

0574

**BOX:**

525

**FOLDER:**

4783

**DESCRIPTION:**

Menkel, Stephen

**DATE:**

06/14/93



4783

Witnesses:

Wm. Gordon  
Off. Sheridan

10

Deputy Sheriff +  
compt for 23

Counsel,  
Filed  
Plead  
day of  
189

THE PEOPLE  
29 Grand of Collier  
223 vs. P.

Stephen M. ...

Assault in the Second Degree.  
(Section 218, Penal Code.)

DE LANCEY NICOLL,  
District Attorney.

1.19/02  
June 23/93  
A TRUE BILL.

Henry S. ...

Foreman,  
Court 2 - June 20, 1893.  
Trial and committed 23  
Assault 2<sup>nd</sup> Degree, with  
recommendation to ...

~~SECRET~~

3

1.

11

11

11

98

Tried JUNE 19TH, 1893.

indicted for ASSAULT, in the FIRST DEGREE.

indictment filed JUNE 14TH, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY H. W. MacDONA,

For THE PEOPLE.

MESSRS HENRY PRESSPICH and F. J. NEKARDER,

For THE DEFENCE.

OFFICER CHARLES P. SHERIDAN, called by the People, being duly sworn, testified that he was attached to the 13th precinct police. On the 9th of June, 1893, his post was Second street, from Avenue B to Avenue D. His tour of duty was from 12 o'clock, mid-night, to 6 o'clock in the morning. About half-past 12 he saw the defendant on the north-west corner of Second street and avenue B. He, the witness, was standing on the corner of Avenue B and Second street, and "there seemed to be 12 or 14 men came suddenly from the places." He saw the complainant, Gerger, with two other men and the defendant. The first he, the witness, saw of the defendant was when the defendant was crossing the street, from the East to the west side, in the direction of the complainant. The defendant "kind of moved out towards the complainant, and the crowd kind of swarmed around them." He, the witness, saw a hand go up and a hand come down, and he ran over to the crowd and grabbed the defendant. The defendant had a billy in his hand, and he took the billy away from him. He did not see the complain-



ant strike any one. He saw a blow struck, and he heard a call for police. The billy now shown to him by the District Attorney was the billy which he had taken from the defendant. He, the witness, had retained possession of the billy from the time that he took it from the defendant until the trial.

In cross-examination the witness testified that there was an electric light on the north-west corner of Second street and Avenue B. This occurrence took place directly beneath the lamp, about two feet away from the pole. The 12 or 14 men seemed to be talking in a foreign language; he, the witness, did not understand what they said. He, the witness, motioned to the complainant, and said, "Did this man strike you?" The complainant bowed his head in reply. The complainant was bleeding from the forehead. The defendant was just about to put the billy in his pocket when he, the witness, grabbed him. He grabbed the defendant because the defendant had a billy in his hand. The defendant said to him, "These three men hit me." At the time the defend-

ant was arrested, the complainant was drunk. The defendant might have been drinking, but he was not drunk at the time. He, the witness, did not think he would recognize any of the men who were with the defendant and the complainant, if he saw them. He arrested both the complainant and the defendant. In the Police Court the defendant was held on a charge of assault, and the complainant was discharged.

ADOLPH GERKER, THE COMPLAINANT, being duly sworn, testified, through the Official Interpreter, that he lived in 183rd street, in this city. He did not know the defendant; the first time he saw the defendant was on the night in question, about 11 o'clock. He met the defendant in Leschkopf's saloon, in Second street. He, the complainant, was drinking beer there. His, the complainant's, brother was also in the saloon. He, the complainant, got up to leave the saloon, and the defendant approached him and asked him to drink beer with him. He refused to drink beer with the defendant, the defendant being a stranger to him.

He then left the saloon, and started towards his home, leaving the defendant standing at the bar, in the saloon. The defendant went after him, and when he, the complainant, was on the corner of Second street and Avenue B, the defendant hit him. At no time that night did he, the complainant, strike the defendant. The saloon was on the middle of the block, between Avenue B and Avenue C. He, the complainant, did not say anything to the defendant; he heard somebody running behind him, and he turned around and the defendant hit him on the forehead, with a stick. His clothing was full of blood, from the wound. He did not know exactly what the defendant hit him with; it looked like a stick; the billy identified by the officer was like the thing that the defendant hit him with. The defendant hit him once, and he fell. He got up and tried to run away from the defendant, but the defendant ran after him and hit him again. The defendant did not say anything to him immediately before or after the hitting. His, the complainant's, brother and one of his friends

left the saloon with him.

In cross-examination the complainant testified that his brother, and the friend who were with him, were not in court; they were at work. It was about 10 o'clock when he first saw the defendant in the saloon. It was about 11 o'clock when he was hurt. He was sure it was before 12 o'clock, because, when they went to the station house, it was before 12 o'clock. The saloon keeper said to all the people in the saloon, before he, the complainant, left it, "It is after 10 o'clock; it is late; I wish you would leave the saloon, it is late." The saloon-keeper did not address the remark to him, the complainant, in particular, but to all the people in the saloon. He, the complainant, did not know whether the saloon-keeper opened the door of the saloon or not. When he was ready to leave the saloon, the door was open. The saloon-keeper did not take hold of his arm; he was positive of that. He did not see the saloon-keeper take hold of his friend's arm, nor his brother's. He, the complain-

ant, did not see any pool playing in the saloon. He did not take the pool or billiard balls off the table and throw them around the room; he did not throw anything around the room. His brother played billiards. He, the complainant, remained standing at the door of the saloon about a minute; the saloon-keeper went out to the door with them, and they went away slowly and he went inside and closed the door. The saloon was on the south side of Second street. He, the complainant, crossed the street immediately after leaving the saloon; his brother and his friend walked down Second street on the same side of the street on which the saloon was. He was alone when the defendant hit him; at that time he was in the middle of the street. Neither he, the complainant, his brother, nor his friend had any words in the saloon with the defendant, but his brother had some words with a man he was playing billiards with. It was not a fact that, during the minute which he was on the side-walk in front of the saloon, the defendant came out, and that he, the complainant, hit the

deendant in the face two or three times. He didn't see the deendant outside the saloon until the de- fendant hit him. He, the complainant, had never been convicted of any crime. He had served in the Russian army, but had neve r been punished in the army.

OFFICER CHARLES P. SHERIDAN, being recalled by the Court, testified that the saloon in question was on the south side of the street, between Avenue B. and Avenue C. He went on duty at mid-night, and his tour of duty ex- tended to 6 o'clock in the morning. This assault occurred at 12:20 A. M. He only saw one blow struck. He did not know whether there had been any blows struck between the time that he saw the first blow struck and the time that he arrived at the place where the deendant and the complainant were. He kept his eye on the party, but it was possible that another blow had been struck.

FOR THE DEFEN CE, MICHEAL LESCHKOFF, being duly sworn, testified

through the Official Interpreter, that he kept a saloon at 233 East Second street. The defendant boarded with him. He had known the defendant about a year and a half. The defendant had boarded with him about nine months. He knew the complainant by sight. On the night in question he, the witness, was attending to the saloon himself. He thought the complainant entered the saloon about half past 9 or 10 o'clock; he couldn't tell exactly. Two men entered the saloon with the complainant. The complainant's brother played pool with the man who came with them, and another man. The complainant took up one of the billiard balls, to prevent his brother from playing, the complainant did not want his brother to play any longer. The three men were somewhat under the influence of liquor. The complainant threatened to commence a fight with the billiard ball. When he, the witness, saw that there was going to be a fight, he said, "I want to close my saloon; it is better that you go home, I want to close my saloon." The men did not want to go out

immediately, but he insisted and he went to the door with them. The defendant was not supposed to leave the saloon, because he boarded with him, the witness. When he went to the door with the complainant and his friends, the defendant accompanied him. When they were outside the complainant commenced to push the defendant with his fist. He, the witness, saw that there was going to be trouble, and he went inside the saloon, leaving the defendant outside. He did not see what happened after that. When he was telling the complainant and the other two men to leave the saloon, he opened the door and told them he wanted to close his saloon. The complainant and the two men tried to get back into the saloon again, but he, the witness, insisted that they should go away.

In cross-examination the witness testified that there were five or six houses between his saloon and the corner. The club produced by the officer was his club. A man had left it in his place about a month previous, and it had remained there. He kept the club by the bar. He supposed that the



defendant took the club from the bar at the time that the complainant interfered with the billiard balls. The club was hanging at the end of the bar. He didn't know the name of the man who left the club in his saloon. The man didn't leave the club as security for drinks that he had; the man must have forgotten it.

ANDREW GERENDA, being duly sworn, testified, through the Official Interpreter, that he lived at 24 Avenue B. He was a furrier. He recollected the night in question. The complainant was drunk on that night. The complainant's brother was playing pool with another man, and the complainant interfered with the balls; and after that the complainant started something like a fight. The saloon-keeper would not allow the men to fight, and he "chased them out." The defendant went out with them, accompanied by the saloon-keeper. In a few minutes the saloon-keeper returned to the saloon, and he, the witness, then left, to go to his home. When he went out on the side-walk he saw the

complainant and the complainant's two friends hitting the defendant. The defendant was lying in the street, near the side-walk. The defendant got up and started to run towards Avenue B, calling "Police". The complainant ran after the defendant. The complainant caught the defendant, on the corner of Avenue B and Second street, and started to fight with the defendant again. The complainant hit the defendant with his hand, and then he took out a club and commenced to hit the defendant with the club. He, the witness, had seen a club hanging up in the saloon, but he didn't know whether that was the club produced by the officer.

In cross-examination the witness testified that the defendant was alone at the time. He didn't know why the defendant did not run the other way, and go home.

STEPHEN MENKEL, THE DEFENDANT, being duly sworn, testified, in his own behalf, through the Official Interpreter, that he lived at 233 East Second street, and was a tin,-

smith. He remembered the night of the 9th of June, 1893. The complainant, the complainant's brother, and another man entered the saloon, and had some beer. The brother of the complainant, a friend of his, and another man, named Voitowich, started to play billiards. Voitowich won the game, and they then commenced to dispute about the game. The complainant interefered with the game, and took up one of the billiard balls and threatened to strike Voitowich with it. The owner of the saloon then told the party that they must leave the saloon, that he wanted to close up. The complainant and his party tried to fight three times. The owner of the saloon went up to them and pushed them, and said, "You have got to get out of this saloon." He, the defendant, then saw that there was going to be a fight, and he went up to the saloon-keeper, to help him. When he went to help the saloon-keeper the complainant, hit him, the defendant, on the head. The complainant's party then went out of the saloon, and the saloon-keeper went out to the door with

them. He, the defendant, went out with the saloon-keeper. The saloon-keeper returned to the saloon, but he, the defendant, remained outside. When the saloon-keeper was outside, the complainant and his party started to walk away, but when the saloon-keeper went inside again they returned, and commenced to beat him, the defendant. The complainant hit him once in the face, with his fist, and then hit him on the other side of the face. The complainant then attempted to throw him on the car-track; a car was coming, and he, the defendant, just escaped in time. If he had not been quick, the car would have run over him. He, the defendant, then shouted for the police; but no policemen responded to his call. He ran through the street, to see if he could find a policeman, and the complainant and the two men ran after him. The complainant went up and hit him in the face again, and the other men attempted to hit him. He had a club with him, and he hit the complainant on the head, with the club. A policeman then arrested him, the defendant. He took the club

up at the time of the fight in the saloon, when he went to assist the saloon-keeper.

In cross-examination the defendant testified that he took the club from the wall, near the end of the bar. He had seen the club hanging there for about two weeks. He did not know who the club belonged to. The reason he did not give the club to the saloon-keeper was that he saw that the saloon-keeper was injured, and, as he boarded with the saloon-keeper, he wanted to help him.

In re-direct examination the defendant testified that he had never been in any trouble before.

In re-cross examination the defendant testified that he did not take the club out until he got to the corner of Avenue B and Second street; he did not try to use it until that time.

Police Court— 3 District.

1931

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

of No. 180 East 3<sup>rd</sup> Street, aged 32 years,  
occupation Butcher being duly sworn,  
deposes and says, that on the 9 day of June 1893 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Stephen Meikel (rower)

who struck deponent a  
violent blow on the head  
with a loaded club he  
then and there held in  
his hand. cutting deponent's  
scalp

New Cor 234-1415 12:20

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

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

Sworn to before me, this 9 day  
of June 1893

Adolf Gerne

Charles N. Lainton Police Justice.

Sec. 198-200.

1892  
District Police Court.

City and County of New York, ss:

*Stephen Munkel* 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 a 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.

*Stephen Munkel*

Question. How old are you?

Answer.

*29.*

Question. Where were you born?

Answer.

*Austria*

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

Answer.

*233. Second St.*

Question. What is your business or profession?

Answer.

*Traveller*

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*

*Step Munkel*

Taken before me this

day of

*July 1893*

*Charles W. Janitor* Police Justice.

BAILED,  
No. 1, by Frank Luchio  
Residence 56 Avenue B Street  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street

Police Court---

District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William M. M. M. M.

William M. M. M. M.

Offense

Voluntary Intoxication

Dated

June 9 1893

Magistrate

Shirley

Officer

13 Precinct

Witness

Officer Charles P. Shandera

No. 13 Precinct

Shirley

Street

No.

1000

Street

No.

1000

Street

\$

1000

to answer

Paulen

Paulen

Street

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

Shirley

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

Five

Hundred Dollars,

and be committed to the Warden and Keeper of

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

Dated, June 9 1893

Charles W. Linton

Police Justice.

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

Dated, June 10 1893

Charles W. Linton

Police Justice.

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

Dated, \_\_\_\_\_ 189

Police Justice.



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Stephen Munkel*

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

*Stephen Munkel*

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

The said

*Stephen Munkel*

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

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

*Adolph Barker*

*Stephen Munkel*

with a certain *club* which *he* the said

*Stephen Munkel*

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

SECOND COUNT—

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

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

The said

*Stephen Menkel*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, in and upon the said

*Adolph H. Gerber*  
in the peace of the said People then and there being, feloniously  
did wilfully and wrongfully make another assault; and the said *Stephen Menkel*  
the said *Adolph H. Gerber*  
with a certain *club*

which *he* the said *Stephen Menkel*  
in *his* right hand then and there had and held, in and upon the  
*head* of *him* the said *Adolph H. Gerber*  
then and there feloniously did wilfully and wrongfully strike, beat,  
bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully  
and wrongfully inflict grievous bodily harm upon the said *Adolph H. Gerber*  
to the great damage of the said *Adolph H. Gerber*  
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.*

0596

**BOX:**

525

**FOLDER:**

4783

**DESCRIPTION:**

Meyer, John

**DATE:**

06/07/93



4783

0597

I suggest that Independent be  
discharged why not Nov 72  
Cyrus Vance  
Nov 28, 1893  
Phenix, Ill - Chicago  
N.Y. - at least Dec 4

Amherst Mass

Grand Larceny, second Degree. \_\_\_\_\_ Penit Code.] [Sections 228, 231

For Court of General Sessions  
The People vs  
agst  
John Meyer  
defendant

Sir

Please take notice that upon the annexed affidavit, the indictment and all other papers and proceedings herein, I shall make a motion before Hon Rufus B Cowing at General Sessions part I in the City of New York on the 27<sup>th</sup> day of June 1893 at 11 o'clock in the forenoon of said day or as soon thereafter as counsel can be heard to dismiss the indictment against the defendant herein filed in your office on June 7<sup>th</sup> 1893, to discharge the defendant from custody, and for such other and further relief as may be proper

Dated New York June 20 1893

Yours &c  
Charles L. Greenhall  
Atty for Deft  
145 Nassau Street  
New York City

To  
St Lawrence Nicoll Esq  
Dist atty N.Y. City & Co.

Vol 1. Court of General Sessions  
The People vs  
agst  
John Meyer  
defendant

City & County of New Yorks:

Charles L. Greenhall being  
duly sworn says that he is the attorney for  
the defendant herein.

That the defendant was indicted  
by the Grand Jury of New York County on  
June 7<sup>th</sup> 1893, charged with grand larceny  
in the second degree and was held in  
default of \$1000 Bail.

That on the 9<sup>th</sup> day of June 1893  
the said indictment was recommended  
for dismissal by Assistant District At-  
torney Maedona, which recommendation is  
2. endorsed on said indictment

That notwithstanding said  
recommendation, the said indictment has  
never been dismissed and the defendant  
has been continuously and now is a  
prisoner in the City Prison under said  
indictment.

Wherefore deponent asks that said  
indictment be dismissed and the prisoner

discharged, and for such other and further  
relief as may be just

Sworn before me this }  
26<sup>th</sup> day of June 1893 } Charles L. Greenhall

Charles L. Deuki

Comptroller

N.Y. City & Co.

Court of General Sessions

The People vs

v

John Meyer

Affidavit and Notice  
of Motion

Charles L. Greenhall

Atty for Deft  
140 Nassau St  
N.Y. City

To  
DeLaney Meade Esq  
Dist Atty N.Y. City



Court of General Sessions

The People vs

vs

John Meyer

Affidavit and Notice  
of Motion

Charles L. Greenhall

Atty for Deft

140 Nassau St

N.Y. City

To

DeLaney Merrill Esq

Dist Atty N.Y. City

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Joseph Meyer

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

The chief reason is, that I cannot identify the prisoner as the person who stole the diamonds from me, which is the charge I made against him, nor can I swear that he is such person & for this reason I desire very much to withdraw my charge against him.  
Dated N.Y. June 7 1873. Sidney J. White

City & County of New York ss

Sidney J. White being duly sworn says that he is the Complainant herein against Joseph Meyer; that the statement above made and signed by me is true.  
S. J. W.

POOR QUALITY  
ORIGINAL

0604

Sworn to before me this  
7<sup>th</sup> day of June 1893

Sidney T. White

James F. Dunn  
Commissioner of Deeds  
N.Y. City & Co.

Police Court— District.

Affidavit—Larceny.

City and County {  
of New York, } ss.

of No. 43 John Street, aged 42 years,  
occupation Jewelry being duly sworn,  
deposes and says, that on the 18 day of May 1899 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property, viz:

One Diamond pin of the value  
of Fifty dollars

the property of deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
and carried away by John Meyer from her.

from the fact that on said date  
the defendant entered deponent's  
premises, requested to be shown  
some Diamond pins that deponent  
exhibited a number of pins the  
most of which were among them  
that after examining them the defendant  
declined to purchase one  
immediately after deponent missed  
said property and further says  
that no other person but the  
defendant could have taken it.

Sedney T. White

Sworn to before me this

of  
Police Justice.

Sec. 198-200.

1882  
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*  
*John Meyer*

Taken before me this

day of

1908

at

the

City of

New York

County of

New York

State of

New York

before me

at

the

City of

New York

County of

New York

State of

New York

before me

at

the

City of

New York

County of

New York

State of

New York

before me

at

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City of

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County of

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State of

New York

before me

at

the

City of

New York

County of

New York

State of

New York

before me

at

the

City of

New York

County of

New York

State of

New York

Police Justice.

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

189  
617  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Offense \_\_\_\_\_

Date \_\_\_\_\_ 189

Magistrate.

Officer.

Precinct.

Witnesses

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

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

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

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

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

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

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

Dated, \_\_\_\_\_ 189

Police Justice.

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

Dated, \_\_\_\_\_ 189

Police Justice.

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

Dated, \_\_\_\_\_ 189

Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Meyer*

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

*John Meyer*  
of the CRIME OF GRAND LARCENY IN THE *Second* DEGREE, committed  
as follows:

The said

*John Meyer*

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

*one diamond pin of the value  
of fifty-eight dollars*

of the goods, chattels and personal property of one

*Sidney J. White*

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

*De Lancey Nicoll,  
District Attorney.*

0609

**BOX:**

525

**FOLDER:**

4783

**DESCRIPTION:**

Michan, Ernest August

**DATE:**

06/01/93



4783



POOR QUALITY  
ORIGINAL

0610

Witnesses:

Shes Constant

Counsel,

Filed

day of June

189

Pleaded

THE PEOPLE

vs.

Ernest August Michael

Degree.

R

Grand Larceny,  
[Sections 628, 637,  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Speed of convicted

pleaded to every

S.P. 2 1/2 years

POOR QUALITY  
ORIGINAL

06 1 1

Mrs. Marianne Constant

Amsterdam Ave



New York Mar 22, 1893.

Reple Ex A

Yngvold Farm:

Von Chicago grüßte  
ich sofort auch ich  
Engländer zu meinem Puffer und wußte  
Sie, Sie vollständig der Dinge zu unter-  
ziehen meine Treppe in Danksagen ein-  
zugucken. Damit Ihnen Danksagen nicht  
mehr im Wege stehen. Für Sie Be-  
nehmen in besten Zeit und Freude nehmen.  
Ich mich sehr freuen. Ich weiß, daß wir  
mit Ihnen werden, schreiben ich Ihnen  
Ich mich sehr freuen zu sein und danken  
mir, so war zu sein gewesen, so sehr  
nicht sollen sein. Vergessen wir was ge-  
schieht und bestanden. Stellen Sie mir  
nach etwas zu sagen haben. So April Sie mir  
Zeit und ich am Freitag und die Schluss  
zeitung

POOR QUALITY  
ORIGINAL

06 14

gripping mit.

Mrs. Friedrichsgraben Gmpt  
E. Michael

Police Court—4 District.

1912

Affidavit—Larceny.

City and County }  
of New York, } ss.

Marianna Constant  
of No. 26 Amsterdam Ave Street, aged 37 years,  
occupation Married being duly sworn,  
deposes and says, that on the 13 day of May 1893 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in day time, the following property, viz:

A tin box containing  
gold and lawful money  
of the United States of  
the amount and value of two  
hundred and twenty seven  
\$220.00  
the property of Deponent and her  
husband.

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 E. McKen

for the reasons following to-wit:  
On the said date deponent saw  
the defendant the said box to  
place in a wardrobe. Deponent  
left the room in which said wardrobe  
was leaving the said defendant in  
said room. When deponent returned  
the defendant was missing as was  
the said box. Deponent says that  
from the time she lost the  
box until she missed no one  
but the defendant was in her  
presence.

Marianna Constant

Sworn to before me this  
13th day of May 1893  
at New York City

Public Justice

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss:

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

Question. What is your name?

Answer.

*August Michan*

Question. How old are you?

Answer.

*62 years*

Question. Where were you born?

Answer.

*Germany.*

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

Answer.

*239 East 48 St. 2 weeks*

Question. What is your business or profession?

Answer.

*none*

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*  
*Ernst August Michan*

Taken before me this

day of

189

Police Justice.

POOR QUALITY  
ORIGINAL

0617

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 John A. Constanb  
of No. 26 Amsterdam Street, that on the 13 day of May  
1888 at the City of New York, in the County of New York, the following article to wit:

A tin box containing gold  
and lawful money of the United  
States  
of the value of two hundred and twenty Dollars, \$220  
the property of Complainant  
w as taken, stolen and carried away, and as the said complainant has cause to suspect and does suspect and  
believe, by August Michon

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<sup>th</sup> day of May 1888.  
Alfred W. Reed POLICE JUSTICE.



POOR QUALITY  
ORIGINAL

0618

Police Court H. District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated \_\_\_\_\_ 188

Magistrate  
Titus Krauch Officer.

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

Officer.

Dated \_\_\_\_\_ 188

This Warrant may be executed on Sunday or at  
night.

Police Justice.

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.  
Dated \_\_\_\_\_ 188

The within named

Police Justice.

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

Police Court... District...

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Maurice Constant  
26 West 42nd St.  
Edward McKean  
Convento Auguste Michel  
Dated May 26 1893  
Magistrate  
Francis J. DeLoe  
Officer  
Witnesses  
No. 1. Constant  
No. 2. Maurice Constant  
No. 3. Maurice Constant  
No. 4. Maurice Constant  
No. 5. Maurice Constant  
No. 6. Maurice Constant  
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No. 99. Maurice Constant  
No. 100. Maurice Constant

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 May 26 1893 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

# PEOPLE

***vs.***

*District Attorney*

Damascus  
✓ ---  
Cordoba  
1880  
Sw

TO THE CHIEF CLERK.

~~Please send me the Papers in the Case of~~

# PEOPLE

*Mel* vs.

M B C

— 2 —

27-11-19

5-3-19

\_\_\_\_\_

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District Attorney

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1-2, 2-3

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*District Attorney*

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GEORGE MUELLER,  
Saloon and Restaurant.

Restaurant  
Open  
All  
Night.

FINE IMPORTED WINES, LIQUORS AND CIGARS.

... 345 South State Street ...

NEAR PEOPLE'S AND PARK THEATRES.

Chicago, 18 May 1893.

Mein lieber Herr

Herrn Sie, wie sehr ich Sie schätze, wird Sie,  
vielleicht auch Ihre lieben Freunde. Was mich den  
Anlass zu dieser, ich hoffe, recht fröhlichen  
und sehr recht frohen, Kaffeezeit für alle Anwesenden.  
Rufen Sie, wenn Sie mich für ein paar Minuten, wenn möglich, zu  
Ihrer, und werden gerne

Ihr  
Graf  
Karl von

Court of General Sessions

-----X  
The People & C. :

vs:- :

Ernest A. Mehan :

-----X  
City and County of New York S. S.

Ernest A. Mehan the  
defendant herein being duly sworn says that he is sixty with  
two years of age and has never heretofore been convicted  
of any crime. That deponent neglected to state while upon  
the witness stand in his own behalf and which fact he deems  
may now be of importance to him as follows:-

About two and half months prior to deponents  
arrest the complainant Mrs Constant pawned a <sup>Diamond</sup> ring at  
Simpson for thirty Dollars of which amount Mrs Constant re  
ceived Fifteen Dollars and that about six weeks before  
deponents arrest she paid fifteen dollars to her Dress  
Maker, Eight Dollars for Shoes, Eight Dollars for hats  
and Sixteen Dollars for a silk dress and some aprons and  
which facts she did not want Mr Constant to know of.

Deponent still maintains his innocence and in  
view of the the recommendation of mercy of the Jury asks  
for extreme Clemency.

Sworn to before me this

17 day of June 1893

*Ernest August Mehan*



Court of General Session

-----X  
The People &C. :

-vs- :

Ernest A. Meehan :  
-----X

City and County of New York S. S.

George Geffers being duly sworn deposes and says, that he is a Dentist residing at Number 300 East 50th Street New York City. That he has known the defendant above named for about seven years, during five years of which time he saw him quite frequently and that up to and within about a month ago he had not seen him. Deponent further says that said defendant is hard working and industrious man never before having heard of him being charged with the commission of any offense. That some time about the 26th of May 1893 deponent left with him One Hundred and thirty five Dollars in Bills of various denominations for safe keeping.

Sworn to before me this

10 day of June 1893

*Jas. J. Mollay*  
*Comm. of Courts*  
*N. Y. C.*

*Dr. George Geffers*

Court of General Sessions

The People

vs.  
Ernest Buchanan

Defendant

Maurice McEwen  
Plaintiff

✓ 1/93

THE PEOPLE,

COURT OF GENERAL SESSIONS, PART 1.

vs.

BEFORE JUDGE COWING.

ERNEST AUGUST MICHAN.

New York, Thursday, June 8, 1893

Indictment for Grand Larceny, in the Second Degree.

A Jury was empannelled and sworn.

MARIANA CONSTANT, sworn and examined, testified:

Where do you live? 26 Amsterdam avenue, New York. How long have you lived there? Only one year. You lived in 36 Amsterdam avenue on the 13th of May? Yes. What apartments did you occupy? We have a whole floor there. You keep boarders? We had two, Mr. Michan and Mr. Hahn. How long had Mr. Michan been boarding with you? One year. What did he work at? He didn't do anything at all. What floor did the defendant occupy? He had the next room to the parlor. Where did Mr. Hahn sleep? He had the hall room. Where did you sleep? The next room to the defendant. On the 13th of May did you have any money belonging to you in that house? Yes, \$220.00, in twenty dollar gold pieces. Where was that money? On the top of the closet, in a little tin box; it is a closet where dishes are kept. You put it in there? No, the defendant put it there, because I couldn't reach it. Was it a box like this that you had the money in? (Box shown) Yes; the same box. When did you last see the \$220.00? Saturday Mr. Michan went away; on Friday I gave him the last gold piece, and he put it in; that is the last time I knew anything about that money. Did you put the \$220.00 in the box? He did; my husband gave it, and he did. Did you see him put it in the box? Yes, I did. What time in the day was that? It was noon; my husband gave me that gold piece;

he said, "Mariana, put this with the other gold pieces," and so I laid it on the little shelf. Did you see the gold coin in the box? Yes, he told me he put it in. Did you see him do it? Yes. Did you see the defendant there at the time? He was sitting always right on the chair; he would sit there the whole day; here is the closet and there is the chair. This defendant put it on the corner; did he? Yes, he did. After he put it on the corner where did you go? I was home; I didn't leave the house on Friday, except in the evening. Was the defendant there? He was there. Was any one else there? No, nobody. Did you go out on that day? That Friday, sure; I went out half an hour. Who did you leave at home? The defendant. Any one else? No; I came back half an hour afterwards; nobody was there but Mr. Michan; he hardly ever went out, he was home the whole day. Did you miss the money afterwards? I missed it on Saturday, the next day, after the defendant went away, I missed it. When did he go away? Between 7 and 8 o'clock in the evening of Saturday. I went into a store to buy something, and I could not get it, and he said it would be better to go to Ridley's; I said, "It is too far; and, on Saturday, I have too much to do." I went to Bloomingdale's. I asked him if he would like to go with me, and he said no. I said, "Come on, come with me; the air will do you good." He said, "No, I will stay home." I said, "If you do not go out, I will not take the key with me." He said, "No, I will stay home." I came home, and it was nearly 8 o'clock; I knocked, and nobody opened the door; so a little girl came down stairs and said the gentleman has gone out may be ten or fifteen minutes ago. I knocked, and could not get in. I was waiting maybe

one hour in the hall, and then I had the door broken open to go in, and the doors were all locked with a key except that door where he went out; it was a spring lock; in the other doors, the keys were sticking in it. The doors were locked from the inside. I noticed, when I came back, that the chair was standing in such a position as if he stood up to take the money down. I climbed up on the table, and I saw the money was gone. I went into his room, and I saw his clothes and satchel were gone, and his shirts, stockings and handkerchiefs. When I went out before, he often came with me. Just before you left to go to Ridley's, did he tell you he was going away? No; he told me he would not go, he would stay home. When did you see the defendant again? I saw him in Bloomingdale's, 59th street and Third avenue, in the morning, at 10 o'clock, after he came back again from Chicago. How long was he in Chicago? I can't say for sure how long he was; I should think something about a week. You saw him about a week afterwards, did you, at Bloomingdale's? Yes. What was he doing? He wrote a letter to me to come over and see him, if I had something to say to him, and I did; my husband has got the letter. When you met him at Bloomingdale's, what did he say to you? He said, "Good-day;" I said, "I have that letter; all I want to tell you is to give that money back again;" I told him to give Mr. Constant the money back, that is my husband, and he would not say anything but would let the case go. What did he say to that? He said, "What money?" I said, "The money that you have; the money that was in the closet." He said he did not know anything about that, he didn't take it. The letter shown me is the one that he sent me; I know that

is his hand-writing. Did you show him this letter when you got to Bloomingdale's? No; I know it is his writing, because I have seen other writings in the house.

BY THE COURT: You say that on Friday the prisoner put the money up on the cup-board? Yes, the last twenty dollars in gold, to the other money, and he left on Saturday. When you left the house did you always leave him there? Yes, always. Was there anybody who had any opportunity to take that money, excepting him? Nobody else.

In the absence of the Official Interpreter, an officer of the Court translated the letter, as follows:

"Dear Madam: Just returned from Chicago. I send you the key of my trunk, and request you to please to take the trouble to put the things in there, so that they cannot be in your way any more. By your oft-repeated wish that we may part, I believe that I gratified your wish and think it would have been much nicer if it had not been so. Forget what was between us. If you have anything to say to me, tell me the time and place on Friday to the Staatz Zeitung. Respectfully yours, Ernest Michan.)"

In consequence of that letter being sent to you, what he says concerning something in the Staatz Zeitung, what did you do? My husband put a notice in the Staats Zeitung, that I will be there at 10 o'clock at Bloomingdale's, 59th street and Third avenue. Did you go there? Yes, and I saw Mr. Michan there. You had a conversation with him? Yes. Did he tell you why he went to Chicago? No, he did not; he never said to me that he was going to Chicago. I said I would have to take a warrant out against him. Did you ever see him again? The same afternoon, in court. Did

you talk to him there? I did not talk at all to him; he was talking there; he said he had not paid the money; he said he wanted to give my husband the rent money there; the Judge told him to keep it, and my husband didn't take it. Mr. VonGlahn is the owner of the house in which we live, and my husband gave the defendant money to pay the rent; I said to him, "Did you pay the rent?" And he said, "Yes, I did." I said, "Where is the receipt?" And he said, "In my pocket," but he did not pay the rent.

CROSS EXAMINATION.

I was married to my first husband, Mr. Miller, fifteen years ago. Is he dead? I do not know. When did you see him last? May be eight or nine years ago. Haven't you seen him since? No. Then you married Mr. Tessel? No. You married Mr. Constant? No, I didn't marry him, because I could not marry; I was not divorced. You lived with him? Yes, nine years, nearly. During that time did you ever live with anybody else? No. As their wife? No. Are you sure of that? Yes, I am sure. Have you ever lived under the name of Mrs. Michan? No, I never did. Your name is Mariana Constant? Yes, it is my husband's name, he gave me his name. You did not take Mr. Miller's name? No. And you haven't taken it in seven or eight years? Nearly nine. You consider Mr. Constant your husband? Yes, I do consider him my husband. How long do you know Micahn? I know him eight years. You have known him almost since you have known your husband, Mr. Constant? Yes; I made his acquaintance and then he was a good while with us, and then for four or five years I did not see him, until last year. My husband introduced me to the defendant. What was his bus-

iness when he introduced him to you? Waiter. How long did he live with you then? He was about -- a short time; I cannot say how long it was; then he moved away; he lived with us may be for a year or half a year; that was seven or eight years ago. When did you see him after he went away; how long ago? When I met him a year ago, one evening, on the beach at Coney Island. You have the whole floor of that house; haven't you? Yes. The defendant and myself have been very friendly; he has treated me like a father. My husband goes to work in the morning between 11 and 12, and then he goes before 6 o'clock in the evening. Then between 6 o'clock in the evening and 3 or 4 o'clock in the morning, you have nobody in your rooms but Mr. Micah? No. And he occupies the next sleeping apartment to you? Yes. Did you ever sleep with him? No, never. That letter that you got; what had there been between you that he was so sorry about? Because he was often fighting; the most of the time he was fighting. I occasionally take a glass of beer, but I do not drink much during the day. Don't you recollect one day falling out of the defendant's bed when Mr. Constant came in the room? I never slept with him, no, I never did. What does your husband do? He is a head waiter, at a cafe corner of 58th street and Eighth avenue; I cannot tell what he makes a week. The defendant had been living in your house for about a year? Yes. Was it during that time he was working at the Metropolitan Opera House? No, he did nothing; he was always home. On the 13th of May, 1893, Friday, that was the last day you saw the money; was it? Yes, my husband gave me the twenty-dollar piece on Friday. Any person had access to that little box, and could have gone



there and taken the money out? No, nobody knew it except Mr. Constant and Mr. Michan and I. Nobody could see it in the closet? No, it was on the top of the closet, and nobody could see it. Did he ever see the money in there and count it, at your house? He did; he counted it in front of me; he took the money down and counted it, in my presence, always. The last time you did not count the money? He just put the twenty-dollar gold piece in the box on Friday. You donot know what was in that box? The money was in there, \$200. was in it; he told me it was in there; he said, "Mrs. Constant, there is \$220. in it. But he did not count it when you were there? No, he did not. That was on Friday, about what time? Friday, near 1 o'clock in the day time. Then you saw the box put on top of the closet? Yes. When was the next time that you saw that box? I did not see that box at all; I missed it on Saturday, about 9 o'clock at night. Over twenty-four hours had passed when you had not seen the box? Yes. From that time, your husband had been home, Mr. Constant, and Mr. Hahn had been home? Yes, and Mr. Michan. Who else beside you four? Nobody else. Did not any boy come in and deliver anything at your house? No. Were you home all day? I was home until I went to Bloomingdale's. You left Mr. Michan behind you? He was alone when I left, between 6 and 7 o'clock. Then between 6 and 8 you do not know what happened at your house; do you? No. From Friday afternoon at 1 o'clock, until Saturday at 8 o'clock, you did not see the box? No, I did not. At the time the box was put up, you did not know what was in it, except what he said? What he said; and I always believed what he said. You saw him put that twenty-dollar gold piece in there? Yes,

and he told me, "Now, there is \$220. in it." It was a box similar to the one now shown to me. When I missed the money I went over to my husband and asked him if he had the money; my husband made a complaint at the police station the same night, Saturday night. I did not know that the defendant was going to Chicago; he always said he would not go. I did not know he was going to leave my house at all. He was talking to Mr. Hahn about going to Chicago, and he said he would not go. They were talking about Chicago because Mr. Hahn wanted to go over there, because he is a waiter. I knew that Mr. Hahn got a letter from the defendant at Chicago; he read it to us. The letter was brought to our house. He said in that letter if we wanted to make an appointment to speak to him about anything, that he would make an appointment. We put a personal in the Staats Zeitung. Afterwards the detective went with me to Bloomingdale's corner I told him if he wanted to give the money back again, my husband wouldn't go anything to him, but would let him go, and if he did not, we would get a warrant. He said he did not take the money, and then I called the officer and he came and locked him up. Didn't you, at all times, give him the right to take whatever money he wanted out of there? No. You heard your husband say to him, "There is no occasion to go to get money out of the bank, if he wanted any money he could have it?" Yes, if he wants some, to take it, until he gets some money from the bank, \$10. or what he needs -- not the \$220. How many times did your husband tell him that? A couple of times, when he said he did not want to go to the bank.

THEODORE CONSTANT, sworn, and examined, testified:

I am head waiter in a cafe at the corner of 58th street and Eighth avenue. I was working there on the 13th of May of this year. I live at 26 Amsterdam avenue, with Mariana Constant. The defendant boarded with us. How long had the defendant boarded with you before that time? Nearly one year the last time, but he used to board with me a year ago. Who else lived in the house beside this defendant at that time? A man by the name of Hahn; he is living there still. Had you given Mariana Constant any money at all? On the day before, Friday, the 12th, a few minutes before 12 o'clock, I gave her a twenty dollar gold piece, and told her to put it with the other gold pieces I had before in a small tin box, in a box like the one shown me. How many gold pieces were there in a box similar to this, if you know? I had ten before this one which I gave my wife. I am pretty sure I saw these in the box on the 3rd of May; it was the day I wanted to pay my rent; I took all the money I had together, I had the gold pieces and several small bills in my pocket, I took out \$21. and gave it to Michan and told him to go down stairs to Mr. Von Glahn and pay my rent, as he did for me months before; I gave it to him in front of my wife and this young man Hahn, who is living in my house. The defendant received the \$21. saying he will go down stairs and pay the rent. I counted the money all over and found it right, and put the gold back and put the bills in my pocket. I put up the box myself, in the presence of my wife, and left it there, on a very high closet, in my dining room, my back parlor. Was any one else there at the time? No. When next did you see the box? I have not seen the box any more after this. I gave my wife \$20. on Friday, the 12th, before

12 o'clock noon. Did your wife take down the box then? I do not know, because I went out to my business, leaving this twenty dollar gold piece in her hand. I came back about half-past 3 and went out about 10 minutes to 6, because I have got to arrive in my place by 6 o'clock sharp. My wife came up to my place, excited, and after her telling me something, I left the house right away and started up to the 68th street police station, and told the police sergeant, and he sent out an alarm. I went back to my business and came to my home about a quarter or half-past 2 in the morning, the usual time I get home. Was the defendant there when you got home? No, he was not; he was gone; that was on the 13th of May. And when next did you see the defendant? I seen the defendant in front of the Judge, in the Police Court, on Friday; I can't say the date, on the same day the man got arrested; that was the first time I had seen him from the time he had left our house. I had no conversation with him. I heard him say to the Judge he did not have the money. Being asked by the Judge about this \$21. of rent, he said he did not pay this rent, but he was able to pay the \$21. any time, and he put his hand in his pocket, taking out bills and offering \$21. to me, in front of the court. The Judge told him to put the money back. The Judge put him under \$1,500. bail. I know the defendant's hand-writing, and have seen him write. I received this paper from him; it is his hand-writing.

The Official Interpreter read the letter:

"Even say that I do not know enough from this affair, and you accuse me, and it is impossible for you to swear that I did what you accuse me of. Still, if, through my leaving your place, you received that mentioned injury, I

am ready in every way to approach you. Withdraw the accusation against me, or do not appear at the fixed time for the trial. I have none of your money, and never had it. If I would have felt guilty, I would not inform you of my return, I would not have informed you about it. In case that you are willing to swear, well, go on; I am ready, and my imprisonment has not deceived me. Ernest Michan."

DISTRICT ATTORNEY (to the interpreter): Go back to that part where he says he is willing to come forward; re-translate it.

THE INTERPRETER: "If you want to swear, well, I am ready."

DISTRICT ATTORNEY: Beyond that. "I am willing to come forward."

THE INTERPRETER: "If, through my leaving your place, you received any injury, I am willing to come forward or approach you in every way, or to meet you in every way."

DISTRICT ATTORNEY: Is it "every way," or "half way?"

THE INTERPRETER: No, "to meet you in every way."

You did not take this money yourself out of the closet? No. On the Saturday afternoon that you left, what time was it? I went out from home ten minutes to 6. Whom did you leave there? I left my wife, Michan and Otto Hahn. Did your wife go out; do you know? She told me she wanted to go out. Didn't she say that in the presence of this defendant? Yes; she asked him, in my presence, if he wants to go along; Hahn was there at the time.

CROSS EXAMINATION:

Your wife had gone out before and left Michan there? I do not know anything about it. Did you ever see your wife and Michan go out together? I have seen Michan and my wife go out together many times. There was nothing unusual about

their going out together or being in your rooms? No, because they came over and saw me in my place. How long have you been married to Mrs. Constant? I am not married to this woman, but she lived with me since October, 1884. You knew her husband? I have seen him once or twice. How long before you were living with this Mrs. Constant did you see Mr. Miller? About a month before. How long do you know Michan? Since 1884; I became acquainted with him in the Manhattan Beach Hotel; we were working together. I do not know when he worked at the Metropolitan Opera House. I have known him about seven and a half or eight years. When I met him first he was living in my house, and was working. I was living then in 82nd street, near Avenue A. It may be four or six months that he lived there then. When he left my house it was about seven years ago, and I saw him a few weeks after. I don't know where he was living then. I saw him in the beginning of May, when he came to my house, unexpectedly. Between the seven years and last May you had not seen him at all, I seen him in Coney Island; I was working there, and he was working in the same place, as a waiter. You have often told him, if he wanted any money he could take it? I told this man, when he said he had not got money, and it was a rainy day and he may be sick, when he said, "I do not feel good," I said, "If you do not have any money in the bank, I will give you ten or fifteen dollars, and you can go to the bank." You told him he could help himself? No. If your wife testified to that, she did not tell the truth? I do not know what my wife said.

BY THE COURT: Did you give him permission to go to this box where you had the \$220. and help himself? No, never.

By Counsel: You last saw that money there on May 3rd? Yes. Mr Otto Hahn knew the money was kept in that box; didn't he? No; he never seen the box; he might have seen the money in my hand, but he never seen the box. He may know I have got some money, but he did not know whether I had it in my pocket or somewhere else. Did you show him some gold pieces? Yes. Did he know that Mrs. Constant was saving them? I do not know. He was there the day you gave Mrs Constant the \$20.? Yes, he was there when I gave her the \$20., and so was the defendant there, because I gave him the money. I was not present at the time the defendant was arrested. I made my first complaint at the 66th street station, and the sergeant sent me down to Police Headquarters. I was there Sunday morning. How long was it after you made your complaint at Police Headquarters that Mrs. Constant got that letter and the enclosed key? was it within a week? Yes, about a week. Was that letter mailed from Chicago or from New York; do you know? That letter was not mailed at all; it was sent to a restaurant up in Amsterdam avenue, asking the woman of the house to bring this letter around to my house; Mrs. Constant got it, and showed it to me right away; then I put the notice in the Staats Zeitung, making the appointment for 59th street and Third avenue. I saw the letter that the defendant had written from Chicago to Otto Hahn. I never heard the defendant talk about going to Chicago. I was present in the Police Court when the defendant was locked up, before Judge McMahon. I heard him say that he did not take the money. He did not talk to me at all, and, to my knowledge, he did not tell it to Mrs. Constant, for I was there.

OTTO HAHN, sworn and examined, testified:

I live with Mr. Constant at 26 Amsterdam avenue, and lived there on the 13th of May. I am a waiter. I used to work in the Terrace Garden. I was in 26 Amsterdam avenue on Saturday, the 13th of May. I left there about fifteen minutes to 7 and the defendant was there when I left. Mrs. Constant left about twenty minutes before, and I left the defendant there alone. I did not see any money there that day; I did not know where any was kept. I did not take \$220. in gold. Did you take any money on that day, or any day, belonging to the complainant? No.

CROSS EXAMINATION:

The defendant wrote me a letter from Chicago. We had some talk about going to Chicago. I told him I wanted to go there. I don't know if Mrs. Constant was present during that conversation; he said he would not go to Chicago. Do you know what the defendant's business is? Yes; he had charge of the wardrobe of the Metropolitan Opera House; I heard he was there for four or five years, but I do not know it.

JOHN L. KRAUCH, sworn and examined, testified:

I am one of the Central Office detectives. I arrested the defendant at Third avenue and 59th street, on the complaint of Mrs. Constant. It was on Sunday, the 14th, that Mr. Constant came to Police Headquarters and made a complaint, and, in consequence of that complaint, the next day we went to the Yorkville Police Court and laid the case before the Magistrate and got a warrant. About a week or ten days afterwards, Mr. Hahn came and told me he had received information about the defendant, and I made an appointment with



him. By my direction, Mr. Constant put a personal in a German paper to meet the defendant on Friday, at 10 o'clock, at 59th street and Thirdavenue; that is how I came to arrest him. I had a conversation with the defendant. I asked him if he had taken this money, and he said no. I asked him where he went to; and he said he went to Chicago. I asked him when he went, and he said Saturday evening. I asked him why he went there, did he go there for work; and he said no; it was his own private affair, or words to that effect. I asked him about the money then; he said he didn't know anything about it. I then put the question of taking some money to pay the rent, and he said yes, he had taken \$21. and he did not pay the landlord. That is all the conversation I had with him.

(THE PEOPLE REST.)

THE CASE FOR THE DEFENCE:

ERNEST AUGUST MECHAN, sworn, and examined through the Official Interpreter, testified as follows:

I am sixty-two years old and have been in this country since 1882, and have never been arrested before. What do you do for a living? For six years I was with the German opera, and one year with the Italian opera, as wardrobe keeper. I was at the Metropolitan Opera House seven years in all, and I left there about one year ago, because in the summer time there are no plays. I know Mrs. Constant and her husband about 9 or 10 years. I knew her before I knew him. I became acquainted with her in the saloon in the evening where she was with Mr. Paul Echler, drinking. Did you know her husband, Mr. Miller? Yes, I saw him. Did you steal \$220.

out of a box like that, or any money out of the box? Never; I have my own money. They said I could take some money if I wanted it, but I never took it. And did you have any money while you were living with Mrs. Constant? Yes, I had about \$400. in the German Savings bank, and had \$400. with me. Did you go to Chicago with your own money? Yes, at my own expense. How did you come to go to Chicago? I thought that in Chicago I could get occupation in some theatre, and I had some trouble with a woman, and so I thought to get out of the way -- it was a quarrel I had with the woman. I lived with those people twice before; then I did not see her for five or six years. She got information about myself through a man in the theatre, and she sent word through that man to come to see her, and I went there; then she was very glad to see me, that I am in such good condition. She told me the kind of trouble she has with her Theodore, as she calls him, meaning Mr. Constant. She said that I must be able to yet; then that I should rest. We kept on in that condition until April; and in April I thought, some trouble may grow out of it, and it will be known; I prepared that letter, with the intention to leave it there in the evening when I got there. You wanted to break away from her; didn't you? Yes. You thought there might be some trouble, and you didn't want to have any? I did not want to have any trouble on her account. You had been on friendly relations with her? Yes. Do you recollect the 13th of May, about this gold piece; did she give you the twenty-dollar gold piece to put in there? No. Did you know that she had \$220. in a little box like that? No, I did not know it; she always talked about her riches, in the presence of others, but I did not know if she had any

money. Did you pay for your board and room there? Yes. Had you your money in your trunk while you were living there? I had \$400. in the savings bank, and over \$400. in my trunk. Did you have any conversation with the complainant or Mrs. Constant about going to Chicago? I did not tell her where I am going, but I told her that I will leave. Wasn't that the night before you went away? Yes; Friday evening, between 11 and 12 o'clock, I was in bed, and she came into my room and we talked about it. I said the best thing is for me to leave. How long were you in Chicago before you wrote to Mr. Hahn? I think the next day when I arrived in Chicago I wrote that letter. How long were you gone altogether? Only one week. Could you get any employment in Chicago? No, I could not. That was that reason you came back to New York? Yes.

CROSS EXAMINATION:

What time did you leave Constant's house on Saturday night? About 7 o'clock in the evening. There was not anybody in the house when you left? I think Hahn left a short while before I left; there was nobody left in the house when I left. What train did you take to Chicago? The Baltimore & Ohio from Liberty street, 12:15 Saturday night. The house was all alone; why didn't you wait until Mrs. Constant came back that night? I wanted to end that at once, because I tried several times to leave and I had my things packed, and she always resisted me, and once she said that she will take poison if I leave; she keeps poison home; she had arsenic and oxalic acid. Why didn't you go to Chicago on Friday night, May 13th? I was in bed then. When she told you that she did not run out and take any oxalic acid or arsenic? No;

she said if I leave then I will find out that she is a very passionate woman, and she has Italian blood in her veins, &c, &c. Where did you go from 7 o'clock until 12:15, from the time you left the house until you got the train? On the way I had a glass of beer, and then directly I went to the depot; for three hours I waited at the depot in Liberty street. Why didn't you take the train that goes out of the Grand Central Depot to Chicago, at 42nd street? I don't know why I didn't take that one. Didn't you know there was one at 8 o'clock and one at 10 o'clock? I did not know that. What did you go by the way of the Baltimore and Ohio for? I thought by that train I will save half a night, that I will not be two nights on the way. Did they keep their money in a box in the house, do you know, like this? (Showing box) They have such boxes they keep snuff in. Didn't they put the money in a box like this? I do not know that. You never saw them put any money in a box? No, I did not. Did you ever see Mr. Constant bring home any money to his wife? Every week he used to give her money; he used to give her \$8. for weekly expenses. Did you ever see him give her a twenty dollar gold piece? No, I saw that he had some in his pocket. The night that you started to go to Chicago, you say Hahn was in the house just a little while before you left? Hahn left before me. Did you tell Hahn that night that you were going to Chicago at 12:15? I do not recollect that I told him. You knew that Constant was headwaiter at the cafe? Yes. You had from about 7 to 12:15, you loafed about for three hours; why didn't you go down and tell Mr. Constant you were going to go to Chicago? I had my things left yet there. I thought it was not necessary, be-

cause I intended to write that letter from Chicago. You did not leave a letter in the house, stating that you were going to Chicago; they did not know where you were going? No, I do not think they knew where I went. You remember seeing Mr. Constant on May 3rd, when he gave you \$21. to pay the rent? On the 4th of May he did not give me \$21. to pay the rent of his house. Didn't you take \$21. out of your pocket when you were before Justice McMahon and throw it down and say, "Here is your money?" That is so; I thought the expenses of my arrest and all the documents to it will be about \$21., and I threw out the money so as to pay for the expenses. You thought the expenses of your arrest would amount to \$21.? Yes; I thought that will be the end of it; I will not have any trouble any more; I thought everything would be satisfactory. You thought he would be satisfied to get \$21. back, instead of \$220.; was that your understanding? No, no, not so. When he gave you \$21. to pay the rent, did he take it out of this box? (Box shown) He did not give me any. He did not give you \$21. to pay the rent at all? No, not in May. In what month? May be in April he gave me; may be in March. You cannot tell what month, though? Several times he gave me. Did you pay the rent? Yes. Did you ever see this man before (pointing to Mr. Von Glahn); did you pay him the rent for the month of May? (Objected to, on the ground that it is not charged in the indictment. Objection sustained.) You did not tell anybody at all, except Mrs. Constant, that you were going to Chicago; did you? Before that, I talked with Mr. Hahn, and also with Mr. Constant about it, that I am willing to go in Chicago; I think in Chicago I can get employment. How much fare did

you pay to Chicago? \$22. each way. How much money did you have in your pocket when you left Mr. Constant's house? Three hundred dollars, not the whole of three hundred dollars, may be five dollars less. Where did you get it from? I took it out of my trunk. How much did you have in the trunk? Some dollars more than four hundred dollars. Did you take the whole four hundred dollars out of your trunk, or three hundred dollars? When I took out nearly three hundred dollars, there was not four hundred dollars left any more in the trunk. I want to know how much you took out; did you take the whole of it or part of it? About three hundred dollars I took out. What did you do with the other one hundred dollars? I had spent the other hundred dollars before. You only had three hundred dollars in your trunk? At last, I had only three hundred. Your carfare was \$44. to and from Chicago, \$22. each way? Yes. How much money did you spend in Chicago? Not any amount, may be \$10. or \$12. You got back from Chicago when? On Saturday. The following Saturday; that was one week from the day that you went away? Yes. Is that all the money you spent, \$44. for your fare and \$12. in Chicago? On the way, what I needed. Tell me how much you spent altogether? May be \$70. or \$75. in all. When you got back you had \$225. left; where is that \$225.? About that amount. You were arrested within a day or two after you got back? I was here for a whole week before I was arrested. How much did you spend for the week? May be five or six dollars I spent here. I assume that you spent \$150. from the time you left that house until you were arrested; what did you do with the other money? The other money, the rest of the money, I paid

my lawyer, and the balance I have yet. Where is it; take it out of your pocket, if you have it? I have part of it, and part of it somewhere else withan acquaintance of mine, Dr. Jeffers. How much did you give him? \$135., for safe keeping; I have \$13. here. You said, a little while ago, that you had four hundred dollars in the bank beside; why didn't you go and put that \$135. in the bank, instead of giving it for safe keeping to the doctor? I was here for a short time only, and I had no occasion to go to the bank. Why didn't you keep it on your person for safe keeping then? I did not want to carry it with me. When I was in Constant's place, many a time I had a touch of apoplexy; so I did not want to have that money with me. What did you want to carry three hundred dollars to Chicago with you for; you might have had a touch of apoplexy on the way? It was necessary for me to have money in Chicago, because I could have had a position where they required me to put up security; so I had the money with me to put some security. How did you know that you would have to put up security? I did not know it positively; I only surmised may be I would. They did not make you put up security when you were in the Metropolitan Opera House? No. You supposed you were going out to take care of a wardrobe, or work about a theatre, and you thought they would ask you to put up security; did you? May be some other situation, as collector, that they will ask me for security. Why didn't you give your money to Dr. Jeffer when you were living in Constant's house, instead of leaving it in your trunk, for safe keeping? For years I don't know his address, I didn't know where he lived. How did you find him after you got back? I found out through an arti-

cle in the newspapers; there happened an explosion in his place, and that is the way I found out. You had not seen him for years? No. You gave a man you had not seen for years \$135. for safe keeping? I have known Mr. Jeffers about eight or nine years, and I know him for a strictly honest man. After you heard of the explosion you put your money in his hand for safe keeping, afraid of apoplexy? Yes. Show me your bank-book? I have not got it with me; I had \$400. in it, but I have not got it any more; little by little, I drew the money out. You said that you had \$400. in your bank and \$400. in your trunk when you went to Chicago? I did not say so. When did you have \$400. in the bank? Until last March I had it; in March it was not \$400. I lived on that money. I always drew some out. I had no employment, and I lived on that money. Why didn't you live on the money in your trunk, instead of going down and getting money in the bank? I took it out of the bank because the interest was too small, and partly because I had an idea to go with Constant into business, and I always kept that ready money in the trunk, so as to go into business with him. This is your testimony: "I had about \$400. in cash and \$400. in the bank;" that is what you swore to; when did you have \$400. in the bank? I cannot tell when it was. When did you draw the last out? I think in March last, and I did not have any more in the bank. Where is your book? I left it there when I took out the last money. What business did you expect to go in with Mr. Constant? A liquor store, a saloon. I thought you wanted to get away from this woman; you said she was passionately fond of you and you wanted to get away, and that is the reason you wanted to go



to Chicago; now you said you intended to stay here, because you were going to go into business? Before that, I intended to go into business with Mr. Constant. You had, as you say, been on intimate terms with this woman for a long while? The trouble I had with her was in the last two weeks; at the end of the last year we had the first trouble; that went over, and then we got along again; then, in this year, we had another trouble. I do not want to tell why. Then we went on that way until the last two weeks. The reason you went to Chicago was because you wanted to get away from this woman; is not that so? Yes, at all events, to get rid of that woman. If you wanted to get rid of that woman, when you came back from Chicago what did you want to write that note to her for (showing note)? That is right; as I said, "Because it should not be so; because you expressed your wish that way, so I separate; if you have anything to say, tell me when you want to see me." In this note you ask her to come and meet you, and you say you wanted to get rid of her? It may be she had something to talk with me yet. Why didn't you go over to her house and see her instead of asking her to meet you outside? I did not want to give her the opportunity to induce me to stay with her again; I did not want to go to her house. If you did not want to give her an opportunity to tempt you again, what on earth did you put yourself in communication with her at all for? The woman is a pretty woman, she is well-shaped, &c, so I thought -- I was weak. You were sixty-two years old? Yes. You did not write to her from Chicago to ask her to send your clothes on? No, because I wrote to Hahn that I may return from Chicago to New York. You saw

the personal in the Staats Zeitung; didn't you? Yes. What did that personal say? I was, "E. M." that was the title; "Friday, at 10 o'clock, 59th street, Bloomingdale's side, A. M., 10 o'clock in the morning;" signed, "M. C." How did you know that was her? The initials began with E. M. and ended with M. C.. How did you know that Mrs. Constant put that personal in the paper? I told her in my letter she shall let me know through the Staats Zeitung. Why did you want a personal put in the newspapers; why didn't you ask her to send you a letter and state where she would meet you? I did not want to let her know where I lived, so that she could not come to my home again. I had been reading only the Staats Zeitung and so I had it put in that paper. If you wanted to evade her, to keep away from her and not see her, what did you want to write a letter to her for? I had to write to her about my things that I had there yet. Why didn't you send somebody for your things? Because the things were not packed in a trunk and she knew everything belonging to me. Why didn't you take the things away with you when you went to Chicago? It was too much of a package, and I did not know if I would remain in Chicago. Why did you not send Dr. Jeffers, your friend, the man with whom you left \$131.? I did not want to trouble him. Is Doctor Jeffers in court? I do not know. Has he been to see you since you were in the Tombs? He was once in the Yorkville Police Court. He has not been to see you since? No. Have you sent for your \$131. since you have been in the Tombs? No, I did not. He is not here as a witness to-day for you? No, I didn't see him, but I saw a gentleman here who lives in the same house where the doctor lives.

BY COUNSEL:

You see the doctor's wife here; don't you? Yes, I see her. Did you ever carry any gold coin for Mrs. Constant, which she gave you for safe keeping? When we went out together, she put her pocket-book in my pocket. When you went out shopping together? Yes, and also to take a walk. On Friday, May 13th, didn't you put a tin case like this, with some money in it, on top of a closet? No. Did you know where she kept her money? I did not know it. Did you tell Detective Sergeant Krauch that you did? No, I did not tell him that I knew it.

BY THE COURT: Did you lock all the doors when you left the complainant's house that Saturday night to go to Chicago? I only closed the door, I did not lock the inner door by which I went out; it had a spring lock, and locked itself.

BY COUNSEL: What were you earning a week at the Metropolitan Opera House? \$30. to \$35. How long do you know Dr. Jeffers? May be eight years; he has an office in the corner of 50th street and second avenue, and his wife is here in court. I only know Mrs. Jeffers a short time. After I heard of the explosion, then I made her acquaintance, then I knew that he was married; I did not know before that he was married.

ANTOINETTE JEFFERS, sworn, and examined through the Official Interpreter, testified as follows:

You are the wife of Dr. Jeffers, a dentist, at 50th street and Second avenue? Yes, a dentist. Was there an explosion took place in your house? Yes. When? May be four weeks ago; I cannot tell exactly. Do you know if that was published in a newspaper? Yes. Why couldn't the doctor

get here to day, if you know? First, nobody asked him to come here, and secondly, he is so busy that he cannot leave the office. Didn't I tell you that I wanted the doctor brought down here, and gave you a subpoena? Yes; my husband gave me this (a letter), and told me to ask you what you wanted of me. And didn't she tell me that her husband was too busy to come down here; which is the fact, isn't it? Yes.

CROSS EXAMINATION.

You don't know, of course, what they wanted your husband brought down here for? No. Your husband, as far as you know anything about this man, the defendant? No, as much as I know, he doesn't know him. As far as you know, you never saw your husband and this man together? Yes, when he came back he was introduced to me by my husband; my husband told me that he has known him for a long time, from Constant's place. You did not see your husband get any money from him; did you? (Objected to) (Objection sustained)

IN REBUTTAL, JOHN L. KRAUCH, being recalled by the District Attorney, testified as follows:

Did you have a conversation with the defendant concerning the placing of a box containing any money? Yes, I did; I had a conversation, and it kind of slipped my memory, taking him down to Police Headquarters; I questioned him about placing the money; he said, yes, that Friday Mrs. Constant had given him a twenty dollar gold piece and he put it in the box and put it on the top of the closet. He told me that on the elevated train. How long have you been a police officer? About ten years, and have been attached to Police Headquar-

ters about three years. And the testimony which you have now given you did not recollect when you were upon the witness-stand before? No; as I stated before, it had slipped my memory.

The Jury rendered a verdict of GUILTY, with a RECOMMENDATION TO MERCY.

53

Testimony in the  
case of  
Ernest August Mahan  
90 C  
filed June 1993

RECOMMENDATION TO MEMORANDUM

THE FOLLOWING IS A SUMMARY OF THE FACTS AND

IN MEMORANDUM

As stated before, it was alleged  
that the witness was not reliable  
and the testimony which was given  
was not reliable.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Ernst August Michan*

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

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

The said

*Ernst August Michan*

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

*the sum of two hundred and twenty  
dollars in money, lawful money of  
the United States of America, and  
of the value of two hundred and  
twenty dollars, and one box of the  
value of twenty-five cents*

*Theodore Constant*  
of the goods, chattels and personal property of one

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 McCall*  
District Attorney.

0657

**BOX:**

525

**FOLDER:**

4783

**DESCRIPTION:**

Miller, Mary

**DATE:**

06/27/93



4783



Witnesses:

*Off Coruby P*

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

*Mary Miller*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Henry D. Garrison*  
*June 28/93 Foreman.*  
*Charles A. J. H.*

*Pen 6 months*

*Burglary in the Third Degree.*  
*[Section 498, 526, 526.151, 550.]*

Police Court— 2 District.

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

of No. 73 West Houston Street, aged 19 years,  
occupation Managers

deposes and says, that the premises No 73 West Houston Street,  
in the City and County aforesaid, the said being a three story brick dwelling  
this hall-bedroom in the second floor  
and which was occupied by deponent as a sleeping apartment  
~~and in which at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly removing the  
padlock from the staple in the door.

on the 22 day of June 1888 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

One suit of clothes one pair of shoes  
one gold chain, watch and  
a silver watch. Together of the  
value of sixty dollars.  
(\$60<sup>00</sup>/<sub>100</sub>)

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

Mary Miller (Gowhans)  
for the reasons following, to wit: that at about 7 o'clock a.m.  
deponent securely locked and fastened the  
said room. that this said property was taken  
that at about 2:30 o'clock p.m. deponent  
was informed by Officer George P. Conboy  
that he arrested the defendant with the said  
property in her possession deponent then discovered  
that the said apartment had been entered  
as aforesaid and the said property

feloniously taken stolen and carried  
away that defendant has since  
seen the property found in the  
defendant's possession and fully  
identifies it as his property.

Wherefore defendant charges the  
said defendant with feloniously  
entering the said premises and taking  
that she be held and dealt with as the  
law directs.

I am to before me  
this 22 day of June 1893  
John K. B. O'Neil

x Felix Bohm

Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Burglary

Degree.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

Sec. 198—200.

1882  
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

*Mary Miller*

Question. How old are you?

Answer.

*60 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*241 E 28 St N. 2 mo.*

Question. What is your business or profession?

Answer.

*Work out*

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*  
*Mary Miller*  
*Miller*

Taken before me this

day of

*July*  
*1893*

Police Justice.

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

Police Court---2 District. 684

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John D. Smith  
75 West 100th St  
New York

Offense Burglary

Dated, June 22 1893

Magistrate.

Officer.

Precinct.

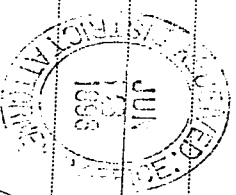
Witnesses

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

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

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

\$ 1000 to answer



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

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

Dated, June 22 1893 John D. Smith Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 26 years, occupation Police Officer of No. 100

W. Freeman Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Julius Bohm

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

Sworn to before me, this

22 day  
of June 1893

George P. Embury

John C. Boathis

Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Mary Miller

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

Mary Miller

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

The said

Mary Miller

late of the Eighth Ward of the City of New York, in the County of New York aforesaid, on the  
twenty-second day of June in the year of our Lord one  
thousand eight hundred and ninety-three, with force and arms, in the day-time  
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Felix Boehm

there situate, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said

Felix Boehm in the said dwelling house then and there being, then and there  
feloniously and burglariously to steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York and  
their dignity.

SECOND COUNT—

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

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

The said

*Mary Miller*

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

*one coat of the value of twelve  
dollars, one vest of the value of  
six dollars, one pair of trousers  
of the value of seven dollars, one  
pair of shoes of the value of four  
dollars, one watch of the value  
of fifteen dollars, one chain of  
the value of ten dollars and  
one locket of the value of  
ten dollars*

of the goods, chattels and personal property of one

*Felix Boehm*

in the dwelling house of the said

*Felix Boehm*

there situate, then and there being found, from the dwelling house aforesaid, then and there felon-  
iously did steal, take and carry away, against the form of the statute in such case made and pro-  
vided, and against the peace of the People of the State of New York and their dignity.



THIRD COUNT:

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

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

The said

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

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

of the goods, chattels and personal property of

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

*Felix Bachman*  
unlawfully and unjustly did feloniously receive and have; (the said

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

DE LANCEY NICOLL,

*District Attorney.*

0667

**BOX:**

525

**FOLDER:**

4783

**DESCRIPTION:**

Mofia, Antonio

**DATE:**

06/07/93



4783

Plaid by at  
Hoots

Witnesses  
J. J. Stork  
J. J. Stork

I have learned of Recorner  
that the ~~defendant~~ has been  
was had married a  
new wife after a son  
Aras of ~~exposed~~ in  
no ground the ~~defendant~~  
was ~~in~~ ~~the~~ ~~defendant~~. The  
defendant has no friends  
in ~~the~~ ~~defendant~~. It is plain  
that no counsel is to  
and if a new time  
is had or here for  
recornered that the  
defendant is ~~defendant~~  
with the ~~defendant~~ ~~defendant~~

De Lancey Moore  
Sept 22 1893

Counsel,  
Filed  
Pleas  
day of June 1893

THE PEOPLE

33  
398 111:04  
Laborer

Antonio mafia

RAPE (1st and 2d Degree)  
and ABDUCTION.  
(Sections 278, 279 and 280, Penal Code.)

DE LANCEY NICOLL,

District Attorney  
defendant  
Sept. 22 1893

A TRUE BILL.

Ray G. Gorman

Foreman  
Sept 22 - June 22 1893  
Ind and Committed of  
Rape in the 1st Degree

Alfred H. al Gorman  
Aug 14 1893

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

\*\*\*\*\*

The People,

vs.

ANTONIO MOFLA.

"

"

"

"

"

"

Before,

HON. FREDERICK SMYTH,

and a Jury.

\*\*\*\*\*

Tried JUNE 21st, etc., 1893.

Indicted for RAPE and ABDUCTION.

Indictment filed JUNE 7TH, 1893.

-----  
APPEARANCES:

ASSISTANT DISTRICT ATTORNEY H. W. MacDONA,

For THE PEOPLE.

MR. FRANK J. KELLER,

For THE DEFENCE.  
-----

MARY KISTNER, THE COMPLAINANT, being duly sworn, testified that she lived at 525 West 131st street, with her father and mother and little sister. She remembered the 24th of May, 1893. She remembered being sent to school on that day. She attended the public school in 131st street, near Second avenue. On the day in question her little sister left the house in company with her, to go to school. They went across the convent grounds, and through the convent woods. About 9 o'clock, when they were going through the woods, she saw the defendant. The defendant went up and spoke to them. The defendant said that he was looking for a job. The defendant did not ask her to sit down, but she did sit down. The defendant took a hold of her hand, and "turned her into a tree," and put a handkerchief in her mouth. The defendant then took off her drawers. When the defendant saw some ladies coming he jumped to his feet, and then walked away. The ladies asked her where her drawers were, and she told the ladies that the defendant took them off. The ladies asked her where she lived, and she

told them, and they took her home. The ladies were Mrs. Rosenberg and Mrs. Hodges. When the defendant took off her drawers, he took off his pants, and put something between her legs. She tried to make a noise, but couldn't, because the handkerchief was in her mouth. The defendant hurt her very badly. The defendant was standing up when he hurt her; and she was standing up at the time. The defendant did not take hold of her and lift her up. The defendant was standing up at the time he took her drawers off. She did not know what the defendant did with the drawers after he got them off. At the time the defendant put his body against her body, and hurt her, she was lying down in the woods. The defendant got on top of her when she was lying down. The reason she had testified previously that she and the defendant were standing up at the time he hurt her was because she didn't understand the question.

In cross-examination the complainant testified that she had been examined in the Police Court. She said in the Police Court that the de-

perpetrator fastened her to a tree and committed the act; and that was true. She was fastened to a tree when the defendant did the act to her. She attended school in Second avenue. She did not go to school on the morning in question. She did not attend church or Sunday-school. She was not to school on the day before the one in question; she had been at her aunt's the day before, but her mother did not know that. She did not know her aunt's name. She, the complainant, was eleven years of age. Her aunt lived in 11th avenue -- in the country. Her aunt was her mother's sister. Her uncle's name was Louis; she did not know his last name. He worked in the granite works.

[ WILLIAM TEAVERS GIBB, being duly sworn, testified that he was a regularly graduated physician, practising in New York city. He was officially connected, as a physician, with the Society for the Prevention of Cruelty to Children. He examined the complainant, on the 25th of May, at his office. The complainant was

taken to his office by Officer Moore, of the Society. The witness then made the following statement, as to the result of his examination: "I found, in the first place, that the child walked lame, due apparently to some lameness, some injury; and there was bruises, upon her left shoulder and upon her right arm; and recent bruises, extending, in her genital organs, from this bone (indicating) on the right side, almost to her anus; and contusions on the outer side of the left thigh, three in number, and a scratch in the right genital region. And the external genitals were recently inflamed, from the application of external violence. And the hymen was completely ruptured, with a recent laceration, and the injury emitted blood with the slightest pressure; and this injury had been done, evidently, with some blunt object."

In cross-examination the witness testified that he examined the complainant about 10 minutes after 6, on the 25th of May. He did not know a Dr. Renney, deceased, who was formerly a doctor for



the Society for the Prevention of Cruelty to Children. The injuries sustained by the complainant did not incapacitate her from walking; they were serious injuries of the kind, but they did not hinder her from walking, or keep her in bed; they were not serious enough for that; but they were serious injuries in the parts affected. He was sure that the complainant's private parts had been entered, and her vagina broken. In his opinion, there had been full and complete penetration. He had never read a work called, "Wharton on Medical Jurisprudence." He did not know that the doctors quoted in that work, and numerous other doctors, laid down the positive and distinct doctrine that "A full and complete penetration, between an adult male and a child under twelve years of age, is, on the first attempt, manifestly impossible."

LAURA KISTNER, being duly sworn, testified that she lived at 525 West 131st street. She was the step-mother of the complainant. She remembered seeing the complainant

to school on the morning of the 24th of May, in company with her sister. The complainant and her sister left the house on that morning, at half past 8. They attended the public school in 10th avenue, between 129th and 130th streets. The complainant did not go to school in 10th avenue; the school-house was only two blocks from where they lived. The complainant returned home, in company with two ladies, about half past 11 o'clock. She did not know whether the complainant wore drawers when she left the house on the morning in question, or not. She, the witness, always gave the children clean underclothing every Sunday. The 24th of May was Wednesday. The ladies who brought the complainant home were Mrs. Hodges and Mrs. Rosenberg. She, the witness, did not know the ladies personally. From what the ladies told her, she examined the complainant. The complainant's stomach was black and blue. There was no blood on the complainant's underclothes when she, the witness, examined her; but there was blood on her legs. The complainant did not have any draw-

ers on when she returned home in company with the two ladies. After examining her, she, the witness, took the complainant to the Manhattan Hospital, where the complainant was examined by a doctor.

In cross-examination the witness testified that the name of the doctor who examined the complainant was Anderson. She, the witness, had been the complainant's step-mother for about three years. On the Monday night preceding the Wednesday in question the complainant and her little sister did not go home, and she, the witness, went to the police station and hunted in one place and another for them and the next day, Tuesday, she went to her brother's, and found that they had been there all night, and that her brother had sent them home that morning. The complainant was at home on the night preceding the day in question. The complainant was nine years of age, going on ten. The complainant was born in New York. Her father was alive; his name was Henry Kistner. Her, the witness's, brother lived on Mott avenue, near 164th street; his name was Louis Buch-

dan; he was a farmer, and had a vegetable farm there.

HENRY KISTNER, being duly sworn, testified that the complainant was his daughter. The complainant was born on the 7th of January, 1884.

EMMA ROSENBERG, being duly sworn, testified that she lived at 1,453 Amsterdam avenue, in the city of New York. She knew Mrs. Bridget Hodges. She remembered being in the woods, near the Convent of the Sacred Heart, between twenty minutes past 11 and half past 11, on the morning of the 24th of May, 1893. She and Mrs. Hodges were going through the woods, towards the west. She saw the defendant, at the foot of a hill, sitting down beside a tree. The complainant and her sister were in the defendant's company at the time. The complainant and her sister were brushing the defendant's clothes. She, the witness, and Mrs. Hodges walked right past the defendant; their dresses touched his foot as they passed. Mrs. Hodges

made some remark to her, the witness, concerning the defendant and the complainant and her sister. They then went down and stood behind the stone wall, at the end of the Convent grounds, for half an hour. She had a good look at the defendant. The defendant then walked down and took off one of his shoes and hit it on the curb-stone, and, at the same time, the little girls came down with the defendant. After that the defendant walked away. She, the witness, spoke to the children, and in consequence of what they said she and Mrs. Hodges took them home to their mother. They saw the complainant's mother, and put the children in her hands. She was positive that the defendant was the man she saw in the woods. She, the witness, did not observe anything about the children's clothing that attracted her attention. She made an examination of the complainant. She, the witness, was a married woman. The complainant's thighs were black and blue. The complainant had no drawers on at the time.

In cross-examination the witness testified

that her suspicions were aroused by the fact that the man was an Italian. She did not see the defendant do anything to the children; the children were simply playing around him, and he was in their company.

BRIDGET HODGES, being duly sworn, testified that she lived at 1,453 Amsterdam avenue. She knew the preceding witness. On the morning of the 24th of May she was in company with Mrs. Rosenberg, in the Convent woods, going west, about half past 11 O'clock. While in the woods she saw the defendant, the complainant, and the complainant's little sister. They were sitting at the brow of a hill; the children were standing up against a tree, and the defendant was sitting right at their feet. It was a path in the woods that she, the witness, was walking through at the time. She looked at the defendant as they passed. She and Mrs. Rosenberg walked along as far as the stone wall, and they stood there for half an hour and watched the defendant. They then determined to

go down and talk to the defendant and the children. They did not talk to the defendant; the defendant got up and went to the top of the hill and took off his shoe, and knocked some gravel out of it, and then he went towards Donnelly's woods and disappeared. She, the witness, and Mrs. Rosenberg then had a conversation with the complainant and her sister, and they took the children home. The complainant and her sister had no drawers on. The children were both black and blue from their knees all the way up their bodies. She next saw the defendant in 132nd street, where a building was being erected, waiting for the man to come to work. She recognized the man immediately, and she stood there and watched him while Mrs. Rosenberg went for an officer. The officer came and arrested the defendant.

In cross-examination the witness testified that she did not see any blood stains on the complainant or her sister. She had no idea how long it took for a bruise to become black and blue. She and Mrs. Rosenberg were on their way home from the Police

Court on the morning in question, when they saw the defendant.

THE COMPLAINANT, being recalled, for further cross-examination, testified that the defendant tied her up to a tree with a thick rope. When the defendant took her little sister, she, the complainant, attempted to run away, but the defendant caught her and tied her up to the tree again. Mrs. Hodges and Mrs. Rosenberg passed very close to where she, the defendant, and her sister were. She did not tell the two ladies, when they passed, that the defendant had hurt her, because she did not like to tell them, although she was very badly hurt.

FOR THE DEFENCE, ANTONIO MOFLA, THE DEFENDANT, being duly sworn, testified, in his own behalf, that he had lived in New York 10 years. He lived in 111th street. He was a married man, and he lived with his wife. He had always worked. He had never been arrested before, and had never been in court before. He was



arrested at the place where he worked. On the day preceding his arrest he was not in the Convent grounds; he was on the side-walk, near the wall of the Convent. He saw the complainant and her sister there, and Mrs. Hodges and Mrs. Rosenberg. He did not do anything to the complainant nor her sister; the complainant and her sister were running around, playing. The complainant and her sister went up to him, and, at the time, he had his shoe off, because there was a nail in his shoe which was hurting him, and he took a stone and beat the nail down. The two girls went up to him, and the two women remained about twenty-five feet away from him. The sister of the complainant said to him, "Does the shoe hurt you?" He said, "Yes." He then said, "Why do you run around here, why don't you go to school?" The complainant's mouth was swollen, and he, the defendant, noticed it, and said, "Why don't you go to school? Don't run around here; it is better for you to go to school. You see, you have swellings in the face." Then the complainant's sister said,

"Yesterday I was in Eastchester, and, at half past 9 o'clock, I came home." He, the defendant, then said, again, "You had better go to school, it is better for you to go to school." Then the complainant said, "You see those two women there? They are bad women." He then put his shoe on and went up to his work. He was a hod-carrier. The two women saw him when he went to his work. He did not have any rope that day. He did not tie the complainant to a tree. He did not take off the complainant's drawers. He had children of his own, and he would not harm any child; he worked for his wife and children. The reason he was not working that morning was because the boss said, "Wait; the first man I will give work to will be you; just wait." He was not working on the Monday or Tuesday preceding his arrest, because there was no work. He went to a place, on the morning that he was arrested, to go to work, and immediately after that he was arrested by an officer. He did not know the name of the boss. He remained in the woods on the day in question about

ten minutes. He had two brothers actually employed at the building where he was arrested.

THOMAS CANNON, being duly sworn, testified that he was a mason and builder. He lived at 229 West 143rd street. In the latter part of May, or the first part of June, 1893, he was engaged in building in a number of places, among them being one in 133rd street, between Amsterdam avenue and the Boulevard. On the morning of the 24th of May he saw the defendant at the building in 133rd street. The defendant never did any work for him. The defendant applied to him for work on that day, but he was not able to give him work. He told the defendant to go to another job that he had in 143rd street. The defendant left the building in 133rd street about 10 o'clock. The passage through the Convent grounds would be one of the shortest ways to go to 143rd street from 133rd street, for an active man -- as he would have to climb up and down hill. The defendant returned to 133rd street about half past 1 or 2 o'clock, and told

him, the witness, that there was no man wanted at the place he had sent him to.

MARY KISTNER, THE COMPLAINANT, being recalled, for further cross-examination, testified that it was after she saw the two ladies that the defendant hurt her. She had not been hurt before that, by anybody else. The defendant put the rope in his pocket, after he untied her.

B. FRANK THOMAS, being duly sworn, testified that he was a duly licensed physician, practicing in New York city. He had been practicing between eight and twenty years. His office was at 313 West 47th street. "In your opinion, do you think that a virgin, of the age of about 11 years, could be entered by the private parts of a man of the size of this man, standing up or lying down? A. In a standing position, I say no, under no circumstances." In the case of a virgin, there would necessarily be some outflow of blood after sexual intercourse. It generally took from

six to eight hours for a part which received almost any kind of a blow to turn from the original pink to a dark color.

In cross-examination the witness testified that it was possible for any man to rape a child of the age of the complainant. It would have been impossible for the defendant to rupture the complainant, if the complainant were tied up to a tree. A child who had been raped, as described in this case, would, immediately after, become lame or sore, and the lameness or soreness would increase as she went along.

In re-direct examination the witness testified that he considered it impossible for a child who had been tied up to a tree and raped to play around immediately afterwards.

IN REBUTTAL, LAURA KISTNER, being recalled, testified that, on the night preceding the day in question, she had noticed that the complainant was wearing the fresh underclothes which she, the witness, had given to her on

the preceding Sunday. There were no blood stains on them then. On Wednesday morning she, the witness, did not dress the complainant. The complainant was not lame or sore when she started for school on the morning in question. She, the witness, was in the habit of giving the children a bath every Saturday night, and she never noticed anything wrong with the complainant. There were no bruises on the complainant when she went to bed on Tuesday night.

COURT OF GENERAL SESSIONS OF THE PEACE

In and for the City and County of New York.

The People, etc.

vs.

Antonio Moffia

Sir :-

Please take notice that the above named defendant will move this Court sitting in Part I thereof, in the Court house in the City of New York on Monday the 11th of September, 1893, at 11A. M., or so soon thereafter as counsel can be heard, why he should not be discharged upon his personal recognizance, or the indictment herein be dismissed, and for such other and further relief as to the court may seem just and proper.

Dated, New York City, 8th of September, 1893.

Frank J. Keller,  
Attorney for Defendant,  
Office and Post-office Address,  
No. 63 & 65 Park Row,  
New York City.

To Hon<sup>ble</sup> DeLancey Nicoll,  
District Attorney, etc.

COURT OF GENERAL SESSIONS.

The People, etc.

vs.

Antonio Moffia.

Motion for Discharge.

Frank J. Keller,

Attorney for Defendant,

Office and Post-office Address,  
No. 63 & 65 Park Row,  
New York City.



## COURT OF GENERAL SESSIONS.

The People, etc.

vs.

Antonio Moffia.

Motion for Discharge.

Frank J. Keller,  
Attorney for Defendant,Office and Post-office Address,  
No. 63 & 65 Park Row,  
New York City.



## COURT OF GENERAL SESSIONS

The People, etc.

vs.

Antonio Noffia,

Motion for Discharge.

Frank J. Keller,

Attorney for Defendant.

Office and Post-office Address,  
No. 63 & 65 Park Row,  
New York City.

## COURT OF GENERAL SESSIONS OF THE PEACE

In and for the City and County of New York.

The People, etc.

vs.

Antonio Moffia

Sir:-

Please take notice that the above named defendant will move this Court sitting in Part I thereof, in the Court-house in the City of New York on Monday the 11th of September, 1893, at 11 A. M., or so soon thereafter as counsel can be heard, why he should not be discharged upon his personal recognizance, or the indictment herein be dismissed, and for such other and further relief as to the court may seem just and proper.

Dated, New York City, 8th of September, 1893.

Frank J. Keller,  
Attorney for Defendant,  
Office and Post-office Address,  
No. 33 & 35 Park Row,  
New York City.

De Lancey Nicoll,  
District Attorney, etc.

COURT OF GENERAL SESSIONS.

The People, etc.

vs.

Antonio Mofia.

Motion for Discharge.

Frank J. Kelley,  
Attorney for Defendant,  
Office and Post-office Address,  
10, 63 & 65 Park Row,  
New York City.



REPORT OF GENERAL SESSIONS.

The People, etc.

vs.

Antonio Mofia.

Motion for Discharge.

Frank J. Keller,  
Attorney for Defendant,  
Office and Post-office Address,  
No. 65 & 65 Park Row,  
New York City.



OF GENERAL SESSIONS.

The People, etc.

vs.

Antonio Hoffa,

Motion for Discharge.

J. Kelley,  
Attorney for Defendant,  
of and Post-Office Address,  
65 & 66 Park Row,  
New York City.

365 Lexington Avenue.

May 25<sup>th</sup> 93

Hon. Elbridge T. Gary,  
President of the Society for  
the Prevention of Cruelty to Children,  
Dear Sir: —

I have this day  
examined the person of Mary Kistner,  
aged nine years, of 525 East 131<sup>st</sup> St.,  
and find marked evidences of recent  
complete penetration of her genital  
organs by some blunt object. There  
are also numerous contusions upon  
her thighs and genital regions, also upon  
her arms, indicating great violence  
by some foreign object. These bruises  
and contusions are recent.

Respectfully Submitted

N. Travis Gibbs M.D.  
Examining Physician

365 Lexington Avenue.

May 25<sup>th</sup> 93

Hon Elbridge Gerry,  
President of the Society for  
the Prevention of Cruelty to Children,  
Dear Sir:-

I have this day  
examined the Person of Christine  
Kistner aged seven years, of 525  
East 131<sup>st</sup> St., and find no evidence  
of Penetration of her genital organs,  
but there are numerous <sup>recent</sup> bruises and  
contusions in the immediate neighborhood  
of her genitals indicating that some  
violence had been attempted  
upon these parts.

Respectfully Submitted  
H. Davis Cobb M.D.  
Examining Physician



A  
5<sup>th</sup> District Police Court.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK. } ss.

Thomas J. Moore

of Number 297 Fourth Avenue being duly sworn  
deposes and says, that on the 24 day of May 1893 at the  
City of New York, in the County of New York, at a certain

woods called Convent Woods situated  
on Convent Avenue and One hundred  
and thirty-fifth Street in said City of New  
York one Antonio Mafia did then  
and there unlawfully and wilfully perpetrate  
an act of sexual intercourse with  
a certain child called Mary Kistner  
said child Mary being a female, actually  
and apparently under the age of  
seven years, to wit, of the age of  
nine years, she, not being  
the wife of the defendant, and  
violation of Section 278 of the  
Penal Code of the State of New  
York.

Wherefore the complainant prays that the said

Antonio Mafia  
may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 25<sup>th</sup>  
day of May 1893

Thomas J. Moore

John J. Burke

Police Justice.

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877.

aged Twelve years, occupation School Girl of No. 525-91 Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of George Moore and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this

day of May 1893

25<sup>th</sup>

Mary Kistner  
mark

James H. Burke

Police Justice.

0700

Sec. 198—200.

5 District Police Court.

CITY AND COUNTY  
OF NEW YORK

*Antonio Mofia* 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 sees 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.

*Antonio Mofia*

Question. How old are you?

Answer.

*33 years old*

Question. Where were you born?

Answer.

*Italy*

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

Answer.

*319 East 111st Three years*

Question. What is your business or profession?

Answer.

*Laborer*

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

Answer.

*I Am Not Guilty*  
*Antonio Mofia*  
*Mark*

Taken before me this  
day of *May* 19*37**25th*

Police Justice

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

Police Court, District,

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Thomas J. Williams*  
*294 4th Ave*  
*Antonio Maffio*  
Offense, *Rape*

Dated *May 25* 189*3*

*John J. Kane*  
Magistrate.  
Officer.

Witnesses  
*Michael J. Kane*  
No. *1453 Amsterdam Ave*  
Street  
*Emma Rosenberg*

No. *1453 Amsterdam Ave*  
Street

No. *5000*  
to answer \_\_\_\_\_  
Street



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

*Defendant*  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of \_\_\_\_\_ 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, *May 26* 189*3* *John H. Burke* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

Police Court, District.

STATE OF NEW YORK.  
CITY AND COUNTY OF NEW YORK, } ss:

of No. 297 Fourth Ave Street, in said City, being duly sworn,  
deposes and says, that a certain male child called Mary Kistner  
[now present], under the age of sixteen years, to wit, of the age of three years, is a  
necessary and material witness on behalf of the People of the State of New York in a certain  
criminal case now pending in the Court of General Sessions of, in and for the City and  
County of New York, entitled, The People against Antonir  
Mafia, wherein the said Antonir  
Mafia is charged with the crime of Rape, under  
section 262 of the Penal Code of said State, in that he, the said

did unlawfully and unlawfully perpetrate  
and get off sexual intercourse  
with the said Mary Kistner, said  
child being of the age of three  
years, both being the  
wife of defendant.

and that the said Mary Kistner  
will, as deponent verily believes, unless duly held to appear on trial thereof, avoid giving his  
testimony at the instance of the people.

Wherefore, deponent prays that the said child Mary Kistner  
may be held as a witness to appear on the trial of the aforesaid criminal case, and be committed  
temporarily to an institution authorized by law to receive children on final commitment, and to  
have compensation therefor from the City or County authorities, as a witness, to appear on the  
trial of the aforesaid criminal case, in pursuance of the statutes in such case made and provided,  
and especially of Section 291 of the Penal Code of the State of New York.

Sworn to before me this 26<sup>th</sup> day of May 1913,  
John E. Thomas  
Chas. R. Burke  
Police Justice.

POLICE COURT DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John J. Moore*

*John J. Moore*

*John J. Moore*



AFRIDA VIT.

WITNESSES

Dated *May 26* 189*3*

*John J. Moore* Magistrate.

*John J. Moore* Officer.

Disposition: *Committed to City Prison*  
*Arrest for the Prevention of Cruelty*  
*to Children*

Police Court,

District.

STATE OF NEW YORK.  
CITY AND COUNTY OF NEW YORK, } ss:

of No. 297 Fourth Ave Street, in said City, being duly sworn,  
deposes and says, that a certain male child called Christina Kistner  
[now present], under the age of sixteen years, to wit, of the age of Eight years, is a  
necessary and material witness on behalf of the People of the State of New York in a certain  
criminal case now pending in the Court of General Sessions of, in and for the City and  
County of New York, entitled, The People against Antonio  
Mafia, wherein the said Antonio  
Mafia is charged with the crime of Moral Reck, under  
section of of the Penal Code of said State, in that he, the said Defendant

did unlawfully and wilfully  
attempt to perpetrate an act of  
sexual intercourse with the  
said Christina Kistner, said  
Christina being of the age of  
eight years, not being the  
wife of defendant

and that the said Christina Kistner  
will, as deponent verily believes, unless duly held to appear on trial thereof, avoid giving his  
testimony at the instance of the people.

Wherefore, deponent prays that the said child Christina Kistner  
may be held as a witness to appear on the trial of the aforesaid criminal case, and be committed  
temporarily to an institution authorized by law to receive children on final commitment, and to  
have compensation therefor from the City or County authorities, as a witness, to appear on the  
trial of the aforesaid criminal case, in pursuance of the statutes in such case made and provided,  
and especially of Section 291 of the Penal Code of the State of New York.

Sworn to before me this

day of

May26<sup>th</sup>19131913

Police Justice.

*to*  
POLICE COURT *10-1* DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF



AFFIDAVIT.  
WITNESS.

Dated *May 26* 1893  
*J. J. McGuire* Magistrate.  
*More* Officer.

*Committed to  
Disposition of New York Court  
for the Prevention of Crime  
to Prison*



*5<sup>th</sup>* District Police Court.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK. } ss.

*Thos. J. Moore*

of Number *297* *Fourth Ave* being duly sworn,  
*that he has been informed and has first cause to believe and does believe,*  
deposes and says, that on the *24<sup>th</sup>* day of *May* 1893, at the  
City of New York, in the County of New York, *At a certain place*

*called Convent Woods situated on Convent*  
*Avenue and one hundred and thirty fifth*  
*Street in said City one Antonio Mofia did*  
*unlawfully and wilfully attempt to perpetrate*  
*an act of sexual intercourse with a certain*  
*female child called Christina Kistner*  
*said child Christina being actually and*  
*apparently under the age of sixteen*  
*years to wit. of the age of eight*  
*years she not being his*  
*wife in violation of Section*  
*978 of the Penal Code of the State*  
*of New York.*

Wherefore the complainant prays that the said

*Antonio Mofia*  
may be apprehended, arrested and dealt with according to law.

Sworn to before me, this  
day of *June* 1893

*Thos. J. Moore*

*Justice*

*Convent Woods* Police Justice.

*Attest*

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

Police Court..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Charles Thomas*

*Antonio Mofia*

1 .....  
2 .....  
3 .....  
4 .....

Offence *Rape*

Date *June 8th 1935*

Magistrate.

Officer.

Precinct.

Witnesses.

No. .... Street.

No. .... Street.

No. .... Street.

No. .... Street.

No. .... Street.

No. .... Street.

No. .... Street.

No. .... Street.

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

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

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

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

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

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

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

No. ....



*The New York Society for the  
Prevention of Cruelty to Children.*

297 FOURTH AVENUE, (CORNER EAST 23d STREET.)  
~~NO. 100 EAST 23d STREET, (CORNER 4TH AVE.)~~

*New York, Aug. 7, 1893.* 188

CABLE ADDRESS:  
 "GERRY, NEW YORK."

Hon. Frederick Smyth,

Recorder of the City of New York.

Dear Sir:

I have carefully examined the stenogram of the child's evidence in the case of *The People V Antonio Mafia*. While it is quite true that there is an apparent variance between the statements of the girl as to her position when the act was alleged to have been committed upon her, it seems to me that these statements are entirely reconcilable and due to the fact that there may have been two assaults instead of one, and that the natural trepidation of the child under the circumstances may have mixed up in her mind the two occurrences as one. Upon carefully examining the other facts in the case, I find that in the next place that the man when arraigned offered to plead to assault in the second degree, which is hardly compatible with any theory as to his innocence. The child being of such tender years, the officers of the Society urged the District Attorney not to accept the plea; and he was accordingly tried and convicted of the offense for which he was indicted.

The fact is undeniable that the child was outraged by somebody shortly previous to May 25, 1893, her person exhibiting evidence of contusions in various places; and there is nobody else suspected -- nor ground for the suspicion of anyone other than the prisoner -- as the author of the assault. I can find no motive other than that consistent with the verdict either for the prosecution of the defendant, or for the assertion of the charge against him by the child. While, if in your judgment a new trial should be had, I must say candidly in view of the verdict and of the full opportunity afforded the defendant of proving his innocence, I can hardly see why it is necessary.

The child is still in the care of the Society, and, in view of the present hot weather, it is anxious that the matter should be

disposed of, as you may deem proper, at the earliest occasion possible.

Thanking you for inviting my attention to the case,

I remain, as always,

With great respect,

*Wm. J. Perry*  
President etc.

0710

Reeders

v

Mafia

Murray, Lila

Murray, Lila

ORIGINAL

0711

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Antonio Maffia*

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

indictment, accuse *Antonio Maffia* —  
*attempting to commit*  
of the CRIME OF RAPE IN THE FIRST DEGREE, committed as  
follows:

The said *Antonio Maffia*, —  
late of the City of New York, in the County of New York aforesaid, on the *twenty-fourth*  
day of *May*, — in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the city and County aforesaid, in and upon a certain female not his  
wife, to wit: one *Christina Kistner*, feloniously did make an assault,  
and an act of sexual intercourse with her the said *Christina Kistner*, —  
then and there feloniously did *attempt to* perpetrate, against the will of the said *Christina Kistner*,  
and without her consent; against the form of the Statute in such case made and provided, and  
against the peace of the People of the State of New York and their dignity.

SECOND COUNT,—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Antonio Maffia* —  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *Antonio Maffia*, —  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid  
at the City and County aforesaid, in and upon a certain female not his wife, to wit: her the said  
*Christina Kistner* feloniously did make an assault, with intent  
an act of sexual intercourse with her the said *Christina Kistner*, —  
against her will, and without her consent, then and there feloniously to perpetrate; against the  
form of the Statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

## THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Antonio Mafia*  
~~attempting to commit~~  
of the CRIME OF RAPE IN THE SECOND DEGREE, committed  
as follows:

The said *Antonio Mafia*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, in and upon a certain female not his wife, to wit: her the said  
*Christina Kistner*, feloniously did make an assault, she  
the said *Christina Kistner*, being then and there a female  
under the age of sixteen years, to wit: of the age of *eight* years; and  
the said *Antonio Mafia* then and there (under circumstances  
not amounting to Rape in the first degree) feloniously did ~~attempt to~~ perpetrate an act of sexual inter-  
course with her the said *Christina Kistner*, 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.

## FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Antonio Mafia*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *Antonio Mafia*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, in and upon a certain female not his wife, to wit: her the  
said *Christina Kistner* feloniously did make an assault,  
she the said *Christina Kistner* being then and there a  
female under the age of sixteen years, to wit: of the age of *eight* years;  
with intent then and there (under circumstances not amounting to Rape in the first degree),  
feloniously to perpetrate an act of sexual intercourse with her the said *Christina*  
*Kistner*, 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.

## FIFTH COUNT-

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Antonio Mafía* —  
of the CRIME OF ABDUCTION, committed as follows:

The said *Antonio Mafía*, —  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the  
City and County aforesaid, did feloniously take, receive, harbor, employ and use her, the said  
*Christina Mafía*, — so being then and there a female under  
the age of sixteen years, to wit: of the age of *eight* — years, as aforesaid,  
for the purpose of sexual intercourse, he, the said *Antonio Mafía*, —  
not being then and there the husband of the said *Christina Mafía*, —  
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.*



Witnesses  
*John Lee Minter*

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

Antonio Mofia

(2 cases)

I

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Henry S. Harrison*  
Foreman.

RAPE (1st and 2d Degree)  
and ABDUCTION.  
(Sections 278, 218 and 262, Penal Code.)

#48  
*Day of June 1891*  
*Magistry*

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

2047

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Antonio Mojia*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this  
indictment, accuse *Antonio Mojia* —  
of the CRIME OF RAPE IN THE FIRST DEGREE, committed as  
follows:

The said *Antonio Mojia*, —  
late of the City of New York, in the County of New York aforesaid, on the *twenty fourth*  
day of *May*, — in the year of our Lord one thousand eight hundred and  
ninety- *three*, at the city and County aforesaid, in and upon a certain female not his  
wife, to wit: one *Mary Fisher*, feloniously did make an assault,  
and an act of sexual intercourse with her the said *Mary Fisher*, —  
then and there feloniously did perpetrate, against the will of the said *Mary Fisher*,  
and without her consent; against the form of the Statute in such case made and provided, and  
against the peace of the People of the State of New York and their dignity.

SECOND COUNT,—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Antonio Mojia* —  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *Antonio Mojia*, —  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid  
at the City and County aforesaid, in and upon a certain female not his wife, to wit: her the said  
*Mary Fisher*, feloniously did make an assault, with intent  
an act of sexual intercourse with her the said *Mary Fisher*, —  
against her will, and without her consent, then and there feloniously to perpetrate; against the  
form of the Statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

## THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said Antonio Mafra  
of the CRIME OF RAPE IN THE SECOND DEGREE, committed  
as follows:

The said Antonio Mafra,  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, in and upon a certain female not his wife, to wit: her the said  
Mary Fisher, feloniously did make an assault, she  
the said Mary Fisher, being then and there a female  
under the age of sixteen years, to wit: of the age of nine years; and  
the said Antonio Mafra, then and there (under circumstances  
not amounting to Rape in the first degree) feloniously did perpetrate an act of sexual inter-  
course with her the said Mary Fisher, 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.

## FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said Antonio Mafra  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said Antonio Mafra,  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, in and upon a certain female not his wife, to wit: her the  
said Mary Fisher, feloniously did make an assault,  
she the said Mary Fisher, being then and there a  
female under the age of sixteen years, to wit: of the age of nine years;  
with intent then and there (under circumstances not amounting to Rape in the first degree),  
feloniously to perpetrate an act of sexual intercourse with her the said Mary Fisher,  
Fisher, 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.

## FIFTH COUNT-

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said Antonio Mofia  
of the CRIME OF ABDUCTION, committed as follows:

The said Antonio Mofia, —  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the  
City and County aforesaid, did feloniously take, receive, harbor, employ and use her, the said  
Mary Disten so being then and there a female under  
the age of sixteen years, to wit: of the age of nine — years, as aforesaid,  
for the purpose of sexual intercourse, he, the said Antonio Mofia —  
not being then and there the husband of the said Mary Disten —  
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.

0719

**BOX:**

525

**FOLDER:**

4784

**DESCRIPTION:**

Mohring, John H.

**DATE:**

06/22/93



4784

POOR QUALITY  
ORIGINAL

0720

Witnesses:

John Johnson  
Chas Leebach

Counsel,

Filed

189

Pleas

THE PEOPLE

vs.

Forgery in the Second Degree.  
[Sections 511 and 521, Penal Code.]  
(Indorsement, etc.)

John H. Johnson

De LANCEY NICOLI,

District Attorney.

A TRUE BILL.

Ray S. Harman

Foreman

Part 3, June 26, 1898

Pleas Smithy Althoff

Forgery 2<sup>nd</sup> Degree

Supra County

Elmora, Cal. 1898

Police Court, District.

City and County } ss.  
of New York,

of Franklin Square + Cherry Street, aged 43 years,  
occupation Mechanical Engineer being duly sworn, deposes and says,  
that on the or about 13 day of August 1892, at the City of New  
York, in the County of New York,

John H. Mohring did unlawfully make  
forge and utter with intent to defraud  
an endorsement to a certain check drawn  
by Courvoisier Walcott & Co. - on the  
Chatham National Bank for the amount of  
Ninety one <sup>80</sup>/<sub>100</sub> Dollars -  
from the fact that the defendant was in  
deponent employ as Book Keeper and Cashier  
the defendant left deponent's employ  
during the month of April 1893 -  
and deponent then discovered that the  
said check was received by defendant  
deponent is informed by Charles Seebeck  
of 41 Beekman Street that about said  
date 13 of August 1892 - the defendant  
~~present~~ asked him Seebeck to cash the  
said check which was endorsed John Johnson  
& Co. - J. H. Mohring. ~~See~~ the defendant  
represented to Seebeck that the endorsements  
to said check were genuine and that he ~~the~~  
defendant had authority to sign the firm  
name of John Johnson & Co. Seebeck further  
says that believing the representations  
of defendant to be true - gave the sum  
of Ninety one <sup>80</sup>/<sub>100</sub> Dollars to defendant for  
in exchange for said check - Deponent further  
says that the endorsement ~~of~~ on said  
check of the firm name of John Johnson & Co  
is a forgery - that he nor any person  
authorized to sign said firm name to  
any check, made or wrote the endorsement  
on said check - and deponent further says  
that the defendant did not pay over to

him or to any person authorized to receive it  
the amount he, defendant, received from said  
Charles Sebeck for said check - deponent  
therefore charges defendant with Forgery and  
prays that he be dealt with according  
to law -

Wm. Jamison.

Sworn to before me  
This 2<sup>nd</sup> day of June 1893

Alfred W. Martin  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars,  
Prison of the City of New York, until he give such bail.  
Dated 1888  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated 1888  
Police Justice.

Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

1  
2  
3  
4

Offence,

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street.

\$ to answer

Sessions



POOR QUALITY  
ORIGINAL

0723

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 36 years, occupation Charles Seebeck  
Electrotyper of No. 41 Beckman

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

Sworn to before me, this 27 day } Charles Seebeck  
of 1893 }  
James Martin Police Justice.

Sec. 198—200.

1882  
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*  
*J. H. Mohring*

Taken before me this  
day of

1893

Police Justice.

POOR QUALITY  
ORIGINAL

0725

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

ss.

FORM NO. 2.

*Charles O'Connor* of No. *C.O. Res. 744, 5th Ave.*  
being duly sworn says that he is acquainted with the handwriting of *Bernard J. Martin*  
the Police Justice who issued the annexed Warrant, and that  
the signature to this Warrant is in the handwriting of said *Bernard J. Martin*  
Sworn to before me, this *9* day of *June* 18*93*

*John J. Walsh*  
Police Justice of the City of Brooklyn.

THIS WARRANT MAY BE EXECUTED IN THE CITY OF BROOKLYN.

Dated this *9* day of *June* 18*93* *John J. Walsh*  
Police Justice.

Sec. 151.

Police Court 1 District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

In the name of the People of the State of New York: To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York. GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by John H. Mohring of No. Franklin St & Cherry Street, that on the 13 day of August 1893 at the City of New York, in the County of New York,

John H. Mohring - did unlawfully  
make forge and utter an endorsement  
to a certain check drawn on the Chattanooga National  
Bank by Commercial Wire Co. - for the  
sum of Ninety one \$100 Dollars and thereby  
defraud the complainant out of said sum  
of money

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

These are, therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 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 27 day of June 1893.  
James J. Smith Police Justice.

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 5, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 6, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Charles Johnson*  
*Franklin Adams and*  
*John C. Johnson*  
*John C. Johnson*

Offense

*Forgery*

Dated, *June 9* 189*3*

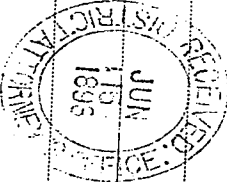
*Ryan* Magistrate.

*Account Master* Officer.

Witnesses *Charles Beckman* Precinct.

No. *41 Beckman* Street.

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



No. *1500* to answer *Chas. Johnson* Street.

*1500 & Chas Johnson* 121030

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

Dated, *June 9* 189*3* *John J. Ryan* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

June 29th, 1893.

Mess. John Johnson & Co.

Franklin Square,  
City.

Gentlemen:

The District Attorney duly received your favor of 28th inst., requesting return to you of cancelled check used as evidence in the case of the People vs. J.H. Mohring, who, upon his plea of guilty to the crime of forgery, has been sentenced to imprisonment in Elmira Reformatory.

The papers in that case now constitute part of the files of the Clerk of the Court of General Sessions to whom application for their return should be made.

The District Attorney consents to the return to you of the check, and upon presentation of this letter to the Clerk, I have no doubt he will give you the check.

Respectfully yours,

*Henry M. Cagney*  
Secretary

*Received the above  
check July 10/93 for  
John Johnson & Co.*

*H. Hadenham*

*Franklin Sq. Cherry St. N.Y. City*

POOR QUALITY  
ORIGINAL

0729

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

John A. Mohring

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

John A. Mohring  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said John A. Mohring,

late of the City of New York, in the County of New York aforesaid, on the *thirteenth*  
day of *August* in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, having in *his* custody a  
certain instrument and writing, in the words and figures following, that is to say:

*No. 15047 New York Aug 13 1892*  
*The Chatham National Bank*  
*Pay to the order of John Johnson & Co*  
*Ninety one & 80/100 Dollars*  
*\$91 80/100*  
*Courvoisier, Wilcox & Tiff Co.*  
*J. H. Benton Treasr*

The said John A. Mohring

afterwards, to wit: on the day and in the year  
aforesaid, with intent to defraud, at the City and County aforesaid, feloniously did forge, on the  
*back* of the said *instrument and writing*  
a certain instrument and writing commonly called an *endorsement* which said forged  
instrument and writing commonly called an *endorsement* is as follows, that is to say:

John Johnson & Co

against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment further accuse the said John A. Mohring of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said John A. Mohring late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, having in his possession a certain instrument and writing, in the words and figures following, that is to say:

No. 12047 New York Aug 13 1892  
the Chatham National Bank  
Pay to the order of John Johnson & Co  
Ninety one & 10/100 Dollars  
\$91.87/100  
Commissioner Wilson & Co.  
J K Benton Treas

on the back of which said instrument and writing there was then and there written a certain forged instrument and writing commonly called an endorsement which said forged instrument and writing, commonly called an endorsement is as follows, that is to say:

John Johnson & Co

with force and arms, the said forged instrument and writing then and there feloniously did utter, dispose of and put off as true, with intent to defraud, he the said John A. Mohring then and there well knowing the same to be forged, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,  
District Attorney.