

0824

**BOX:**

489

**FOLDER:**

4471

**DESCRIPTION:**

Zimmermann, Simon

**DATE:**

07/13/92



4471

0825

POOR QUALITY  
ORIGINAL

176

Witnesses:

James A. Scott  
Rutherford  
N. 9

I have examined into this  
case with great care and of  
opinion that a case  
of larceny cannot be  
made out on the defend-  
ant's account as there is  
no evidence of a felon-  
ious intent

The complainant joins  
me in the recommenda-  
tion that defendant  
be discharged on his  
own recognizance

Feb 13/93 Geo W. Osborne  
Deputy  
J. J. Macdonald  
Assn

Counsel,

Filed 13 day of May 1892

Pleads, Not Guilty +

THE PEOPLE

vs.

B

Simon Zimmerman

March 6/93  
De Lancey Nicolli,  
District Attorney.

Grand Larceny, second Degree.  
[Sections 548, 549, Penal Code.]

A TRUE BILL.

Edmond D. W.  
Feb 14/93 Foreman.  
Rail  
Discharged

Upon the merits of the case  
attorney for the defense in the above  
case has been discharged, to wit: Mr. [illegible]

0826

Court of General Sessions of the Peace  
City and County of New York.

-----X-----  
The People of the State of New York :  
vs :  
Simon Zimmerman :

Sir:-

Please take notice that upon the annexed affidavit of Arthur J. Westermeyer, counsel for the defendant herein, verified January 9th 1893 I will move this Court in Part 3 thereof before Hon. James Fitzgerald, Judge of said Court on the 13th day of January 1893 at eleven o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an order dismissing the indictment herein for want of prosecution.

Dated, New York, January 9th 1893.

Yours etc.,

Arthur J. Westermeyer,

Counsel for defendant,

119 Nassau street,

N. Y. City, N.Y.

To

Delancey Nicoll Esq.

District Atty.

0827

Court of General Sessions of the Peace.

New York County.

-----X  
The People etc . :

vs :

Simon Zimmerman :

-----X  
City and County of New York ss:-

Arthur J. Westermayr,  
being duly sworn says that he is the attorney and counselor  
for the defendant herein. That this defendant, on the 1st  
day of June 1892, was indicted by the Grand Jury in and for  
the City and County of New York upon the charge of grand  
larceny in the second degree, to wit, stealing 71 live  
calves from one James Scott. That on the 5th day of June  
1892 this defendant appeared in Court and pleaded not guilty  
to the charge. That thereafter and at various times, to  
wit, in particular June 14th 1892 defendant appeared in  
Court represented by Counsel and was ready to stand trial  
upon said charge. That at the request of the District Attor-  
ney of this County the trial was adjourned to the 11th day  
of July 1892 upon which day the trial was duly commenced  
and on the 12th day of July 1892 at the request of the Dis-  
trict attorney and upon consent of the counsel for the de-  
fendant a juror was withdrawn and the indictment quashed.  
That on the 13th day of July 1892 this defendant was re-in-  
dicted upon the same charge, the indictment alleging as a  
second count that defendant had converted the proceeds of  
the sale of said calves. That thereafter and at various



0028

times, to wit, July 26th, September 8th, 12th, 20th, 27th  
 October 18th, December 7th, and 20th this case appeared upon  
 the calendar in various parts of this Court and upon each  
 and every occasion was adjourned to a subsequent date. That  
 on said 20th day of December the complainant witness, sent  
 to the Judge of this Court an unverified doctor's certificate  
 stating that he was sick and unable to appear and prosecute  
 this defendant, which upon investigation on information and  
 belief this deponent alleges was untrue and merely sent in  
 for the purpose of delay. That this defendant is anxious  
 and desirous of having a speedy trial and that pending same  
 this defendant is under suspicion of guilt among his friends  
 and neighbors and is greatly and irreparably prejudiced and  
 injured thereby. That this defendant is held in \$1000 bail  
 to await trial.

Wherefore this deponent asks that the indictment herein  
 be dismissed for want of prosecution.

Sworn to before me this :

9th day of January 1893 :

*Arthur J. Westerman*  
*Henry E. Frankenburg*  
*Notary Public, Kings Co.*  
*Cert. filed in N.Y.C.*

0829

City and County of New York, ss:

being duly sworn, says that he is years of age;  
that on the day of 188, at No.  
in the City of New York, deponent served the within  
upon  
by delivering to and leaving with  
true copy  
of the said and at the same time  
exhibiting to said the within original, and that he  
knew the person so served to be the individual described in the within original.

Sworn to before me, this  
day of 188

General Sessions Court.	
The People	Plaintiff
against	
Simon Zimmerman	Defendant
Affidavit	
Notice of Motion	
ARTHUR J. WESTERMAYER,	
119 Attorney for	
Nassau Street,	
NEW YORK.	
June 31, 1893	
De laury M. Hall	
Attorney for	

Due service of a copy of the  
within

is hereby admitted

Dated, New York,

188

Attorney.

0830

COURT OF GENERAL SESSIONS OF THE PEACE.

CITY AND COUNTY OF NEW YORK.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK. :

vs :

SIMON ZIMMERMAN :  
-----X

Sir:-

Please take notice that upon the annexed affidavit of Arthur J. Westermeyer, counsel for the defendant herein, verified December 5th 1892 I will move this Court in Part 2 thereof before Hon. James Fitzgerald, Judge of said Court, on the 20th day of December 1892 at eleven o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, for an order dismissing the indictment herein for the want of prosecution.

Dated? New York, December 3th 1892.

Yours etc/

Arthur J. Westermeyer,

Counsel for defendant,

To

Delancey Nicoll Esq.,

District atty.

0831

COURT OF GENERAL SESSIONS OF THE PEACE.

CITY AND COUNTY OF NEW YORK.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK:

vs

SIMON ZIEHERMAN

-----X  
City and County of New York ss:-

ARTHUR J. WESTERMAYER

being duly sworn says that he is the counsel for the defendant herein. That on the 1st day of June 1892 this defendant was indicted by the Grand Jury in and for the City and County of New York upon the charge of grand larceny in the second degree, to wit, stealing 71 live calves from one James Scott. That on the 8th day of June 1892 this defendant appeared in Court and pleaded not guilty to the charge. That thereafter and at various times, to wit, in particular June 14th, 1892 defendant appeared in Court represented by Counsel and was ready to stand trial upon said charge. That at the request of the District Attorney of this County the trial was adjourned to the 11th day of July 1892 upon which day the trial was duly commenced and on the 12th day of July 1892 at the request of the District attorney and upon consent of the attorney for the defendant a juror was withdrawn and the indictment quashed. That thereafter and at various times, to wit, July 26th, September 8th, 12th, 20th, 27th, and October 18th <sup>and December 7th</sup> the case appeared upon the

0832

calendar in the various parts of this Court and upon each and every occasion was adjourned to a subsequent date. That on the 13th day of July 1892 this defendant was re-indicted upon the same charge. That this defendant is anxious and desirous of having a speedy trial and that pending same this defendant is under suspicion of guilt and his friends and neighbors and is greatly and irreparably prejudiced and injured thereby. That this ~~Repealed~~ defendant is held in \$1000.00 bail to await trial.

Wherefore this defendant asks that the indictment herein be dismissed for want of prosecution.

Sworn to before me this :

5th day of December 1892.:

*Henry M. Jones*

*Notary Public King Co*

*Cert. Filed in N.Y. Co*

*Arthur J. Westerman*

*City and County of New York, ss:*

.....being duly sworn, says that he is.....years of age;  
that on the.....day of.....188..., at No.....  
.....in the City of New York, deponent served the within.....  
upon.....  
.....by delivering to and leaving with.....  
.....true copy  
of the said.....and at the same time  
exhibiting to said.....the within original, and that he  
knew the person so served to be the individual described in the within original.

Sworn to before me, this.....  
day of.....188.....

General Session Court.

The People vs

Plaintiff

Simon Zimmerman

Defendant

Copy  
affidavit & Notice  
of motion

ARTHUR J. WESTERMAYER,  
119 Nassau Street,  
NEW YORK.

To DeLaney Nicoll Esq  
Attorney for

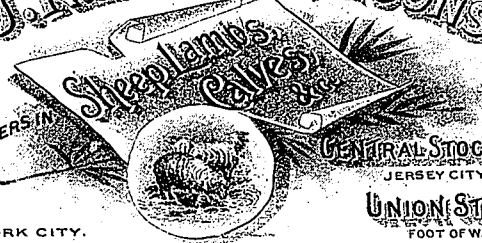
0834

New York Aug 31 1891  
*M. L. Zimmerman*

Bought of **J. N. PIDCOCK & SONS**

TELEPHONES:  
 274 JERSEY CITY.  
 805 39<sup>th</sup> ST. N.Y.C.

COMMISSION  
 DEALERS IN



CENTRAL STOCK YARDS  
 JERSEY CITY, N.J.

UNION STOCK YARDS  
 FOOT OF W. 60<sup>th</sup> ST. NEW YORK CITY.

P.O. ADDRESS,  
 BOX 2733 NEW YORK CITY.

31	20¢	4440 @	4	177.60
"	46	7550 "	8	604.00
				781.60

Recd Payment  
*J. H. Scott*

*Defto*  
*Sept 1st*  
*my 3/4 2*

Please mail check to  
 Box 2733, N. Y. City

0835

J.N. PIDCOCK  
J.N. PIDCOCK JR.

New York City Aug 4 1891

Bought of *A. Zimmerman*  
**J. N. PIDCOCK & SONS**  
SPECIALISTS IN  
Lamb, Calves, etc.

TELEPHONES:  
274 JERSEY CITY,  
805 39TH ST. N.Y.C.

COMMISSION  
DEALERS IN

CENTRAL STOCK YARDS,  
JERSEY CITY, N.J.


UNION STOCK YARDS,  
FOOT OF W 60TH ST. NEW YORK CITY.

P.O. ADDRESS,  
BOX 2733 NEW YORK CITY.

84 Calves.	15870 = 340	539.58,
Recd. Payment J. N. P. & S. J. & S.		
Depts People E-1 B		
May 3/92		



0836

J.N. PIDCOCK, Sr.		J.N. F. PIDCOCK		J.N. PIDCOCK, Jr.	
<i>Jersey City, N.J. April 13/1892</i> <i>M. J. Zimmerman</i>					
Bought of <b>J.N. PIDCOCK &amp; SONS</b>					
TELEPHONES: 274 JERSEY CITY, 805 39 <sup>th</sup> ST. N.Y.C.					
COMMISSION DEALERS IN		CENTRAL STOCK YARDS JERSEY CITY, N.J.			
P.O. ADDRESS, 333 NEW YORK CITY.		UNION STOCK YARDS 307 BROADWAY NEW YORK CITY.			
<i>13 63 Cts. 8000</i> <i>800 "</i> <i>Diff 1</i>		<i>570</i> <i>3 1/2</i>		<i>450.00</i> <i>2800</i> <i>484</i>	
<i>Diff 1</i> <i>Diff 1</i> <i>Diff 1</i>					

0837

J.N. PIDCOCK, Sr. J.N.D. F. PIDCOCK J.N. PIDCOCK, Jr.

*New York June 17 1891*

*M. L. Zimmerman*

Bought of **J. N. PIDCOCK & SONS**

TELEPHONES:  
274 JERSEY CITY,  
805 39th ST. N.Y.C.

COMMISSION DEALERS IN

**Sheep, Lambs, Calves**

GENERAL STOCK YARDS,  
JERSEY CITY, N.J.

P.O. ADDRESS,  
BOX 2733 NEW YORK CITY.

UNION STOCK YARDS,  
FOOT OF W. 60th ST. NEW YORK CITY.

17	13¢	2070	4 1/2	93.15
"	15"	2360	2 3/4	64.90
				158.05

*Paid*

2070  
" 10  
8280  
10 Depts  
*Russell E. C.*  
*May 5/92*

Please mail check to  
Box 2733, N. Y. City.

0838

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK,

An information having been laid before Charles H. Taintor a Police Justice  
of the City of New York, charging Simon Zimmerman Defendant with  
the offence of Larceny

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

We, Simon Zimmerman Defendant of No. 307  
E 49th Street; by occupation a Butcher  
and Jacob Fleishman of No. 348 East 50th  
Street, by occupation a Butcher Surety, hereby jointly and severally undertake  
that the above named Simon Zimmerman Defendant  
shall personally appear before the said Justice, at the 4th District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of \_\_\_\_\_  
Hundred Dollars.

Taken and acknowledged before me, this 22  
day of April 1892  
Charles H. Taintor POLICE JUSTICE.

S. Zimmerman  
Jacob Fleishman

0839

CITY AND COUNTY } ss.  
NEW YORK,

*Sworn to before me, this*  
*1892*  
*Police Justice.*

the within named Bail and Surety being duly sworn, says that he is a resident and holder within the said County and State, and is worth Twenty Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of House and lot of land

known as number 249 East 58  
is this City and valued at  
Seven thousand dollars for  
and clear

*Joseph H. Haines*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Underlying to appear  
during the Examination.

vs.

Taken the day of 18

Justice.

0840

Police Court

14 District.

Affidavit—Larceny.

City and County  
of New York, ss:

James A. Scott  
of Rutherford New Jersey Street, aged 52 years,  
occupation Commission-merchant being duly sworn,  
deposes and says, that on the 13 day of April 1892 at the City of  
New York, in the County of New York, was feloniously taken, stolen and carried away  
from the possession of deponent, in the day time, the following property, viz:

Seventy calves, of the value of about  
Four Hundred and eighty Dollars

1/80<sup>00</sup>/<sub>100</sub>

the property of C. E. Vanslyke, in the care  
and custody of deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloni-  
ously taken, stolen and carried away by Simon Zimmermann

(now here) for the reasons following to wit:  
That deponent is a Commission Merchant transacting  
business at the Stock Yards 60<sup>th</sup> Street & North River.  
That said property was in deponent's care to be sold  
for the owner; that said defendant, on said date,  
offered to buy said property and deponent sold  
him said property with the understanding that  
said property was to be paid for before it was  
taken from said Stock Yards. That deponent  
gave said property into the care of defendant  
to be held at said yards until it was  
paid for. That said defendant took said or  
promised to be taken from said yards the  
said property without paying for the same.

0841

Wherefore deponent accuses defendant of the  
larceny of said property and prays that  
he may be dealt with according to law

Sworn to before me this }  
22<sup>nd</sup> day of April 1892 } James A. Scott

Charles N. Linton  
Police Justice

0842

(1935)

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

District Police Court.

*Simon Zimmermann* 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. *Simon Zimmermann*

Question. How old are you?

Answer. *68 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *N 307 E. 49 St.*

*22 years*

Question. What is your business or profession?

Answer. *Butcher*

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

Answer. *I am not guilty,  
I am innocent*

Taken before me this *14*

day of *April* 189 *28*

*Charles J. ...*

Police Justice.

0043

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 any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by James A. Scott  
 of Rutherford Knickerbocker Street, that on the 13 day of April  
and Rock Wards, 59th St. & Ave. C  
 1889, at the City of New York, in the County of New York, the following article to wit:

Twenty Dollars  
 of the value of Four Hundred and Eighty - Dollars,  
 the property of C. G. John Doyle,  
 was as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Simon Zimmermann

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him 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 22 day of April, 1889  
Charles N. Linton POLICE JUSTICE.



0844

Age 68 German No 307-26,449-84

The within named

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.

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 188

Magistrate

Officer.

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

Officer.

Date April 22 1882

This Warrant may be executed on Sunday or at  
night.

Police Justice.

0845

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

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..... 18

John Ryan Police Justice.

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

Dated.....

May 20

18

John Ryan 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.

0846

*H. M. for 2*  
*April 29 - 1892 / 2 PM*

BAILED

No. 1, by *Jack Fleishman*  
 Residence *348 E. 50* Street.

No. 2, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street.

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

No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street.

*The Justice presiding*  
*during my absence will*  
*please hear and determine*  
*the within Complaint*  
*April 24th 1892*  
*Charles W. Carter*  
*Police Judge*

Police Court---

District.

THE PEOPLE &c.,  
 ON THE COMPLAINT OF

*James S. Cook*  
*Rutherford N.J.*  
*Union Zimmermann*

2

3

4

Offence

Dated

*April*

1892

Magistrate.

Officer.

Witnesses

No.

*James E. Scott.*

No.

*Andrew Mullen -*

No.

*Jack Haley*

No.

*\$1000*

to answer

*Bailed**Ex May 5 - 3 PM**" 23 3 PM*

0847

Fol. 1

THE COURT OF GENERAL SESSIONS.

THE PEOPLE,

vs.

SIMON ZIMMERMAN.

City and County of New York, ss:

PATRICK H. DELEHANTY being duly sworn says that he is a graduate of the New York Law School and is now a Clerk in the office of James W. Osborne, that he was during the morning of February 23rd, 1893, in said Osborne's private office when and where the conversation set forth by S. J. K. Adler was alleged to have taken place.

That no such words either in substance or effect as the following were used "Why don't you folks come together and settle and give him (meaning the complainant Scott) something and give him a release." I did hear said Osborne say

*to said Adler.*  
that he wished this calf case was settled and out of the way,

that he was very busy with other cases and that when the case did come on for trial he would move Heaven and earth to

secure a conviction. This is all of the conversation that I can now recollect. Mr. Osborne and said Adler were laughing at the time of the said conversation and I regarded the conversation as jocular.

Sworn to before me, this : *Patrick H. Delehanty*  
24<sup>th</sup> day of February, 1893. :

*Isaac Washburn*  
*Notary Public*  
*N. Y. Co.*

0848

Fol. 1

COURT OF GENERAL SESSIONS.

THE PEOPLE,

vs.

SIMON ZIMMERMAN.

City and County of New York, ss:

WILLIAM S. DORIA being duly sworn says, that he was during the morning of February 23rd, 1893, in the private room of James W. Osborne when the conversation set forth by S. J. K. Adler was alleged to have taken place.

" 2

That no such words either in substance or effect as the following were used "Why don't you folks come together and settle, and give him (meaning the complainant Scott) something and give him a release."

That deponent did hear some jocular conversation, *between Mr. Osborne and Mr. Adler* both parties laughing about Scott's "Calf case".

" 3

Mr. Osborne said that he wished that this "Calf case" was settled as he had a very heavy case on hand and wanted it prepared for trial, and when Scott's case did come on for trial he would move Heaven and earth to convict the defendant.

I understood the whole conversation to be a mere joke, and as above set forth is all of it that I can remember.

Sworn to before me, this :  
24<sup>th</sup> day of February, 1893. :

*Jacob M. Ashburn*  
Notary Public,  
N. Y. Co.

*Wm S. Doria*

Fol.1

## COURT OF GENERAL SESSIONS.

THE PEOPLE &amp; C.,

against

SIMON ZIMMERMAN.

City and County of New York, ss:

JAMES W. OSBORNE being duly sworn, says:

" 2

I am one of the Deputy Assistant District Attorneys in and for the City and County of New York. I am the person referred to in the affidavits of S. J. K. Adler and Arthur J. Westermayr, submitted herein. I had charge of the above mentioned case when it was first tried and a juror withdrawn by consent; and in view of the urgent requests of the defendant's counsel for a disposition of the case, on February 13th, 1893, I endorsed a recommendation upon the papers for the discharge of the defendant upon his own recognizance.

" 3

The conversation between deponent and said Adler, referred to in his affidavit, was not, to the best of my recollection, in the language stated in said affidavit, but was merely a jocular reference to my desire to have the "calf" case settled and got out of the way. Said conversation occurred in connection with a request of the said Adler's for me to obtain admission for him to the Hayes trial.

At the time I stated to the said Westermayr that I would not try the Zimmerman case until "I got ready" I also

0850

-2-

" 4

stated that "by that I meant as soon as the Buchanan case was tried", the Buchanan case being an important murder case which I am now preparing for trial.

" 5

It is almost needless to say that I have no interest direct or indirect in the prosecution of the Zimmerman case and that my only feeling is that being satisfied in my own mind of the guilt of the defendant, I did not consider that the indictment should be dismissed without a trial; as on Feb. 23d, 1893, before the argument of the motion, I had a conversation with the complainant who informed me that a material witness for the People, one Blum, a book-keeper for Pidcock & Son, who resides in the State of New Jersey would be present at the trial of this case. The testimony of the said Blum would supply the evidence necessary to make out the People's case and therefore upon the argument of the motion I expressed my willingness to try the case but I have just been informed by said complainant that the said Blum now declines to appear upon the trial of the case, consequently I interpose no further objection to the motion of defendant.

" 6

Sworn to before me, this : *James W. Osborne*  
24<sup>th</sup> day of February, 1893.:

*Jacob Washburn*  
*Notary Public*  
*N. Y. C.*

## COURT OF GENERAL SESSIONS

-----X  
The People

vs.

Simon Zimmerman  
-----X

City and County of New York, SS:

James A. Scott being duly sworn says; that on the morning of February 23rd 1893, I informed James W. Osborne Esquire, that the witness E.W. Bloom had consented to appear and testify in the above case. On the 24th day of February 1893, I informed the said Osborne that said Bloom had declined to appear and testify. Hereto annexed is a letter received by me February 24th 1893, from said Bloom. E.W. Bloom resides in Jersey City in the State of New Jersey, and is the bookkeeper of Pidcock & Son, by whom a bill for the calves alleged to have been taken by the defendant was made out and sent to said defendant. Said Osborne informed deponent in July 1892, that in his opinion a conviction could not be obtained without the testimony of said Bloom. *That hereto annexed is a letter received by me from Mr. Webb on Dec 17th 1892*  
Sworn to before me this

24<sup>th</sup> day of February 1893.

*J. A. Scott*  
*Jacob Washburn*  
*Notary Public*  
*N.Y.C.*



0852

*District Attorneys Office.  
City & County of  
New York.*

December 17th 1892

James A. Scott Esq.  
Rutherford New Jersey

Dear Sir:-

The case of The People against Simon Zimmerman in which you are the complainant, will be on for trial in Part II of the Court of General Sessions, before Judge Fitzgerald, next Tuesday morning; and it is of the utmost importance that you should have present in Court the bookkeeper of J. N. Pidcock & Sons who made out the bill under date of April 13th 1892, for the calves which are alleged to have been stolen by Zimmerman. Please have him present, together with your other witnesses, at my office on Tuesday morning at ten o'clock.

Yours very truly

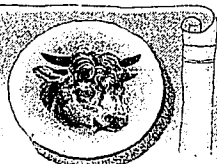
*T. A. Scott*

Assistant District Attorney

0853

J.N. PIDCOCK,

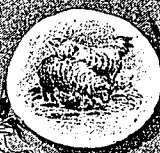
JNO F. PIDCOCK.



COMMISSION  
DEALERS IN

**J.N. PIDCOCK & SON**  
Sheep, Lambs and Calves

Central Stock Yards  
JERSEY CITY, N.J.



AND  
Union Stock Yards  
FOOT W 60 ST  
NYC

TELEPHONE JERSEY CITY, 274.

P.O. BOX 2733,  
NEW YORK CITY.

Jersey City, N.J.

189

James A. Leach Esq  
Foot West Co. Ex  
N.Y.C.

Dear Sir:

Am sorry to say have been ill for  
past three weeks and am still under the Drs  
Care and under the existing circumstances  
frequent postponements of your case by the  
defendants counsel etc. I will have to decline  
to serve as a witness.

Yours respy  
J. Pidcock

0854

COURT OF GENERAL SESSIONS.

The People,

vs.

Simon Zimmerman.

AFFIDAVITS.

*Geo W Osborne*  
*Deputy*

0855

COURT OF GENERAL SESSIONS OF THE PEACE.

CITY AND COUNTY OF NEW YORK.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK. :

vs :

SIMON ZIMMERMAN :

-----X  
SIR:-

PLEASE TAKE NOTICE that upon the annexed affidavits, verified February 15th 1893 I will move this Court in Part I thereof before Hon. Rufus B. Cowing, Judge of said Court on the 20th day of February 1893 at eleven o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an order dismissing the indictment herein for the want of prosecution.

Dated New York, February 15th 1893.

Yours etc.

Arthur J. Westermeyer,

Counsel for defendant.

To

DeLancey Nicoll Esq.

Dist. Atty.

## COURT OF GENERAL SESSIONS OF THE PEACE.

CITY AND COUNTY OF NEW YORK.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK. :

VS :

SIMON ZIMMERMAN :

-----X  
City and County of New York ss:-

ARTHUR J. WESTERMAYER

being duly sworn says that he is the counsel for the defendant herein. That on the 1st day of June 1892 this defendant was indicted by the grand jury in and for the City and County of New York upon the charge of grand larceny in the second degree, to wit, stealing 71 live calves from one James Scott. That on the 6th day of June 1892 this defendant appeared in court and pleaded not guilty to the charge. That thereafter and at various times, to wit, in particular June 14th 1892 defendant appeared in court represented by counsel and was ready to stand trial upon said charge. That at the request of the District Attorney of this county the trial was adjourned to the 11th day of July 1892 upon which day the trial was duly commenced and on the 12th day of July 1892 at the request of the district attorney and upon consent of the attorney for the defendant a juror was withdrawn and the indictment quashed. That thereafter and on the 13th day of July 1892 this defendant was re-indicted upon the same charge. That thereafter and at various times, to wit, July 26th, September 8th, 12th, 20th, 27th, October 18th,

0857

and December 7th the case appeared upon the calendar in various parts of this Court and upon each and every occasion was adjourned to a subsequent date. That on the 14th day of December this deponent caused to be served upon the District attorney a notice of motion returnable on the 20th of December 1892 to dismiss the indictment for want of prosecution. That said motion was argued before Hon. Judge Fitzgerald and the Assistant district attorney presented an affidavit of a doctor in New Jersey which stated that the prosecuting witness was suffering from bleeding hemorrhoids and would not be able to leave his house for a few days. That said Judge therefore denied said motion. That deponent thereafter and on the 9th day of January 1893 caused another notice of motion to dismiss the indictment for want of prosecution returnable the 13th day of January 1893 to be served upon the District attorney. That on said 13th day of January deponent appeared in Part III of this Court where he met Mr. Weeks and upon request of the said Assistant district attorney Weeks who made the excuse that he would be tied up in the "Hayes perjury trial" the motion was adjourned to January 31st 1893 at the same time and place. That on said 31st day of January 1893 this deponent and said Weeks appeared before Hon. Judge Fitzgerald in said part III of this Court and said motion was argued, but said Weeks again offered another excuse as to his having just ended the aforesaid "Hayes trial" and of his having to re-try it, and therefore he was not ready to go on with the case but stated that he personally would try it as soon as the second

"Hayes trial" was disposed of, in consequence of which the honorable Judge Fitzgerald adjourned said motion indefinitely. That as deponent is informed by his managing clerk whose affidavit is hereto annexed said Weekes subsequently told him that he had transferred the papers to another assistant district attorney named Osborne who would dispose of the case. That on the 14th day of February 1893 this case appeared on the calendar of this Court in part 1 thereof before Hon. Judge Cowing and at the request of assistant district attorney Macdonald the bail was discharged and the defendant released on his own recognizance, which was not at the defendant's request. That as deponent is informed by his managing clerk said managing clerk on the 15th day of February 1893 saw said Osborne and requested him either to consent to a dismissal of the indictment or to name a day for trial, which said Osborne refused to do, saying he was not going to try the case. That this case has been in the hands of various assistant district attorneys, some of whom are hereby named, to wit, Mr. Townsend, Mr. Weeks, Mr. Macdonald, Mr. Osborne. That it appears to this deponent that the district attorney does not wish to make a final disposal of this case, wherefore this deponent asks that the indictment herein be dismissed for want of prosecution, the defendant having been ready on each and every occasion when the case appeared and desiring to have a trial at once or a dismissal of the indictment.

Sworn to before me this :

15th day of February 1893 :

*Arthur J. Waterman*  
*M. S. Horton*  
*Notary Public Kings N.Y.*  
*Filed in N.Y. Co.*

0059

COURT OF GENERAL SESSIONS OF THE PEACE.

CITY AND COUNTY OF NEW YORK.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK. :

VS :

SIMON ZIMMERMAN :  
-----X

City and County of New York ss:-

MOSES S. ADLER

being duly sworn says that he is the managing clerk in the office of Arthur J. Westermeyer, counsel for the defendant herein. That on the 14th day of February 1893 he called upon assistant district attorney Weeks in reference to the above case, the same having appeared on the calendar of this Court, in part I thereof, on the said 14th day of February 1893. That said Weeks then informed this deponent that he had transferred the papers in this case to Mr. Osborne who would dispose of it, and that the nature of its disposal would be in the shape of a dismissal, not stating to this deponent what would be the exact disposition of the case. That this deponent then went to Part I of this Court where said case was on the calendar and on the application of assistant district attorney Macdonald the bail was discharged and the defendant released on his own recognizance by HON. Judge Cowing. That deponent on the 15th day of February 1893 called on said assistant district attorney Osborne and inquired what he intended to do about the motion to dismiss the indictment which had been adjourned by Judge Fitzgerald



0860

indefinitely as will appear by the affidavit of Arthur J. Westermayr, hereto annexed, to which he replied "has your office nothing else to do except push this case" or words to that effect. He then informed this deponent that he would not consent to a dismissal of the indictment herein whereupon deponent requested him to agree to some day for the trial of this case, which said Osborne refused to do saying that he was not going to try this case and that he would do nothing further therein except what he had done and that was recommending the discharge of the bail and the release of the defendant on his own recognizance, which never was requested either by this deponent or as this deponent is informed by Mr. Westermayr and which he verily believes, by Mr. Westermayr. That this deponent is familiar with all the facts in this case and with the proceedings had herein and from all the facts and circumstances connected therewith he, deponent believes that the prosecuting witness does not desire to have the case go to trial for fear that he will lose by the defendant being acquitted and an action brought against him for malicious prosecution, and this deponent believes that from the action of the assistant district attorneys who have had this case in their hands that a conviction cannot be had and therefore none of said assistant district attorneys are willing to try the same. Deponent believes that from the action of the assistant district attorney Osborne in recommending discharge of the bail and release of defendant on his own recognizance the said Osborne does not wish to try the case or finally dispose of

0861

it with the intent and for the purpose of preventing this  
defendant from bringing an action against said prosecuting  
witness James Scott for malicious prosecution.

Sworn to before me this

: *Moses S. Adler*

15th day of February 1893 :

*M. S. Horton*

*Notary Public Kings Co. N.Y.*

*Not filed in N.Y. Co.*

0062

*City and County of New York, ss:*

being duly sworn, says that he is                  years of age;  
that on the                  day of                  189    , at No.  
in the City of New York, deponent served the within  
upon

by delivering to and leaving with

of the said \_\_\_\_\_ true copy  
and at the same time  
exhibiting to said \_\_\_\_\_  
the within original, and that he  
knew the person so served to be the individual described in the within original.

Sworn to before me, this  
day of

189

General Sessions Court,

The People *vs.* Simon Zimmerman  
Plaintiff Defendant

against

Applicants and Notice  
of Motion

ARTHUR J. WESTERMAYER,  
Attorney for *delt*

119 Nassau Street,  
NEW YORK.

Book I  
Adj'd to Feb. 23<sup>d</sup>

Ref. to Vol. 1 of Book I

DE LAUNCEY NICOLL  
Attorney for  
Dist. Att.

0063

COURT OF GENERAL SESSIONS

THE PEOPLE OF THE STATE OF  
NEW YORK

-agst-

S I M O N Z I M M E R M A N.

CITY AND COUNTY OF NEW YORK, SS:-

Samuel J.K. Adler being duly sworn, says; that he is personally acquainted with the above-named defendant; and that he is one of the witnesses on behalf of said defendant in the above entitled action; that on the 23rd day of February, this deponent called upon Mr. Osborne, Deputy Assistant District Attorney of the County of New York; and the said Osborne at the entrance to his private room in the Court House wherein this Court is situated said to this deponent "Why don't you folks come together and settle and give him (meaning the Complainant Scott) something and give him a release". whereupon this deponent replied that no release would be given but that defendant would be ready for trial. Then said Osborne answering said: "I will move heaven and earth to convict Zimmerman."

Sworn to before me this  
23rd day of February, 1893.

*S. J. K. Adler*

*Henry W. Jones*  
Notary Public, Kings Co.  
Art. filed in N.Y. C.

*City and County of New York, ss:*

being duly sworn, says that he is \_\_\_\_\_ years of age;  
that on the \_\_\_\_\_ day of \_\_\_\_\_, 189\_\_\_\_, at No. \_\_\_\_\_  
in the City of New York, deponent served the within \_\_\_\_\_  
upon \_\_\_\_\_  
by delivering to and leaving with \_\_\_\_\_

of the said \_\_\_\_\_ and at the same time exhibiting to said \_\_\_\_\_ the within original, and that he knew the person so served to be the individual described in the within original.

Sworn to before me, this  
day of

General Sessions Court.  
N.Y. Co.

The People vs

Plaintiff

against

Samuel James Mason  
Defendant

Affidavit

ARTHUR J. WESTERHAYR,  
Attorney for *deft*  
119 Nassau Street,  
NEW YORK.

R. Take notice that the within is a true  
copy of this day duly en-  
tered in the office of the Clerk of the  
Court.

United New York

ARTHUR J. WESTERMAYR,  
Attorney for

Due service of a copy of the  
thin

*Dated, New York.*

*Attorney,*

0865

COURT OF GENERAL SESSIONS.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

-against-

S I M O N   Z I M M E R M A N .  
-----X

CITY AND COUNTY OF NEW YORK, SS:-

Arthur J. Westermayr being duly sworn deposes: that he is the attorney and counsel for the above-named defendant; that on the 23rd day of February, 1893, this deponent called upon the Deputy Assistant District Attorney, Mr. Osborne at his private room in the Court house where the above named Court is held and consulted with said Osborne concerning the argument of the motion to dismiss the indictment herein for want of prosecution returnable at two o'clock upon said 23rd day of February, 1893. That said Osborne informed this deponent that he, said Osborne, followed this deponent out into the corridor of said building and then and there said to this deponent "Let me give you some advice which you wont take, don't fool with the dog" to which this deponent replied, that the motion would be insisted upon notwithstanding said Osborne's suggestion, whereupon said Osborne replied "I will try this case when I get damn good and ready and not before, or words to that effect. That from the

0066

foregoing statements made to this deponent by said Osborne and the continual and repeated postponements and delays occasioned by the District Attorney's Office of this County and its various assistants, and the frivolous excuses from time to time interposed for the purpose of obtaining adjournments of the trial herein this deponent is convinced that the District Attorney, or his assistants, is not acting in good faith in respect to the trial of this indictment, and as deponent is informed and from observations made and the manner in which the various Assistant District Attorneys have acted in regard to this case, the said District Attorney of the County of New York does not intend to bring this defendant on for trial and is in fact protecting the complainant, James Scott from the legal consequences of his own acts, all to the prejudice, serious damage and irreparable injury to this defendant. That by reason of the foregoing facts and upon the further facts set forth in deponent's moving affidavit and the affidavit of Samuel J.K. Adler, heretofore filed, with this Court, and all the records and proceedings in this indictment, this deponent prays that the indictment herein now standing against this defendant found on the 13th day of July, 1892 be forthwith dismissed.

Sworn to before me

this 23rd day of February, 1893.

*Henry B. Jones,*  
Notary Public, Kings Co.  
Cert. Feb. 11, 1893.

*Arthur J. Westerman*

0067

*City and County of New York, ss:*

being duly sworn, says that he is                      years of age;  
that on the                      day of                      189                      , at No.                       
in the City of New York, deponent served the within                       
upon                     

by delivering to and leaving with \_\_\_\_\_ true copy  
of the said \_\_\_\_\_ and at the same time  
exhibiting to said \_\_\_\_\_ the within original, and that he  
knew the person so served to be the individual described in the within original.

Sworn to before me, this  
day of 189

General Sessions Court.

The People v.

Plaintiff

against

Simon Gunzburg

Defendant

Alfred J. Westermayer

ARTHUR J. WESTERMAYER,


Attorney for Def.

119 Nassau Street,

NEW YORK.

To

Attorney for

Subj.  Take notice that the within is a true  
copy of this day duly en-  
tered in the office of the Clerk of the  
Court.

Dated New York 189

Yours, &c.

ARTHUR J. WESTERMAYR,  
Attorney for

To \_\_\_\_\_  
Due service of a copy of the \_\_\_\_\_  
\_\_\_\_\_ within \_\_\_\_\_  
\_\_\_\_\_ is hereby admitted \_\_\_\_\_  
\_\_\_\_\_ 189 \_\_\_\_\_  
\_\_\_\_\_ New York, \_\_\_\_\_  
\_\_\_\_\_ Attorney.



0068

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

-----X  
THE PEOPLE OF THE STATE OF NEW YORK. :

vs :

SIMON ZIMMERMAN :

-----X  
SIR:-

PLEASE TAKE NOTICE that upon the annexed affidavits, verified February 15th 1893 I will move this Court in Part I thereof before Hon. Rufus B. Cowing, Judge of said Court on the 20th day of February 1893 at eleven o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an order dismissing the indictment herein for the want of prosecution.

Dated New York, February 15th 1893.

Yours etc.

Arthur J. Westermayr,

Counsel for defendant.

To

DeLancey Nicoll Esq.

Dist. Atty.

0869

COURT OF GENERAL SESSIONS OF THE PEACE.

CITY AND COUNTY OF NEW YORK.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK. :

vs :

SIMON ZIMMERMAN :

-----X  
City and County of New York ss:-

ARTHUR J. WESTERMAYR

being duly sworn says that he is the counsel for the defendant herein. That on the 1st day of June 1892 this defendant was indicted by the grand jury in and for the City and County of New York upon the charge of grand larceny in the second degree, to wit, stealing 71 live calves from one James Scott. That on the 6th day of June 1892 this defendant appeared in court and pleaded not guilty to the charge. That thereafter and at various times, to wit, in particular June 14th 1892 defendant appeared in court represented by counsel and was ready to stand trial upon said charge. That at the request of the District Attorney of this county the trial was adjourned to the 11th day of July 1892 upon which day the trial was duly commenced and on the 12th day of July 1892 at the request of the district attorney and upon consent of the attorney for the defendant a juror was withdrawn and the indictment quashed. That thereafter and on the 13th day of July 1892 this defendant was re-indicted upon the same charge. That thereafter and at various times, to wit, July 26th, September 8th, 12th, 20th, 27th, October 18th,

and December 7th the case appeared upon the calendar in various parts of this Court and upon each and every occasion was adjourned to a subsequent date. That on the 14th day of December this deponent caused to be served upon the District attorney a notice of motion returnable on the 20th of December 1892 to dismiss the indictment for want of prosecution. That said motion was argued before Hon Judge Fitzgerald and the Assistant district attorney presented an affidavit of a doctor in New Jersey which stated that the prosecuting witness was suffering from bleeding hemorrhoids and would not be able to leave his house for a few days. That said Judge therefore denied said motion. That deponent thereafter and on the 9th day of January 1893 caused another notice of motion to dismiss the indictment for want of prosecution returnable the 13th day of January 1893 to be served upon the District attorney. That on said 13th day of January deponent appeared in Part III of this Court where he met Mr. Weeks and upon request of the said Assistant district attorney Weeks who made the excuse that he would be tied up in the "Hayes perjury trial" the motion was adjourned to January 31st 1893 at the same time and place. That on said 31st day of January 1893 this deponent and said Weeks appeared before Hon. Judge Fitzgerald in said part III of this Court and said motion was argued, but said Weeks again offered another excuse as to his having just ended the aforesaid "Hayes trial" and of his having to re-try it, and therefore he was not ready to go on with the case but stated that he personally would try it as soon as the second

"Hayes trial" was disposed of, in consequence of which the honorable Judge Fitzgerald adjourned said motion indefinitely. That as deponent is informed by his managing clerk whose affidavit is hereto annexed said Weekes subsequently told him that he had transferred the papers to another assistant district attorney named Osborne who would dispose of the case. That on the 14th day of February 1893 this case appeared on the calendar of this Court in part 1 thereof before Hon. Judge Cowing and at the request of assistant district attorney Macdona the bail was discharged and the defendant released on his own recognizance, which was not at the defendant's request. That as deponent is informed by his managing clerk said managing clerk on the 15th day of February 1893 saw said Osborne and requested him either to consent to a dismissal of the indictment or to name a day for trial, which said Osborne refused to do, saying he was not going to try the case. That this case has been in the hands of various assistant district attorneys, some of whom are hereby named, to wit, Mr. Townsend, Mr. Weeks, Mr. Macdona, Mr. Osborne. That it appears to this deponent that the district attorney does not wish to make a final disposal of this case, wherefore this deponent asks that the indictment herein be dismissed for want of prosecution, the defendant having been ready on each and every occasion when the case appeared and desiring to have a trial at once or a dismissal of the indictment.

Sworn to before me this :

15th day of February 1893 :

*Wm. H. Norton* Notary Public - Kings Co. N.Y.  
*Witness filed in N.Y. Co.*

0872

COURT OF GENERAL SESSIONS OF THE PEACE.

CITY AND COUNTY OF NEW YORK.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK. :

vs :

SIMON ZIMMERMAN :  
-----X

City and County of New York ss:-

MOSES S. ADLER

being duly sworn says that he is the managing clerk in the office of Arthur J. Westermayr, counsel for the defendant herein. That on the 14th day of February 1893 he called upon assistant district attorney Weeks in reference to the above case, the same having appeared on the calendar of this Court, in part I thereof, on the said 14th day of February 1893. That said Weeks then informed this deponent that he had transferred the papers in this case to Mr. Osborne who would dispose of it, and that the nature of its disposal would be in the shape of a dismissal, not stating to this deponent what would be the exact disposition of the case. That this deponent then went to Part I of this Court where said case was on the calendar and on the application of assistant district attorney Macdona the bail was discharged and the defendant released on his own recognizance by HON. Judge Cowing. That deponent on the 15th day of February 1893 called on said assistant district attorney Osborne and inquired what he intended to do about the motion to dismiss the indictment which had been adjourned by Judge Fitzgerald

indefinitely as will appear by the affidavit of Arthur J. Westermayr, hereto annexed, to which he replied "has your office nothing else to do except push this case" or words to that effect. He then informed this deponent that he would not consent to a dismissal of the indictment herein; whereupon deponent requested him to agree to some day for the trial of this case, which said Osborne refused to do saying that he was not going to try this case and that he would do nothing further therein except what he had done and that was recommending the discharge of the bail and the release of the defendant on his own recognizance, which never was requested either by this deponent or as this deponent is informed by Mr. Westermayr and which he verily believes, by Mr. Westermayr. That this deponent is familiar with all the facts in this case and with the proceedings had herein and from all the facts and circumstances connected therewith he, deponent believes that the prosecuting witness does not desire to have the case go to trial for fear that he will lose by the defendant being acquitted and an action brought against him for malicious prosecution, and this deponent believes that from the action of the assistant district attorneys who have had this case in their hands that a conviction cannot be had and therefore none of said assistant district attorneys are willing to try the same. Deponent believes that from the action of the assistant district attorney Osborne in recommending discharge of the bail and release of defendant on his own recognizance the said Osborne does not wish to try the case or finally dispose of

0874

indefinitely as will appear by the affidavit of Arthur J. Westermayr, hereto annexed, to which he replied "has your office nothing else to do except push this case" or words to that effect. He then informed this deponent that he would not consent to a dismissal of the indictment herein; whereupon deponent requested him to agree to some day for the trial of this case, which said Osborne refused to do saying that he was not going to try this case and that he would do nothing further therein except what he had done and that was recommending the discharge of the bail and the release of the defendant on his own recognizance, which never was requested either by this deponent or as this deponent is informed by Mr. Westermayr and which he verily believes, by Mr. Westermayr. That this deponent is familiar with all the facts in this case and with the proceedings had herein and from all the facts and circumstances connected therewith he, deponent believes that the prosecuting witness does not desire to have the case go to trial for fear that he will lose by the defendant being acquitted and an action brought against him for malicious prosecution, and this deponent believes that from the action of the assistant district attorneys who have had this case in their hands that a conviction cannot be had and therefore none of said assistant district attorneys are willing to try the same. Deponent believes that from the action of the assistant district attorney Osborne in recommending discharge of the bail and release of defendant on his own recognizance the said Osborne does not wish to try the case or finally dispose of

0075

it with the intent and for the purpose of preventing this  
defendant from bringing an action against said prosecuting  
witness James Scott for malicious prosecution.

Sworn to before me this :

15th day of February 1893 : *Moses S. Adler*

*W. S. Fortin*

*Notary Public*

*Kings Co. N.Y.*

*Certificate filed in N.Y. Co.*



0876

City and County of New York, ss:

being duly sworn, says that he is years of age;  
that on the day of 189 , at No.  
in the City of New York, deponent served the within  
upon  
by delivering to and leaving with

of the said true copy  
and at the same time  
exhibiting to said the within original, and that he  
knew the person so served to be the individual described in the within original.

Sworn to before me, this  
day of 189 }

General Sessions Court.	
The People vs	Plaintiff
Simon	Defendant
against	
Notice of Motion	
ARTHUR J. WESTERMAYER,	
Attorney for	
119 Nassau Street,	
NEW YORK.	
For Lawrence Nicoll	
Debt Attorney	
per E. J. J. J. J.	
Chap. Clerk	
Attorney for	

Take notice that the within is a true  
copy of this day duly en-  
tered in the office of the Clerk of the  
Court.

Filed New York 189

Yours, &c.

ARTHUR J. WESTERMAYER,

Attorney for

Due service of a copy of the

Notice of motion  
Affidavits

Subscribed and sworn to before me

New York, May 15 1893

Debt Attorney

0877

City and County of New York :-

Moses S. Adler being

duly sworn says that on the 20th day of December at the request of Arthur J. Westermayr, attorney for Simon Zimmerman, he went to Lyndhurst, New Jersey, to investigate as to the truthfulness of a certain doctor's certificate which stated that James S. Scott was sick and unable to attend this Court. That deponent sent a note to said James S. Scott requesting an interview at a hotel in said village. That said deponent saw said person to whom he gave said note enter the residence of said Scott, and on the return of said person deponent was informed by him that Scott said he was under the weather and could not meet him (deponent). That said person informed this deponent that Scott was lying on a lounge, reading a paper. That deponent then called on said doctor in said village and was informed by him that it was but a matter of one or two days before Mr. Scott could attend to his business, but if necessity compelled him he would be able within one day to so attend his business. That from the manner of the answers of said physician to the queries of this deponent this deponent is lead to believe that said certificate was given more for the purpose of delay than for regard for his patients health and deponent further alleges that said Physician further informed him that said Scott had fully told him the details of this action, before he issued his certificate of Scott's illness.

*Sworn to before me  
This 20th day of December 1892 } Moses S. Adler  
James S. Scott*

Court of General  
Sessions

The People vs

vs.

Amos Zimmerman

Affidavit

Arthur J. W. Terrence

Criminal for Dept

1908 and 1909

W. J. G.

City and County of New York ss:-

Moses S. Adler being duly sworn says that on the 20th day of December 1892 at the request of Arthur J. Westermayr, attorney for Simon Zimmerman, he went to Lyndhurst, New Jersey to investigate as to the truthfulness of a certain doctor's certificate which stated that James S. Scott was sick and unable to attend this Court. That deponent sent a note to said James S. Scott requesting an interview at a hotel in said village. That said deponent saw said person to whom he gave said note enter the residence of said Scott and on the return of said person deponent was informed by him that Scott said he was under the weather and could not meet him (deponent). That said person informed this deponent that Scott was lying on a lounge reading a paper. That deponent then called on said doctor in said village and was informed by him that it was but a matter of one or two days before Mr. Scott could attend to his business, but if necessity compelled him he would be able within one day to so attend his business. That from the manner of the answers of said physician to the queries of this deponent this deponent is lead to believe that said certificate was given more for the purpose of delay than for regard for his patients health, and deponent further alleges that said physician further informed him that said Scott had fully told him the details of this action before he issued his certificate of Scott's illness.

Sworn to before me this :

20th day of December 1892 :

Moses S. Adler

James T. Hoyt,

Notary public, N. Y. Co.

Court of General Sessions

The People e.c.

vs

Simon Zimmerman

2

Affidavit

=

Arthur J. Westermeyer

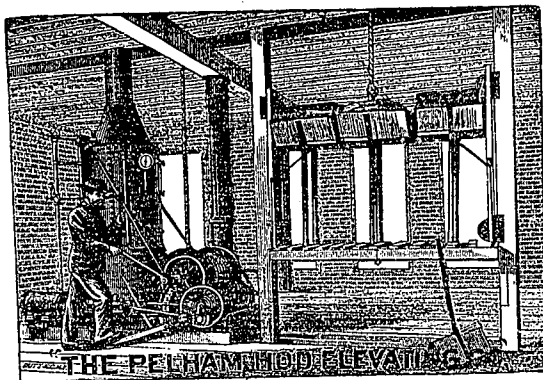
Counsel for deft.

119 Nassau St.

N.Y.C.

0000

0001



## THE PELHAM HOD ELEVATING CO.

Nos. 416 AND 418 WEST 26th STREET,

Sole Proprietors and Operators of Thos. M. Pelham's Patent  
Safety Steam Hod Elevators.

ENDLESS CHAIN MACHINES

FOR SALE AND TO LET.

PUMPS LET FOR DRAINING CELLARS AND FOUNDATIONS.

ENGINES CONSTANTLY ON HAND FOR ALL PURPOSES.

TELEPHONE CALL, 16-18th.

*New York, August 11th 1897*

To Whom It May Concern:-

Wm. Keeland 271 West 117th St., has been in our employ-  
ment five or six months, during which time he has had opportunities  
of practicing dishonesty, but has uniformly acted in an honest,  
faithful, upright and capable manner. His habits are good and  
from our experience with him we judge him to be entirely reliable  
and trustworthy. He is still in our employment.

Very respectfully,

PELHAM HOD ELEVATING CO.

Per

*E. S. Schwartz*  
Supt

0002

Rutherford New Jersey

Jan 9<sup>th</sup> 1893

District Attorney Weeks

Dear Sir

Your letter came to hand in  
due time and in reply would  
say I would of answered  
sooner but expected to call  
on you and went to the City  
today and have to leave the  
stock yards and come home  
without seeing you on account  
of the merchants and will be obliged  
to give up business in the City unless  
I get relief as you say the case must  
be settled this month please let it for  
the last Tuesday and I will call before  
then if possible & Obldge you by J. A. Scott

0003

WM. HASSLOCH, M.D.  
332 SECOND AVE  
NEW YORK.

New-York Sept 7<sup>th</sup> 1892

This is to certify that  
Mr Simon Zimmermann is affected  
with muscular rheumatism and that  
therefore he is not able to attend  
to Court during this week.

Wm Hassloch M.D.  
332. 2nd Ave

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

On this 7<sup>th</sup> day of September 1892  
before me personally came Dr Wm  
Hassloch known to me, and to one  
known to be the person who executed  
the foregoing instrument and who  
to me acknowledged that he executed  
the same

Wm P. Healy  
Notary Public  
New York Co



have been rewarded by a breeze  
 as to where there  
 have been no more books  
 given than now and it is very  
 acceptable. I hope the family  
 and myself are enjoying  
 good health and will  
 always my letter to a close  
 by saying we are all  
 well and have your good  
 health. Excepting any note from  
 the most dear man  
 occasion to resort.

With love affectionately  
 from all Yours affectionately  
 Ed.

0885

place in the room with  
him, and my girl is  
by his frequent demands for  
attention and I am the  
little situation of an expert  
to attend to his wants. and so  
it has been arranged with  
us. We cannot expect him  
to stand back but weather as  
we are now doing so must  
be prepared for it. I am  
sure.

There is a very impor-  
tant condition and I am  
sure he cannot be anything but  
wondering he expects to be  
there as a definite time  
likely, but this is of vital  
interest to me as I do not  
want to leave to you.

The weather has been very  
hot but must delay the first

0006

Dear Mother  
 I received your letter of the 17th  
 and was glad to hear from you  
 and to take this time to reply to  
 your letter. I am likely you are  
 particular in your own health  
 about your condition.  
 I hope to meet you sometime  
 and depend almost entirely upon  
 me for everything necessary -  
 I am sorry to hear you  
 have taken so long a journey  
 of the family and really so to  
 in long for death and his  
 misery as he has felt more  
 times than once.

has been tempered by a breeze  
as is usual here.

Never has nature looked  
finer than now and it is very  
enjoyable.

I hope the family  
and yourself are enjoying  
good health and well.  
Allow my letter to close  
by saying we all are at  
work and have pretty good  
health, excepting Eva, who feels  
she must soon have  
vacation to recruit.

Write again — Love  
from all. Yours affectionately  
Ed.

0000

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

Wm Reiland  
— " —

Witness subpoenaed

To see Mr Townsend

At 11 A.M.

Monday - Nov 28/92

by Maguire -

0889

District Attorney's Office.

1690

*Paul One*

*Simon Germaine*

*admitted to the bar*

*Sept 8 for*

*Sept 12*

*Birdman notified Sept 8*

*Sept 20<sup>th</sup> Part 2*

0890

[illegible]

4<sup>th</sup> District  
Police Court

James A. Scott } Before Hon.  
vs. } Geo. J. Ryan  
Simon Zimmerman } Justice

N.Y. May 5/92

Exp. appears  
for the People  
Steinert, Exp. appears for  
defendant.

James A. Scott, the Com-  
plainant, sworn, testifies  
as follows:

By Defendants Counsel:

Q What is your business?

A I am a calf salesman both  
sheep yard.

Q Where these your calves?

A Yes, sir.

Q Had you transacted busi-  
ness with this defendant  
before this transaction?

A Yes, sir, some time ago.



2

Q Did you keep books of account?

A No, sir, never did.

Q Have you done business with the defendant as the agent of Mr Pitcock?

A I ran the business and paid them a percentage for collecting & clerical work. I am not a member of the Calves' Brokers Association, Pitcock & Son are.

Q Have you in connection with Pitcock & Son sold stock to this defendant?

A I have sold stuff on my own account as if they came there and turned over their customers to me.

Q How often have you done business with the defendant that way?

A Probably a dozen times.

Q You have had a number of transactions with him in that way?

A Yes, sometime ago - not lately. The last time was a month or two ago.

Q Who made out the bills?

A Blum, the bookkeeper at Jersey City.

Q Are you familiar with Mr Blum's handwriting?

A I think I could identify it.

Q Do you recognize that?  
(showing paper)

A I should say that is my writing. "Rec'd Payment J. S. Scott"

Q Were those goods sold by you?

A I suppose they were; I don't recollect.

Q Have you any doubt about it?

A I suppose that is my sale.

4

I wouldn't say sure, but  
that is my signature  
Q Were those goods sold  
on credit?

A Yes, and promise to  
pay August 31/91.

Q Do you recollect how  
long after the goods  
were delivered in that  
particular case you  
received payment?  
A I don't.

Paper offered in  
evidence & marked  
Defendants Ex A.

Q Here is a bill of a  
sale on August 4<sup>th</sup>, 1891  
to the defendant?

A I suppose that is mine,  
but that is not my  
writing. I should say  
that is my son's writing.

Q That sale was on  
credit, was it?

A I suppose it was.

5

Q Have you any doubt about it?

A I don't think I have.

Paper offered in evidence & marked Defts Ex B.

Q Here is a bill dated August 30<sup>th</sup>, do you recognize that bill?

(Showing paper)

A That ain't my writing;

I don't recollect any such thing. We have probably had 500 bunches of stock since that.

Q Do you know this writing "June 17/91 Paid Scott for Pitcock & son" - ?

A That looks like my writing. I won't swear it is mine.

Offered in evidence & marked Defts Ex C.

Q Do you know anybody by the name of Sweeney?  
A D. Sweeney, yes, sir; he is a resident of Buffalo. He works for them by the week; I don't. He is the payman; I am not. I don't recognize the "D". It is not my writing.

Q What was the usual mode of delivery to this dependant by you?

A Previous to this transaction the calves were run to the scale. He took charge of them and put them back in the pen. We had a truckman to take them to the slaughter-house - that was the usual way.

Q Were they weighed before they were delivered?

A No, sir.

Q Was not an order given?

2

A never.

Q Do you recognize this bill? (showing bill)

A I was trying to sell them to another firm. After coming out of that firm he says "What do you want for those calves?" I said "53 1/4¢ a pound".

The man in the alley and another party looked at them. He then walked up in the alley and said "I know what is the matter with you. you want to sell those calves to the syndicate." He said "Isn't my money as good as the syndicate's?" I said "Your money is as good as anybody's." He said "If you are afraid of me I will tell you what I will do. I

E

will buy them calves  
of you. I will put  
them back in the pen  
and leave them there  
until I pay you for  
them." I said "all  
right. you put them  
back in the same pen  
until you pay me for  
them." He has never  
paid for them.

Q Where did he get that  
bill?

A James City. Pitcock & Son.

They are members of the  
Calves Brokers Associa-  
tion. I am not. They  
do the clerical work  
and collecting for me  
for a certain percentage

Q This bill covers these  
very calves?

A Yes.

Bill offered in Evidence  
are marked Expts E & D.



9

Q When did this transaction take place?

A I think on the 13<sup>th</sup> of last month.

Q Where were these calves weighed?

A They were run to the scale and weighed.

Q Did you see them weighed?

A We have got a trusty weigh master. We trust that to him.

Q Were orders given by you to any one not to allow these calves to leave the place unless the money was paid?

A No, sir.

Q Did you tell anyone that those calves shouldn't leave the place until the money was paid?

A No, sir.

Q Sure about that?

A Sure.



Q Did you tell the defendant at that time in substance that those calves were not to be removed until he paid for ~~them~~?

A Yes, sir; that was understood. He proposed it and I sanctioned it, that was the condition I sold them under.

Q Did you ever have any such understanding before with him or any one else?

A No, sir. I never sold any one I had any doubts about.

Q You had your doubts about him?

A I was a little shaky

Q Did you tell him you wouldn't trust him?

A Yes, sir. I took the man up in his proposition and I sanctioned it, that the calves were to

11

be locked up and not  
to be taken away unless  
paid for.

Q Did you see him take  
them?

A No, sir.

Q Do you know who took  
them of your own know-  
ledge?

A Yes, sir.

Q Who drove them out of  
the yard?

A The truckman here admits  
he took them.

Q It is from his admission  
you know they were taken?

A Yes, sir.

Q Is it not usual for  
truckmen to take calves  
the same way they were?

A Yes, sir.

Q Was it a public  
truckman?

A Mr Brady is one and Mr  
Rockwell is another.

12

Q Still you be good enough to explain why it was that you waited until April 22<sup>nd</sup> before you made the complaint in this case?

A This man never came back there again. Sometimes he paid my son. My agent usually came and paid me, because I had nothing to do with the collecting.

Q You didn't know whether he paid in Jersey or not?

A No, I asked my son whether Zimmerman paid him for the calves he bought last. He said "No, I went to the telephone and called Mr Blum in Jersey City and asked if he paid for the last bunch of calves and he said 'No' I said the understanding was he was to pay for

13

them before he took them  
away.

Q When did this take place?  
A I guess that was on  
the following Wednesday.  
He never showed up since.  
I about a week after the  
calves were taken.

A Yes, sir.

Q You knew at that time  
the calves were taken?  
A I never bothered my head.  
Q When was the first time  
you discovered that these  
calves were taken away  
from the yard?

A Never more than the  
man said he took  
them to the slaughter  
house.

Q When did this man tell  
you they were taken?

A The day I made the  
complaint. I asked  
Rockwell if he took

14  
those colors, and he said  
'Yes' - That was on the  
day I made the complaint  
or the day before.

Q Is it not a fact that  
you heard before you made  
this complaint that  
Zimmerman had failed?

A Yes, I heard it "four  
o'clock that morning

Q Was that not the reason  
you made the complaint?

A No, I told the man  
that told me. I said

"He don't owe me nothing"

He kept at me and said

'Don't Zimmerman owe you  
nothing?' I said 'No; he  
bought a bunch of colors  
of me for cash a week  
ago"

15

Charles J. Lamson, called  
for People, sworn, tes-  
tifies as follows;

By Compliments Counsel:

Q Do you know the defendant?  
A I do.

Q What is your business?

A I am manager for Rock-  
well's Express

Q Did you receive the in-  
structions from Mr Zinner-  
man to take these security  
boxes away?

A Yes, sir

Q Did he order you to  
take them away?

A Yes, sir

Q Did you have them  
taken away?

A Yes, sir.

Cross Examination

By Dfts Counsel:

Q Has there anything un-  
usual about this?

A No, sir

16

Q The calves were not taken away secretly?

A No, sir.

Q And you had frequently taken calves in the same manner?

A Yes, sir, for seventeen years.

Q What is the general rule in regard to taking calves away?

A Buyers buy them from the commission man and then they are weighed and the buyer gives the Truckman orders as to shipment.

Q Can they leave the yard without the knowledge of the commission man?

A Not through me, they can't,

By the Const?

Q In this particular case did this commission man know that this truckman took the calves?

17

A That I can't say.

By Defendant's Counsel:

Q Could anyone take them -  
any without his knowledge  
or consent?

A The truckman couldn't.

The truckman can't take  
the calves unless he  
has permission from  
the owner.

By the Court:

Q Who do you mean?

A I am the truckman.

Q Who is the owner in  
this case?

A Mr Zimmerman the  
supposed owner.

By Defts Counsel:

Q Could the calves leave  
that yard without the  
consent and knowledge  
of the commission men?

A They could.

Q Now?

A By the owner telling the



18

truckman to take them  
Q Do they take the purchase word?

A Every time.

Q Have you ever heard any exception to the rule?

A I did in one case.

Q Are not instructions always given when goods are sold for cash?

A I have only had one case of that kind.

Q Is not that the rule?

A That's the rule.

Q Where there is a sale of calves and the transaction requires a cash payment, in that case the calves cannot leave the yard without the consent and knowledge of the commission man, can they?

A That's correct.

19

By Compts Counsel;

Q Do you know anything about  
the terms of sale?

A No, Sir.

Q Were you present?

A No, Sir.

Q You don't know whether  
they were sold for cash  
or credit?

A No, Sir. I was fifty  
feet away. I don't  
know anything about it.

Defts Counsel ask  
permission to hand  
in Brief.

Motion Granted.

09 10

505

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Simon Zimmerman

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

Simon Zimmerman

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

The said Simon Zimmerman,

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

seventy five calves of the value of  
seven dollars each,

of the goods, chattels and personal property of one James A. Roth,

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.

0911

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.

DE LANCEY NICOLL,

*District Attorney.*

09 12

583

Second COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said Simon Rimmerman  
of the same CRIME OF Reckless LARCENY, in the  
Second degree, committed as follows:

The said Simon Rimmerman,

late of the City of New York, in the County of New York aforesaid, on the fifteenth  
day of April,— in the year of our Lord one thousand eight hundred and  
ninety-two, at the City and County aforesaid, being then and there the agent  
and bailee of one James A. Scott,

and as such agent and bailee then and there having in his possession,  
custody and control certain goods, chattels and personal property of the said

James A. Scott,—

the true owner thereof, to wit: seventy five calves of  
the value of seven dollars each,

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with  
force and arms, feloniously appropriate the said goods, chattels and  
personal property  
to his own use, with intent to deprive and defraud the said

James A. Scott  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal property  
of the said James A. Scott,—

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

DE LANCEY NICOLL,  
District Attorney.

09-13

**BOX:**

489

**FOLDER:**

4471

**DESCRIPTION:**

Zuhl, Charles R.

**DATE:**

07/07/92



4471



0915

(1865)

Police Court— 3 — District.

Affidavit—Larceny.

City and County }  
of New York, } ss.of No. 326 Sixth Street, aged 26 years,occupation Baker being duly sworn,deposes and says, that on the 1<sup>st</sup> day of July 1892 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

A trunk containing clothing and wearing apparel of the value of Fifty dollars also lawful money of United States of the value of Eighteen dollars.

All valued Fifty eight dollars

the property of deponent

and that this deponent has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen and carried away by Charles Guhr (now here)

for the reasons that the defendant and deponent were fellow employees in the bakery at the above premises. That shortly before midnight while at work the defendant and deponent were at work went out to get a pint of beer. Deponent and defendant occupied the same room on said premises for lodging and said trunk was in the room. The defendant not returning within a reasonable time, deponent went upon the sidewalk to look

of  
Sworn to before me, this  
(day)

Police Justice.



09 16

for the defendant and hearing a  
noise at the hall door deponent  
opened it and found the defendant  
fully dressed and had deponent's  
trunk in the hallway ready for  
removal.  
Done to before me }  
this 2 July, 1892 } Hermann Heislinger

Police Justice

0917

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

3 District Police Court.

*Charles Zuh* 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 Zuh*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *326 Sixth St. 14 days*

Question. What is your business or profession?

Answer. *Baker*

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*  
*Roll Brinsford Ziff*

day of

Taken before me this

2

186

Police Justice.

09 18

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 *July 2* 18 *92* *[Signature]* Police Justice.

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

Dated *1* 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.

09 19

805  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Herman Heidinger  
326 vs. 6<sup>th</sup>  
Charles Zehr

2  
3  
4

Office

Handwritten signature

BAILED,

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

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

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

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

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

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

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

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

Dated July 2 1892

Duffy Magistrate.

Zehr Officer.

14 Precinct.

Witnesses Ernest Hornung

No. 326 6<sup>th</sup> Street.

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

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

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

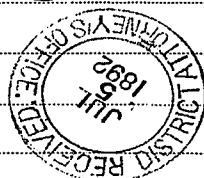
No. \_\_\_\_\_ Street.

\$ 500 to answer 98

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



0920

505

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 R. Guhl

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

Charles R. Guhl

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

The said

Charles R. Guhl

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

*one trunk of the value of five dollars, divers articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of forty dollars, and the sum of eighteen dollars in money, lawful money of the United States of America, and of the value of eighteen dollars,*  
of the goods, chattels and personal property of one *Hermann Kittinger*

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

*De Lancey Neill*  
District Attorney

0921

**END OF  
BOX**