

0824

BOX:

489

FOLDER:

4471

DESCRIPTION:

Zimmermann, Simon

DATE:

07/13/92



4471

0825

POOR QUALITY ORIGINAL

176

Witnesses:

James A. Scott
Rutherford
M. J.

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

The complainant joins me in the recommendation that defendant be discharged on his own recognizance
Feb 13/93
Geo. W. Osborne
Deputy
J. J. Macdonald
assr

Counsel,

Filed 13 day of July 1892

Pleads, Not guilty

THE PEOPLE

vs.

B

Simon Zimmerman

March 6/93
De Lancey Nicolli
District Attorney

Grand Juror, Second Degree
[Sections 528, 534 Penal Code]

A TRUE BILL.

Edmond J. W.
July 14/93
Foreman.
Paul
Discharged

Upon the merits of the case & of the evidence
attorney for the defendant in the above
case is hereby discharged, to wit: Not

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 Zinserman :

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.

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 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 counsel for the defendant a juror was withdrawn and the indictment quashed. That on the 13th day of July 1892 this defendant was re-indicted 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, King Co.
Cert. filed in N.P.C.

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 ZIMMERMAN :
-----X

City and County of New York ss:-

ARTHUR J. WESTERMAYR

being duly sworn says that he is the counsel for the defend-
ant herein. That on the 1st day of June 1892 this defend-
ant 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 defendat
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 *and December 7th* the case appeared upon the

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 ~~xxxxxxx~~ 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.:

Arthur J. Westerman

Henry W. Jones

Notary Public King Co

Cert. Filed in v. y. Co

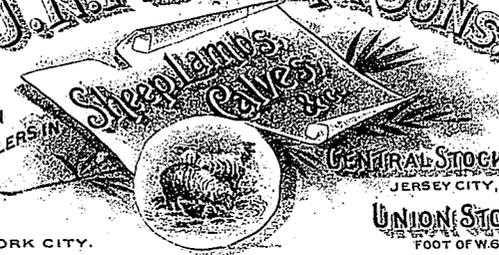
0834

New York Aug 31 1891
M. S. Zimmerman

Bought of J. N. PIDCOCK & SONS

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

COMMISSION
DEALERS IN



GENERAL 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.

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

Recd Payment
J. H. Scott

Depts
J. N. P. & S.
Aug 31/91

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

0835

J.N. PIDCOCK

J.N. PIDCOCK, JR.

New York City 1891

M. A. Zimmerman

Bought of J. N. PIDCOCK & SONS

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

COMMISSION DEALERS IN

SPECIALTIES
Cattle

GENERAL 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 Cows. 15870 = 340	539.58,
<p>Recd. Payment J. N. P. & S. J. & S.</p> <p><i>Lefts</i> <i>Sample E-13</i></p> <p><i>May 3/92</i></p>	

0836

J.N. PIDCOCK, Sr.

J.N.O. F. PIDCOCK

J.N. PIDCOCK, Jr.

Jersey City, N.J. June 13, 1892
M. J. Zimmerman

Bought of

J. N. PIDCOCK & SONS

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

COMMISSION
DEALERS IN

Sheep Lambs
Calves



CENTRAL STOCK YARDS,
JERSEY CITY, N. J.

UNION STOCK YARDS,
NEW YORK CITY

P.O. ADDRESS,
333 NEW YORK CITY.

<i>13</i>	<i>63</i>	<i>Op.</i>	<i>8000</i>	<i>570</i>	<i>450.00</i>
<i>8</i>	<i>"</i>	<i>"</i>	<i>800</i>	<i>3 1/2</i>	<i>2800</i>
<i>(Df 1)</i>					<i>484</i>

Diffe
Paper
...

0837

J.N.PIDCOCK, Sr.

J.N.O.F. PIDCOCK

J.N.PIDCOCK, Jr.

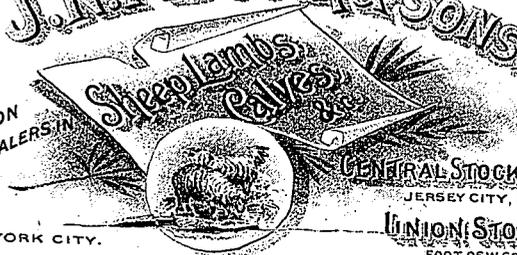
New York June 17 1891
M. S. Zimmerman

Bought of

J. N. PIDCOCK & SONS

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

COMMISSION
DEALERS IN



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 with order

2070
" "
8280
10 Depts
Rush E. C
May 31 1891

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

0838

Sec. 192.

4 District Police Court

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Charles N. Jantzen 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. 44th 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 N. Jantzen POLICE JUSTICE.

J. Saner
George J. Blane

0839

CITY AND COUNTY } ss.
NEW YORK,

Wm. W. Tamm
King of
Police Justice
1892

Sworn to before me, this

Jacob Fleishauer
the within named Bail and Surety being duly sworn, says that he is a resident and *Wm*
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 *Horse and lot of land*
known as number 249 East 95
in this city and valued at
Seven Hundred dollars per
annum Clear
Joseph H. Hauer

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

Taken the day of 18

Justice.

0840

Police Court 4 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

180⁰⁰/₁₀₀

the property of C. E. Van Slyke, 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 60th 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
procured to be taken from said yards the
said property without paying for the same.

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 }
22nd day of April 1892 } James A. Scott

Charles N. Linton
Police Justice

0842

(1895)

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, } ss.

H 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

23

Day of April 189 5
Walter H. ...

Police Justice.

0043

Police

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 Stock Wards, 59th St. N.Y.C.
1892, at the City of New York, in the County of New York, the following article to wit:

Security Cabrio

of the value of Four Hundred and Eighty - Dollars,

the property of C. A. John Payne,
w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by Simon J. Jermannann

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 13 day of April, 1892
Charles N. Linton POLICE JUSTICE.

0844

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.

Dated April 22 1882

This Warrant may be executed on Sunday or at
night.

_____ Police Justice.

Dated _____ 188

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.

Apr 68 German Rec 307-2, 49-81

The within named

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

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..... 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 27
April 29 - 1892 / 2 PM*

BAILED

No. 1, by *Jack Fleisham*

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 Justice*

W 34 640
Police Court--- District.

THE PEOPLE &c.,
ON THE COMPLAINT OF
*James S. Cook
Rutherford N.J.
Simon Zimmermann*
2 _____
3 _____
4 _____
Offence *Larceny*

Dated *April* 1892
Tambor Magistrate.
Cox Officer.

Witnesses *John Folger 242 E. 50th St
Precinct*

No. *James E. Scott.* Street.
6 Stock yards 59th St. Wall

No. *Andrew Mullen -* Street.
5 Stock yards 59th St.

No. *Jack Haley* Street.
\$ *1000* to answer *Ed*

Bailed
By May 5 - 3 PM
" 23 3 PM

Pol.1

THE COURT OF GENERAL SESSIONS.

THE PEOPLE,
vs.
SIMON ZIMMERMAN.

City and County of New York, ss:

" 2 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.

" 3 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) some thing 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
14th day of February, 1893. :
Jacob Washburn
Notary Public
N. Y. C.

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 said Osborne & said 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 :
24th day of February, 1893. :

Jacob Washburn
Notary Public,
N. Y. Co.

Wm S. Doria

Fol.1

COURT OF GENERAL SESSIONS.

THE PEOPLE & C.,

against

SIMON ZIMMERMAN.

City and County of New York, ss:

JAMES W. OSBORNE being duly sworn, says:

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.

" 2

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.

" 3

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

-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*
24th 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

24th 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

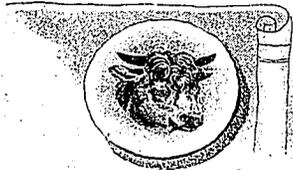
Taylor

Assistant District Attorney

0853

J.N. PIDCOCK,

JNO F. PIDCOCK.

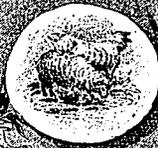


J.N. PIDCOCK & SON

Sheep, Lambs and Calves

COMMISSION DEALERS IN

Central Stock Yards
JERSEY CITY



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. Scott
Foot West Co. Inc.
NYC

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 respectfully
J. Bloom

0854

COURT OF GENERAL SESSIONS.

The People,

vs.

Simon Zimmerman.

AFFIDAVITS.

Geo W Osborne
Deputy

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

0858

"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 :

Arthur J. Waterman

M.S. Horton
Notary Public Kings N.Y.
Notary 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 Macdonna 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

0850

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 :

15th day of February 1893 :

Moses S. Adler

M. S. Horton

Notary Public Kings Co. N.Y.

Part filed in N.Y. Co.

0862

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 vs.	Plaintiff				
Simon Zimmerman	Defendant				
Affidavit and Notice					
of Motion					
ARTHUR J. WESTERMAYR,	Attorney for	defendant			
119 Nassau Street,					
NEW YORK.					
Park I					
Ch'ce to E. L. 23d					
Ap. 5. 11. 1894					
De Lancey H. Kelly	Attorney for	Plaintiff			
District Attorney					

notice that the within is a true
copy of _____ this day duly en-
tered in the office of the Clerk of the
Court.
New York _____ 189____
Yours, &c.
ARTHUR J. WESTERMAYR,
Attorney for

Due service of a copy of the
within _____
hereby admitted
Dated, New York, _____ 189____
Attorney.

0863

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.

J. J. K. Adler

Henry W. Jones
Notary Public Kings Co.
City of New York

0864

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, N.Y.C.					
<i>The People vs</i>	Plaintiff				
	against				
<i>Amos J. Westermayr</i>	Defendant				
<i>A. J. Westermayr</i>					
ARTHUR J. WESTERMAYR, Attorney for					
<i>Arthur J. Westermayr</i>					
ARTHUR J. WESTERMAYR, Attorney for					

To _____
Take notice that the within is a true
copy of _____ this day duly en-
tered in the office of the Clerk of the
Court.
_____ 189____
New York
Yours, &c.
ARTHUR J. WESTERMAYR,
Attorney for

Due service of a copy of the
within
hereby admitted
Dated, New York, _____ 189____
Attorney for _____

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.

Arthur J. Westerman
Henry Jones,
Notary Public, Kings Co.,
City of New York.

0867

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	Plaintiff		
Simon Gumbros	against		
Defendant			
Arthur J. Westermayr			
ARTHUR J. WESTERMAYR,	Attorney for		
119 Nassau Street,			
NEW YORK.			
	Attorney for		

Subscribed and sworn to before me this _____ day of _____ 189____, at _____ New York, in presence of _____
I, _____ 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
at New York, _____ 189____
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.

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 defend-
ant 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 defend-
ant 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 con-
sent 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 3th, 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 111 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 111 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 :

Arthur Westerman
W. H. Horton Notary Public - Kings Co. N.Y.
 Certificate filed in N.Y. Co.

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. Horton

Notary Public

Kings Co. N.Y.

Certificates 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 _____

_____ 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____

189

General Sessions Court.

The People vs Plaintiff

against *Simon Jimenez* Defendant

Arthur J. Westermayer Attorney for Plaintiff

Notice of Motion

ARTHUR J. WESTERMAYER,
Attorney for *Def.*
119 Nassau Street,
NEW YORK.

For Edward J. Niell
Debt. Attorney
per E. J. Niell
Chf. 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.

_____ 189____
New York
Yours, &c.
ARTHUR J. WESTERMAYER,
Attorney for _____

Due service of a copy of the
within *Notice of motion*
Officially
admitted
New York, *July 15* 189____
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 Zimmer-
man, 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 en-
ter 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 de-
lay than for regard for his patients health and deponet
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 1895 } Moses S. Adler
James S. Scott*

Court of General
Sessions

The People vs

vs.

Anna Zimmerman

Affidavit

Arthur J. W. Terrence

Criminal Justice

1908

W. J. Kelly

0879

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.

0000

Court of General Sessions

The People e.c.

vs

Simon Zimmerman

2

Affidavit

=

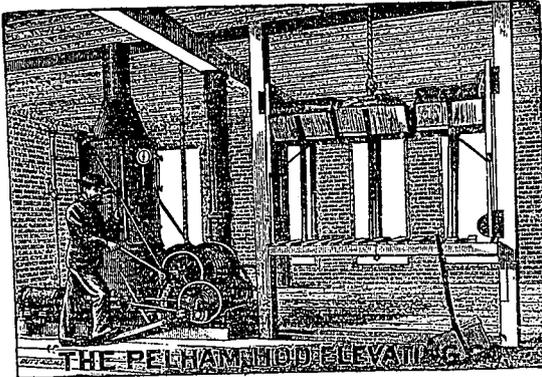
Arthur Westermeyer

Council for deft.

119 Nassau St.

N.Y. City

0881



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. Ashworth
Supt

0882

Rutherford New Jersey

Jan 9th 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 care must
be settled this month please let it for
the last Tuesday and I will call before
then if possible & Obldge yours
J. A. Scott

0003

Wm. Hassloch, M.D.
332 SECOND AVE
NEW YORK.

New-York Sept 7th 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 7th 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 J. Heintz
Notary Public &c
New York Co

0884

have been described by a large
 as to several (see
 have been museum books
 from them now and it is very
 acceptable. I hope the family
 and myself are enjoying
 good health and hope
 through my letter to a close
 by party we see we are all
 report and have your good
 health. Excepting any other
 the must seem
 occasion to record.
 With your affectionately
 from all yours
 Ed.

I hope in the future you will
 have a frequent demand for
 your and my part as before
 by has frequent demands for
 attention and I am the
 least interested in an aspect
 to attend to his wants. and so
 it has been arranged with
 us. We cannot expect from
 to stand back but weather as
 we are now drawing so much
 the prepared for the future
 state.

It is in a very impor-
 tant condition and I hope
 when he cannot be working long
 more time he expect to be finally
 This is a delicate point
 likely, but this is of vital
 interest to me as I do not
 care to share to you
 The weather has been very
 hot but next day it is

0887

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 convey
very 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 Gammerman

witnessed turned personally
Sept 8 for

Sept 12

Burdman notified Sept 8

Sept 20th Part 2

0890

When I was a child
I used to play with my
toy soldiers and I used
to make them march in
parades and I used to
make them fight wars
and I used to make them
win and I used to make
them lose.

I used to play with my
toy soldiers and I used
to make them march in
parades and I used to
make them fight wars
and I used to make them
win and I used to make
them lose.

0891

4th District
Police Court

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

W. J. 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 and
sheep yard.

Q Were 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. "Received 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 4th, 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 30th, 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 Petcock & 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" or 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. He 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?

0897

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 values?"

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 values to the syndicate.

He said "Don'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 13th 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.

10

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, what 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 Will you be good enough to explain why it was that you waited until April 22nd 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.
Q 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

0904

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, testifies 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 Zimmerman
man to take these security
colars 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 How there anything in
journal about this?

A None.

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 several 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 Deft's Counsel:

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

A They could

Q How?

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 When 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.

0909

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.

0910

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. Scott*,

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.

0912

Second COUNT—

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

The said Simon Rimmelman,

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, 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

0914

36

X

Witnesses:

William Skeddlyn

John W. V. Barber
John A. Barber
Edgar W. Barber
Mrs. Rebecca Barber
Mrs. Rebecca Barber
Mrs. Rebecca Barber

RM

Counsel,

Filed 7

day of July 1892

Plends,

THE PEOPLE

vs.
Charles B. Gule

Grand Larceny,
[Sections 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Edmund B. Barber

Foreman.

July 7/92
Receives exhibit
29/7/92, W. S. Barber
#107

0915

(1885)

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 1st day of July 1892 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property, viz:

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 de-
fendant 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
quint of beer. Deponent and de-
fendant 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

0916

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 Heitlinger

Police Justice

0917

3 District Police Court.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

Charles Zuber 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.

Charles Zuber

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 Amisfeld Zell

Taken before me this 2 day of 1887
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 5* 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.

0919

805 3
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Herman Heidinger
326 vs. 6 St.
Charles Zehr

Office of
J. A. D. Green

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 6th Street.

No. Street.

No. Street.

\$ 500 to answer 98

Chm gtr



0920

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.

DeLooney Neoll
District Attorney

0921

**END OF
BOX**