *October* 18*98* 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 pair of diamond earrings

Being of the value of

Fifty Dollars

the property of *Deponent*

Sworn to before me, this _____ day of _____ 18*98*

Police Justice.

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 *Natie Meyer (maunder)*

for the reasons following to wit
That deponent is informed by *Frederick Mittocher* of 51 King Street that he is in the employ of *Jewelry* of 290 Grand Street and that on such day he received the said property to deliver to deponent, and that he went to the premises aforesaid and rang the door bell, when deponent came to the said door and said Mittocher asked her if deponent was home, that she ^{thought} deponent property for her when she replied she was not, but he could leave said property with her, that

Mrs. Mitlacher did receive said
 property with her acknowledgment a
 receipt for the same. ^{and defendant}
 further says that said defendant
 has failed to turn over said property
 and attempt charges her with the
 larceny aforesaid.

Sworn to before me this }
 the 5th day of November 19 } Sarah Lewenthal

J. Henry Bird

Police Justice

0490

CITY AND COUNTY }
OF NEW YORK, } ss.

Fredener Mitlocker
aged 18 years, occupation Peer of No.

290 Grand Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Frank Jaewenthal
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 20 day of November 1888
F. J. Mitlocker
G. Henry Dora
Police Justice.

0491

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Katie Steyer*

Question. How old are you?

Answer. *31 years*

Question. Where were you born?

Answer. *Hungaria*

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

Answer. *64 Willett 1 day*

Question. What is your business or profession?

Answer. *Servant maid*

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 and demand
an exculpation*

Katie Steyer
mom

Taken before me this

day of *November* 188*8*

G. J. ...

Police Justice.

0492

Police Court--- / District 1681

THE PEOPLE, Ac.,
VS THE COMPLAINT OF

Frank Lawrence
148
State of New York
Offence

BAILLED,

No. 1, by

Residence

No. 2, by

Residence

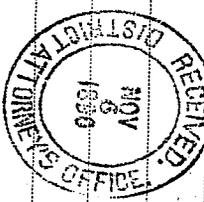
No. 3, by

Residence

No. 4, by

Residence

[Handwritten signature]



No. 290-
Witness
Street

Officer
Municipal
Street

Date
Nov 5 1890
Magistrate
Street

No. 1
Street
\$ 1000
to answer

[Handwritten signature]

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

[Handwritten name: Defendant]

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

Dated Nov 5 1890 *[Signature]* 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.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Katie Scheyer

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

Katie Scheyer

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

The said *Katie Scheyer*,

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

*two carriages of the value of
twenty dollars each*

of the goods, chattels and personal property of one

Sarah Lewenthal

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.

*John A. Bellows,
District Attorney*

SECOND COUNT—

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

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows :

The said

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,

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

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

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.

JOHN R. FELLOWS,
District Attorney.

0495

BOX:

418

FOLDER:

3864

DESCRIPTION:

Schmidt, John

DATE:

11/07/90



3864

0496

Witnesses:

.....

.....

.....

James Lee H. Starnes

Counsel,

Filed

day of

1890

Pleads,

37 J. O. A.
Not guilty

THE PEOPLE

vs.

J. E. Everett
120
John Schmidt

Robbery, 2nd degree,
[Sections 224 and 228, Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. E. Everett
Foreman.

No. 1490
Guilty & convicted.

10 a.m. O.S. by
Evett 90 ex. 29

Police Court - 3 District.

CITY AND COUNTY OF NEW YORK, ss

John Birnbaum of No. 240 Fifth Street, Aged 40 Years

Occupation, Keeper for Steam Fitters being duly sworn, deposes and says, that on the 26th day of October 1890, at the 17th Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

One Silver watch and ten dollars in gold and lawful money of the United States the whole valued at eleven dollars \$11.00

of the value of Eleven DOLLARS, the property of Deponent.

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

John Schmidt (now here) in the following manner to wit: Deponent was in the act of opening this door at aforesaid premises about the hour of 2:10 A.M. on said date when he was ~~seen to~~ violently assaulted by being struck on the face, and deponent is informed by officer Jones that he saw the defendant and another person not named strike this deponent and pull him off the steps at said premises and as witnesses came

day of 1888 Sworn to before me, this Police Justice

0498

to the assistance of defendant the
defendant and the other person attempted
to run away. witness caught the
defendant and arrested him.
Defendant charged the defendant
with Robbery and with having taken
carried away and stolen said
property and says that he is
held to answer

John Binbaum

Sum to appear me
this 27th day of
October 1890

[Signature]

Police Justice

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 1888
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of
vs.
1
2
3
4

Offence—ROBBERY.

Dated 1888
Magistrate.
Officer.
Clerk.
Witness,
No. street,
No. Street,
No. Street,
\$ to answer General Sessions.

Sec. 198-200.

3 District Police Court

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *John Schmidt*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *Mudm House Boney 1 day*

Question. What is your business or profession?

Answer. *Cook*

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 Schmidt

Taken before me this

day of *March* 188*9*

Police Justice.

[Signature]

0500

Police Court--- 3 District.

1629

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John D. Brinkman
240 23rd St.
John Schmitt

Offence Robbery

BAILIED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

October 27 1890

Magistrate

Hogan

Officer

Jones

Precedent

14

Witnesses

Carl Spies

Street

No.

Street

No.

Street

No.

Street

No.

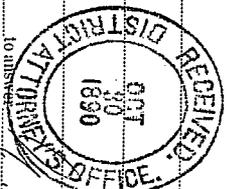
Street

No.

Street

No.

Street



Boer

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

Dated... October 27 1890 ... 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.

0501



Court of General Sessions,
Judge's Chambers,
32 Chambers Street.

New York _____ 189

John Schmidt
Cook on

Str Massachusetts about
1 year ago for 3 mos ago
from my to Providence

Pier 29 = Cheflord Peter
20 Brook. William

0502

Handwritten

19

THE PEOPLE
 vs.
 JOHN SCHMIDT.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE FITZGERALD.

Friday, November 14, 1890.

Indictment for robbery in the first degree.

Asst. Dist. Atty. Goff for the People.

Mr. Frank Oliver for the Defendant.

A Jury was empannelled and sworn.

JOHN BIRNBAUM sworn and examined by Mr. Goff.

- Q. What is your trade, Birnbaum? A. I am steamship helper now.
- Q. For whom do you work? A. John Ragan on Franklin St.
- Q. How long have you worked for him? A. About two months.
- Q. Where were you working for him at the time of this alleged assault upon you --- where had you been on the night of the 26th of October? A. I was to the theater in the fore part of the evening and was strolling around towards morning.
- Q. What theater were you to? A. The London on the Bowery.
- Q. After you left the London theater where did you go?
- A. Several saloons.
- Q. Were you intoxicated? A. Yes sir.
- Q. Where do you reside? A. No. 240 East 5th Street.
- Q. Are you a married man? A. Yes sir.
- Q. Does your wife reside there? A. No sir.
- Q. Do you remember going to your lodgings? A. Yes sir, I remember going there.
- Q. Were you sober enough that you could understand where you were going and what you were doing? A. I was sober

enough to know where I lived, yes sir.

Q. When you got to the stoop of your house had you any money upon your person? A. Yes sir.

Q. How much? A. I judge about seven dollars or a little over.

Q. When did you last see that money? A. Some place on Second Avenue.

Q. How long before? A. About half an hour or three quarters of an hour, I judge somewhere around there.

Q. Do you know in what shape the money was? A. It was in bills and silver.

Q. Do you know how many bills and how much silver? A. I do not.

Q. You think you had about seven dollars? A. Yes sir.

Q. Are you positive of that. A. Yes sir.

Q. Had you any other valuables in your possession?

A. A watch and chain.

Q. Silver or gold? A. A silver open faced watch.

Q. Do you know that you had that upon your person positively?

A. Yes sir.

Q. What was the value of that watch and chain? A. I suppose it is worth about four or five dollars.

Q. When you reached the stoop what occurred? A. I do not remember anything after that.

Q. You remember getting to the stoop, do you? A. Yes sir.

Q. You do not remember what occurred there? A. No sir, I do not, all I remember I got hit, I do not know who by.

Q. You remember something, you remember getting struck?

A. Yes sir.

Q. Can you tell us where you got struck? A. I got struck over the eye.

Q. Do you know what you got struck with? A. No sir.

Q. You felt the blow? A. Yes sir.

Q. After you received the blow do you know what took place?

A. I do not until the officer picked me up and took me into his care.

Q. Took you in what house? A. My house, where I live, 240 5th Street.

Q. What officer? A. Officer Jones I believe is his name.

Q. Do you know where you were when the officer picked you up?

A. I knew I was in the house.

Q. And that is all you know? A. Yes sir, that is all I remember.

Q. About this money you had in your pocket?

A. I don't know anything about that.

Q. What became of your watch? A. I don't know anything about it.

Q. Had you your money or your watch when the officer took you into the house? A. No sir, I did not have either.

By the Court. Q. The money and watch was gone, is that it?

A. Yes sir.

By Mr. Goff. Q. Did you feel any hands in your pocket?

A. No sir.

Q. Don't know anything about how they were taken? A. No sir.

Q. Had you seen any man or men before you got struck?

A. I was talking to a good many, I don't know who they were, I could not say who they were.

Q. Did you see any women at that stoop? A. No sir.

Q. What were you doing on your stoop when you got struck, do you remember? A. Going in the house.

Q. In the act of opening the door, you had the key in the door and while you were stooped you received this blow?

A. Yes sir.

Q. Did you fall on the stoop from the effects of the blow?

A. Yes sir.

Q. You knew nothing until the officer brought you into the house? A. No sir, nothing at all.

Q. Did you shout? A. I might have hollered I suppose on account of being hit.

CROSS EXAMINED by Mr. Oliver.

Q. Where do you say you live? A. No. 240 East 5th Street.

Q. How far away is that from Second Avenue? A. I judge that is about in the middle of the block, pretty near in the middle of the block.

Q. You say you saw your money about half or three quarters of an hour, as far as you can remember the time, at Second Avenue? A. Yes sir.

Q. You only had half a block to go to get home from Second Avenue? A. Yes sir, that is about all.

Q. You had seen your money in Second Avenue? A. Yes sir.

Q. Where did you go when you left Second Avenue before you went to your house? A. Started up home.

Q. Where did you go from Second Avenue to your house, did it take you half or three quarters of an hour, that is what I want to know, let us understand it? A. Yes sir.

Q. You started from Second Avenue knowing you had this money and watch? A. Yes sir.

- Q. Where did you go after you left Second Avenue before you went into this house? A. I stood at the corner awhile on Second Avenue, as far as I can remember, I was under the influence of liquor at the time, I cannot just exactly remember the time and the minutes.
- Q. You stood on the corner some time? A. Yes sir.
- Q. Talk to anybody? A. No sir.
- Q. Did anybody speak to you? A. No sir, not as I know of.
- Q. If there had you would have known? A. Hardly.
- Q. Hardly? A. No sir.
- Q. How do you know you had your watch and chain?
- A. I am generally in the habit of feeling for that the last thing, drunk or sober.
- Q. You have no recollection of having spoken to anybody or anybody speaking to you? A. No sir.
- Q. What distinct recollection had you that you had your watch except the general fact that you look for your watch?
- A. I had the chain and I have got the chain yet and the watch was gone.
- Q. I mean at Second Avenue? A. At Second Avenue coming down home I had my hand on my money in my pocket.
- Q. Is there any saloon between Second Avenue and your house?
- A. No sir, not from Second Avenue.
- Q. You met nobody at all at that time, did you?
- A. No sir, not as I know of.
- Q. You stood on the corner after you had your watch?
- A. Yes sir.
- Q. After you knew you had your watch for how long before you went home did you stand there? A. I should judge about half an hour, somewhere around that to the best of my

5

knowledge.

Q. What time were you in Second Avenue? A. I guess it was about half past one or twenty-five minutes to two, it was a few minutes of two when I got to the door.

Q. What time were you at Second Avenue? A. About half past one I guess or twenty-five minutes to two.

Q. Wasn't it nearer twelve? A. No sir, it could not be nearer twelve, it was two o'clock when I got home.

Q. Will you just tell me exactly about what time it was that you were in Second Avenue? A. I could not tell you that.

Q. You know you were in the house at two o'clock?

A. Yes sir.

Q. You know that because the officer told you, is that it?

A. That is about it.

Q. Then as far as you know you may have been two hours going from Second Avenue up to your house, you might have been staggering there or sitting down? A. Yes sir.

By Mr. Goff. Q. Do you remember when the officer was taking you from your house to the Station House? A. I remember being in the station house, yes sir.

Q. Don't you remember on the way going there? A. I cannot say that I do.

Q. How had you that watch fastened? A. With a chain, an ordinary plated chain in my vest pocket.

Q. Was there any portion of that watch on your vest?

A. Not the watch, the chain was there.

Q. Which portion? A. It was broken in two places.

Q. The bar was there, was it not? A. No, the bar was not there, the bar was gone.

Q. But other portions of the chain were sticking in your vest?

- A. Yes sir.
- Q. Did you find any portions of the chain on the street?
- A. No sir.
- Q. Do you remember whether you found any portion of the chain?
- A. No, I do not remember anything about it.
- Q. You do not remember anything about it? A. No sir.
- Q. Do you remember identifying this man in the police station as the man that struck you? A. No sir.
- Q. Do you know this man? A. No sir.
- Q. When did you first see him? A. I never saw him before until I saw him in the Station House --- not in the station house, in the Court.
- Q. Then you got to your senses? A. Yes sir.
- Q. Has anyone been to see you talking to you about this case?
- A. No sir.
- Q. You say that your memory now is --- or that your condition is that your memory fails as to what took place after you were struck? A. Yes sir.
- Q. You were unconscious you say? A. Undoubtedly, yes sir.
- Q. You cannot now remember what you said or what you did?
- A. No sir, I cannot.
- Q. But you had this piece of broken chain upon your vest?
- A. Yes, I did.
- Q. You are positive you had this money and watch upon your person? A. Yes sir, positive of that.

WILLIAM A. JONES sworn and examined.

By Mr. Goff. Q. You are an officer of police? A. Yes sir.

Q. Attached to what precinct? A. Fourteenth.

Q. Do you remember the night of the 26th of October last?

A. Yes sir.

Q. Were you on duty in 5th Street? A. Yes sir.

Q. Do you know the house No. 240? A. Yes sir.

Q. Were you near that house about two o'clock in the morning.

A. I was about three doors below on the opposite side of the street.

Q. On the opposite side of the street? A. Yes sir.

By the Court. Q. Towards First or Second Avenue? A. Towards Second Avenue between Second Avenue and the Bowery.

By Mr. Goff. Q. About two o'clock in the morning did you see this complainant come down the street? A. Yes sir.

Q. Tell us what you saw? A. He came down the street from towards the Bowery and these two men were behind him, and when he went up the stoop and was trying to unlock the door -----

By the Court. Q. What two men? A. The prisoner and the man that got away, about two o'clock.

Q. Two men behind him, is that it? A. Yes sir, the complainant went up the stoop and was trying to unlock the door and they pulled him off the stoop.

By Mr. Goff. Q. When the complainant went up the stoop to unlock the door did the two men who were following him when you first saw him, follow him up the stoop? A. They stopped right in front of the stoop.

Q. They stopped in front of the stoop? A. Yes sir.

- Q. Is it a high stoop? A. No sir, it is a short stoop about five steps.
- Q. And they stopped and he went up in the act of opening the door with his key? A. Yes sir.
- Q. Now go on? A. They pulled him off the stoop and the prisoner hit him.
- Q. The two men pulled him off? A. Yes sir.
- Q. What were they doing, what did they do in pulling him off? What did you see them do, describe it as near as you can?
- A. It was a kind of scuffle, at first I thought they were fooling.
- Q. Never mind about your thoughts, Officer, did the two men have the Complainant between them? A. Yes sir, one on each side of him.
- Q. And what did they do, did they push or drag him around there? A. They were kind of dragging him.
- Q. Between the two? A. Yes sir.
- Q. While they were dragging him you remained in this doorway, did you? A. Yes sir.
- Q. And what did you see next? A. The prisoner hit him and then he ran.
- Q. The prisoner struck the complainant? A. Yes sir.
- Q. Did the other man run? A. Yes sir.
- Q. The two men ran? A. Yes sir.
- Q. Did they run in the same direction or in opposite directions? A. In opposite directions.
- Q. What became of the Complainant when he was struck?
- A. He lay on the sidewalk.
- Q. He fell? A. Yes sir.
- Q. What did you do, Officer? A. I ran after the prisoner

and caught him.

- Q. You ran after one of the men who ran away? A. Yes sir.
- Q. In what direction did that man run away that you followed?
- A. He run towards Second Avenue.
- Q. Did the other man run towards First Avenue? A. Towards the Bowery.
- Q. Did you keep in view the man who ran away? A. Yes sir.
- Q. From the time that he started to run until you arrested him and is that man the prisoner at the bar? A. Yes sir.
- Q. Did you ever let him out of your sight from the time that you saw him strike the complainant and run until you arrested him? A. No sir.
- Q. He was never out of your sight? A. No sir.
- Q. Before you finally succeeded in arresting him had you your hands upon him in the course of the chase? A. Yes sir.
- Q. How many times if more than once? A. Twice.
- Q. Where did you get your hands first upon him? A. On the corner of Second Avenue and 5th Street.
- Q. What occurred there? A. In turning the corner he run me against a telegraph pole.
- Q. What occurred to you when you were run against a telegraph pole by the Defendant? A. I cracked two ribs.
- Q. What did you do after that? A. I caught him again at 4th Street.
- Q. He broke away from you did he, at the telegraph pole?
- A. Yes sir.
- Q. You started in pursuit again and you caught up with him at 4th Street finally? A. Yes sir.
- Q. You held on to him there, did you? A. No sir, he got away from me there.

By the Court. Q. Fourth Street and Second Avenue? A. Yes sir.

By Mr. Goff. Q. When you caught him at 4th St. what occurred?

A. He wrenched away from me there.

Q. He wrenched away from you again? A. Yes sir.

Q. And when he wrenched away what did you do? A. He ran down Second Avenue to 3rd Street and he ran from 5th to 4th.

Q. And continued running down? A. Yes sir.

Q. And when you reached 3rd Street what did you do? A. I turned up 3rd Street to the Bowery.

Q. And where did you catch him? A. I caught him in front of the school in 3rd Street between 2nd Ave. and the Bowery.

Q. Did he break away from you then? A. No sir.

Q. You held on to him there? A. Yes sir.

Q. When you finally held on to him did you say anything to him, Officer? A. I told him I would take him back and see what he had done to that man.

Q. Did he say anything to you? A. No sir, he did not say anything there.

Q. Did not say any word at all? A. No sir.

Q. On your way back to 5th Street did he say anything to you or did you say anything to him? A. No sir, I did not charge him with anything there.

Q. Did you say anything? A. I asked him what he hit the men for.

Q. What did he say? A. Nothing.

Q. Did not make any answer? A. No sir.

Q. When you got back to 5th Street what occurred at 5th St.?

A. I found the man there.

Q. The man who was yet lying on the sidewalk was the complainant.

- A. Yes sir.
- Q. What did you do, Officer? A. I had two citizens help this man to the Station House.
- Q. Help the complainant? A. Yes sir.
- Q. Did he appear to be insensible? A. He was lying there when we came back, kind of dazed, he could not speak.
- Q. Did you notice any wounds upon him? A. Yes sir.
- Q. What were they? A. He was cut over the eye and cut along here (pointing to the face), over the left eye.
- By the Court. Q. Over and under? A. Yes sir, over and under.
- By Mr. Goff. Q. Were the cuts bleeding freshly? A. Yes sir, I saw there was blood on the sidewalk.
- Q. Blood on the sidewalk where he was lying? A. Yes sir.
- Q. Did you notice his clothing, did you notice his vest, for instance? A. Yes sir.
- Q. Did you notice any chain or anything attached to his vest?
- A. There was a small portion of the chain and the bar hanging on the vest.
- Q. Appeared to have been broken? A. Yes sir.
- Q. Did you notice anything on the sidewalk on your way to the Station House? A. When we came back from the Station House we found a piece of chain on the sidewalk.
- Q. Did you bring him back from the Station House to his lodging house? A. Yes sir, and his key was in the lock of the door then when I brought him back from the Station House.
- Q. The key was in the door? A. In the lock of the door.
- Q. You say there was something found on the sidewalk on your return? A. Yes sir.

- Q. Was it a piece of chain broken? A. Yes sir.
- Q. Did it correspond with the bar that remained in his vest?
- A. Yes sir.
- Q. Did he identify that in your presence at the time as a piece of the chain which belonged to his watch?
- A. Yes sir.
- Q. Did he, the complainant, say anything about having been robbed? A. He said that this was the man that struck him in the Station House and robbed him.
- Q. And robbed him? A. Yes sir.
- Q. Did he say anything about how much money had been taken from him or what had been taken from him? A. He said he had seven dollars in money and this watch.
- Q. And a silver watch? A. Yes sir, a silver watch.
- Q. Was there any remark passed at the Station House about the bar and chain? A. No sir.
- Q. But on your return you say he found a piece of the chain on the sidewalk and identified it as part of the chain belonging to his watch? A. Yes sir.
- Q. You left him in his lodging house? A. Yes sir.
- Q. Did he say anything at the Station House when the complainant charged him with having struck and robbed him?
- A. He denied doing it.
- Q. Just give us his words as near as you can? A. He said, that one of them kicked him, one of the men kicked him, and that was what made him run.
- Q. The prisoner said that? A. Yes sir, that is the excuse he made.
- Q. He said that one of the two men kicked who?
- A. Schmidt said that one of these two men kicked him and that was what made him run.

- Q. Either the complainant or the other man that got away had kicked him and that was what made him run? A. Yes sir, that is the only excuse he made.
- Q. Did he say anything about the robbery, about the taking of the money? A. No sir.
- Q. Nothing further was said? A. No sir.
- Q. Were you present the next morning in the Station House?
- A. Yes sir.
- Q. Did you ever see Schmidt before? A. No sir.
- Q. You saw Schmidt sign his name to the examination paper, did you? A. Yes sir.
- Q. Is that the paper he signed? (Paper shown.) A. Yes sir.
- Q. That is his signature? A. Yes sir.

CROSS EXAMINED.

- By Mr. Oliver. Q. Officer, how many people were there that night about the time of this occurrence, two or three or five or six? A. There was three.
- Q. Three all told together? A. Yes sir.
- Q. Was there any others who were not with them there on the sidewalk? A. No sir.
- Q. How far away from Second Avenue is this lodging house?
- A. There is a corner house and then it is the third house from the corner.
- Q. The third house from the corner house? A. Yes sir.
- Q. When did you first see the complainant Birnbaum?
- A. I saw him coming down the street.
- Q. How long before he was assaulted? A. At the time he was assaulted.
- By the Court. Q. Counsel wants to know how long before the moment of the assault had you seen him? A. It was not over a couple of minutes.

- Q. Was it that long? A. No sir.
- By Counsel. Q. Did these people whom you saw with Birnbaum get hold of him at the corner or only at the stoop?
- A. At the stoop.
- Q. At the foot of the stoop while he was going up or at the top of the stoop? A. He was unlocking the door when they took hold of him.
- Q. And then they went up and got hold of him, is that it?
- A. They could reach him from the sidewalk.
- Q. They could reach him from the sidewalk? A. Yes sir.
- Q. The stoop is only two or three steps high?
- A. No sir, it is a stoop of about five steps.
- Q. Did they speak at all to him before they caught hold of him? A. No sir, I did not hear a word spoken.
- Q. How far away were you? A. I was standing under the awning three doors down on the opposite side of the street.
- Q. You heard no words spoken, no words reached you?
- A. No sir.
- Q. Did Birnbaum come down from the stoop at all for even a moment to talk to either of those men? A. No sir.
- Q. Did he tell you anything after he came down off the stoop, did you see him wrangling off the stoop? A. Yes sir.
- Q. What did he do, did he strike anybody? A. No sir.
- Q. How was he wrangling in what way, was he doing anything?
- A. He appeared to be pulling up the stoop when they were pulling him off the stoop.
- Q. Did he have either of his hands free? A. Both hands were free --- they had hold of his coat.
- Q. And he had hold of what? A. His hands were swinging and he tried to catch hold of the side of the stoop, the railing.

Q Did they pull him down before they struck him?

A. Yes sir.

Q. So then he was on the sidewalk when he got struck?

A. Yes sir.

Q. Did he strike anybody at all? A. No sir.

Q. How was he struck, from the rear side or from the front?

A. From the front.

Q. In the front? A. Yes sir.

Q. You say that he was pulled down by the coat while he was trying to open the door on to the sidewalk? A. Yes sir.

Q. Did they turn him around or did they go in front of him and strike him? A. This man Schmidt ----

Q Answer that question, did they turn him around?

A. Well, he could hit him without being square in front of him.

Q. Did they turn him around before they struck him?

A. No sir, he was on the left side.

Q. On which side was the defendant here? A. On the left side.

Q. He was on the left side and the other man was on his right side? A. Yes sir.

Q. When they pulled him off the stoop did you go over?

A. When I saw him up I went.

Q. You did not go over before? A. No sir.

Q. While they were struggling and trying to get in you did not go over? A. I did not go over until I saw him struck and he fell.

Q. How long was it between the time he came down off the stoop and was struck, how long a time elapsed?

A. It was done very quick.

- Q. Was it within five minutes? A. It was done inside of a quarter of a minute.
- Q. Inside of a quarter of a minute? A. Yes sir.
- Q. So that the pulling off the steep was almost simultaneous with the striking? A. Yes sir.
- Q. Did you stand in front of this man to prevent him running towards Second Avenue? A. He ran towards me, I tried to head him off by running across the street but he dodged me
- Q. He ran towards you first? A. Yes sir.
- Q. You were down towards First Avenue? A. I was towards Second Avenue from him, it was between 2nd Avenue and the Bowery.
- Q. And he ran towards Second Avenue? A. Yes sir.
- Q. And did you speak to him? A. No sir, not until I was running down Second Avenue; I told him to stop or I would shoot him.
- Q. But you had not spoken to him when you saw him on 5th St.
A. No sir.
- Q. You did not say when you were going over to arrest him, "you are my prisoner"? A. No sir.
- Q. It was only when he was running? A. No sir.
- By the Court. Q. Where was that, Officer? A. Between Third and Fourth Streets on Second Avenue.
- By Counsel. Q. Now isn't it a fact that he was ahead of you and you were chasing another man? A. No sir.
- Q. And then you run across him? A. No sir, I did not meet a person in the whole distance.

JOHN BIRNBAUM recalled by Mr. Goff.

- Q. Do you know how much money you had in your pocket when you started out that night? A. I had fifteen dollars when I left work.
- Q. How do you fix the sum about that you had in your pocket?
A. I had several little things, little bills that I had to pay, one thing or another, on account of drink and one thing and another, I know the last time I counted the money it was over seven dollars.
- Q. When do you remember that? A. I remember that I guess about twelve o'clock as near as I can remember.
- Q. Do you know where that was? A. No sir.
- Q. After twelve o'clock did you spend much money?
A. No sir, I did not spend much money, there was no place open to get in.
- Q. The Excise Law was obeyed that particular night?
A. Yes sir.
- Q. What pocket did you have the money in? A. The left hand pocket of the pantaloons.
- Q. In your trousers pocket? A. Yes sir..
- Q. You put it all in together? A. Yes sir, I never carry a pocketbook, I put it all in together.
- Q. And when you came to your consciousness that night you had no money in your pocket? A. No money at all.
- Q. Not a cent? A. No sir.

WILLIAM A. JONES recalled by Mr. Goff.

- Q. When you arrested the defendant did you search him?
A. I searched him in the Station House.
- Q. Did you find anything upon him? A. He had sixty-seven

cents and he had a large key and a chain in his pocket, it was a large clasp key, one of these keys that clasp.

Q. A clasp key? A. Yes, I call it that, it folds up.

Q. Did you take that key? A. No sir, I left it on his person, the Sergeant said he did not need it.

The Defendant produced a key.

Q. This was the key that you found upon him? A. Yes sir.

Mr. Goff: That is the case, your Honor.

The Case for the Defence.

Counsel: I do not suppose there is any question of robbery in this matter, nothing but assault; I submit that to the Court as matter of fact.

The Court: I will deny the motion as matter of law.

Counsel: The Defendant asks that the Court direct the jury to acquit of the robbery, there being no evidence that the complainant had any money on his person or property at the time of the assault.

The Court: The Court denies the motion and the Defendant's Counsel excepts.

Counsel for the Defence opened the case to the Jury.

JOHN SCHMIDT sworn and examined.

By Counsel. Q. Where do you live, Schmidt? A. I live now, I took a room in Essex Street, 120, Saturday and the night before I was stopping in a lodging house.

Q. What is your business? A. I am a cook.

Q. The night that you were arrested where did you live?

A. That night I took a room, this day Saturday, and I was on Friday in a lodging house.

19

Counsel: Mr. Interpreter, ask him, we will get at it much better.

Witness: I did not go to bed that night, I went to a newspaper office early in the morning.

Q. Where did you leave that night? A. 120 Essex Street, I hired a room.

Q. When did you leave your place? A. I left the room at two o'clock in the afternoon to look for a place.

Q. Were you at 7th Street and Avenue A that night?

A. Yes sir, I was there in the Park, 7th St. and Avenue A.

Q. What time did you leave there? A. I left there about five minutes before two in the morning.

Q. Where did you go to from there, where did you intent to go to? A. I was just going up Avenue A and 5th Street, along 5th Street to the Bowery and down to the post-office.

Q. What for? A. To look at a newspaper advertisement for a place.

Q. Just tell us then what happened when he got to Second Ave.?

A. I came up to 5th Street and when I got near Second Avenue there was two young men standing there with Mr. Birnbaum; one of those two said to me, "what in the hell are you standing here for"; and he gave me a kick and I walked away.

Q. Go on with the story and tell the rest of the story now?

A. I walked away a little ways and somebody came running behind me and I started to run, I did not pay no attention who it was; all at once a policeman hit me twice over the head with his club.

Q. Did the policeman get hold of you at all at 5th Street.

A. No, he knocked me down, he did not get hold of me.

Q. How long did you stay down before you got up?

- A. About fifteen minutes or so, about ten or fifteen minutes.
- Q. When you got up what did you do? A. I could not see nothing, my eyes were all turned around.
- Q. What did he do, I did not ask him what he said?
- A. He picked me up and took me to the Fifth St. station house; they searched me there and the Captain asked him if I was drunk and the officer said no.
- Q. Did you run down Second Avenue with the officer as far as Third Street and were you arrested in Third Street?
- A. I ran away, I do not know how far I ran, I was knocked down then and I went down Fifth Street.
- Q. Do you know whether you ran away from Fifth Street and Second Avenue to Third Street and Second Avenue before you were knocked down? A. I ran away but I could not tell how far.
- Q. Did you strike Birnbaum? A. No sir, I tell you I did not do anything.
- Q. Did you pull him down off the stoop? A. No sir.
- Q. Did you help a man to pull him down off the stoop?
- A. No, I had nothing to do with those people.
- Q. Did you know any of the men that were there, Birnbaum or the other man? A. I did not know any of them.
- Q. Did you get any of Birnbaum's money? A. No sir.
- Q. Did you get his watch or break his chain? A. I had nothing to do whatever with it.
- Q. Were you ever arrested before? A. No sir.
- Q. Where did you work before you were arrested?
- A. I stopped work just a week before that, I was working for Mr. Tate in 34th Street.
- Q. How long were you working there? A. I worked there about

a week or eight days.

Q. Had you worked in Staten Island or Brooklyn?

A. In Brooklyn I worked.

Q. How long? A. Three months --- Staten Island I worked last summer and all last year in South Beach in the Washington House and for Mr. Gebardt and for Mr. Rinicar; I was at sea the most of the time before that.

CROSS EXAMINED by Mr. Goff.

Q. How long are you in America? A. Since 1883, five years.

Q. Was it to New York you came first? A. On the 26th of June when the Brooklyn Bridge was opened I came here.

Q. What did you go to work at when you came here? A. I commenced as dish washer in th Bowery somewhere. I could not tell any more.

Q. How long did you remain in the Bowery as dish washer?

A. I worked there six weeks, and then I went on a farm at Worcester, near Boston.

Q. How long did you remain on the farm? A. I worked there about six or eight weeks and a butcher took me along in Worcester and I worked for the butcher.

Q. How long did you work for the butcher in Worcester?

A. Nine or ten months, then I received a letter and I went back to Germany.

Q. Where in Germany? A. Bavaria.

Q. How long did you remain in Bavaria? A. About four months I remained there and then I went to England.

Q. How long did you remain in England? A. I worked there two years at one place, that is where I learned the cooking

Q. Where? A. In Sheffield, with Mr. Schaffer, Birmingham Hotel.

- Q. When he left Sheffield did he come to America?
- A. No, I got a letter from my sister from America and I went back to Germany again.
- Q. How long did you remain in Germany? A. I was gone about three or four months.
- Q. Where did you go from Germany the second time?
- A. I went to sea to South America, I went as fireman.
- Q. How long have you been in New York the last time?
- A. About two years.
- Q. For whom did you work in New York? when you came here the last time, for whom did you work first? A. I worked in 69 Bleecker Street.
- Q. At what business? A. Restaurant with Mr. Lucas.
- Q. How long did you work for Lucas? A. Two months.
- Q. How many places have you worked in New York altogether since you have been here the last time? A. About six or seven places, I also worked at the Stonington Line.
- Q. Did you ever work at anything in New York during the past few years except in a restaurant or at cooking?
- A. I worked in a factory in Brooklyn where they make Paris Green and got ten dollars a week there.
- Q. Where were you last boarding or living before this night when you were arrested? A. I slept one night, Friday night at the Windsor.
- Q. That was the Friday night before you were arrested?
- A. From Friday to Saturday.
- Q. Had you taken a room at one place for Saturday night?
- A. On Saturday I rented a room at 120 Essex Street.
- Q. Did you go to that room on Saturday night? A. I took my things there and changed my clothes.

- Q. What time of day? A. It was about noon time and I stayed there until about two or three o'clock.
- Q. After you left this room in Essex Street where did you go to at two or three o'clock in the afternoon? A. I went to a friend of mine in Chrystie Street and took my dinner.
- Q. What is his name? A. His name is Fritz, 230 Chrystie.
- Q. After you left Fritz's place in Chrystie Street where did you go? A. I went up 34th Street to find out when I could go to work again.
- Q. After you left 34th Street where did you go? A. I went back again to Fritz's and I sat there until about seven or eight o'clock.
- Q. Where did you go after you left Fritz's at seven or eight o'clock? A. I asked him if he did not know a place for me? He said no, I had better look at the Staats Zeitung.
- Q. Did you leave Fritz's place at six or seven o'clock? to go to the Staats Zeitung? A. I went taking a walk then.
- Q. Where did you take a walk? A. I went up to the Park at 7th Street and read the papers.
- Q. Read the papers in the Park, is that it? A. Yes sir.
- Q. How long did you remain in the Park? A. I went back to Fritz again and I stayed there until twelve o'clock.
- Q. After you left Fritz's at twelve o'clock where did you go?
- A. I went back to the Park again, I did not want to go home to go to bed because I wanted to go down town.
- Q. Why didn't you go down from Fritz's? A. It was too lonesome because I could not get the papers.
- Q. Then you went up to sit in the Park, is that it?
- A. I fell asleep there.

- Q. What time did you start from the Park, do you know?
- A. A little before two.
- Q. What street did you leave the Park at? A. I went up towards Fifth Street.
- Q. Ask him what street was it that he left the Park, was it 7th, 8th,, 9th or 10th , what entrance?
- A. Corner of Avenue A and 7th Street at the end of the Park.
- Q. Did you go along Avenue A? A. I walked on Avenue A to Fifth Street.
- Q. Why did not you walk down Avenue A all the way to the Staats Zeitung building? A. Oh, I thought probably somebody might look out of the window at my brother-in-law's.
- Q. Where is your brother-in-law's? A. He lives in 438 1/2 Fifth Street, the second house from the corner of Avenue A.
- Q. And you were afraid that somebody would look out of the window at two o'clock in the morning,, is that it?
- A. I passed there, I thought probably my brother-in-law might look out.
- Q. Why did not you go up 7th Street and not 5th Street if you wanted to avoid your brother-in-law, was it because you expected that someone would look out of your brother-in-law's window that you turned up Fifth Street and Avenue A?
- A. I just walked up, I thought probably he might call me.
- Q. Why did not you go up 7th Street and not go near your brother-in-law's house in Avenue A? A. I did not think.
- Q. What occurred to you when you walked up Fifth Street?
- A. I walked straight ahead up Second Avenue.

- Q. Whp was the man that was with you that night, what was his name? A. I was all alone.
- Q. Did you meet anyone at all that you knew? A. I did not meet anybody.
- Q. Did you meet anyone on Fifth Street? A. No one which I knew.
- Q. Did you meet anyone at all whether you knew them or not?
A. I seen Mr. Birnbaum and those two men, that is all I know
- Q. What two men? A. I do not know the men.
- Q. What were they doing? A. They were holding Mr. Birnbaum; they turned around and said, "what in the hell are you standing here for?" And gave me a kick.
- Q. Did you stand there? A. I stood there about a minute or two.
- Q. What did you stand for? A. I did not know what was the matter.
- Q. What was your business atanding there if you did not know those men, at that hour in the morning? A. I just wanted to walk away again.
- Q. What were the men doing to Birnbaum? A. I could not tell exactly, I did not pay much attention.
- Q. But you stayed there a couple, of minutes you say, to see what was the matter? A. One held him and the other one gave him a kick, I turned around and walked away.
- Q. Where did he kick you? A. In my back.
- Q. When he kicked you you did not run? A. No, I just walked away quietly.
- Q. And after the man kicked you what became of Birnbaum, do you know? A. All at once I noticed somebody was running behind me and I started to run too.

- Q. What made you run? A. I thought probably that fellow wanted to do something to me too, wanted to fight.
- Q. Did you look behind to see who was after you? A. No, I never turned back.
- Q. Where did you run? A. I was running along Second Ave.
- Q. Did not you see it was a policeman that was following you?
A. I never turned around.
- Q. Did not you turn around when you swung him at the telegraph pole at the corner of 5th St. and Second Ave.?
A. I did not notice him.
- Q. Did not you swing the man that followed you around against the telegraph pole? A. Somebody ran around there but I did not know who it was.
- Q. Did you see anybody knock up against the telegraph pole while you were running? A. Somebody was running behind me, I did not know who it was.
- Q. Did anyone lay hands upon you while you were running?
A. I could not tell that exactly.
- Q. Was it the same person who started to run after you in 5th Street that continued to run after you in Second Avenue into Third Street? A. I do not know, I could not tell that exactly.
- Q. Who was it caught you in Third Street? A. All at once I laid there on the sidewalk, that is all I know, they took me out and took me to the station house.
- Q. Do you know who picked you up? A. The officer.
- Q. What made you lie on the sidewalk? A. He hit me twice over the head and knocked me down.
- Q. Was it the officer struck you? A. Yes sir.
- Q. Did you see him strike you? A. I lay down, he bent

over, that is when I seen him.

Q. Do you remember when you were brought to the station house this key being taken from you? A. No, all they took away from me is my key.

By the Court. Q. Was the key found on you? A. Yes sir, that was on me.

By Mr. Goff. Q. Do you remember the captain at the desk asking you how you came by this key, how you got it?

A. No, they gave me everything back again, my money and everything else.

Q. Ask him if he remembers the sergeant at the desk or the captain asking him how he came by this key, where he got it? A. No, he did not ask me.

Q. Did not the Captain ask you how you came by this key and you refused to answer, refused to say anything at all about it, is not that true? A. The officer came down in the cell and asked me to give him that small key and I gave him that small key.

Q. Is this the key that you gave him? (Key shown to witness.)

A. No sir.

Q. Where did you get this? A. I have got it a good while.

Q. Where did you get it? A. When I was working I found it.

Q. Where did you find it? A. When I was working at the Providence Line I found it on the steamer.

Q. You found this key on a steamer? A. Yes sir.

Q. How long ago is it since you found this key on the steamer

A. Over a year.

Q. Had its chain upon it when you found it? A. No sir, the chain was not on.

Q. Why did you put the chain on and fasten it to your trousers after you found this key and carry it around with you for

a year? A. I wore it as a watch chain.

Q. Could not you have worn a chain without the key if you wanted to wear it as a watch chain? A. Oh, I could not have worn it but I just put it there for fun.

Q. Did you ever use this key? A. No sir.

Q. Just show the Jury how you had that key the night you were arrested? (The witness showed the Jury.)

Q. That is how you had the key the night you were arrested?

A. Yes sir.

Q. Have you carried that key for a year? A. I always had it on my watch chain because I had no watch.

Q. Ask him if he carried it for a year? A. Only a few weeks I have been wearing it.

Q. How long is it since you found it, you said about a year ago. A. I kept it home on the table, all around the house.

Q. You found it about a year ago, did you not?

Objected to as irrelevant.

A. Six months I said.

Q. Had you ever a watch on this chain?

Objected to as immaterial and irrelevant.

Objection overruled. Exception.

A. No sir.

Q. Where did you get that watch swivel? A. I got that in the Tombs.

Q. Since you have been arrested? A. Yes sir.

MARGARET SCHMIDT sworn and examined .

- By Counsel. Q. Are you married? A. Yes sir.
- Q. What is your husband's name? A. Jacob Schmidt.
- Q. And where do you and your husband live? A. 438 1/2 5th St.
- Q. Near what avenue? A. Near Avenue A.
- Q. Is this man your brother-- the defendant? A. Yes sir.
- Q. And how long is he in this country, if you remember?
- A. He is here five years --- four years at sea.
- Q. What business does he follow? A. He is a cook.
- Q. Was he ever a cook on any steamship? A. Yes sir.
- Q. What? A. On the Eider, the Werra and Lahn, the North German Lloyd.
- Q. Do you know whether he was ever arrested in his life for anything? A. No sir, he never was arrested.
- Q. Did he work in Staten Island, do you know? A. Yes sir.
- Q. Did he work in Brooklyn? A. Yes sir.
- Q. When in Brooklyn? A. About two months ago he worked in Brooklyn.
- Q. When did he work in Staten Island? A. About the beginning of July.

CROSS EXAMINED by Mr. Goff.

- Q. The house that you live in in Fifth Street is to the west of Avenue A, is it not? A. Yes sir.
- Q. How long has this prisoner been in New York the last time, how long has he been continuously in New York?
- A. It is about two years because he was always running on the steamers to Providence.
- Q. Do you know if he ever worked in Philadelphia?
- A. Yes sir.

¶

- Q. How long ago is that? A. About a year ago.
- Q. Where did he work there? A. I could not tell, I only got letters from there, I do not know where he worked.
- Q. Did not he tell you where he worked in Philadelphia?
- A. No sir.
- Q. Did you ever know of him to be in prison? A. Yes sir.
- Q. Where? A. I got a letter from Essex Market.
- Q. Was it in this case? A. Yes sir.
- Q. But before this case did you ever know him to be arrested?
- A. Never.

Counsel: That is the case for the defence.

JOHN SCHMIDT recalled by Mr. Goff.

- Q. Do you remember the Sergeant at the police station asking you where you had come from? A. Yes sir.
- Q. What answer did you make to him? A. He asked me for my home.
- Q. What did you say? A. I told him the same as I said before I was looking for a place and I slept one night in a lodging house.
- Q. Did not you tell him that you had only just got here from Philadelphia one day? A. Yes sir, I told him I arrived on Friday.
- Q. From Philadelphia? A. Yes sir.
- Q. Was that true? A. Yes sir, I was only there four days and I had no more money to stay and came back to New York.

The Jury rendered a verdict of guilty of robbery in the first degree.

151

0534

Testimony in the
case of
John Schmidt

Filed
Nov. 1890.

0535

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 Schmidt

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

of the CRIME OF ROBBERY in the first degree, committed as follows:

The said John Schmidt,

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

one watch of the value of four dollars

and the sum of seven dollars in money,

lawful money of the United States of

America and of the value of seven

dollars,

of the goods, chattels and personal property of the said John Bindbaum, from the person of the said John Bindbaum, against the will, and by violence to the person of the said John Bindbaum, then and there violently and feloniously did rob, steal, take and carry away, the said

John Schmidt being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid as yet 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.

John R. Fellows, District Attorney

SECOND COUNT—

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

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

The said

late of the City of New York, in the County of New York aforesaid, on the
day of _____ in the year of our Lord one thousand eight hundred
and eighty- _____ at the City and County aforesaid, with force and arms,

of the goods, chattels and personal property of

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

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

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.

JOHN R. FELLOYS,
District Attorney.

0537

BOX:

418

FOLDER:

3864

DESCRIPTION:

Schmidt, John

DATE:

11/20/90



3864

0538

168

Witnesses;

Counsel,

Filed

Lo For 1890

Pleads,

THE PEOPLE

vs.

John Schmitt

*23
196
Chamber*

Grand Larceny (degree)
[Sections 628, 59] — Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. J. Benjamin

Nov 21 1890 Foreman.

Charles J. [unclear]

172 [unclear] 1890

0539

Police Court 4th District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Leopold Rosbach
of No. 43 East 75th Street, aged 37 years,
occupation Importer being duly sworn,
deposes and says, that on the 11th day of November 1890 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 overcoat of the value of
about thirty 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 Schmidt (now here) for
the reason that said property
was taken, stolen and carried
away from the above premises
and the defendant having been arrested
on suspicion of having committed
a number of larcenies and the
defendant acknowledge and
confessed that he stole said
property and informed deponent
that he had pawned it with one
S. A. Blatto at 1295 Third Avenue
where deponent found the coat and
identified it as his property.

Leopold Rosbach

Sworn to before me, this 13 day

of November 1890

W. B. ...
Police Justice.

0540

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *John Schmidt*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *196 Chrystie St. 2 days*

Question. What is your business or profession?

Answer. *Driver*

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

Answer. *I am not guilty*
John Schmidt

Taken before me this *13*
day of *November* 18*96*
H. J. Mahoney

Police Justice.

0541

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

1916
Police Court... 4 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Joseph R. ...
42 re ...
John Schmidt
Offence: Grand Jurors

Dated Nov 13 1890

Magistrate
Gunnison
Precinct 25

Witnesses
Officers
No. _____ Street.

No. 286
John Huber
Street.

No. 1007
to answer
Street.



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

defendant

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

Dated *Nov 13 1890* *A. Gunnison* 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.

0542

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 Schmidt

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

John Schmidt

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

The said

John Schmidt,

late of the City of New York, in the County of New York aforesaid, on the *eleventh* day of *November* in the year of our Lord one thousand eight hundred and *ninety*,
_____ , at the City and County aforesaid, with force and arms,

one overcoat of the value of thirty dollars

[Large decorative flourish]

of the goods, chattels and personal property of one

Leopold Roszbach

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.

*John D. Fellows,
District Attorney*

SECOND COUNT—

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

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

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,

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

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

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.

JOHN R. FELLOWS,
District Attorney.

0544

BOX:

418

FOLDER:

3864

DESCRIPTION:

Schnith, John

DATE:

11/26/90



3864

0545

226

Witnesses ;

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

Counsel,
Filed *26* day of *Nov* 18*90*
Pleads, *Not Guilty (28)*

THE PEOPLE

vs.

P

John Schmith

Burglary in the second degree.

[Section 497, Penal Code]

*53
Baltimore
Park*

JOHN R. FELLOWS,
District Attorney.

A True Bill.

J. J. Pringle
Dec 1/90 Foreman.

Pleads Guilty 2deg
S. P. 5 yrs & 5 mo.
P.B.M.

Police Court 4th District.

City and County } ss:
of New York,

of No. 254 First Avenue Arthur M. Jordan, aged 48 years,

occupation liquor dealer being duly sworn

deposes and says, that the premises No. 400 East 75th Street, 18th Ward

in the City and County aforesaid the said being a Five Story Brick

Building

and which was occupied by deponent as a Dwelling

and in which there was at the time a human being, by name to wit: deponent

were BURGLARIOUSLY entered by means of forcibly opening the

lock on the door leading from the hall

in the front room of said apartments by means of

false keys and pick-locks and opening said

door and passing into said apartments

on the 27th day of November 1899 in the day time, and the

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

A quantity of Household Goods,

clothing, Jewelry and Money of the

value of Two Hundred Dollars

(\$500.00)

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 attempted to be property taken, stolen and carried away by

John Edmuth (now here)

for the reasons following, to wit: that at about the hour of

10 A.M. on the aforesaid day deponent was

in a room adjoining the said front room and

the door opening into the front room from the

hall was securely fastened and deponent

heard said defendant attempting to open

the door leading from the said front room

to the room adjoining where deponent was,

deponent then immediately went into said

front room and found said defendant there and found said door opened as aforesaid, and deponent did then pursued said defendant into the hall way and seized him and brought him to the 18th Precinct Station House.

Sworn to before me this 5th day of November 1890

Anthony M. Jordan
Police Justice

Dated _____ 188__ Police Justice.

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

Dated _____ 188__ Police Justice.

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

Dated _____ 188__ Police Justice.

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.

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

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1 _____
2 _____
3 _____
4 _____

Dated _____ 188__

Magistrate.

Officer.

* Clerk.

Witnesses, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____

§ _____ to answer General Sessions.

Offence—BURGLARY.

0548

Sec. 198-200.

H District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John Schmitt

Question. How old are you?

Answer. 54 years

Question. Where were you born?

Answer. Germany

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

Answer. No 53 Stanton St - Three months

Question. What is your business or profession?

Answer. Sailor

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 Schmitt

Taken before me this

24

day of March 1888

Charles W. ...

Police Justice.

0549

BAILED,

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

Police Court... 11754
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Anthony M. Spina
234-1st Precinct
John Schmitt
Offence: Burglary

Dated: May 22 1890
Magistrate: Charles W. Smith
Officer: J. A. [unclear]
Precinct: 1st

Witnesses _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

NOV 27 1890
OFFICE OF THE DISTRICT CLERK
DISTRICT OF COLUMBIA

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

Defendant

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

Dated November 23 1890 *Charles W. Smith* 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.

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 Schmidt

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

John Schmidt

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

The said John Schmidt,

late of the Fifteenth Ward of the City of New York, in the County of New York aforesaid, on the twenty-second day of November, in the year of our Lord one thousand eight hundred and eighty-eight, with force and arms, about the hour of ten o'clock in the said time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Anthony M. Jordan,

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: the said Anthony M. Jordan,

within the said dwelling house, with intent to commit some crime therein, to wit: the goods chattels and personal property of the said Anthony M. Jordan,

in the said dwelling house 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,

John A. ...

SECOND COUNT—

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

of the CRIME OF LARCENY committed as follows :

The said

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 time of the said day, with force and arms,

of the goods, chattels and personal property of one

in the dwelling house of the said

there situate, then and there being found, from the dwelling house 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.

THIRD COUNT—

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

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

The said

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, with force and arms,

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

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

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.

JOHN R. FELLOWS,
District Attorney.

0553

BOX:

418

FOLDER:

3864

DESCRIPTION:

Scott, Nellie

DATE:

11/03/90



3864

0554

Witnesses;

after an interview
with the officer I
learn that he
is uncertain
whether Nellie
Scott kept the
house or whether
she was merely an
innate - no con-
-viction therefore can
be had & I ask that
the indictment be
dismissed - Jan 23
J. R. F.

1897
C. P.

Counsel,
Filed 3 (day of) 1897
Pleads Not Guilty

THE PEOPLE

vs.

Nellie Scott

KEEPING A HOUSE OF ILL FAME, ETC.
[Sections 822 and 825, Penal Code.]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

J. E. Bragg
Foreman
Per the Jury January 23/97
Indictment dismissed
Jan 23
J. R. F.

0555

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

Louis McCand

of *the 15 Precinct Police* Street, being duly sworn, deposes and says,

that *Nelle Scott* (now present) is the person of the name of

Nelle Marking mentioned in deponent's affidavit of the *8*

day of *October* 18*90*, hereunto annexed.

Sworn to before me this *9*
day of *October* 18*90*

Louis McCand

Henry Morrison POLICE JUSTICE.

0556

Sec. 323, Penal Code.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Louis McCord
of the 15 Precinct Police ~~Street~~, in said City, being duly sworn says,
that at the premises known as Number 134 Grand Canal Street,
in the City and County of New York, on the 4 day of October 1890, and on divers
other days and times, between that day and the day of making this complaint

Nellie Washington
did unlawfully keep and maintain and yet continue to keep and maintain a House of
Prostitution and did then, and on the said other days and times, there unlawfully procure
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come
together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil
name and fame there to be and remain ~~disorderly, fighting,~~ disturbing the peace, whoring and misbehaving
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and
there passing is habitually disturbed, in violation of the statute in such case made and provided

Deponent therefore prays, that the said Nellie Washington
and all vile, disorderly and improper persons found upon the premises occupied by said
Nellie Washington
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 4 day
of October 1890 Louis McCord

John J. ... Police Justice.

0557

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Nellie Scott*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *134 Macdougall Street 1 year*

Question. What is your business or profession?

Answer. *Keep a furnished Room House.*

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*
Nellie Scott

Taken before me this

John J. ...
1887

Police Justice.

0558

Sec. 151.

Police Court—2 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Louis McCord

of the 15 West 100th Street, that on the 4 day of October
1888, at the City of New York, in the County of New York, Nelle Maslingham

did keep and maintain at the premises known as Number 134 Waverly
Street, in said City, a House of Brothel

and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation
to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there
unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain ~~drinking,~~
~~dancing, fighting,~~ disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency
of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the
statute in such case made and provided.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to Command you, the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the body of the said

Nelle Maslingham
and all vile, disorderly and improper persons found upon the premises occupied by said
Maslingham

and forthwith bring them before me, at the 2 DISTRICT POLICE
COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police
Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 8 day of October 1888

John J. ... POLICE JUSTICE.

0559

Police Court— District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

WARRANT—Keeping Disorderly House, &c.

Dated _____ 188

Magistrate

Officer.

Precinct.

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

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at
night.

John J. Lawrence Police Justice.

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

Dated _____ 188

Police Justice.

The within named

0560

BAILED,
 No. 1, by Leo Van Steendam
 Residence 417 W 42 Street.
 No. 2, by _____
 Residence _____ Street.
 No. 3, by _____
 Residence _____ Street.
 No. 4, by _____
 Residence _____ Street.

Police Court --- 2 District
1561

THE PEOPLE, Ec.,
 ON THE COMPLAINT OF
Sam M. Lewis
Wm. Scott
 1
 2
 3
 4
 Offence See Name

Dated Dec 9 1890

William Flannery Magistrate.
 Precinct 157

Witnesses:
 No. _____ Street.
 No. _____ Street.

No. _____ Street.
 No. _____ Street.

No. 570 Street.
 \$ _____



McDon

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 Leo Van Steendam

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 Dec 9 1890 John J. Morrison Police Justice.

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

Dated Dec 9 1890 John J. Morrison 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.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Nellie Scott

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

Nellie Scott

(Sec. 322, Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said

Nellie Scott

late of the *15th* Ward of the City of New York, in the County of New York aforesaid, on the *fourth* day of *October* in the year of our Lord one thousand eight hundred and *ninety*, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Nellie Scott

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, 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

Nellie Scott

(Section 335, Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

Nellie Scott

late of the Ward, City and County aforesaid, afterwards, to wit: on the *fourth* day of *October* in the year of our Lord one thousand eight hundred

and *ninety*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* said house, for *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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.

THIRD COUNT.—

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

Nellie Scott

(Section 322
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

Nellie Scott

late of the Ward, City and County aforesaid, afterwards, to wit: on the *fourth* day of *October* in the year of our Lord one thousand eight hundred and *ninety* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *her* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

JOHN R. FELLOWS,
District Attorney.

0563

BOX:

418

FOLDER:

3864

DESCRIPTION:

Scott, Rose

DATE:

11/20/90



3864

Witnesses;

Counsel,

Filed

day of

1890

Pleads,

163 JB

29th of
March '90

THE PEOPLE

vs.

Rose Scott

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

JOHN R. FELLOWS,

District Attorney.

Dec 11 90

A True Bill.

J. J. Higgins

Foreman.

Part III January 7/91

Defendant discharged on her verbal req.

I believe that
the complainant
has been spirited
away & there
has been a
dozen attempts
to find complainant
on motion of
Counsel to discharge
defendant on her
own recognizance &
make no appearance
Jan 7/91 J. J. Higgins

0565

Police Court 2 District.

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

of No. 354 West 50 Mary Jones Street, aged 29 years,
occupation Cook being duly sworn

deposes and says, that on the 7th day of November 1880 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by
Rose Scott (now here)

who cut and stabbed a wound
in the head and face with a
knife she held in her hands

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

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

Sworn to before me, this 7 day }
of November 1880 } Mary Jones
Cook

J. M. [Signature]
Police Justice.

0566

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Rose Scott 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. *Rose Scott*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Savannah Ga*

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

Answer. *236 West 41 Street 3 months*

Question. What is your business or profession?

Answer. *Laund*

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

Answer. *I did not cut her. I struck
her with a Stone, she assaulted
me. I run away from her,
and she perjured me*

Rose Scott

Taken before me this

day of *November* 1885

J. H. ...
Police Justice

0567

Police Court... 2-16/8 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary Jones
209 W. 34th St
New York City
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
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

Offence *preach felonies*

Dated *Nov 7* 188*8*

Magistrate *W. H. Miller*
Officer *Miller*
Precinct *20*

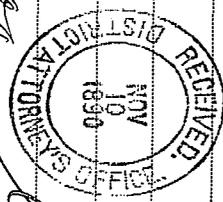
Witnesses

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____



Edwards

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.....

Edwards

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *2* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *Nov 7* 188*8* *J. H. Miller* Police Justice.

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

Dated..... 188..... Police Justice.

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

Dated..... 188..... Police Justice.

N.Y. General Sessions

The People vs }
 agst }
 Rose Scott }

Sir:

Please take notice that I shall move before the Hon James Fitzgerald now holding part 2 of the above Court at 11 o'clock a.m. Wednesday the 24th day of December 1890 or as soon thereafter as counsel can be heard for the discharge of the above named defendant upon her own recognizance for want of prosecution or for such further relief as to the Court may seem proper:

Dated N.Y. Dec 23^d 1890.

John R. Fellows Esq
 Dist Atty
 etc.

Yours etc
 Jacob Berlinget
 Atty for Deft.

My General Sessions

The People v
Agot
Jone Scott.

Notice of Motion

Jacob Berlinger
City Dept
23 Chambers St
N.Y.C.

To John R. Fellows Esq
Dist. Atty.

0570

PART III.

THE COURT ROOM IS IN THE FIRST 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.]

Officer to serve & Affidavit Granted
SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

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

To *Mary Jones*
of No. *202 W. 34th* Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *January* 189*7*, at the hour of 11 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

Paul Scott

Dated at the City of New York, the first Monday of *January*

in the year of our Lord 189*7*

DE LANCEY NICOLL.

JOHN R. FELLOWS, *District Attorney*

0571

UED PAGE

case not be called on for trial, and no reason
Court, please inquire in the District Attorney's
about it, and you may save time.

If inconvenient to remain, and you prefer another day,
state this early to the District Attorney, in the Court.

If ill when served, please send timely word to the District
Attorney's Office.

If you know of more testimony than was produced be-
fore 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.

Court of General Sessions.

THE PEOPLE

vs.

Rae Scott.

City and County of New York, ss.:

Thomas Baker being duly

sworn, deposes and says: I am a Police Officer attached to the *20th* Precinct,

in the City of New York. On the *or about 7th* day of *January* 18 *91.*

I called at *11209 West 34th Street*

the alleged *residence* of *Mary Jones*

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

parties residing at that home, that the said Mary Jones, had only resided there for a short time, and that she had left there over one month ago. and they were unable to give me any information as to where she could be found, and all inquiries in regard to her failed to throw any light on her present whereabouts. I have looked for her over a dozen times and failed to find her anywhere.

Sworn to before me, this *7th* day of *January*, 18 *91*

Thomas Baker

John A. Mangano
Commissioner of Deeds
N.Y.C.

0573

Court of General Sessions,

THE PEOPLE, on the Complaint of

Mary Jones

vs.

Rose Smith

Offense: Assault

JOHN R. FELLOWS,
District Attorney.

Affidavit of Police Officer

Thomas Parker

20th Precinct.

Failure to Find Witness.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Rose Scott

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

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

The said *Rose Scott*

late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *November* in the year of our Lord one thousand eight hundred and *ninety*, with force and arms, at the City and County aforesaid, in and upon the body of one *Mary Jones* in the Peace of the said People then and there being, feloniously did make an assault and *her* the said *Mary Jones* with a certain *knife*

which the said *Rose Scott* in *her* right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

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

SECOND COUNT—

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

The said *Rose Scott*

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

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

John P. Fellows
District Attorney

THIRD COUNT—

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

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

The said

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

with a certain

which the said

in right hand then and there had and held, in and upon the of the said

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

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.

JOHN R. FELLOWS,
District Attorney.

0576

BOX:

418

FOLDER:

3864

DESCRIPTION:

Seebeck, John R.

DATE:

11/13/90



3864

0577

POOR QUALITY ORIGINAL

100

Witnesses:

Counsel,
Filed 13 day of Nov 1890
Pleads, Not guilty

THE PEOPLE

vs.

John R. Seebeck

[Signature]

JOHN R. FELLOWS,
District Attorney.

940

A TRUE BILL.

[Signature]

Part III, July 17th 93 Foreman.

Part 3, January 17/93
Indict. dismissed

I have fully examined this case and agree with Mr. B. F. Van Valkenburg, Assistant Dairy Commissioner, who has a full knowledge of the fact that the article sold (was acid) vinegar of a low standard of acidity and an excess of solid but that the facts do not indicate any wrongful intention on the part of the defendant or that spirit vinegar was sold.

I therefore recommend that the indictment be dismissed, dated January 14th 1893.

Jacob Mackleura
Deputy Dist. Atty.

I concur in the above and recommend that the indictment be dismissed.

July 17th 93 [Signature]
Esor

Misdemeanor
[Chap. 515, Laws of 1889]

0578

OFFICIAL CHEMIST
TO THE
N. Y. MERCANTILE EXCHANGE.

Office and Laboratory
JOSEPH F. GEISLER, Ph. C., F.F.C.S.
Analytical and Consulting Chemist,
N. Y. MERCANTILE EXCHANGE BUILDING.

New Series No. 3125

Certificate of Analysis.

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

I, Joseph F. Geisler, a chemist,
practicing in the City of New York, County of New York and State of
New York, do hereby certify that I have analyzed the sample duly sealed and marked
125 Aug 8th 1890 J. J. Sorogan, Aug 8-90 Arch. D. Clark
received from Mr. J. J. Sorogan
on Aug 8th, 1890.

THE SAMPLE CONTAINS:

Absolute Acetic Acid only 3.70 per cent. by weight.
Cider Vinegar solids only 2.55 per cent. by weight, upon full evaporation over
boiling water.

Remarks

And it was not made exclusively of pure apple juice.

I further certify that the foregoing is a true statement of the analysis of such
sample so made by me as stated.

Respectfully yours,

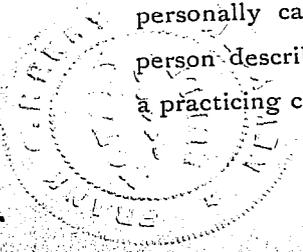
Joseph F. Geisler
Chemist.

Dated, Aug 8th, 1890.
New York

State of New York,
CITY OF NY } ss.
COUNTY OF NY }

On the 8 day of August, in the year
one thousand eight hundred and ninety, before me, the subscriber
personally came Joe F. Geisler, to me well known to be the same
person described in and who executed the foregoing instrument, and known to me to be
a practicing chemist, and duly acknowledged that he executed the same.

J. G. Henry
Notary Public
N.Y.C.



0579

VINEGAR.

No. 125

Aug. 8th 1890

Certificate of Analysis.

J. F. Geisler



0580

Form No. 13.

State of New York.

CITY OF New York }
COUNTY OF New York } ss.

Joseph J. Sorogan, being duly sworn, says: That he resides at No. 368 West 42nd Street, in the City of New York, County of New York and state of New York, is _____ years of age, and an expert appointed by HON. JOSIAH K. BROWN, the New York State Dairy Commissioner; that, at the times hereinafter mentioned, one John R. Seebach was a grocer dealer, and had his store in the building known as No. 678 10th Ave Street, in the City of New York, County of New York, within this State, that on the 8th day of Aug, 1890, one John R. Seebach of said city of New York, wrongfully and unlawfully exposed for sale and sold a quantity of vinegar, which as deponent is informed and believes, was impure and adulterated vinegar to persons residing in said city; that the names and places of residence of such persons, to whom such vinegar was so sold and exposed for sale and such persons, are unknown to deponent, and the quantity of such vinegar so sold and exposed for sale to them is unknown to deponent, and the same cannot be stated herein for that reason; that, on such day and at such place last named, deponent saw the said John R. Seebach have in his possession a package of the vinegar hereinbefore mentioned exposed by him for sale with other articles of food and groceries then contained in the said store, and saw

that thereafter and on 8th day of Aug, 1890, deponent delivered a portion of such substance to a chemist of No. 16 Harrison Street, in said City of New York, and caused the same to be analyzed by such chemist, as shown by the certificate of such analysis thereof made by said chemist hereto annexed; that deponent knows the said Joseph G. Guster, hereinbefore mentioned, to be a practicing chemist in said City of New York; that such substance was not cider vinegar and was not made exclusively of pure apple juice; that it had been made by mixing together some substances other than pure apple juice, and in imitation and semblance of cider vinegar made exclusively of pure apple juice; that it only contained an acidity equivalent to the presence of 3.70 per centum, by weight, of absolute acetic acid, and 2.55 per centum, by weight, of cider vinegar solids upon full evaporation over boiling water; that on the said 8th day of August, 1890, in the said John R. Seebach's store aforesaid, deponent saw a quantity of such manufactured substance kept and offered for sale in the ordinary course of said John R. Seebach's business; and deponent charges that the said John R. Seebach against the peace and dignity of the People of the State of New York, and the Statutes in such case made and provided, unlawfully, wrongfully and knowingly so sold, kept and offered for sale such manufactured substance as, and for, cider vinegar, and caused and procured the same to be so sold, kept and offered for sale, and was thereby guilty of a misdemeanor.

Wherefore, deponent prays that a warrant may be issued for the arrest of the said John R. Seebach and that he may be dealt with as the law directs.

Sworn to before me this 8th day of Sept, 1890. Joseph J. Sorogan
H. D. D. D. D.

Justice.

VINEGAR.

Court of 4th Dist Polie

County of New York

THE PEOPLE, & C.,

vs Jos J. Soregan

James P. Beecher

655 10. Ave City

Affidavit:

Jos J. Soregan

288 Fremont St
City

Witness:

A. D. Clark

Residence 288 Fremont St

J. G. Lewis

Residence 288 Fremont St
City

Residence

0582

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name.

Answer. *John R. Seebek*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *Australia*

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

Answer. *No 67 8-10th Avenue - one year*

Question. What is your business or profession?

Answer. *grocer*

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 and demand a jury trial*

J. R. Seebek

Taken before me this

day of *Sept* 189*7*

H. Imbrucian

Police Justice.

0583

Sec. 151.

Police Court 4 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Joseph J. Boragan
of No. 28 Kreuzer St Street, that on the 8th day of August
1884 at the City of New York, in the County of New York,

one John P. Seebach of 678 10th Ave
did have in his possession exposed for
sale adulterated vinegar in violation of
Chapt 513 Laws of 1889

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the 4 DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 3rd day of Sept 1884
W. W. Madson POLICE JUSTICE.

0584

5 P M

Police Court H District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jas J. Sirogon
286. Broadway St

vs.
John R. Seebach
678. 70th Ave

Warrant-General.

Dated Sept 3 1887

Magistrate

Wallidom Officer.

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

Wallidom Officer.

Dated Sept 4 1887

This Warrant may be executed on Sunday or at
night.

Police Justice.

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

Dated _____ 188

Police Justice

The within named

Mr. J. O. Wasthals, no 678. 70 Ave.

0585

Police Court---
District 13th

THE PEOPLE, Ac.,
ON THE COMPLAINT OF

Joseph S. Morgan
vs
John P. Decker

Offence: ~~High Larceny~~
Widowhood

Bailed by
John P. Decker
Residence: 157 107th St.

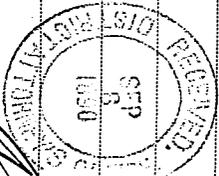
Residence: 570 E. 140th St.
No. 3 by
Oto Wackerling

No. 4, by
Residence:
Street:

Dated: Sept 5 1890

Magistrate: M. Wackerling
Officer: Cant
Precinct:

Witnesses:
No. Street:
No. Street:
No. Street:
\$ 100 to answer
J.P.



Bailed

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

Dated: Sept 5 1890 W. Wackerling Police Justice.

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

Dated: Sept 5 1890 W. Wackerling Police Justice.

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

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

0586

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 R. Seebeck

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

Indictment accuse John R. Seebeck

of the crime of keeping and offering for sale vinegar
not having the acidity required by law,
committed as follows:

The said John R. Seebeck —

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

did unlawfully keep for sale and offer for
sale to divers persons to the Grand Jury aforesaid
unknown, a quantity, to wit: ten gallons of
vinegar which did not have an acidity equiv-
-alent to the presence of at least four and one
half per centum, by weight, of acetic acid, against
the form of the Statute in such case made and
provided, and against the peace and dignity
of the said People.

Second Count. — And the Grand Jury by this
indictment further accuse the said John R.

Seebeck of the crime of offering for sale cider vinegar not having the acidity and cider vinegar solids required by law; committed as follows:

The said John R. Seebeck, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully keep for sale, and offer for sale to divers persons to the Grand Jury aforesaid unknown, a quantity, to wit: ten gallons of cider vinegar which did not contain an acidity equivalent to the presence of at least four and one half per centum, by weight, of absolute acetic acid, and which had less than two per centum, by weight, of cider vinegar solids, upon full evaporation over boiling water; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

Third Count: And the Grand Jury aforesaid, by this indictment further accuses the said John R. Seebeck of the crime of keeping and offering for sale a vinegar and product in imitation and semblance of cider vinegar, which was not cider vinegar, committed as follows: The said John R. Seebeck afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully keep for sale and offer for sale to divers persons to the Grand Jury aforesaid unknown, a quantity, to wit: ten gallons of a certain vinegar and product in imi-

-tation and semblance of cider vinegar, but which was not cider vinegar; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

Fourth Count: And the Grand Jury aforesaid, by this indictment further accuse the said John R. Seebek of the crime of keeping and offering for sale as and for cider vinegar, a vinegar and product which was not cider vinegar, committed as follows: The said John R. Seebek afterwards to-wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully keep for sale, and offer for sale to divers persons to the Grand Jury aforesaid unknown, a quantity, to-wit: ten gallons of a certain vinegar and product which was not cider vinegar, as and for cider vinegar; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

John R. Fellows,
District Attorney.

0589

BOX:

418

FOLDER:

3864

DESCRIPTION:

Goldberg, Louis

DATE:

11/18/90



3864

0590

BOX:

418

FOLDER:

3864

DESCRIPTION:

Slovlin, Louis

DATE:

11/18/90



3864

0591

134

Witnesses:

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

Counsel,
Filed *[Signature]* day of *Nov* 18*90*
Pleads, *Guilty*

THE PEOPLE

vs.

Louis S. Lovlin
and
Louis Goldberg

Burglary in the THIRD DEGREE
and Larceny and Sign of Pleasantry
(Section 498.05, 1890)

JOHN R. FELLOWS,
District Attorney.

A True Bill.

[Signature]
Foreman.
[Signature]
Judge R.C.C.

Part 2 - Nov. 20, 1890.
vs. 2 Tried and Acquitted
2 years 1 month I.P.
12/24/90 J.F. 21

0592

Police Court - 3 - District.

City and County } ss.:
of New York,

of No. 89 Essex Street, aged 32 years,
occupation Tailor being duly sworn

deposes and says, that the premises No 89 Essex Street, 10th Ward
in the City and County aforesaid the said being a tenement building,
the third floor of
and which was occupied by deponent as a dwelling apartment
and in which there was at the time ^{no} human being, by name

were BURGLARIOUSLY entered by means of forcibly opening a door
leading to deponent's apartment by
means of false keys

on the 7th day of Nov 1890 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A large quantity of wearing apparel,
of the value of One hundred and fifty dollars,
Good and lawful money of the United States of the
value of five dollars, a case containing a
Silver fish knife and fork of the value of thirty dollars
Some pillows and sundry articles of the
value of fifteen dollars, all of the
aggregate amount and value of

Two Hundred Dollars

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
Louis Slowlin and Louis Goldberg
(both now here)

for the reasons following, to wit: Deponent says - he is informed
by his wife, Elizabeth Green, that at about
8 am, of said date she left said apartment,
securely locking the doors leading thereto,
and when she returned to her premises at
about half past eight am, found that said
premises had been entered in her absence ^{and} that
the aforesaid property ^{was} stolen therefrom.

Deponent further says, - he reported

at
 said occurrence at the 11th Precinct Station House, and
 on November 8th defendants were both arrested by
 Officer Jacobs of the Central Office, and by Officer M. J.
 Peap of the 11th Precinct, as they were departing from
 183 Orchard Street, said Louis Goldberg having a
 bundle in his possession which bundle contained
 wearing apparel, which deponent identified as being his
 property, and as being a portion of the property stolen
 in the manner aforesaid, and identified a case
 containing a silver fish knife and fork found in the
 possession of said Louis Gloodin, and being his
 property and as being the property stolen in the
 manner aforesaid.

Wherefore, deponent charges defendants
 with committing the herein mentioned Burglary,
 and prays that they be dealt with as the law
 directs. Solomon Green

Sworn to before me }
 this 9th day of Novr 1890 }

[Signature]
 Police Justice

Dated 1889

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

Dated 1889

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

Dated 1889

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

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

Police Court, District

THE PEOPLE, vs.,
 on the complaint of

vs.

1
 2
 3
 4

Offence—BURGLARY.

Dated 1889

Magistrate

Officer

Clerk

Witnesses

No. Street

No. Street

No. Street

\$ to answer General Sessions.

0594

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Jacobs

aged _____ years, occupation _____ of No _____

Club at office Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Solomon Green

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

Sworn to before me, this

9

day of

Nov 1890

Charles Jacob

[Signature]

Police Justice.

0595

CITY AND COUNTY }
OF NEW YORK, } ss.

Michael J. Reaf

aged 11th years, occupation Officer of No. 11th Precinct

Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Solomon Green and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 9th day of Nov 1890

Michael J. Reaf

[Signature]
Police Justice.

0596

CITY AND COUNTY }
OF NEW YORK, } ss.

Elizabeth Green

aged *26* years, occupation *married* of No.

89 Essex

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Solomon Green*

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

Sworn to before me, this

9th
Nov
18*90*

Elizabeth Green

[Signature]
Police Justice.

0597

3-

District Police Court.

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Louis Slovlin

Question. How old are you?

Answer. 33 years

Question. Where were you born?

Answer. Poland

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

Answer. 183 Orchard St - 1 month

Question. What is your business or profession?

Answer. Redder

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 found the stuff in the
yard; so we took it for the
purpose of bringing same to the
station house.

his
Louis X Slovlin
mark

Taken before me this 9th
day of Nov 1918

[Signature]
J. J. [Signature]

0598

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Louis Goldberg*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Poland*

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

Answer. *263 Madison St - 2 months*

Question. What is your business or profession?

Answer. *Failor*

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.*

Louis Goldberg

Taken before me this
day of

Nov 9 1898

Police Justice.

0599

Police Court 19 District 1682

THE PEOPLE, v.c.,
ON THE COMPLAINT OF

Admond Green
89th Street
Franklin
Louis Galtberg

Offence Burglary

BAILLED,

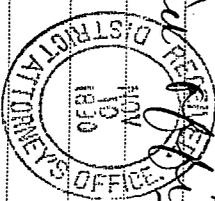
No. 1, by _____
Residence _____ Street
No. 2, by _____
Residence _____ Street
No. 3, by _____
Residence _____ Street
No. 4, by _____
Residence _____ Street

Dated Nov 9 - 1890

Deagan Magistrate
Charles Jacobs Officer
Wm. P. Ruff 11th Precinct

Witnesses Clairmont Green
No. _____ Street
Ey Cox Street

Admond Green
No. _____ Street



No. 2000 Street 9th
\$ _____ Commissioner

Cam
Bang 3 R.H.
1890

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

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

Dated Nov 9 - 1890 Deagan 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 h to be discharged.

Dated _____ 18 _____ 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
Louis Slovlin and
Louis Goldberg

The Grand Jury of the City and County of New York, by this indictment,
accuse
Louis Slovlin and Louis Goldberg -

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

The said Louis Slovlin and Louis Goldberg, both

late of the Tenth Ward of the City of New York, in the County of New York
aforesaid, on the seventh day of November in the year of our Lord one
thousand eight hundred and eighty-ninety with force and arms, in the
day - time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one Solomon Green -

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 Solomon Green
in the said dwelling house 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.

SECOND COUNT—

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

Louis Slovlin and Louis Goldberg
of the CRIME OF *Grand* LARCENY *in the second degree*, committed as follows:

The said *Louis Slovlin and Louis Goldberg, both*

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

divers articles of wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of one hundred and fifty dollars, the sum of five dollars in money, lawful money of the United States and of the value of five dollars, one fish-knife of the value of fifteen dollars, one fork of the value of fifteen dollars, and five fellows of the value of three dollars each

of the goods, chattels, and personal property of one *Solomon Green*
in the dwelling house of the said *Solomon Green*—

there situate, then and there being found, from the dwelling house 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.

THIRD COUNT.

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

Louis Slovlin and Louis Goldberg
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :

The said *Louis Slovlin and Louis Goldberg, both*

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

the same goods, chattels and personal property described in the second count of this indictment

of the goods, chattels and personal property of

Solomon Green

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

Solomon Green

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

Louis Slovlin and Louis Goldberg

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

JOHN R. FELLOWS,
District Attorney.

0603

BOX:

418

FOLDER:

3864

DESCRIPTION:

Smith, Albert H.

DATE:

11/20/90



3864

0604

Witnesses:

~~1798~~
M. Logan 1728
58 Williams

Counsel,

Filed

Pleads,

Day of 18
Defendant stands mute
a plea of not guilty entered by
704 Cumberland
Brently

THE PEOPLE

vs.

Albert H. Smith

Forgery, first degree.
Sec. 509 [531 Penal Code]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

J. W. Pragers

Nov 24/90 Foreman.

Tried & convicted

17 Apr. 51. 97
Dec 3/90 [unclear]

0605

*Horace E. Deming,
Walter L. Logan,
Lester S. Clark,
Lindley Winton,
Charles M. Deane,
Arthur E. Walcott.*

*Law Offices of
Deming & Logan,
58 William Street,
COMMERCIAL UNION BUILDING.*

Telephone Court, "222 Law."

New York December 1, '90.

To the Hon. James Fitzgerald,
C i t y J u d g e.

Dear Sir:-

In the Matter of Albert H. Smith, convicted of forgery and now awaiting sentence, I desire to call your attention to a few of the facts of the case as they now appear before you.

As soon as the crime was discovered Mr. Smith immediately made a confession and a full statement of all his transactions in that regard, which statement has proved upon investigation to be absolutely correct.

He also voluntarily surrendered himself to the public authorities and has made no attempt to escape or delay punishment.

When called upon to plead, he desired to plead guilty; and, when it was discovered that the Court could not accept such plea under the statute, he interposed no obstacle to a speedy trial, and made no defence upon the trial. I appeared there as his counsel, admitted everything which it was possible for me to admit, and aided the District Attorney in every way in securing a conviction.

I submit that certainty and celerity of punishment does much more to deter people from crime than severity. The criminal does not coolly calculate the number of years imprisonment he is likely to undergo if caught, but thinks only of the chances of being caught

In this case the prisoner himself has aided the public authorities in securing certain and prompt punishment. He did not attempt to escape when he perhaps might have escaped, and he asked for no delay and interposed no obstacle in the way of his conviction. It seems to me that the fact that within three weeks after the crime was first discovered the prisoner will be serving his sentence in State's Prison will, of itself, have a much more whole ^{more} effect than any amount of severity in a sentence imposed under other circumstances could have.

It appears from the evidence given upon the trial, and from the papers now submitted to the Court, that immediately after the discovery of his crime Mr. Smith gave up all his property for the benefit of those he had injured, and has done, and is doing, everything he can to atone for his crime and compensate for the wrong he has done. The Court will not doubt that he is truly penitent,

#2

and I think will accept his repeatedly-expressed declaration, that his greatest desire for leniency is that he may be able, after his release from imprisonment, to make some further atonement and compensation to the injured parties.

It would have been a public calamity if a crime such as this should go unpunished; but punishment being assured, I think that no public interest can suffer if it is made so lenient and merciful that the prisoner will have some hope or opportunity of repenting in deeds as well as words.

I ask the Court to bear in mind also the facts which appear in the papers in reference to Mr. Smith's physical condition. He is afflicted with a disease of such a nature that it is extremely unlikely that he could survive a long term of imprisonment. The fact of his health is not a reason why he should escape punishment; but it seems to me that it is a proper reason why the punishment should be graded to his ability to endure it.

The evidence as to Mr. Smith's previous good character is unanimous and uncontroverted. With the single exception of the crime with which the Court has been made familiar, he appears to have led an unexceptionable life. That the crime is not a serious one I shall not argue; but I submit that the law itself is sufficiently severe, and that previous good character should count for something.

I know the Court will remember also that the disgrace of punishment in a case like this is much more severe than in most cases which come before the Court. One year's imprisonment to a man like Mr. Smith is in reality a much greater punishment than many years would be to a hardened law-breaker. Imprisonment as a punishment for crime is inflicted for two reasons; first, to prevent the criminal from committing further crimes; and second, as a warning to others. As to the first of these reasons; I am sure that the Court will not believe that Mr. Smith will be a dangerous member of society after his release from imprisonment, if he should survive to be released. As to the second; I am sure that the evident agony which he has endured, and the quickness with which the punishment follows the detection of the crime, coupled with a lenient sentence, will do more to deter others from committing a like crime than any amount of severity could.

The people most injured by the crime ask for leniency. The partners whom he has wronged have done all they could to secure his prompt and certain conviction and to bring him to justice. Having done this, they ask that in imposing sentence the Court

0507

#3

should be lenient and merciful. I submit that their request is entitled to very great consideration. The people most wronged have shown themselves capable of being merciful as well as just; and I am sure that the Court will be disposed to heed their requests, and temper its justice with mercy.

I have heard of no one, either among those specially injured by the crime or those who are not, who asks for severity; and I feel very sure that if the prisoner can survive his term of imprisonment, he will find many willing hands and kindly hearts among those who have known him so long, to aid him in his efforts to make such further compensation as he may be able to during the remainder of his life to those who have suffered by his crime.

My own position in the case is, I think, sufficiently understood. My firm has been counsel for Mills, Robeson & Smith for many years, and I was called in by the firm to assist them as soon as the crime was discovered. It was with full knowledge that I was retained by the other members of the firm and that I owed my first allegiance to them that Mr. Smith asked me to represent him in Court when called upon to plead to the Indictment; and I did so, with the distinct understanding that I was not to obstruct in any way the course of justice, but only to present to the Court, in mitigation of punishment, such facts as might be proper to be laid before it, and my employment in this matter was with the full consent and approbation of the injured partners by whom I was first retained. My firm is also counsel for the assignee and for many of the creditors; and I represent not only Mr. Smith himself but also his injured partners and many, if not most, of those otherwise affected by the crime or interested in the estate, in asking the Court for its extreme leniency.

I think I have a right also to add one word for myself. I have known Mr. Smith for many years, both in business and social relations. I personally know the high estimation in which he has been held in both the business and the social world. My family has attended for many years the same church of which he was a member, and I have always entertained for him the highest respect. I am sure that there has been nothing wrong about his life except this crime, of which the Court is fully advised. I wish to add my personal request to the others which are laid before your Honor, for the extreme leniency of the Court in passing sentence.

In conclusion, I desire to express my most sincere thanks to the Court for the extreme fairness which it has shown to the unfortunate prisoner, and its very great kindness, courtesy and consideration to me, personally.

Very respectfully yours,

Walter S. Logan

Fol. 1 COURT OF GENERAL SESSIONS,
New York County.

-----#
THE PEOPLE OF THE STATE OF NEW YORK :
against :
ALBERT H. SMITH :
-----#

CITY AND COUNTY OF NEW YORK, SS:

GEORGE H. MILLS and WILLIAM P. ROBESON being each
duly and severally sworn depose and say as follows:

2 We were the two senior members of the firm of
Mills, Robeson & Smith, of which the defendant, Albert H.
Smith was the junior member. We have been associated
together in business under such firm name for the past
18 years. During that time we have known the defendant,
Albert H. Smith, intimately, and except for the crimes
with which the Court has been made fully acquainted, so
far as we have known, his character has been above re-
proach. The defendant was prosecuted upon our complaint
and we have done all we could to aid the authorities in
bringing him to justice. Now that his conviction is se-
cured we feel disposed to ask and do ask for him the
extreme leniency of the Court.

3 Immediately upon the discovery of his crime he
made a full confession, gave us an accurate statement
of all his transactions and made over all his property
for the benefit of his creditors and has done all he can

to make reparation and atonement for his crime, and he
is now rendering to us and to his assignees all the as-
sistance in his power in settling up his estate so that
his creditors and the people injured will realize the
most that can be realized therefrom.

Sworn to before me this
1st day of Dec. 1890.

Charles W. Coleman,
Commissioner of deeds,
New York City.

G. N. Wiley

W. P. Robinson

Court of General Sessions.

The People of the State
of New York
against
Albert H Smith

City and County of New York ss.

James H Salisbury being duly sworn
deposes and says-

I am a physician having an office
at 170 West 59th Street New York City and
have been engaged in the active practice
of my profession for over thirty years.

Albert H Smith the defendant has
been under my care and treatment for
the past seven years. When he came to
me in the latter part of the year 1883
he was suffering from locomotor ataxia
and his lower extremities were partly
paralyzed so that it was impossible
for him to walk or even to bear his
weight upon his feet. He had con-
sulted various other physicians and
had received no benefit but on the
contrary was growing rapidly worse.

I treated him successfully and

0613

and
under the influence of my so

under the influence of my treatment, and the diet which I proscribed for him, he has so far recovered that with good care and careful attention to the diet proscribed he can perhaps live many years. A cure however has not been effected and cannot be unless he has the proper diet and treatment. The disease will be liable to return at any time unless great care is taken.

I am confident that he cannot outlive a long confinement in state's prison.

The diet which it is necessary for him to observe in order to preserve his health consists among other things of the proscribed use of hot water before each meal and before bed time and a diet consisting mainly of the pulp of lean beef. Cereals and vegetables he cannot eat with safety.

Signed to before
 me this 1st day of } J. W. Salisbury M.D.
 December } 170 W. 57th St. N.Y.C.
~~November~~ 1890 }
 Charles W. Coleman
 Commissioner of deeds
 New York City.

06 15

Court of General
Sessions.

The People of the
State of New York

vs

Albert H Smith

My firm are counsel for his assignee and for the firm assignee; and I know personally that Mr. Smith has been, and is, doing all that he can to aid them in such an administration of his estate as will bring to the creditors the largest dividends; and I also know that the affairs are in such condition that his aid in the future will be very advantageous.

I ask for him the extreme leniency of the Court; and in asking this I represent not only my own feelings, but those of the other members of his firm, who are the principal sufferers by his crime, and also many of his principal creditors. I personally know that a very large portion of those he has injured desire that he should be mercifully dealt with. It is recognized by everyone that the crime is a serious one, but it is also recognized that the defendant has done, and is doing, all that he can to atone for it; and I have seen or heard of no one who is not willing that the punishment inflicted upon him should be such as to give him a chance of life and to attempt to make further atonement for his crimes after his release from imprisonment.

I have known Mr. Smith socially for a long time, and have personal knowledge that he has been, during many years, in a precarious condition of health and under medical treatment. I am advised that his condition of health is such that he could not survive a long term of imprisonment. The affidavit of his physician in that regard is submitted herewith.

Walter S. Logan

Sworn to before me this
1st day of Dec. 1890.

Charles W. Coleman Commissioner of deeds.
New York City

0617

Court of General Sessions

The People of the State
of New York
against

Albert H. Smith

Denning & Legans,
Attorneys & Counsellors at Law,
58 William Street,
New York.

Nov 21/90

Court of General Sessions. Part I.

The People vs. Albert H. Smith.

Before Judge Fitzgerald. Monday, Nov. 21, 1890

Indictment for forgery in the first degree.

Assistant District Attorney Goff for the People.

Mr. W. S. Logan for the defendant.

A jury was empannelled and sworn.

Mr. Goff opened the case for the People.

George H. Mills sworn and examined.

By Mr. Goff Q What is your business, Mr. Mills.

A Banker and broker.

Q Do you know the defendant, Albert H. Smith. A. Yes sir.

Q How long have you known him.

A About nineteen years, sir.

Q Have you been in co-partnership with him. A. Yes sir.

Q Of whom were the co-partnership composed. A. Myself, William P. Robbison and Albert H. Smith.

Q How long has the partnership been in existence. A. Since the first of January 1872.

Q What was the business of the partnership. A. It was brokerage business, and banking business on a small scale.

Q Well, give the nature of this business, so that the jury may understand; we

may not all understand the mysteries of Wall street brokerage; just briefly give us the nature of the business.

A We received deposits subject to check, and we also carried stocks; purchased stocks for investors and carried stocks on margin.

Q Now purchasing stocks for investors simply means that your customers who desired you to purchase stock you purchased that stock for them, designated by them. A Yes sir.

Q Well now, in case such a customer designated to you a particular stock that he wanted to buy how do you indemnify yourself or compensate yourself for the purchase of that stock. A. If he was an investor he paid for his stock and carried it away; if he were carrying it on margin he paid us $\frac{1}{10}$ or $\frac{1}{5}$ the value of the stock.

Q Now in addition to the standing which the defendant had in your firm as a copartner did he have dealings with your firm as an individual

A He did as trustee. His account was in the name of a trustee. It

might have been for himself or for his friends.

Q The name of the person for whom he was trustee was not mentioned.

A No.

Q He was simply trustee on the books of the firm. A Yes.

Q As an individual dealer in that capacity. A Yes sir.

Q Whether he was trustee or not, you treated him as an individual.

A Yes sir, as an individual.

Q So far as his account was concerned he was in the same relation to the firm as if he was an absolute stranger to the firm. A No many customers.

Q As any other customer? A Yes sir.

Q What was he buying on margin or investing? A Buying on margin.

Q In that capacity did the firm keep an account with him. A Yes sir.

Q What has the firm found by an examination of its books regarding the account of Albert H. Smith in his individual capacity.

A I do not know as —

4

Q Has it found shortage or has it found a balance. A Found that the account was all right except for these forged certificates.

Q What has been the result of the forged certificates. A It has been an immense loss and financial ruin to the firm.

Q What about is the loss, Mr. Mills.

A Well I think about the amount that you named.

Q About three hundred and sixty thousand dollars. A Yes, I think so.

Q These securities were they given by the defendant covering a long period of time. A I think for some five or six years.

Q Before any were discovered as forgeries. A Before any were discovered.

Cross Examined.

By Mr. Logan Q Since the discovery of this crime Mr. Smith has done everything that he could to atone for it so far as you know.

A He has, yes sir.

Q Has he made over all his property so far as you know for the

benefit of the creditors. A Yes sir.
 Q He has done everything he could
 in the way of giving information
 which might lead to the settlement
 of the accounts. A Yes sir.

Q In general he has done everything
 he could do to atone for the
 crime which he has committed.

A He has so far as possible.

John B. Fitts, sworn and examined:

By Mr. Goff Q What is your occupation?

A I am a clerk.

Q By whom employed. A I have been
 employed by the firm of Robinson
 and Smith.

Q Are you in their employ yet?

A No sir.

Q When did you leave. A Saturday.

Q That is, the affairs of the firm are
 in the hands of a receiver are
 they not, or assignee rather.

A Yes sir.

Q Do you know the defendant at the
 bar, Albert H. Smith. A Yes sir.

Q How long have you known him.

A About ten years.

- Q What were your particular duties or functions in that firm.
- A I was comparison clerk.
- Q Comparison clerk. A. Yes sir.
- Q What did that mean, just explain it please. A. Comparing the business done during the day, the buying and the selling of stocks.
- Q You had charge of the books. A. Yes sir.
- Q A customer who gave an order to the firm for the purchase of stocks what were your relations to that customer, or what were your duties rather.
- A My duties were to notify him of his purchase or sale, whichever it might have been.
- Q Do you know of your own knowledge if the defendant Albert H. Smith in his individual capacity was a customer of the firm for the purchase of stocks. A. Yes sir.
- Q On margin. A. Yes sir.
- Q Was it part of your duty to enquire and discover and ascertain the value of the securities given by such an individual customer to the firm in payment of stocks or on margin.
- A No sir.

- Q It was not part of your duty. A. No sir.
- Q Had you anything to do with the recording of those. A. Yes sir.
- Q Now what period of time can you tell us was the defendant at the bar engaged in buying stock from the firm.
- A Well, I think ever since I have been there, for perhaps ten years.
- Q What was the course of business pursued by him. A. He gave his margins - at times securities and at times cash I believe.
- Q Was it part of your duty to receive the collateral securities given by Mr. Smith. A. Yes sir.
- Q And to credit him with the securities.
- A Yes sir.
- Q Secured to his individual account.
- A Yes sir, as trustee.
- Q I am speaking of him now in the character of a customer. A. Yes sir.
- Q Then on that account was it his habit to draw money against it.
- A No sir, not necessarily.
- Q Well, ordinarily. A. I do not think so, no sir.
- Q Explain please if securities were

8

credited to him what benefit did he derive from the credit thus given him for the securities. A. Of course that strengthened his margin on his account.

Q If his margin got to a high figure, to a certain pitch could he not draw. A. Yes sir.

Q So that after those securities were deposited on marginal account he was at liberty on the condition of his account to draw cash from the firm. A. Yes sir.

Q And you paid him cash. A. Yes sir.

Q At frequent times. A. Yes sir.

Q So that it was in the nature of a running account. A. Yes sir.

Q Now do you remember on the 8th of September last, or or about that date as near as you can tell were you on duty at your desk on that day. A. Yes sir.

Q Did you see Mr. Smith on that day. A. Yes sir.

Q Did you transact any business with him on behalf of the firm on that day. A. Yes sir.

Q Did he give any order for stock on

- Q that day? A. That I do not recollect.
- Q Did he deposit any securities with the firm on margin for stock on that day? A. Yes sir, I think he deposited one hundred and fifty shares of stock.
- Q And were these deposits credited to him on the books of the firm by you?
- A Yes sir.
- Q I hand you certificate of stock No. 30965 of the Lake Shore, Michigan and Southern Railway Co. and ask you if you received that certificate from Mr. Smith on or about the day in question as collateral security upon his margin. A. According to my record, yes.
- Q And the amount appearing on the face of that certificate was credited to him on the books of the firm by you?
- A Yes sir.
- Q And you credited seventy shares.
- A Yes sir.
- Q Did you credit the money value of those shares. A. No sir.
- Q Only the shares? A. Yes, the shares.
- Q You did not fix the money value

of the securities. A. No sir.

William A. Watson, sworn and examined
By Mr. Goff Q. Mr. Watson, what is your occupation.
A. Clerk.

Q With what firm. A. I was with Mills,
Robbison and Smith.

Q Up to the time of their recent failure.
A. Yes sir.

Q What position did you occupy with
the firm? A. Stock clerk.

Q Do you know the defendant Albert H.
Smith. A. I do.

Q Did he have business with the firm
in his individual capacity.

A. Yes sir.

Q At running account with the firm.

A. A running account.

Q He purchased stocks and delivered to the
firm securities as a margin therefor.

A. Yes sir.

Q And these securities were credited to
him on the books of the firm.

A. Yes sir.

Q And that credit was for his individ-
ual benefit. A. Yes sir.

Q Outside of his interest as a copartner.

A. Exactly.

- Q Now Mr. Watson, did the firm receive a number of securities from the defendant. A. Yes sir.
- Q What, if anything, did you discover in relation to those securities.
- A I do not know.
- Q In examining those securities did you discover anything. A. Does this refer to the discovery of the forgery?
- Q Yes sir. A. Yes sir, I discovered the forgery.
- Q I hand you the same certificate No. 30965 of the Lake Shore, Michigan and Southern Railway Co. and ask you if that came into your possession for examination as an employee of the firm. A. Yes sir, it did.
- Q Was that certificate deposited with the firm by the defendant in the regular course of business as collateral security by him on margin. A. Yes sir.
- Q What did you do with this certificate if anything, Mr. Watson. A. It has been pledged in loan.
- Q To the firm. A. No, outside, hypothecated.
- Q What did you do with the certificate

- toward ascertaining its character.
- A I took a memorandum of the number on Friday evening, and the next morning I went to the transfer office of the Lake Shore and Michigan Southern Railway.
- Q About what time was that, about the 8th of September. A No sir.
- Q When. A It was last week, a week ago Saturday morning that I went there.
- Q The certificate had remained with the firm from the 8th of Sept. when it was deposited with them. A Yes sir.
- Q Well, you went to the office of the Lake Shore and Michigan Southern Railway where, at the Grand Central Depot?
- A The Grand Central Depot.
- Q You saw the shares there.
- A I saw the transfer clerk.
- Q Did you have a conversation with him.
- A I did.
- Q In relation to this certificate.
- A In relation to the number of that certificate.
- Q You ascertained certain things from him did you. A Yes sir, I did.
- Q As the result of the information which you received from the official at the Grand Central Depot did you

subsequently at any time have any conversation with the defendant.

A Yes sir.

Q What was that conversation.

A He admitted that he -

Q Just give me his words as nearly as you can, Mr. Smith's conversation?

A He was asked in my presence if he forged that certificate, raised the certificate, and he admitted -

Q Who asked him, tell us.

A Mr. Waldrett, the attorney.

Q Asked him in your presence if he had raised this certificate. A Yes sir.

Q And what did the defendant say.

A He admitted that he had.

Q Did he say he had. A He said he had.

Q Did he say from what he had raised it. A No sir.

Q Not the amount. A No sir.

Q Has any portion of the writing shown to him. A The certificate, the whole certificate was shown to him.

Q The whole certificate. A Yes sir.

Q You say you did not specify the amount, the difference in the raise.

A No sir.

Q Or that portion of it which he had raised.
A No sir.

Cross Examined.

By Counsel Q Has the firm of Robbison and Smith made an assignment to you a week ago last Saturday - did they not.

A Yes sir.

Q You have been in charge of their affairs as assignee since that time.

A Yes sir.

Q Did Mr. Smith join in that assignment.

A Yes sir.

Q What has he done in reference to settling the affairs of the firm. A Given me all the information in his power.

Q So far as you know has he given up everything - has he done all he could to atone for the crime.

A So far as I know, yes sir.

Q He is now assisting you in settling the affairs of the firm. A Yes sir.

Robert J. Anderson, sworn and examined.

By Mr. Goff Q What is your occupation, Mr. Anderson.

A Transfer clerk.

Q Where employed. A The Grand Central Depot.

Q In what Company. A The Lake Shore, Michigan and Southern Railway Co.

- Q When you say transfer clerk, please explain that. A. Well, I have to accept the surrenders of stocks and transfer them to the parties whose names are on the back being the transferees.
- Q So when you say "transfer clerk," you mean transfer clerk in relation to the shares of the stock of that Company.
- A Yes sir, the shares of the stock of that Company, certificates of stock.
- Q Have you charge of the issuing of the original certificates. A I have, yes sir.
- Q Now are those certificates contained in a book with stubs attached.
- A They are, yes sir.
- Q And each stub contains the number of the certificate. A Of the face of the certificate.
- Q Does it contain the name of the holder of the certificate to whom it is issued.
- A It does, yes sir.
- Q Have you got that book with you, Mr. Anderson. A Yes sir. (producing it)
- Q Please refer in that book to the certificate of stock No. 30505.
- A Yes sir, I have it.
- Q Will you please hand the stub to me (Witness did so)

Q Is this the official book belonging to that Company which you have described.

A That is, yes sir.

Q In your keeping as the transfer clerk of the stock. A. Yes sir.

We shall read this in evidence. Any objection?

No objection.

Mr. Goff:
The Court

Mr. Logan.

Mr Goff (reads) No. 30965 issued to Albert W. Smith of ----- seven shares, New York, April 3, 1890. Q That is the original entry.

A That is the original entry.

Q Of seven shares. A. Of seven shares.

Mr. Goff

Offered in evidence, People, Ex. A.

Q I hand you certificate No. 30965 and ask you to compare the certificate with the stub, People's Ex. A. in evidence and state whether that is the original certificate which was attached to the stub which has just been read in evidence. A. Yes sir, that is the certificate.

Q At the time that certificate was issued to Albert W. Smith, as it appears, what were the numbers there which appeared on the face of that certificate. A. Seven shares.

A

Q The certificate on its face now

contains what is the written part?

Q The written part and the figure part also.

A Seventy.

Q And the figure part. A. Seventy.

Q Were the additions "ty" to the seven and the 0. to the figure 7 put in there without the knowledge or approval or ratification of the Company?

A It was, yes sir.

Q And without any authority by any person authorized to make such an alteration. A. Yes sir.

Q And does such alteration from 7 to 70 both written and in figures represent any additional value in that certificate from when it was originally issued. A. Not in the Company.

Q I speak in the Company. A. No sir.

Q So that the Company would only regard that certificate as the certificate of seven shares of stock.

A Yes sir, Mr. Smith would be credited in the books with seven shares of stock as represented by that number.

Q Whatever additional number of shares of stock might appear on the face of that certificate would be rejected

18

and repudiated by the Company as spurious. A. Yes sir, by the Company ~~contains what is the written part~~

Q That bears date April 3, does it not.

A It bears date April 3, 1890.

Q The same as this? A. Yes sir.

Q That is a genuine certificate of that Railroad Co. A That is a genuine certificate of that Railroad Co., yes sir.

Mr. Goff. Is it conceded that the Lake Shore and Michigan Railway is a Corporation doing business under the laws of the State of New York.

Counsel Yes sir.

Mr. Goff Now we offer the certificate in evidence your Honor.

The Court Any objection, Mr. Logan?

Mr. Logan No sir.

Mr. Goff Mark it People's Exhibit B.

The people rest, your Honor.

Mr. Logan: There is no evidence for the prisoner. After the summing up of Mr. Goff, the judge charged the jury and a verdict of guilty was rendered without leaving their seats.

0636

Testimony in the
care of
Albert H. Smith

filed Nov.
1890.

0637



Court of General Sessions,
Judge's Chambers,
32 Chambers Street

New York, Nov 24th 1895

People
vs
Albert H. Smith

Receiver from the District
Attorney Certificate of Stock of Lake
Shore & Michigan Southern Railway Co
No. 30965 - in the name of Albert H. Smith
and purporting to be for seventy shares
and in which said certificate the instrument
herein was based - after trial of the same

Wm. N. Watson,
assigned.

0638

CITY AND COUNTY }
OF NEW YORK, } ss.

Robert T Anderson

aged 34 years, occupation clerk of Room

47. Grand Central Station. Street being duly sworn deposes and

says, that he has heard read the foregoing affidavit of George H Mills

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

Sworn to before me, this 18
day of November 1890

Robert T Anderson

John Morrison
Police Justice.

0639

Police Court, 3rd District.

City and County of New York, ss.

George H. Mills

of No. 96 Broadway Street, aged 65 years, occupation Banker being duly sworn, deposes and says, that on the 8th day of September 1880, at the City of New York, in the County of New York,

Albert H. Smith (numbered) did unlawfully and feloniously make forged counterfeit and utter as true the number 70 - and the letters Secret in the Certificate of Stock No 30965 of the Capital Stock of the Lake Shore and Michigan Southern Rail way Company with the intent to cheat and defraud, and whereby he did cheat defrauded and William P Robbison his Copartner, that on said day said defendant deposited said Certificate here to unrecord and forming a part of this Complaint in defendant's Bankers house of which said defendant was then a partner as collateral security and he drew upon the funds of said Bank to the amount of sixty five hundred dollars (\$6500.00) Defendant is now informed by Robert F. Anderson of Room 44 of the main Central depot, that the aforesaid Certificate represents (7) Seven Shares of said Rail Road Stock that the letters Tg and the number (0) have been affixed thereon that the same is false and untrue that the real value of said Certificate of said Lake Shore and Michigan Rail Road Company is of the value of seven hundred dollars Defendant therefore charges that said defendant did make

0640

George and counterfeiter said Certificate
with the intent to cheat, and wholly he
did steal from deponent and deponent's
Copartner five thousand and Eight
hundred dollars as aforesaid

Sworn to before me this }
18th day of November 1840 } George N. Mills
John J. Lawrence }
Recorder

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, until he be committed to the Warden and Keeper of the City
Prison of the City of New York, until he give such bail.
Dated 188
Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 188
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 188
Police Justice.

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
ss.
1
2
3
4
Offence,

Dated 188
Magistrate.
Officer.
Clerk.
Witnesses,
No. Street,
No. Street,
No. Street,
to answer Sessions

0641

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Albert H. Smith

Question. How old are you?

Answer. 45 years

Question. Where were you born?

Answer. Boston Mass

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

Answer. Brooklyn, 204 Cumberland St

Question. What is your business or profession?

Answer. Boatman

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 have nothing to say

Albert H. Smith

Taken before me this

18

day of November 1885

Henry R. ...
Police Justice

0642

Police Court - 1428 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry R. Mills
96 - 23rd Street

Walter H. Brown

Offence: Forgery

1
2
3
4

Dated: Nov 18 1890

John H. Easty, Magistrate

Witnesses: Robert J. ...

No. 2, by ...

No. 3, by ...

No. 4, by ...

No. 5, by ...

No. 6, by ...

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

Dated: Nov 18 1890 Police Justice.

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

Dated: 1888 Police Justice.

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

Dated: 1888 Police Justice.

0643

Copy of Personal Letter from Dr. R. T. Irvine to W. S.
Logan.

State of New York, Sing Sing Prison,
Medical Department,
R. T. Irvine, M. D., Physician. Sing Sing, N. Y., Oct. 10th, 1894
Walter S. Logan,
Dear Sir:--

In answer to your letter of inquiry regarding health of Albert H. Smith confined in this Prison, I must say Mr. Smith is now and has been since I first knew him three years ago a dreadful sufferer from Chronic Rheumatism of the joints. The longer Smith is confined in this Institution, with its damp cells, poor ventilation, and general unsanitary conditions, of course, naturally, you would expect his malady to grow worse. There is now considerable deposit in his joints causing some deformity of same, deposit on valves of heart causing murmur and in time he will show all evidences of "poor heart" and worse valves. Some years ago he was a victim of Locomotor Ataxia but recovered. Now he shows evidences of a return of the same disease. I do not think he will live to serve out his sentence, but if he could have change of surroundings, Hydropathic treatment, &c., he might live for years. Any information I can give you at any time regarding Smith will be heartily given.

Yours very truly,

R. T. Irvine.

0644

Copy of letter from Dr. J. H. Salisbury to Mr. W. S. Logan in regard to the health of Albert H. Smith.

Walter S. Logan, Esq.

Dear Sir:--

Albert H. Smith was a patient of mine for several years from about 1882 to 1889. He had Locomotor Ataxia so that he had to drag his feet when walking -- walked with great difficulty -- constantly watching his feet to prevent falling.

Years of rigid diet gradually restored him to comparative health.

When he was sentenced to Sing Sing, his only trouble was Cystinic Rheumatism of the joints of his extremities. The diet he is compelled to live upon in the prison is fast undermining his health, and the old disease I treated him for years ago, is returning and with it rheumatism of the worst form. I do not believe he can last long in prison.

When he first came under my care, his brain was muddled from the partial paralysis which was gradually creeping over him, so that there were intervals when he was not altogether responsible for what he did. It has been my firm belief that his first wrongdoing happened during one of these clouded intervals, when he was not altogether himself.

One step taken led to another and before he was strong enough mentally to guide himself out, he was deep in the mire.

0645

-2-

While this does not lessen the wrong done, it is a condition which should enlist sympathy and help excuse an act which was the outcome of an unbalanced brain.

When in his healthy state of mind and body, he is a man remarkably correct in all his acts and life.

Very truly, &c.,

J. H. Salisbury, M. D.,

170 West 59th St.,

New York City.

0646

VI.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

Oct. 31, 1894.

Sir:

Application for Executive clemency having been made on behalf of
Albert H. Smith who was convicted of *forgery 1st deg.*
in the county of *New York* and sentenced *Dec. 3, 1890.*
to imprisonment in the *State Prison* for the term of

seventeen 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 state-
ment of the facts of the case, together with your opinion of the
merits of the application.

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

Very respectfully yours,

J. S. Williams
Private Secretary.

Hon. J. R. Fellows,
N.Y. City

0647

Smith

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

THE PEOPLE OF THE STATE OF NEW YORK,
against
Albert H. Smith

The Grand Jury of the City and County of New York, by this
Indictment accuse *Albert H. Smith*

of the crime of *Forgery in the first degree,*

committed as follows:

The said *Albert H. Smith,*

late of the City of New York, in the County of New York, aforesaid, on the
eight day of *September* in the year of our Lord one thousand
eight hundred and eighty-*ninety*, at the City and County aforesaid,

with intent to defraud did feloniously forge a certain certificate of stock purporting to be issued by the Lake Shore and Michigan Southern Railway Company, a body corporate existing under the laws of the State of New York, and purporting to declare the right, title and interest of Albert H. Smith in a portion of the capital stock of the said body corporate, which said forged certificate of stock is as follows, to wit:

"I do hereby certify that Albert H. Smith is entitled to Seventy (70) Shares of

One hundred Dollars each
No. in the Capital State of the State
30965 Lake Shore and Michigan 70

Southern Railway Company

transferable only on the order of
said Company upon the surrender of

this Certificate, this certificate is

not valid without the signature of the
Registrar and Transfer Agent.

Witness whereof the said Com-

pany have caused this Certificate to

be signed by their President and

Treasurer and countersigned by the Registrar

and Transfer Agent at New York, this 23rd

day of April 1890

R. D. Worcester, Treas.

John Howell, Pres.

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.

Counterigned and prior Certificate cancelled
this 5 day of Apr 1890
The Union Trust Co. of New York Registrar
Amherst Secretary

this 23rd Counterigned
day of April 1890
R. J. Anderson
Acty. Transfer Agent.

Second COUNT.

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

Albert H. Smith

of the CRIME of Forgery in the first degree,

committed as follows:

The said Albert H. 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 intent to defraud, did unlawfully, feloniously, and feloniously, dispose of and put off as true, a certain forged certificate of stock, purporting to be issued by the Lake Shore and Michigan Southern Railway Company, a body corporate existing under the laws of the State of New York, and purporting to declare the right, title and interest of Albert H. Smith in a portion of the capital stock of the said body corporate, which said forged certificate of stock is as follows, that is to say:

"This is to certify that Albert H. Smith is entitled to Seventy (70) Shares of One Hundred Dollars each in the no. Capital Stock of the Lake Shore and Michigan Southern Railway Company 70

Counterigned and pronounced cancelled
this 3 day of Apr 1890
The Union Trust Co of New York Register
Corkelling Secretary

transferable only on the books of
said Company upon the surrender
of this Certificate. This certificate
is not valid without the signature of
the Register and Transfer Agent.

Counterigned
this 3 day of Apr 1890
R. J. Anderson
Acting Transfer Agent

In Witness whereof the said
Company have caused this Certificate
to be signed by their President and

Treasurer and counterigned by the Register
and Transfer Agent at New York, this 3rd
day of April 1890.

R. D. Worcester Treasr. John Howell Presr.

And the said Albert H. Smith then and there
well knowing the same to be forged, 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.

John P. Fellows,
District Attorney