

0428

**BOX:**

362

**FOLDER:**

3403

**DESCRIPTION:**

Eberhardt, Richard

**DATE:**

08/06/89



3403

POOR QUALITY  
ORIGINAL

0429

Counsel,

Filed

Pleads,

day of Aug 188

Mr. Guilty (6)

THE PEOPLE

vs.

Richard Eberhardt

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

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Foreman.

Find & convicted of

Guilty only.

P.D. 5 years.

Sept 10/89 P.M. 10



0430

This is to Certify  
that Mrs. Sophia Samuels is  
too feeble to appear at court today  
and that she will not in all  
probability be able to be present  
for several days.

W M Seward M.D.  
89, 1<sup>st</sup> Street,

0431

July 24<sup>th</sup> 1889

This is to Certify that  
Mrs. Sophia Samuels is  
not well enough to  
attend Court tomorrow,  
July 25<sup>th</sup> 1889. She has  
now 8 PM a temperature  
of  $102\frac{1}{2}$ . Pulse 125.  
She has not recovered  
from the exhaustion  
caused by the hemorrhage  
after the wounds on the  
Evening of July 22<sup>nd</sup>.  
She will not in all  
probability be able to  
attend Court sooner  
than Monday next.

Respectfully  
W. W. Seward  
89 1<sup>st</sup> Street,



0432

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*3rd* District Police Court.

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

Question. What is your name.

Answer

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I have been assaulted by Sophia Samuels the Complainant and her husband and thinking my life was in danger I stabbed the Complainant in self-defense. Not knowing what I got the wife.*

*Richard Oberhardt*  
*mark*

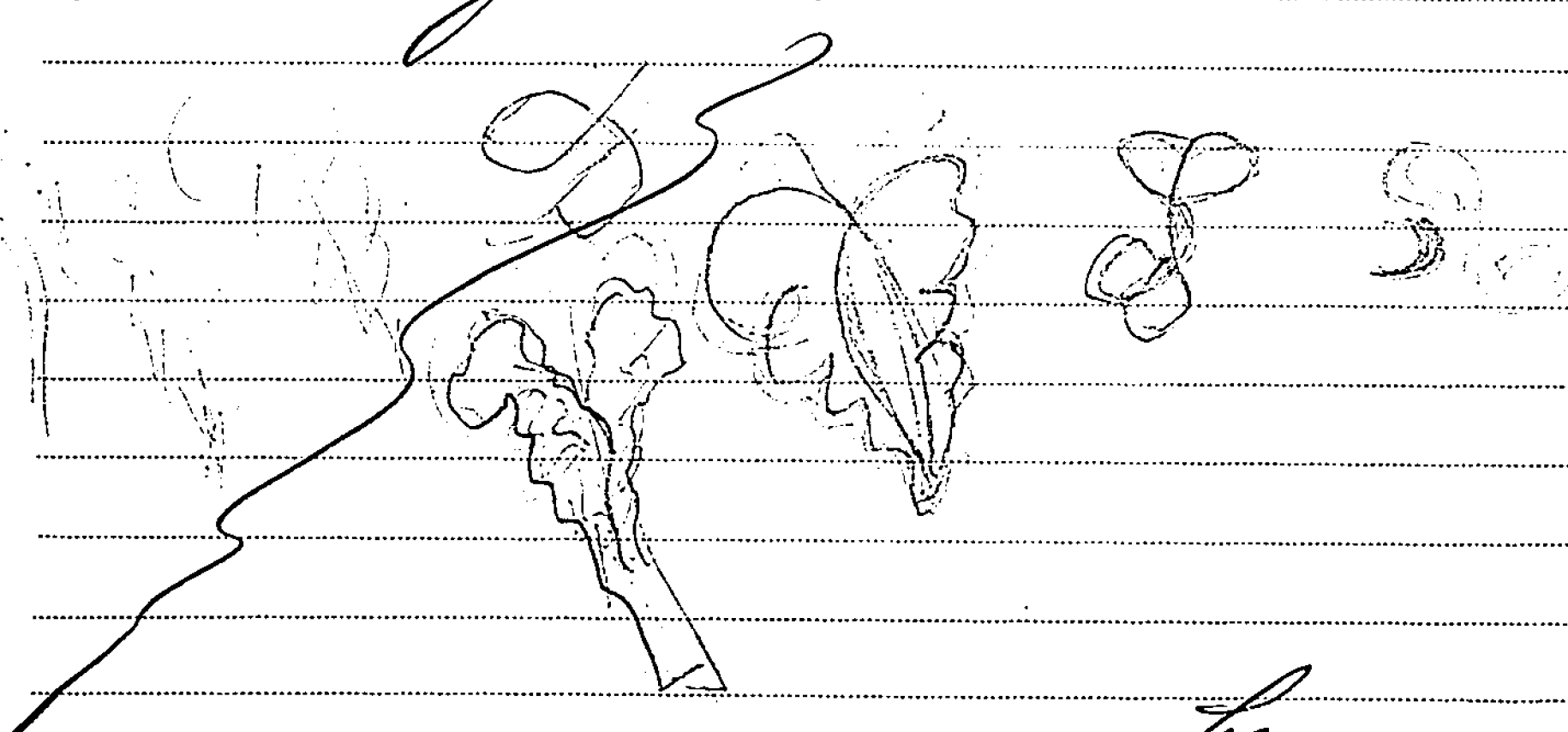
Taken before me this

day of

1889

Police Justice.

0433

Police Court—3 District.City and County {  
of New York, } ss.:of No. 174 East Houston Street, aged 37 years,  
occupation married being duly sworndeposes and says, that on 22<sup>nd</sup> day of July 1889 at the City of NewYork, in the County of New York, in the Hallway and premises  
She was violently and feloniously ASSAULTED and BEATEN by RichardCherhardt (now here, who wilfully  
and maliciously stabbed and cut  
deponent ~~on~~ <sup>twice</sup> on the left ~~shoulder~~  
~~and once in the left arm~~ with the  
blade of a pen-knife which he  
thrust ~~deponent~~ <sup>held</sup> in his hand inflicting serious  
wounds.That deponent was  
assaulted as above said by  
said deponent.  
with the felonious intent to take the life of deponent, or to do ~~her~~ <sup>him</sup> grievous bodily harm; and without  
any justification on the part of the said assailantWherefore this deponent prays that the said assailant may be ~~apprehended and bound~~ <sup>arrested</sup> to answer  
for the above assault, etc., and dealt with according to law.Sworn to before me, this 29 dayof July 1889Richard Samuel  
mark  
Police Justice.

174



0434

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 3 DISTRICT.

of No. 11<sup>th</sup> Precinct Police Street, aged 25 years,  
occupation Police Officer being duly sworn deposes and says,  
that on the 22<sup>nd</sup> day of July 1889  
at the City of New York, in the County of New York, he arrested

Richard Oberhardt from him  
for feloniously assaulting one  
Sophia Samuels and inflicting  
such injuries to said Samuels  
as caused her to be confined to her  
home. Deponent says that the  
said Sophia Samuels identified  
the defendant in his (deponent's)  
presence as being the one who did  
inflict said injuries. Deponent prays  
the defendant be held to answer the result of  
said injuries

Georg. M. Borst,

Sworn to before me, this

of July 1889

day

Police Justice,



0435

Police Court <sup>1933</sup> District.

THE PEOPLE, & c.

ON THE COMPLAINT OF

vs.

Richard Oberhauser

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness,

John Billena 198 Allen Street  
Garry Engel. 28 E. 4<sup>th</sup> St  
Frances Miller - 2. Fair Lot 40.  
Garry Staminger 94. 1<sup>st</sup> Street  
George Samuel. 174 Houston St.

Disposition,

The Presiding Magistrate  
in my absence, will please hear  
and determine the within case.

Police Justice.

P/O 10011 - For  
Exp: when this  
woman can  
come to court

0436

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

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

Dated July 29 1889 [Signature] 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.

0437

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Ex 2 p.m. clock  
this p.m.

Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Sophia Samuels*  
*174 E. Houston*  
*Richard Eberhardt*  
Offence *Arrested*  
*Frederick*

Dated *July 29* 188 *9*

Magistrate

*Joseph Samuels* Officer.

*174 E. Houston* Precinct.

Witnesses *Francis Miller*

No. *2* Street.

*George Blomfield Engle*

No. *28* Street.

*George Stannard*

No. *14-1st* Street.

\$ *1000* to answer *Yes*

*Corn*

*Louis Berlin*

*178 Allen St*



0438

69 A Le er 10/89

Dr. J. Mount. Pleyer.

Office Hours.

From 8 to 11 A.M.

1 to 3 P.M.

6 to 8 P.M.

No. 834 Second Avenue.

New York.

My Aug 8/89.

I have known Mr  
Richard Sherbond  
for a number of years  
& always found them  
very nice clients - He  
has been treated by me  
for acute articular  
rheumatism & other  
complications. I have  
several times noticed  
his actions very peculiar.  
His family told me that  
he was in an insane  
asylum in Europe. If  
you agree I have

0439

an & off. treated him  
this family for the last  
by Gov. & always found  
them respectable &  
the testimony knowledge  
of  
J. M. S. B.

0440

7092

The People  
vs.  
Richard Eberhardt.      { Court of General Sessions, Part I.  
                                 { Before Judge Martine.

Monday, September 16, 1899.

Indictment for assault in the first degree.

Sophia Samuels sworn and examined by Mr. Davis.

I live 174 East Houston Street, I am a married woman and my husband's name is Joseph Samuels, he is here to-day. On the 22nd of July, 1899, I lived at 174 East Houston Street; we occupy the store down stairs as a fish and oyster place and live on the second floor, two flights up in the front part, we have three rooms; I have three children. On the 22nd of July I saw the defendant, he was standing in the hallway of 174 East Houston Street, next to the store leading from the street; he lived at that time on the second floor of that house, he lives there with his wife or woman on the same floor as we did. I saw him between seven and eight o'clock that evening. I was standing on the sidewalk at the doorway of our store, my husband was sitting outside alongside the store on the street, my brother-in-law and sister were there also, Louis Berliner is his name and the agent of the house Mrs. Frances Miller was there; she is in Court; there were two more men there, the name of one was George Stamenger, I don't know the other man's name but he is here, his name is George Engle; they were all in front of the store talking. The Defendant came down stairs and told us that he was fighting all the afternoon upstairs with another lady, he said he had a fight upstairs again to-day. My husband didn't care to listen to him, he said



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he did not want to have anything to do with him; the Defendant told our agent Mrs. Miller about the fight, she gave him the same advice as my husband did, not to fight all the time upstairs, he used bad language and we did not want to have anything to do with it. I was afraid, he was so excited, I thought there was going to be a fight and so I went to the door, I says, "Mr. Eberhardt, you go upstairs, I don't want any fight here in front of my store", I went on the doorway and he had a knife in his hand and he stabbed me, it was dark, I could not see what kind of a knife; the minute I went in he stood at the door like that (illustrating) and shut the door on me, I was shoved in the hall, I was not quite in, he pushed me back in the hall, he took me with his arms this way (illustrating) in front of me, I hallooed for Mrs. Miller, I did not know I was stabbed, he licked me and the same time the blood runs down; he stabbed me in the left arm and two cuts there, (pointing to the shoulder). I did not know anything after I was stabbed; he was not standing more than a foot from me when I was stabbed, a foot or a foot and a half, he was facing me; there was nobody else in the hall at the time, I was afraid he was going after my husband. The door was open the time when I went there, the Defendant took hold of it and pushed it and shut it at the same time; before it was shut I was stabbed already, it was done in a minute. With one hand he held me by the shoulder and with the other hand he stabbed me. When I went in first I could see his face but afterward I could not see his face because it was rather dark in the hall. He struck me

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twice, I halloood and then he ran upstairs. The agent and my brother-in-law were afraid to go into the hall, I came out and went in the store again; then the men and lots of people came. There is a man here who held me until the doctor came, he could not come right away but he did come afterward. (The witness showed her wounds to the Jury.) After he cut me he ran upstairs, I don't know if anybody went up after him, he was arrested the same night and brought into my presence. I have seen his wife, I had never spoken to the Defendant before this day more than to say good morning or good evening --- just only a passing acquaintance.

Cross Examined.

The door was open yet when I got stabbed, I suppose I put my hand on him when I said, "I don't want any fighting." I was not in the Station House, I could not go there. Before I fainted I did not see anybody knock the Defendant down, I did not see anyone strike him, I am sure I would have seen it if they had, I saw no blood on his face. When the Defendant came down stairs first he spoke to my husband about the conduct of a person who lived upstairs who got his letters and opened them, I think the name of the lady was Morganstein, I heard him say something about letters. I can't tell any more what was said. And then your husband said, "get out you son of a bitch", and got up and struck him with a heavy iron instrument in the head and pounded him; did you see anything like that? No sir. Then did not all of you rush at him to the hall door and in the hall? No. Did not he have to run away to get away from you people? No. I did not listen to what the Defendant said about the fight.

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Frances Miller sworn and examined.

I live No. 2 First Avenue, I am agent of the property where Mrs. Samuels lives, I was at 174 East Houston Street on the evening of the 22nd of July, I went around the corner and sat down by the store, I saw Mr. and Mrs. Samuels by the store, I saw George Engle after, I did not see George Stamenger, I do not recollect seeing Louis Berliner. I saw the Defendant in the doorway, he said to me, "I wish you were here this afternoon", he said he had a fight with a woman on the first floor, I reproved him, I told him I did not want any fight in the house. He spoke about letters, he said "somebody opened my letters and I don't like that." Mr. Samuels stood up and said, "the next time when or a postal card comes addressed to the housekeeper, I will send it away, we have got no housekeeper here." The Defendant had an advertisement in the paper and received answers to it addressed "housekeeper." Mr. Samuels said the next time I will send postal cards and letters away that comes to the house-keeper; we have got no house-keeper, we have only an agent. Eberhardt was standing by the house door with his hand in his pocket, he got excited, he was very angry about it and he used harsh words, he called Mr. Samuels a stinking Jew, then Mr. Samuels got excited, Mrs. Samuels was standing under the store door and she was afraid of a fight; so she went in and said, "Mr. Eberhardt, go upstairs, we do not want any fight." Eberhardt was about to close the door and Mrs. Samuels was just standing in the door when she was talking to him. I pushed the door back to keep it open because



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the hall is dark and the light is one flight up; whilst I was pushing back the door I looked and I saw the Defendant pulling the woman in. I got scared then and I went over and pulled her dress, Mrs. Samuels then hallooed and said, "Oh, he struck me", and then immediately afterward she said, "Mrs. Miller, I am stabbed." When she said that there was nobody in the hall but her and me, the Defendant ran upstairs as quick as he could. When she hallooed she was stabbed she called for the sister-in-law Mr. Samuels did not come into the hall, Mr. Samuels did not hit the Defendant at all and nobody hit him, I saw no iron bar around there.

Cross Examined.

Only Mr. Samuels and me were sitting down, Mrs. Samuels stood by the store door, the Defendant was standing at the door when I came up, I don't know if they had any words before I came; it was after the Defendant told me that he had a fight with the woman on the first floor that I heard him call Mr. Samuels a bad name. Mr. Samuels called him a pimp; I did not see Mr. Samuels or anybody strike the Defendant, I did not see the Defendant's head cut, Mrs. Samuels did not come in between Mr. Samuels and the Defendant, she did not go to separate them. I do not know exactly the time when this occurred but it was about half past seven. When the Defendant went to close the hall door I would not have it because I thought maybe she would get killed, so I tried to keep the door open, Mr. Samuels was outside all the time, he did not do anything to save his wife, I thought the Defendant would hurt her, Mr. Samuels went over to the door and looked in. I saw the movement

0445

of the Defendant when he put his hand in his pocket but I did not see him at any time have anything in his hand. I had no conversation with Mr. Samuels about what I was going to swear to down here, I did not speak to anyone about what I was going to say. I was not injured by the Defendant.

Joseph Samuels sworn.

I reside 174 Houston Street and keep a fish and oyster store; the first witness is my wife; on the 22nd of July I saw the Defendant in the evening when my wife was stabbed I saw him when he went into the pocket and got a knife. He came down in the evening and wanted to tell me something about the fight he had upstairs on the first floor, I told him I did not want to know anything about it, I go my own way and mind my own business, I wanted nothing to do with him and then he called me a Jew son of a bitch right away, I got up and my wife was afraid I would go after him to lick him and she got between us and said, "Mr. Eberhardt, we don't want any fight down here", and I sat down again. The Defendant was then standing on the house door and I was at my own door, about five feet away. I had nothing in my hands, no stone or club; when he called me that name I said, "you are a pimp"; he pushed my wife in and I saw when he went in his pocket but I never thought he had a knife, I did not see a knife, he was in the hallway then, my wife pushed him with her hand and then he pulled her in, I saw him catch hold of her and all at once when they were in the hall he kicked the door and it shut; my wife and he were then inside, I saw Mrs. Miller

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go in and open the door, I was on the outside, I never thought that he would cut, I did not see what happened in there, before the door was shut I saw him when he raised his hand but I did not see the knife in it, I never thought that he would hit her, if I thought he had had a knife to hit her I would have went after him, I saw him strike her but I never had an idea that he was going to stab her; when he struck her I did not try to help her because Mrs. Miller got in my way, she was in front of me, I saw him pull my wife in and I wanted to go after her but Mrs. Miller said I should sit down, she went and pushed the hall door open and went in, my wife was in about a minute or two and she came out and said, "I am cut."

Cross Examined.

The door was not closed all the time. This happened between seven and eight o'clock, I was sitting on the chair and my wife was standing in the store door, Mrs. Miller was sitting alongside of me and Berliner, Stamenger and George Engle were there and Mrs. Berliner, in front of the store. I said to the Defendant that if a letter came to the name of house-keeper I would send it back, I did not receive all the letters there, I said that because we had not got a house-keeper there; the Defendant got quite angry when I said I wanted to have nothing to do with him, I got on my feet when I called him a bad name, I swear positively I did not strike him or raise my hand against him; my wife then said, "stay back", and I sat down in my chair again. This was all done quietly and I did not see anybody strike the Defendant. I thought Mrs. Miller was enough to save my wife.



0447

I have been in this city twenty-three years, I have never been convicted of any offence, I was not convicted of assaulting a man. Did not you serve a year in the Penitentiary? Just as much as you did, Counsellor. I never was arrested in my life.

George Engle sworn and examined.

I live No. 28 East 4th Street and am a bar-keeper, I work up in 161st Street and Third Avenue, Muppel's Brewery. On the 22nd of July I was down on the corner of Houston St. at Lincoln Hall, I belong to a union, I came out and happened to see a crowd across the street and I went over on the other side, it was at Mr. Samuels fish and oyster store I saw a man standing inside the hallway in the door and a lady went right over to him, I don't know what she said, she put her hand against him and he went inside, he took hold of the lady and pulled her in, I saw him go in his right hand pants pocket and take out a knife, I saw the knife in his hand, a pocket knife and I saw him stab the lady twice. I went over, I wanted to keep the lady back, I came too late, I went over on the other side of the street and I saw him going across the roof and getting up on the next house and when I went over on the corner the man was gone. The man grabbed the lady with the left arm and pulled her in, there was not two minutes time elapsed between that pulling and the time I saw him put his hand in his pocket; there was no light in the hall; he stabbed her as soon as I got over and he slammed the door, he was about two feet inside the hallway at that time, there was nobody else in there, Mrs. Miller went in after the lady

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got stabbed. It was an ordinary pocket knife that he had, I have not seen it since; we went after him and when we all met down at the Station House we could not find the knife. I followed him up to Chrystie Street and before I got back he came back with the officer. I could not see him run upstairs because the door was closed but I could hear him.

Cross Examined.

This was between seven and eight o'clock in the evening, it was dark in the hall, I did not care to run up, after him. My attention was attracted by the crowd and I forced my way through it, I saw other men there but I did not know them, I did not know Mr. Samuels, I came into Court with him a week ago.

George Stamenger sworn and examined.

I live 94 First Street and on the 22nd of July I was in Houston Street near Mr. Samuels store in the evening, I saw the Defendant, Mrs. Miller, Berliner and Mr. and Mrs. Samuels, I got there about half past seven or a quarter to eight. When I got there the Defendant called Mr. Samuels a Jew son of a bitch, Mr. Eberhardt got off his chair and Mrs. Samuels went between them; she said, Mr. Eberhardt, go up stairs", she did not like to have any fight in front of the door, I was sitting on a chair and I never got off the chair, I did not see anything of the stabbing affair because I did not get off the chair, I saw Mrs. Samuels come running out of the hall bleeding, and Berliner said I should get an officer, I went on the corner, my idea was that he would go upstairs across the roof and come down

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on First Avenue. When the Defendant called Samuels that name Mr. Samuels said, "you are a pimp"; he had nothing in his hand and he did not try to strike the Defendant, I am sure of that, Mrs. Samuels came in between them and said, "Mr. Everhardt, go upstairs, we don't want any fight." I saw her go in the hall, I did not take notice to Mrs. Miller going in but I saw her coming out.

Cross Examined.

Before the stabbing there was only a few words, a little loud talk but after the stabbing there was screaming, Mrs. Samuels rushed out bleeding, I heard Engle testify, I have been in his company but have not said a word to him about what he was going to testify to nor he to me, I did not see him crossing the street from the other side, I did not see any crowd around the hall door before Mrs. Samuels was stabbed but after they saw the flow of blood then the crowd assembled; while she was in the hall and the Defendant had hold of her there was not any crowd around the door then and if Mr. Engle says there was he is mistaken according to my evidence. I was not there at the beginning, I saw no one strike the Defendant, I did not see Mr. Samuels raise his hand to strike the Defendant, I saw him stand up from his chair, I saw him when he was in custody of the Officer, the Defendant was not bleeding when he was arrested. In the Station House the lady identified him as the man who cut her and he says, "it is a lie"; this was up in the lady's room 174 Houston Street, the Defendant was brought in by the officer, she could hardly speak for the loss of blood; she said, "take him away."



0450

Louis Berliner sworn and examined.

I live 198 Allen Street, Mr. Samuels is my brother-in-law; on the 22nd of July last I was in front of his premises at 174 East Houston Street, it must have been between seven and half past, I saw Mr. and Mrs. Samuels, Mrs. Miller, George Mamenger and my wife; my wife is not here, I saw the Defendant standing in the hall door of Mr. Samuels, Mr. Samuels and he had a little argument together about some matter upstairs and Mr. Samuels said that he has got nothing to say to it, the Defendant called Mr. Samuels a stinking Jew and Mr. Samuels called him a pimp, then Mrs. Samuels told Eberhardt to go upstairs; with that both of them went into the entry and what happened in there I don't know; between three and five minutes after that Mrs. Samuels came out and said, "Louis, I am cut"; she went in the store and Mr. Samuels sent me for a policeman, there was no policeman to be seen and I supposed the Defendant went on the roof. I did not see Mr. Samuels hit or try to hit the Defendant. Mrs. Miller stood in front of the door but I don't know whether she went in or not.

Cross Examined.

I was in conversation with Mr. Samuels at the time. I did not see anybody strike the Defendant. I saw the Defendant after the officer brought him up to Mrs. Samuels, I saw him face and I did not see any blood on it; the door was closed for about three to five minutes so that I did not see the stabbing, I guess Mrs. Samuels was the only person in the hall with the Defendant, he was the only person I saw go in.

0451

George M. Boss sworn and examined.

I am an officer of the 11th precinct and arrested the Defendant at 174 Chrystie Street on the 22nd of July about a quarter to eight in the evening, I was going up Chrystie Street near Delancy and the witness Stamenger told me about the case, I went up to the house and searched the first floor of 174 Chrystie Street rear room and found the prisoner lying on the top of the bed, I took him out into the room and searched him and found no weapon on him of any kind, he was dressed; No. 174 Chrystie Street is about six blocks from East Houston Street. I noticed the Defendant's appearance he had no cuts or blood on him, I took him back to the house 174 East Houston Street and Mrs. Samuels identified him; the prisoner said that was a lie, he did not do it and then I got the witnesses together and went to the Station House; the next morning on the way down to the Court he said that he did it in self-defence, he did not say anything further about it; the room in which I found the Defendant was furnished, he had no coat on, he was in a jumper, he was sober but excited, he did not appear to me to have been drinking; I did not notice that he was bleeding or had a cut on the side of his head.

The Case for the Defence.

Frank Funte sworn and examined.

I resided 174 Houston Street on the 22nd of July last, two flights up on the top floor, I was in my room, I did not see what happened down stairs, I am acquainted with a cigar maker at 150 East Second Street named Emile Reminger.

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Fred Romhil sworn.

I am a cigar maker and employed at 150 Second Street, I am not acquainted with the Defendant, I remember the 22nd of July last and was at 174 Houston Street on the evening of the 22nd of July; I was standing at the corner of Orchard and Houston and saw many people there, I saw Mr. and Mrs. Samuels sitting on a chair by the store and the Defendant in the inside house door, I did not hear what was said, I saw Mr. Samuels stand up and lift his hand, he sat right down on his chair again, I saw Mrs. Samuels stand up and go in the hall, I stood there a little while and she came out and went in the store, I was drunk this evening; I don't know what I told Mr. Funte or the other people, I had been drinking for four days.

Emile Gross sworn and examined.

I keep a furniture store at 24 Stanton Street, I know the Defendant, he was in my employ from 1874 to 1875 about sixteen months, he was always a nice man, he was always quiet as long as he was with me, I trusted him a good deal I have seen him since going around peddling photographs, I don't know anything about him since he left me.

Charles J. Roehn sworn.

I keep a delicatessen store, 144 East Houston Street, I know the defendant about eight years and his wife, he was always quiet, I never heard anyone speak of his being a quarrelsome man.

Jacob Gruner sworn.

13 I am a butcher at 133 East Houston and know the Defendant



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about eight or ten years, I always heard that he was a very nice quiet man.

Ferdinand Brandner sworn.

I keep a restaurant at 160 East Houston Street, I know the Defendant about six years, he was a tenant of mine for two years, I have never heard anything wrong about him, he was a very quiet man and I never saw him drunk. The following certificate was read by consent.

84 Second Avenue, New York, August 8, 1889.

I have known Mr. Richard Eberhardt for a number of years and always found him a very nice patient. He has been treated by me for acute articular rheumatism and heart complications. I have several times noticed his actions very peculiar. His family told me that he was in an insane asylum in Europe six years ago. I have often treated him and his family for the last six years and always found them respectable to the best of my knowledge.

Yours Respectfully, Dr. J. Mountblyer.

Richard Eberhardt sworn and examined.

I have been in this country sixteen years and am a married man; on the 22nd of July last I lived at 174 East Houston Street; at the time of my arrest I was working for Mr. Sellick 36 & 38 Whitehall Street in the perfume business, I was a couple of weeks there. On the 22nd of July of this year about half past four in the afternoon a letter was coming to the address of "Housekeeper, Room 4." I was looking for a housekeeper place for I was four years a housekeeper before. The woman on the first floor whose

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name I do not know opened all the letters and opened that letter too. So I came down stairs and got my letters, they were open, I went up again in my room and stayed there for about two hours, it was near seven o'clock and I went down. I saw Mr. and Mrs. Samuels, Mr. and Mrs. Berliner and Mrs. Miller, they were sitting on the sidewalk in front of the house, I said to Mrs. Miller it was a shame that all the time they opened my letters; then Mr. Samuels got up, he must have had something in his hand and knocked me down and said, "you God damned Christian son of a bitch, now I will kill you", licking me right over my head terribly, I was nearly senseless, I can't stand anything if anybody touches my head since my tenth year, I tried to get out of that and so I jumped in the hall door and Mrs. and Mr. Samuels, Mr. and Mrs. Berliner and Mrs. Miller were all running at me and I pushed the door because I was afraid, the door was shut, I was senseless, I ran away I don't know where I ran, I ran upstairs, they all came in the hallway, I had a knife in my hand standing in the door sharpening my pencil, it would not cost more than ten cents; it was about an inch and a half long. I don't remember cutting Mrs. Samuels, it was dark in the hall, I was so excited I did not know where I ran to. I did not catch hold of Mrs. Samuels by the arm and pull her into the hallway, I got two little scratches on my cheek, I don't know who did that, I was senseless when I was struck on the head, after I received the blow on the front of my head I was busy, I did not see Mr. or Mrs. Samuels after I slammed the door because I was giddy but I saw a crowd of people behind me, I ran upstairs to my room and then ran away to Chrystie Street.

0455

Cross Examined.

I have lived at 174 East Houston Street since the 10th of December last year, I had lived in 160 East Houston Street I knew Mr. and Mrs. Samuels about fifteen years , I was a customer of theirs, I never had any quarrel with him before this day and was always good friends with Mr. and Mrs. Samuels, These letters that were opened were answers to advertisements that I put in the paper, I began putting them in about the end of January, I was agent then for Mr. Boch in the photographic business, my wife was working at washing and cooking, I advertised for the position of house-keeper and received about two answers, maybe more, the answers were sent to Room No. 4; sometimes I would go down and get them and very often the lady on the first floor had them in her hand, her name was Rosenthal or something like that. At one time another lady gave me a letter which she said Mrs. Rosenthal had, that letter was open, I took that letter and said to her, "it aint right to open anybody's letters", I said, "if I liked to make you trouble you could get into a big trouble." She said, "you have no right to advertise "housekeeper" -- there is no housekeeper in here. I had trouble with her a couple of times about the letters. I spoke to her on Monday afternoon July 22, between four and five o'clock, Mrs. Rosenthal was only a tenant in the house, she had no charge of the premises. I went down stairs in the evening and made a complaint about my letters to Mrs. Miller; I don't remember what she said, Mr. Samuels got up and said, "you God damned Christian son of a bitch", and he hit me. Mrs. Miller got up and said something but I don't remember what



0456

she said. It must have been with some hard instrument that Samuels hit me on the side of my head. (The witness showed the scar on his head to the jury.) I have a scar on the back of my head but that was got when I was about ten years old, I fell from a big ladder, I am not sure whether I saw Mr. and Mrs. Samuels in the hall, I heard him halloo I don't recollect if Mrs. Miller was in the hallway, there were about five or six in there, I ran upstairs. I saw Mrs. Samuels wound, the officer when he arrested me brought me around to Mrs. Samuels, I was dazed when the officer brought me around there, I did not know nothing at all, I received no other blow except the one on my forehead. I don't remember striking anybody with the knife, I ran up in my room and then I ran up to Chrystie Street, I went on the roof and come out at First Avenue and run up to the house of a friend of mine in Chrystie Street, I got scared because I thought they would lick me, I went to the house of my friend Mr. Fritch, I said "O my God, I don't know where I am", and then Mrs. Fritch had company, Mrs. Cohen was there and she said to me, "sit down on the bed, you look terribly pale."

Redirect Examination.

I remember when I was struck and knocked down by Samuels I ran to the hall and the next thing I remember was a crowd being in the hall and then I ran away, I was followed into the hallway by the people. I have been troubled with heart disease for years and have been attended by Dr. Blyer. I am very nervous, first I had rheumatism and the doctor said the rheumatism came up to the heart, I had such terrible pain that the doctor had to give me medicine to

0457

get a little sleep. I am not cured of my nervousness yet. I have been sixteen years in this country and have never been arrested charged with striking anybody or attempting to, I have never been arrested in the Old Country. I had no conversation with the officer about the stabbing. I do not recollect opening the knife, I could not tell where I dropped it. I received a blow which left a mark upon my head, no Doctor attended me, I put my pocket handkerchief on the wound, the doctor in the Tombs felt my pulse and looked at my eyes but I did not ask the doctor to look at my head, I was in the hospital cell of the Tombs and two Italians were in there with me, I was in Bellevue Hospital because I had a terrible headache, the Doctor gave me some stuff and I drank it, he said, "you are very excited, drink that and lie down"; then I laid down in the room and was there about three or four days. I did not knock my head against the wall of my cell and cause that wound, it was Mr. Samuels gave me that blow. Mr. Squire is the name of the watchman of the hospital cell in the Tombs.

Ernestine Schaffner sworn .

I frequently visit the Tombs for the purpose of helping the prisoners in their trouble, I remember early in August calling to see the Defendant, I remember his calling my attention to a scar on his forehead, it was kind of dark in the cell but I saw the mark.

William Squire sworn and examined.

I am watchman in the hospital cell of the Tombs, the defendant was one of the occupants of the cell, he was

0458

brought in there last July, I noticed when he was brought to the cell that he had a scab on his right temple, I should say pretty near two inches, the blood was dried up. Did he beat his head against anything while he was in that cell? No sir, I took a sharp lookout, I believe he came from Essex Market but I could not swear to that, he told me he had been to Bellevue. Mr. O'Brien, Mr. Smith and Mr. Foster are keepers in the Tombs on the first floor taking care of that hospital cell.

Julia Baumann sworn.

I live at 344 36th Street and am married, on the 22nd of July I lived at 174 Houston Street with my husband, Mr. Samuels fish store is in that house and in that house the Defendant then resided, I remember the evening when there was a disturbance at the door, I was looking out of the window at the time, I only saw that the Defendant and Mr. Samuels were quarreling together, then Mr. Samuels was tackling him, he had his hand on his arm, I saw no blows struck, I only looked then for Mrs. Eberhardt and when I came back to the door two policemen were there and had the Defendant in charge, I did not see any more until I saw the defendant with a policeman, I saw blood on the defendant's forehead, the officer and him went to Mrs. Samuels rooms upstairs.

Cross Examined.

I think it was about the middle of the month when this occurred but I could not tell for sure, I live on the top floor three flights up, I heard a noise and a quarreling and looked out of the window, I did not see Mrs. Samuels



0459

do anything; I could not tell whether Mr. Samuels struck Eberhardt or not, I did not take particular notice, I only saw that he touched him, I did not see the quarrel when it first began, I only heard a noise and I looked out about five minutes afterward, the whole thing lasted about ten minutes, I saw a lot of people on the sidewalk and don't know anything more; when I looked out of the window I saw the defendant and Mr. Samuels on the sidewalk and they continued to remain there while I was looking out of the window, I could not tell for sure whether they were there or not when I ceased looking out of the window, I went to Mrs. Eberhardt's room and saw her, I saw Eberhardt next about half an hour later, I stood by the door with Mrs. Eberhardt when they brought him back, I went to her room to tell her that he was quarreling down stairs, I heard nobody come upstairs about that time, I heard nobody on the roof, I went to my room to sleep and slept until five o'clock in the morning.

Frances Miller recalled by Mr. Davis.

I saw the prisoner when he was arrested and brought to the house, he had no cut or blood on his face when he came with the officer.

The Jury rendered a verdict of guilty of assault in the second degree.

The Defendant was sentenced to the State Prison for five years.

0460

Testimony in the case  
Richard F. Oberhardt

Filed Aug. 1889.

7052

0461

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Richard Eberhardt

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

Richard Eberhardt

late of the City of New York, in the County of New York aforesaid, on the  
twenty-second day of July in the year of our Lord  
one thousand eight hundred and eighty-nine with force and arms, at the City and  
County aforesaid, in and upon the body of one Sophia Samuels  
in the peace of the said People then and there being, feloniously did make an assault,  
and with a certain knife the said

which the said

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,

with intent

her the said Sophia Samuels  
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

Richard Eberhardt

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 Sophia Samuels

in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make another assault, and her the said

with a certain

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.



0462

THIRD COUNT—

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

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

The said

*Richard Eberhardt*  
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  
*Sophia Samuels* in the peace of the said People then  
and there being, feloniously did wilfully and wrongfully make another assault, and  
her the said *Sophia Samuels*

with a certain

which

in

*Knife*  
the said *Richard Eberhardt*  
his right hand then and there had and held, in and upon the arm  
of her the said *Sophia Samuels*  
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 wrong-  
fully inflict grievous bodily harm upon the said *Sophia Samuels*

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.

0463

**BOX:**

362

**FOLDER:**

3403

**DESCRIPTION:**

Escanothe, Robert

**DATE:**

08/16/89



3403

0464

Witnesses:

Geo. B. Seales  
Edw. Neagle

195

Counsel,

Filed 16 day of Aug 1889  
Pleads, Not Guilty

THE PEOPLE

vs.

Robert Escanobie

H.D.

Grand Larceny *third degree.* [Sections 528, 529, Penal Code].

JOHN R. FELLOWS,

Sept 18/89 District Attorney.

Arrested as to his sanity found  
by the jury to be insane  
Admission River Hospital for  
A TRUE BILL. His insane

*Alfred J. Williams*

Foreman.

Sept 5/89  
J. J. P.



0465

Police Court First District.

Affidavit—Larceny.

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

George B. Scales

of No. 105 Ferry St. Newark N. J. Street, aged 32 years,  
occupation Batterman

deposes and says, that on the 13 day of August 1888 at the City of New

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

a packet containing gold and  
laurel money, to the amount and  
value of thirty-four dollars,  
and a knife, two switch keys  
and a whiskey flask, said property  
being in all of the value thirty-  
four 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 Robert Osorothe, now

here, for the reasons following, to  
wit: That deponent was in  
Elizabeth Street about the hour  
of 2 1/2 o'clock A. M., and said prop-  
erty was then and there con-  
tained in the pockets of the  
clothing upon deponent's person.  
That said deponent approached  
and spoke to deponent and  
walked with deponent in  
said street. That deponent then  
and there met officer Keagle,  
now present, who asked de-  
ponent if deponent had lost  
anything and deponent thereupon

Sworn to before me this  
day  
1888

Police Justice

0466

Examined the pockets of his clothing and found that the property aforesaid had been taken therefrom.

That the said officer then and there arrested the defendant and searched him in the defendant's presence and the stolen property aforesaid (all of which is now more shown) was found by said officer in the possession of said defendant and concealed on his person.

Sworn to before me this } George B. Seale  
23<sup>rd</sup> day of August 1889 }

C. Hagan Police Justice

0467

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

District Police Court.

*Robert Esmerothe*

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

Question. What is your name?

Answer.

*Robert Esmerothe*

Question. How old are you?

Answer.

*38 years of age*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*Chicago*

Question. What is your business or profession?

Answer.

*Farmer*

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

Answer.

*I am not guilty*

*Robert Esmerothe*

Taken before me this

day of August

188

Police Justice.



0468

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, DISTRICT.

of No. 10 E. 10th Street, aged 31 years,  
occupation Police officer being duly sworn deposes and says  
that on the 2nd day of July 1888

at the City of New York, in the County of New York,  
George B. Scales, now here,  
is a necessary and material  
witness against one Robert  
Cosmothe charged with a  
felony. That said Scales  
does not reside within  
the State of New York, and  
has no home here, and de-  
ponent believes will not appear  
to testify on the trial of said  
charges.  
John Keagle

Sworn to before me, this 1st day

of August 1888

Police Justice.

0469

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

*Robert Esmonthe*  
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 *August 13<sup>th</sup>* 188 *5* *[Signature]* 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.



0470

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Complainant  
Bailis to testify  
of Charles Scales  
of 67 Prince St.

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Chas. B. Scales  
Robert C. Smith

2  
3  
4

1202  
Offence Larceny  
from person

Dated August 13, 1889

Hogan Magistrate.

Neagle Officer.

10 Precinct.

Witnesses John Neagle

No. 10 Precinct Police Street.

Complainant in  
Home & Detention  
in default of \$1000.

No. Street.

\$1000. to answer

Commit

9



0471

FIRST DISTRICT POLICE COURT.  
CITY AND COUNTY }  
OF NEW YORK. } SS.

Recognizance to Testify.

BE IT REMEMBERED, That on the

014<sup>th</sup> day of August in the year of our Lord 1889  
George B. Seales  
of No. 145 Perry St. Newark, N.J. in the City of New York,  
and Charles Seales  
of No. 67 Prince Street, in the said City,  
personally came before the undersigned, one of the Police Justices in and for the City of New York, and acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say; the said

George B. Seales  
the sum of one Hundred Dollars;  
and the said Charles Seales  
the sum of one Hundred Dollars  
separately, of good and lawful money of the State of New York, to be levied and made of their respective goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following, viz:

The Condition of this Recognizance is such, That if the person, first above recognized, shall personally appear, at the next COURT OF General SESSIONS of the Peace, to be holden in and for the City and County of New York, and then and there Testify and give such evidence, in behalf of the people of the State of New York, as he may know, concerning an OFFENCE or MISDEMEANOR, said to have been lately committed in the City of New York aforesaid by

Robert Upmuth

And do not Depart thence, without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the  
day and year first above written.

G. B. Seales  
Charles Seales  
POLICE JUSTICE.

0472

State of New York  
CITY AND COUNTY  
OF NEW YORK,

I, the within-named Bail, being duly sworn, says, that he is a  
said *State* and is worth *Five*

over and above the amount of all his debts and liabilities: and that his property consists of

one house and four lots of land  
situated in the village of Winfield,  
Queens County, Long Island, and  
of the value of fifteen hundred  
dollars and all encumbrances

Charles Seales

Hundred Dollars,

holder in

New York Sessions.

THE PEOPLE, &c.,

vs.

G. W. B. Seales

POLICE JUSTICE.

H. H. H.

Filed

day of

is

RECOGNIZANCE TO TESTIFY

0473

DR. MATTHEW D. FIELD,  
115 EAST 40TH ST.

New York, Sept. 9<sup>th</sup> 1889

Hon. H. H. Post -

Dear Sir:

By order of our  
honorable Board I have  
examined Robert Ekonothe  
now confined in the City  
Prison & he is in my  
opinion insane & irres-  
ponsible.

Respectfully submitted

Matthew D. Field, M.D.

Examiner in Lunacy.

To  
The Commissioners of  
Public Charities & Correction.



0474

Department of  
PUBLIC CHARITIES AND CORRECTION,  
Office of City Prison, Corner of Franklin and Centre Streets,

THOS. S. BRENNAN, Pres.  
HENRY H. PORTER,  
CHARLES E. SIMMONS.

CHARLES OSBORNE, Warden.

New York,

Sept 12<sup>th</sup>

1889-

Hon. Henry H. Porter -  
President Etc -

My dear Sir -  
I have this honor  
to report that I have examined  
Robert Escouffé with regard  
to his mental and physical  
condition and am of the opinion  
that he is insane

Very Respectfully -  
Allen Fitch M.D.  
Examiner in Lunacy

0475

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Robert Escanathe*

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

*Robert Escanathe*

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

The said

*Robert Escanathe*

late of the City of New York, in the County of New York aforesaid, on the *thirteenth*  
day of *August* in the year of our Lord one thousand eight hundred and  
eighty-*nine*, at the City and County aforesaid, with force and arms, in the  
*night* time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of

*thirty-four*  
dollars; divers other promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination  
to the Grand Jury aforesaid unknown, for the payment of and of the value of  
*thirty-four*  
dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of

*thirty-four*  
dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of  
*thirty-four*  
dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of

*thirty-four* dollars,  
*one* pocketbook of the value of  
*twenty-five* cents, *one* knife of the value  
of *twenty-five* cents, *two* keys of the value  
of *ten* cents each, and *one* flask of  
the value of *ten* cents

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

0476

**BOX:**

362

**FOLDER:**

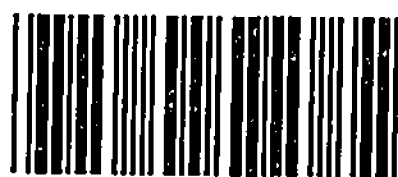
3403

**DESCRIPTION:**

Everett, Peter Y.

**DATE:**

08/15/89



3403



0477

165.000  
279.

Witness:  
J. L. Sutton

I have made a careful examination of the within charge I am satisfied thereof that no crime had been committed. The defendant received the check in the regular course of business and believing it to be good used it to purchase supplies. The affidavit filed here with discloses more fully the facts. I respectfully recommend that the indictment be dismissed.

April 29/90 Part 3

Wm. Traverser  
Dep. Atty.

Counsel,  
Filed 15 day of Aug 1889.  
Pleads, Chgo. July 2, 1885

THE PEOPLE  
vs.  
Peter M. Everett  
Grand Larceny, 2nd degree  
[Section 528, and 53, Penal Code].

JOHN R. FELLOWS,  
District Attorney.

A True Bill Sept 13/89 D.M.D.

Alfred C. Evans  
Part IV April 29/90 Foreman.  
On view com. District Atty.  
indict. atts. RBM

0478

Police Court— / District.

Affidavit—Larceny.

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

*John L. Sutter*  
 of No. *31 and 32 Washington Market* Street, aged *42* years,  
 occupation *Butcher* being duly sworn  
 deposes and says, that on the *21* day of *June* 188*7* at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the *day* time, the following property, viz:

*Good and lawful money of the United  
 States of the value of Twenty one dollars  
 and seventy five cents and a quantity of  
 meat of the value of six dollars and  
 twenty five cents*

*Together in the sum of Twenty seven dollars*  
 the property of the case and charge of deponent

and that this deponent  
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
 and carried away by *Peter V. Everett* (now here) for the  
 reasons that on said day the defendant  
 purchased the above quantity of meat  
 from deponent and presented in payment  
 therefor the annexed check payable to the  
 order of the defendant for the sum of Twenty  
 Seven dollars drawn by one A. M. Armstrong.  
 That at the same time the defendant represented  
 to deponent that said check was good  
 and would be cashed. That deponent  
 believing said statements to be true and  
 relying thereon, did receive said check and  
 pay to the defendant the sum of Twenty  
 one <sup>75</sup>/<sub>100</sub> dollars the difference between the  
 purchase price of said meat and the

Sworn to before me, this  
 day

Police Justice.

0479

face value of said check. That the defendant requested that deponent ship the meat so purchased, to C. P. Everett at Atlantic Highlands, New Jersey.

That said check has been returned to deponent with information that said check is worthless and that said drawer had no account in the Nassau Bank the bank upon which said check has been drawn.

That said meat so purchased by the defendant and shipped at his request has been returned by the express with the statement that no such person as C. P. Everett could be found at Atlantic Highlands.

Sworn to before me 3 John Louis Sutter  
this 27<sup>th</sup> June, 1889 3

Charles W. Taintor  
Police Justice



0480

Sec. 193-200.

CITY AND COUNTY } ss.  
OF NEW YORK

District Police Court.

*Peter Y. Everett*

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.

*Peter Y. Everett*

Question. How old are you?

Answer.

*56 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*10<sup>th</sup> Avenue and 96<sup>th</sup> Street. 4 years*

Question. What is your business or profession?

Answer.

*Newspaper reporter*

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  
P. Y. Everett.*

Taken before me this

day of

1889

Police Justice.

0481

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

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

Dated June 28 1889 Doyle Police Justice.

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

Dated June 28 1889 Doyle 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.

0482

BAILED,

No. 1, by Albert M. Everett

Residence 1115 1/2 1st St. S. St. Louis

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

The Justice presiding in  
this Court will hear  
and determine this  
case by reason of  
my absence  
Charles N. Taintor District Justice

165  
Police Court--

972  
District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

John L. Sutter

814 1/2 Washington Market

Peter J. Everett

2

3

4

Dated

June 27

188 9

Taintor

Magistrate.

O'Hara

Officer.

21

Precinct.

Witnesses

\$500 E June 28

Street.

3: R. M.

No. 311 1/2 1st St. S. St. Louis

to state whether or not

A. M. Armstrong has an acch

there on June 18 1889 or 27 any title

\$500

to answer

Bailiff



0483

The Nassau Bank	No.	New York, June 18 <sup>th</sup>	1889
	The Nassau Bank		
	Pay to the order of Peter H. Everett.		
	Twenty Seven - Dollars		
	\$27 for. Am. Armstrong.		

0484

Peter V. Everett  
RN South  
O - 17

of Sutter

H. & J. Glendermann.

0485

Court of General Sessions &c  
in and for the City and County of New York

The People  
vs.

Peter Y. Everett.

City and County }  
of New York } ss

John L. Sutter being  
duly sworn says: I am the complain-  
ant in the above case; and believe  
from inquiries that I have personally made  
and from information received by me from  
a reliable source, that the defendant  
Peter Y. Everett, received the check mentioned  
in my affidavit, from a third party one  
A. M. Armstrong of Jersey City, New Jersey,  
and that said Everett made repeated efforts  
to find said Armstrong after I notified  
him that the check had been returned to  
me marked "No a/c". I have been ac-  
quainted with said Everett for several years  
and have had business dealings with  
him during that time, and he had  
always paid me for goods purchased  
from me up to the time this check



0486

was - presented in <sup>part</sup> payment of goods sold him.

That he has always to the best of my knowledge and belief borne a good reputation and I am satisfied that he supposed that said check was good at the time he gave it to me.

Under all the circumstances that have since come to my knowledge I am loath to believe that said Everett is guilty of any intent to defraud, particularly as I have discovered since the happening of the matters charged against him, that there was at the time one Charles P. Everett (the name of the party to whom the goods were shipped) a son of defendant at Atlantic Highlands, New Jersey and had it not been for some mistake on the part of the carriers of the goods, they would have been received and the express charges paid by him.

In view of these facts I respectfully recommend that said Peter Y. Everett be given such clemency as the Court and District Attorney may see fit to show; my reasons for so doing are not controlled by any advantage to myself, but that justice may be done in accordance with the facts.

0487

That the complainant has this day  
paid me the amount of the said  
check, and would have paid me before,  
I believe, had he thought that he  
could have done so without prej-  
udice to his rights under the cir-  
cumstances.

Sworn to before me }

this 26<sup>th</sup> day of April 1890 }

H. D. M. Ordeu

J. L. Lutter

NOTARY PUBLIC,  
KINGS CO.,  
CERT. FILED IN N. Y. CO.

0488

New York April 26<sup>th</sup> 1890

Received from Peter Y. Everett, the  
sum of Twenty seven dollars,  
being in full for the amount of cash  
and value of the goods received by  
him from me on the check of A.  
M. Armstrong, on the Nassau Bank  
of New York City, dated 1889,  
which check was returned to me  
by said Bank, as worthless.

John. L. Lattin



0489

Court of General Sessions &  
in and for the City & County of New York

The People  
vs

Peter Y. Everett

City & County } ss.  
of New York }

Charles E. Simms Jr.  
being duly sworn says: that he is an  
attorney and counsellor at law, having  
an office at No 335 Broadway in the  
City of New York, and is, and has been  
since the above entitled case has  
been in this Court, Counsel for the  
defendant Peter Y. Everett; that when  
the case was last on the Calendar of  
the Court in September 1889 it was referred  
for investigation, but no investigation  
has been had; that deponent as such  
counsel, at that time the case came into  
his hands, advised the defendant not  
to make restitution of the amount of  
the check delivered to the complainant  
for the reason that if the defendant did  
so it might be considered or construed

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as an admission of guilt, and as a confession of his knowledge of the worthlessness of the check when it was presented to the complainant in part payment of the goods purchased from him.

Deponent is informed, however and verily believes that defendant has been and is now ready and willing to make restitution, provided it can be done without prejudice to him

Sworn to before me  
this 26 day of April 1890 }

Charles E. Simmes

*Aug. G. Boyer*  
Commr of Deeds  
N.Y. City & Co.

0491

Court of General Sessions &c  
in and for the City & County of New York

The People.  
vs.

Peter Y. Everett

City and County }  
of New York } ss.

Peter Y. Everett, being duly sworn says, that I am the defendant in the above entitled case; my business is that of a writer for the newspapers and I am at present employed in writing for the new newspaper known as the Saturday Evening Gazette, published at No 24 Beekman Street, New York City; that the check drawn by A. M. Armstrong to my order, was delivered to me by said A. M. Armstrong, who then resided in Jersey City but as I am informed and verily believe now resides in Philadelphia Pa; that said check was given to me by said A. M. Armstrong with whom I have been acquainted for about three years, in payment for work and services rendered by me in composing



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and shaping a story or novel <sup>for him</sup> for him; and  
I supposed said check was good, and  
in good faith presented it to John L.  
Sutter ~~with~~ whom I had been dealing  
for several years before this transaction;  
that at the time of the presentation of this  
check to him I purchased meat from him  
of the value of about six dollars and  
requested him to give me the balance  
that the check called for in cash which  
he did, and afterwards borrowed three  
dollars thereof from me.

That I have gone to Jersey City to  
find said A. M. Armstrong and produce  
him to testify that he had made the check  
above referred to but have been unable to  
see him personally, as I was informed  
by an acquaintance of mine who resides  
in Jersey City that said A. M. Armstrong  
had gone to Philadelphia to reside, and  
since receiving this information I have  
not made any further search for him  
in Jersey City, thinking it would be of  
no avail. That I am guiltless of  
any intent to defraud the complainant,  
and am willing and always have been  
willing to make restitution; the reason

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that I have not made it, is because I have been acting upon the advice of counsel who instructed me that by making restitution it might be regarded as a confession or admission of guilt on my part, but ~~ad~~ repeat that I have always been willing and if it can be done without prejudice to my rights I am now ready to make the restitution to the complainant.

That I have resided in the City of New York for over fifty years, and have been employed on and off for nearly forty years in writing and reporting for different Newspapers in the City of New York, having been twenty two years a reporter on the New York Herald; That I have never been arrested before and should not <sup>have</sup> been arrested in this case for had the complainant returned the check to me immediately after he received it from the Bank marked "good", I would have at once returned him the money.

Subscribed & sworn to before  
me this 26<sup>th</sup> day of April 1890

Morris Westcott  
Comptroller of Deeds  
City & Co. of N.Y.

John V. Everett

Court of General Sessions

in and for the City & Co. of New York

The People

vs.

Peter Y. Everett.

Affidavit of John S. Sutter,  
Peter Y. Everett & Charles E.  
Sutter Jr. Also receipt of  
John S. Sutter.

C. E. Sutter  
Atty for Deft  
335 Broadway  
N.Y.

0494



0495

Court of General Sessions to  
be and for the City & County of New York.

The People vs

v.

Peter Y. Everett.

City & County of New York ss:

Thomas W. Pittman

being duly sworn deposes and says that  
he resides at No. 238 West 84<sup>th</sup> Street  
in the City of New York. That he is per-  
sonally acquainted with Peter Y.  
Everett the above defendant and has  
known him for the past twenty years;  
that during all that time his repu-  
tation has been good in every respect  
and his Character beyond reproach.  
That for many years said Everett  
was connected with New York Press  
and particularly with the New York  
Herald as its first Reporter and  
Editor and that defendant never heard  
anything against his reputation.

Sworn to before me this  
29<sup>th</sup> of April 1890.

Frank J. Cavellus,  
Notary Public N.Y.C.  
No 204

Thomas W. Pittman

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Court of General Sessions &  
aid for the City & County of New York.

The People  
vs  
Peter Y. Everett.

City of County of New York ss

William S MacGregor doing  
business at No 22 East 18<sup>th</sup> St. and residing at  
433 Morris St Brooklyn, being duly  
sworn says, I am well acquainted with  
Peter Y. Everett the defendant above named  
whom I have known for over thirty years  
that the said Peter Y. Everett was in  
my employ for several years as a  
writer, and I have always known him  
as a man of good reputation and one  
that bears a good character during  
all the years I have been acquainted  
with him.

Sworn to before me

this 28<sup>th</sup> day of April

1890.

Jos. Scully  
Notary Public  
N.Y. County

W. S. MacGregor

Court of General Sessions

in and for the City & Co. of New York

The People

vs

Peter Y. Everett.

Affidavits of William  
D. Mac Gregor and Thomas  
W. Pittman as to defts  
character.

C. E. Simms Jr.  
City for Deft  
335 Broadway  
N. Y. City

0497



0498

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*Peter M. Everett*

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

*Peter M. Everett*

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

The said

*Peter M. Everett*

late of the City of New York, in the County of New York aforesaid, on the *21st*  
day of *June*, in the year of our Lord one thousand eight hundred and  
eighty *nine*, at the City and County aforesaid, with force and arms, with intent to  
deprive and defraud *one Alexander Sutter*

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of  
the use and benefit thereof, and to appropriate the same to *his* own use, did then and  
there feloniously, fraudulently and falsely pretend and represent to *one John*

*S. Sutter, then being the agent of*  
*the said Alexander Sutter,*

That a certain paper writing in the  
words and figures following to wit:

*New York June 18th 1889*

*The Nassau Bank*

*Pay to the order of Peter M. Everett*

*Twenty Seven*

*Dollars*

*\$27.00*

*Arm. Armstrong*

and endorsed as follows, to wit: "*Peter*  
*M. Everett*", which the said Peter M.

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Ernest then and there produced and delivered to the said John S. Sutter, was then and there a good and valid order for the payment of money, and of the value of twenty seven dollars.

And the said John S. Sutter

then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Peter M. Ernest

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said Peter M. Ernest, the sum of twenty one dollars in money, lawful money of the United States of America, and of the value of twenty one dollars, and a quantity of meat of the value of six dollars,

of the proper moneys, goods, chattels and personal property of the said

Alexander Sutter

And the said Peter M. Ernest did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said John S. Sutter

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Alexander Sutter

of the same, and of the use and benefit thereof, and to appropriate the same to his own use

Whereas, in truth and in fact, the said paper writing was not then and there a good and valid order for the payment of money, and was not of the value

0500

of twenty seven dollars, or of any  
value, but was wholly void and  
worthless.

And Whereas, in truth and in fact, the pretenses and representations so made  
as aforesaid by the said Peter M. Everett  
to the said John S. Sutter was and were

then and there in all respects utterly false and untrue, as he the said  
Peter M. Everett  
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said  
Peter M. Everett  
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,  
chattels and personal property of the said Alexander Sutter

then and there feloniously did STEAL, 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.