

0586

**BOX:**

365

**FOLDER:**

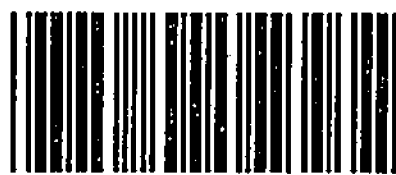
3428

**DESCRIPTION:**

Haley, James

**DATE:**

09/24/89



3428

0587

Witness:

Henry J. J. J.  
Officer H. J. J.  
928 1/2

Counsel,

Filed

Pleads,

18

THE PEOPLE

vs.

R

James Hales

Grand Larceny Second Degree  
[Sections 528, 529, 530 Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. B. DeLano

Foreman.

Sept 21/99

Chas. G. J. J.

S. P. Two 1/2



0588

Police Court— District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

of No. 515 West 39th Street, aged 48 years,  
occupation Driver being duly sworn

deposes and says, that on the 17th day of September 1887 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 daytime, the following property viz:

One Horse and Wagon of the  
Value of Three hundred Dollars.

the property of in the Care and Charge of  
deponent

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

from the fact that on said date deponent  
left said property standing in  
West 39th Street near 8th Avenue  
while deponent went to a Water Closet.  
That in a few minutes afterwards  
deponent returned and discovered  
that said property had been taken  
stolen and carried away.  
Deponent is informed by Daniel  
Martin that on said date the said  
Haley offered to sell to deponent  
horse and wagon and harness for  
the sum of forty five dollars  
Deponent further says that the

Sworn to before me this  
1887 day

Police Justice.

0589

Whereas, the property of the same value as the said stolen and carried away from the deponent's possession

James H. Jones  
This day of September 1889  
J. H. Jones

Police Justice

Dated 1889 Police Justice.

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

Dated 1889 Police Justice.

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

Dated 1889 Police Justice.

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

guilty thereof, I order that he be held to answer the same and be admitted to bail in the sum of committed, and that there is sufficient cause to believe the within named

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

Police Court, District

THE PEOPLE, &c.,  
on the complaint of

vs.

1  
2  
3  
4

Offence—LARCENY.

Dated 1889

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street.

No. Street.

No. Street.

\$ to answer Sessions.



0590

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Samuel Martin*  
aged *30* years, occupation *Horse Dealer* of No.

*258. West 47* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Henry Singer*

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

Sworn to before me, this *17*

day of *September* 189*5*

*Donald Martin*

*J. J. Mahon*

Police Justice.

0591

Sec. 198-209.

CITY AND COUNTY }  
OF NEW YORK, } ss.

✓ District Police Court.

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

Question. What is your name.

Answer. *James Haley*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *Aone*

Question. What is your business or profession?

Answer. *Paster.*

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*

*his*  
*James Haley*  
*must*

Taken before me this

day of *September* 1885

*W. J. Madison*

Police Justice.



0592

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 Leperillus

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 Sept 5 188 N. W. Mahon 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.

0593

Police Court

1346 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Henry Lunsford*  
*1315 1/2 Ave 138*  
*James Haley*

2

3

4

Offense

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated September 5 1889

*M. Mahan* Magistrate

*Riley* Officer.

*42* Precinct.

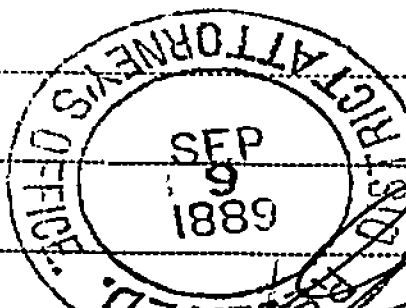
Witnesses *Samuel Martin*

No. *258 West 47* Street.

No. Street.

No. Street.

\$ *1500* to answer



*Com*

*922*

0594

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

James Haley

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

James Haley

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

The said

James Haley

late of the City of New York, in the County of New York aforesaid, on the fourth  
day of September in the year of our Lord one thousand eight hundred and eighty-  
nine, at the City and County aforesaid, with force and arms,  
one horse of the value of  
two hundred dollars, and  
one wagon of the value of  
one hundred dollars

of the goods, chattels and personal property of one

Henry Frazier

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.



0595

SECOND COUNT—

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

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

The said

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

one horse of the value of two  
hundred dollars, and one wagon  
of the value of one hundred dol-  
lars

of the goods, chattels and personal property of one

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

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

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

JOHN R. FELLOWS,  
District Attorney.



0596

**BOX:**

365

**FOLDER:**

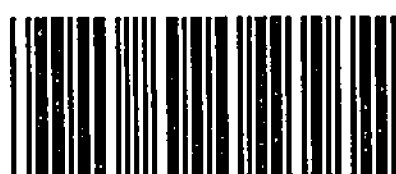
3428

**DESCRIPTION:**

Hamilton, Eva

**DATE:**

09/16/89



3428

0597

**BOX:**

365

**FOLDER:**

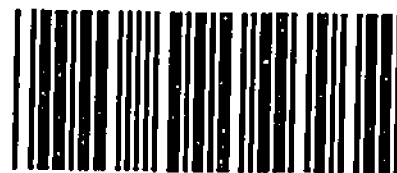
3428

**DESCRIPTION:**

Mann, Joshua J.

**DATE:**

09/16/89



3428

0598

**BOX:**

365

**FOLDER:**

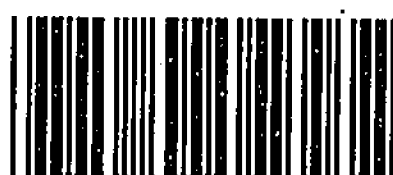
3428

**DESCRIPTION:**

Swinton, T. Anna

**DATE:**

09/16/89



3428



Counsel,  
Filed 16<sup>th</sup> Sept 1889  
Pleads vs chiquet  
THE PEOPLE  
vs.  
Eva Hamilton  
J. Anna Swinton  
Josephina J. Mann  
(2 cases)  
JOHN R. FELLOWS,  
District Attorney.  
*Chiquet Recused*  
ASTRUE BILL.  
Arch B. Boscard  
Dec 3 1889  
Mr Wm of East Boston  
Victor or New York  
Recog Pg  
The Dist. Atty. recommends

*Witness:*

*Inspector*  
*Thomas Reynolds*

The evidence in the  
within case is the same  
as that in the case of  
Grand Jurors & I agree  
against the blame  
defendants. I accept my  
responsibility that the  
same course be  
maintained reference to  
this indictment as in  
the other two cases in the  
case of the indictment  
for grand larceny by  
force Dec 30/77  
W. J. G. / 07  
J. P. Hark  
Indictment No. 101890  
Grand Jury No. 101890  
Hartford, Conn.  
The same can be found in  
the records of the court.



0600

Sec. 198-206

124 District Police Court

CITY AND COUNTY }  
OF NEW YORK, } ss.

*J. Anna Thornton* being duly examined before the under-  
signed according to law on the annexed charge; and being informed that it is *h<sup>is</sup>* right to  
make a statement in relation to the charge against *h<sup>im</sup>*; that the statement is designed to  
enable *h<sup>im</sup>* if he see fit to answer the charge and explain the facts alleged against *h<sup>im</sup>*  
that *h<sup>e</sup>* is at liberty to waive making a statement, and that *h<sup>is</sup>* waiver cannot be used  
against *h<sup>im</sup>* on the trial.

Question. What is your name?

Answer.

*J. Anna Thornton*

Question. How old are you?

Answer.

*67 years of age*

Question. Where were you born?

Answer.

*Baltimore, Md.*

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

Answer.

*I have no present home in N.Y.*

Question. What is your business or profession?

Answer.

*Dress-maker*

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. Anna Thornton*

Taken before me this

day of September 1889

Police Justice

0601

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer. *Joshua Mann*

Question. How old are you?

Answer. *Thirty-five years of age*

Question. Where were you born?

Answer. *New York*

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

Answer. *I have no present home*

Question. What is your business or profession?

Answer. *Salesman*

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. Joshua J. Mann*

Taken before me this  
day of September 1889

Police Justice.

0602

First District }  
Peace Court }

Robert Ray Hamilton } Charged  
aged. } with  
H Anna Swinton }  
Joshua Mann } Before Hon  
Eva Hamilton } E. Hogan  
Peace Justice  
Sept 6/1887.

Robert Ray Hamilton being duly  
sworn deposes <sup>that</sup> says. Also examined  
by defendants counsel.

Q Where do you reside ?  
A 13 Park Avenue

Q What is your age ?  
A 38 years

Q What is your business ?  
A Lawyer.

Q Are you the complainant in this  
proceeding ?  
A Yes

Q And what is your profession ?  
A Lawyer



0603

2  
Q. May you know the contents of the com-  
plaint you have sworn to?

A. Yes.

Q. You name one Eva O'Namus in that  
complaint?

A. Yes.

Q. How long have you known her?

A. About 4 years.

Q. Where did you meet her?

Objection to,

By the Court: Question admitted.

A. I cannot give the place exactly if  
was somewhere in 43<sup>d</sup> or 44<sup>th</sup> Street  
I think.

Q. In a house or upon the street?

A. In the house.

Q. Whose house was it?

A. I do not know.

Q. Do you know where you went there?

A. I do not know.

Q. Did you know what this woman was  
to be there when you went there?

A. No, I did not.

Q. What character of a house was it?



0604

Objected to By the Court Sustained  
Q Under stand that you were introduced  
to her?

Answer

Q Was this a house of prostitution that you  
met at her?

Objected to, By the Court Excluded.  
Q Did you have sexual connection with  
her on that occasion?

Objected to, By the Court Excluded  
Q Had you had sexual intercourse with  
Eva C Mann prior to the 11th of Decem  
ber 1888?

A I had.

Q For how long a period?

A Between 3 <sup>and</sup> 4 years.

Q Had she been with child by you prior  
to the 11th of December 1888 to your  
knowledge?

A Not that I know of

Q Had it been so represented to you?

A She did so represent

Q How long before?

A In April or May 1888

0605

Q At any time prior to that?

A She had represented some years before that, that she had been

Q When was that?

A I don't know that I can fix any date about?

A So I think so. I am not sure which

Q How frequently did you see her at that period at about the time that she represented to you in 1886 that she was with child?

A I think not more than once a week possibly not as often as that.

Q And on those occasions did you remain during the night with her?

Objected to By the Court Excluded.

Q Now during the year 1888 when you say it was first represented to you by Eva L. Mann so called?

A In March or April.

Q And at that time where were you living?

A I was in Albany at that time.

Q And where was it that she made the

0606

representations to you?

A I do not remember where she was  
living then?

Q Where was it that she made the repre-  
sentations in New York or Albany?

A In New York City

Q Were you visiting her at the time?

A No

Q At the time were you having com-  
munion with her I mean during that  
period when you were living with  
her as man and wife?

A No - visiting her & not living with  
her as man and wife

Q Were you sleeping with her?

A I did

Q Now say from April 1888 to the  
first of June 1888 how frequently  
did you see her

A I saw her very seldom, I was away  
most of the time & in May  
she went to Europe, I did not see  
her until sometime in the middle  
of May until the beginning of



0607

6

August, as near as I can recollect  
of her from the time she first in-  
-formed you that she was with child  
in the spring of 1884 down to the  
time that she left or supposed to  
have left for Europe, how frequently  
did you see her?

A I cannot specify the exact number  
of times but I think not more  
than 4 or 5 at the outside.

Q And in all of those occasions did  
you sleep with her?

A I presume that on some of them  
I did.

Q Now when she first informed you  
in March or April that she was  
with child, what did she inform  
you was the length of time that  
she had <sup>already</sup> been conceived?

A I suppose that she had just  
discovered it.

Q Did she inform you as to what her  
judgement was at any time as to  
how long she had conceived?

0608

Q I cannot say as to that.

Q No recollection about it?

A I presume she told me as soon as she knew it.

Q Now when she represented it to you in August, do you recollect about when it was in this month that you saw her again?

A There was no way of fixing the date without memorandums, I think it was in the early part of August as near as I can recollect.

Q Where did you see her?

A I think she was living in 11th Street.

Q Were you then residing in the City of New York?

A I was residing here I was away more or less in the country.

Q How frequently did you see her during August?

A Not more than 2 or 3 days she then went to Pennsylvania I believe.

Q Is upon 3 occasions in October you were here covering that period?

0609

8

of time?

A Two or 3 days right together

Q And when did she return again?

A I think she was gone for 4 weeks

Q Do you recollect when it was that she returned?

A I have not any idea

Q Some time about the middle of September?

A I presume so.

Q Now you say when she left as you supposed for Europe you gave her outboard and dollars? Did you send her any money while she was away?

A I did not

Q After she returned did you furnish her with any money?

A Yes I gave her money, as soon as she sent for some she wanted money

Q That was in August?

A Yes Sir

Q About what sum did you give her in August & September?



0510

9

A I think I gave her about 200 dollars  
in a guest

Q At one time?

A At one time?

Q And was that on the first occasion  
when you saw her?

A I cannot say on which probably  
not, I don't suppose I had \$200  
dollars in my pocket at the time  
Q That was given by you willingly by was  
it not?

A Certainly

Q You have been furnishing her with  
money during the whole of the  
years that you have spoken of  
as having known her?

A Yes.

Q In what sums?

Objector to By the Court Admitted  
A At first I gave her 25<sup>th</sup> a week and  
then I had often given her presents  
of two hundred and two hundred dollars  
Q And how much larger?

A And afterwards increased it

0611

10

I think it was in 1887 I just gave her one thousand dollars, and I subsequently gave her 500 dollars to purchase a place

Q Was that one thousand dollars the largest sum you had given her at one time?

A It is not the largest. I had given her fifteen hundred.

Q Prior to that?

A Afterwards

Q The one thousand dollars you speak of having given to her in 1887 was the largest sum that you had given to her up to that time of that year was it?

A Yes sir

Q What was the largest sum that you had given to her prior to the <sup>gift of</sup> one thousand dollars

A I think I had given her \$500 dollars to buy a pair of Ensigns

Q And after the gift of this one thousand dollars? - about when in

06 12

11

1887 was that one thousand given?  
A I cannot tell without referring to  
memorandums, or my check book  
in the early part of the year? The  
first time I gave her a thousand and  
dollars may have been in 1886. or  
1887 I am not quite sure it was  
5 or 6 months before she went to  
New Jersey,

Q After the gift of the <sup>thousand</sup> and dollars  
what was the next largest sum  
you gave her?

A \$1500 dollars I think to purchase  
a place in New Jersey.

Q That was when how long after the  
a thousand and dollars?

A It was some months after words  
Q And what was the next largest  
sum you gave her?

A I think I gave her a thousand and again  
I don't remember what for.

Q During 1887?

A I believe so I may have given her  
another sum of a thousand



0613

12

dollars before that to purchase a flat. I am not sure.

Q Your sums of a thousand <sup>and</sup> one sum of 1500 in 1887?

A I think so

Q In addition to these sums during the same year did you give her other smaller amounts?

A I was giving her money every week

Q In addition to these large sums?

A Yes sir

Q During the year 1888 prior to her going to Europe what sums had you been giving her?

A I think I have mentioned you all the sums <sup>that</sup> I had given her, prior to that time I may have given her a mortgage for \$1167 dollars.

Q When was it?

A I cannot fix the date ~~the payment~~ <sup>the payment</sup>

Q Of all these sums was prior to the time in March or April 1888, when you first were informed that she was with child?

0614

13

A one thousand and I gave, that was after  
words

Q That was about the time she informed  
you she was with child?

A They were

Q They were given up to her owing to  
the relationship that existed between  
you and she was it not?

Answer

Q And without any consideration  
except such as existed in the affec-  
tion between you and she that caused  
you to give it to her.

A That was the only consideration  
of any kind considered it a valid  
reason for giving her that money  
on that occasion

A I gave her the money and —

Q You continuing the relationship  
with her afterwards?

A I did

Q And it was not then anything unusual  
to give to Ella L. Mann as she was  
known then the sum of 500 dollars

0615

14

A nothing unusual

Q. It was nothing unusual <sup>as</sup> it needed no extra recommendation to secure the gift of money from your father?

A. It did to secure large amounts

Q. Such as a desire to go on a journey, a desire to go abroad, or a desire to have some extra furnishings to her apartments, or a desire to have some extra procuring would such an undue influence cause you to furnish her with extra money?

A. I can only say that I remember those large amounts at her solicitation at different times

Q. And without any extra reason other than she wanted to enjoy herself or wanted to secure some piece of property, or wanted to go on some particular journey?

A. I wanted some provision made for her.

Q. When she returned in September 1888



06 16

15

and from that down to the 1st  
of January 1889 how frequently  
did you see her?

A I did not see her very frequently <sup>and</sup>  
could not fix any time until  
towards the end of October when  
I saw her

Q Did you recollect seeing her about  
the middle of September? - How  
frequently did you see her from  
the time she returned to my room  
in the middle of September until  
the latter part of October?

A I cannot recollect certainly not  
more than once or twice and I  
don't think it was as often as this  
I was very busily engaged

Q Did you take to her money during  
that period?

A I presume I took it or sent it

Q Did you take to her or send to her  
any large amount from the  
middle of September to the  
latter part of October 1888?

0617

16

A I gave her \$250 dollars in October  
that is the only one I remember and  
perhaps something more about  
the same time?

Q About how much more at the  
same time?

A I presume one hundred dollars  
I showed me I think to give her in  
the neighborhood of a thousand  
dollars because she was going  
to Elmina to be confined.

Q She asked you for a thousand?  
A I believe so.

Q And you gave her how much?  
A I think I gave her in the neighborhood  
of three hundred and fifty dollars  
and promised to send her the  
remainder.

Q Did you send her a sum of money  
while she was away?

A On the 11th of December I sent her  
500 dollars.

Q Where was she at that time?  
A Elmina?

06 18

17

Q. Where were you?

A. I was in New York.

Q. When do you remember last being  
to the 11th of December?

A. In the latter part of October.

Q. You have named in your complaint  
of Anna Sumner, when was the  
first time you actually met her?  
A. I saw her in New Jersey. That was  
the first time I recollect.

Q. When was it?

A. In 1886 or 1887.

Q. Did you have any conversation  
with her at that time?

A. Nothing beyond.

Q. Did you have any conversation with  
her at all?

A. I believe I said how do you do.

Q. Will you say that you did say even that  
A. I did say that on one occasion.

Q. You have spoken of another occasion  
in New Jersey as the first when you  
saw her in 1886?

A. As near as I can recollect.



0619

18

I had you speak with her about upon that  
occasion or was it not the fact that  
you simply saw her & that you were  
informed who she was & that no  
words whatever passed between you  
at New York on Oct. -

I cannot answer that question yes or  
no?

I do not, on that occasion or  
the day after I remember that she  
was preparing dinner & I called up  
that it was ready, and I was standing  
at the head of the stairs & I asked what  
it was that she wished to say and  
she said she merely wanted to say  
that dinner was ready.

It was that all that took place between  
you and she on that occasion.

That is the only thing I recollect.

When was the next occasion that  
you saw her after that time in New  
Jersey in 1886?

I cannot fix any time possibly  
until last June just before I

0620

19

Left the City but I met her several  
times

Q. She then passed at your office did  
she not?

A. That was another occasion, while  
Eva was in Europe she called at  
my office and asked me to give  
her some money to pay her rent  
Q. Before Eva Duane had gone to  
Europe she lived with Mrs. Swinton  
did she not?

A. Not that I know of  
Q. The conversation between you and  
Mrs. Swinton at that time at your  
office was very short was it not?

A. Mrs. Swinton came to me and asked  
me to give her 30 dollars I tried to  
pay her rent but I told her she had  
no claim whatever upon me  
and I didn't propose to submit  
to any such extortion and invited  
her to walk out of the office

Q. And you were quite personally  
morose on her leaving?

0621

20

A. Had her I intended with her to remain there

Q. Were you quite peremptory in insisting on her leaving?

A. Had her to leave the office

Q. Your manner was quite abrupt & was it?

A. And you intended it should be so? Yes sir

Q. And you intended to cut off the possibility of any blockmail conversation between you and her?

A. I intended to cut off the possibility of any blockmail

Q. And you intended to cut off all possibility of any conversation with her whatever?

A. No. I did not care how much she conversed.

Q. You have used the word blockmail. Did you consider that you were in a position at that time to be blockmailed?

A. Objected to by the Court. Excluded



0622

21

Q Now relate all the conversation that took place between you and her at the office at that time, repeat what it was?

A She said that Eva was in Europe she had a letter from her <sup>Q</sup> and she didn't like it <sup>Q</sup> and would be coming back soon <sup>Q</sup> and she said she had no money to pay her rent <sup>Q</sup> and she wanted me to give her \$30 dollars and I said Mrs Swinton you have no claim on me <sup>what was</sup> ~~about~~ you ought to go to some of your relatives or some other people certainly not me.

Q Did she have anything to say on that occasion after her son being with Eva & Mann?

A She did not

Q Are you sure of that?

A I am positive

Q Do you recollect when that was?

A It must have been in June or July last year

0623

22

Q About the 9th of June was it not?  
A I cannot fix the date any more  
definitely than I do

Q Did you see her on any other occasion  
about that time or not?

A I don't think she came in again  
Q Did you see her at or about that time  
a no sir

Q Then you saw her on 3 occasions?

A The first time you ever saw her  
was in 1886 the occasion that you  
described in New Jersey is that  
right?

A I think it was?

Q The next time was at your office  
when she called to ask a loan of  
\$30 dollars?

A I think I had seen her 2 or 3 times  
between those occasions but  
never spoke to her?

Q And she had never spoke to you?

A Now I am sure I saw her more  
than once in New Jersey

Q And you ever spoke to her in New Jersey?

0624

23

except the time that you have referred  
to in any way or on any subject  
A. I don't know what I said

Q. Then the only occasion that you ever  
had any conversation with her was  
in New Jersey on the occasion  
that you referred to and in your office  
about June 1888? is that true?

A. As far as I can remember

Q. When was the next occasion that  
you ever saw Mrs. Sullivan to speak  
with her?

A. The next occasion I saw her  
separately as on the day and  
apt for California on June  
9, 1889?

Q. Again

Q. Do you mean to say that you did  
not see her upon any occasion  
prior to that?

A. I think I saw her once or twice or  
3 times but I cannot fix the date

Q. Then from the 9th of June 1888 until  
June 1889 you have no recollection



0625

94

of ever having I remember at all & is  
that true?

A. I have an indescribable recollection of  
having seen her, but I cannot  
fix the time.

Q. You are a member of the Legislature  
of the State of New York & or have been?  
A. Yes Sir.

Q. And you are a practicing lawyer are  
you not?

A. Yes Sir.

Q. And how old are you?

A. 34 years.

Q. And you have had a college education  
have you not?

A. Yes Sir.

Q. And you know the meaning of the  
English language?

A. Yes Sir.

Q. And when you were to the affidavit  
on or about the 11th of December  
at the City & County of New York  
1888, I am a Swindler, Joshua  
Mann back now here and  
Eva Hamilton late of the City and

0626

25

County of New York aforesaid with  
 intent to deprive <sup>the</sup> defendant the  
 defendant Robert Roy Hamilton  
 of the paper moneys goods chattels  
 and personal property herein after  
 mentioned <sup>the</sup> of the use and  
 benefit thereof to appropriate  
 the same to their own use did  
 then and there feloniously, fraudulently  
 and falsely pretend <sup>to</sup> represent  
 to this defendant Robert Roy Hamilton  
 that one Eva Hamilton then  
 known to this defendant as Eva C  
 Brown was pregnant <sup>and</sup> then  
 about to become <sup>the</sup> mother of a  
 child and that this defendant  
 Robert Roy Hamilton was the  
 father of the child with which  
 the aforesaid Eva Hamilton  
 then known to this defendant as

Eva C Brown You understood  
 what you swore to did you not?

A Had read the affidavit,

and you knew what it contained did you not?

7

A. Got personally

of the same at all,

Only as it was made by Ezra L  
Hammett

Did Mrs. Munton ever make any  
representations to you personally or  
not?

2. He did not personally during that



0628

54

period

Q Now still adhere to the statement  
from June 1888 to June 1889 you  
did not see Mrs Sumner where  
any conversation with her?

A I adhere to the testimony there  
are no changes?

Q Do you recollect what your testimony  
was?

A I stated that I had seen her, I believed  
on two or three occasions but could not  
fix the dates

Q And talked with her?

A I presume I passed some words  
with her

Q Will you say that you did or did not  
see?

A I cannot state positively

Q Is there any time, any occasion in  
that period when you met Mrs Sumner  
and anything transpired between  
you of an unusual character that  
she impressed on your mind?

A There was no occasion that I recollect

0629

28

of Lloyd's account on the 16th of September  
1886 calling at Mrs. Sumner's place  
of residence in 20th Street between  
Cory Avenue and Erie & Market St  
Callers?

A. J. do

of Lloyd's account that you saw Mrs. Sumner  
in the hallway when you called?

A. J. do

of Lloyd's account that you had demanded  
after she had been with Mr. Sumner  
was?

A. J. do

of Lloyd's account that you saw Mrs. Sumner?

A. J. do and also demand that

of Lloyd's account demanding of  
her and asking her where the trunk  
of John Sumner had been sent?  
A. J. do then I demanded it after I  
thinks suggested she might find  
him through that trunk.

of Lloyd's account not demanded after  
where the trunk of John Sumner  
had been sent to and also she

0630

29

not reply to you that she didn't know  
anything about it

A I suppose she did because no one  
to look for the dayman?

Q Did you not go up to the  
corner where you wanted her to

A No one ever

Grand demanded that she go along  
with you?

A I did not

Q If you say that is not so?

A Had no authority to arrest anyone.

Q Did you take her with you the first time  
from her home?

A She went with us

Q Did you take her with you?

A I didn't take her she went with us  
down to the corner of 14th Street and  
6th Ave

Q I repeat please you went with Brown  
express office 14th Street & 6th Ave

A I don't know the name of the express  
man before it was there we went



0631

30

Q And from there you went to Fox & Walter  
office?

A I think we went to the main house  
or stable

Q Did you go to the express office on  
that night?

A I cannot recollect any other place  
went to

Q Will you say that you did not?

A I don't say that we did not. My  
recollection is that we went to  
look for him at his stable or at  
his house.

Q Is whose house or stable?

A This expressman

Q Recollect the first expressman Brown  
tell you that he didn't know anything  
about the man, and from there  
you went to other express offices  
with Mrs. Sumner & Mrs. Mason  
to look for the man.

A My recollection is that the man  
was not there & we applied in the  
office where it says orders could

0632

31

he left. We were not sure where  
his address was, on 8th Sept. we  
and from there went to 9th Avenue  
to the expressman's London stable  
that was supposed to be the same  
man.

Off just prior to that time did you visit  
a cartoon to be inserted in one of the  
newspapers in the city of New York  
a personal advertisement seeking  
to find J. M. and after seeing  
a record with reference to him?  
A. I did not?

Q. Did you cause it to be inserted?  
A. I did not.

Q. Had you never after being inserted?  
A. I did not know it until I saw it in the  
paper the other day.

Q. Was your position of chief?  
A. I am very positive.

Q. What was your object in finding J.  
M. on the 16th of September 1885?

A. Eva M. was very anxious to find  
him. She seemed to be very much

0633

31

worried <sup>and</sup> it was at her request that  
I went to Mrs Hamilton with her  
J. and ~~her~~ Mrs Hamilton. His mother  
<sup>would</sup> tell Eva & Maureen or you where he  
was?

As she said she didn't know, she appeared  
to be in great trouble <sup>and</sup> was anxious  
to find him?

Of course you mean that Eva was  
anxious to find Jack Maureen

Another statement <sup>and</sup> appearance  
of Eva Maureen is the woman that  
is known as Mrs Hamilton?

As she is

And you say she was anxious to  
find Jack Maureen from her state-  
ment and appearance?

Yes Sir

What did you mean by her appearance  
as indicating that she was anxious  
of seeing him?

As she seemed to be in a nervous  
state. excited, about his being  
away her disappearance?



0634

33

If you never see that application  
was made by her to parties, to know  
after interested parties other than Mrs  
Hammett.

Reply Sir

Given no information was had there  
Adherence in it

If you are permitted access into it  
that to find out her name about  
that time.

Adont know of any other efforts  
than those you have already brought  
out.

If that is a fact Mrs Hammett that during  
that period Joshua J. Mearns was  
either keeping himself away or was  
being kept away from Mrs Hammett.

Adont know anything about that  
If it is not Mrs Hammett tell you that  
she is being kept away from her  
by certain persons & that those  
persons would not give her  
any information as to where he was  
September 18th 1888.

0635

39

objected to

By the Court Admitted

A I think she accused Mrs Swinton of  
keeping him away but Mrs Swinton  
protested she knew nothing about  
it and she asked on her own to  
understand that she was the person  
anxious to find him.

Q The good Mrs Swinton as to where  
he could be found?

A She said she did not know where  
he was

Q Prior to the date you went to Mrs  
Swinton's house to find Jack Mann  
what efforts had you made to find  
him with Era Hammett?

A We had gone to see a religious effort  
and asked him if he knew where  
he was.

Q Who had gone?

A Era and I

Q What other efforts had you made  
to find him?

A I had sent a man to look in the

0636

35

Legua Flores in both Avenue  
If you had sent a man who did you  
send?

Applied to By the Court Admitted  
A. I think it was a detective from Druggs  
detective agency in Broadway near  
13th St. I don't know the man's  
name.

Where did you first see him?  
A. In a room there at that detective  
agency.

Did you go to Druggs detective agency  
to procure their assistance in  
finding Jack Mann?  
A. I did.

Did you pay for the service of that  
agency in their help in finding  
him?

A. I think I paid \$100.00.

What other efforts did you make  
in behalf of Eva Mann to find  
Jack Mann?

A. I don't think I made any.

I don't know how I knew Mann.



0637

36

been away from Eva's home  
when you were looking for him  
in the month of September 1888?

A. I do not know

Q. How long did Eva Hamilton tell you  
that he had been away from her?

A. Not remembered

Q. When had you last seen him prior  
to September 1888?

A. I don't think I ever saw him more  
than twice before; he came to  
Atlantic City this summer & then  
back home in New Jersey

Q. And <sup>after</sup> that was the last time prior to  
September 1888 that you saw him?

A. It was in the summer when we  
were in New Jersey, when Eva  
was in New Jersey

Q. That was the summer of 1886?

A. I think it was 1887. I am not positive  
Q. Are you not mistaken about that  
when you see him in the summer  
of 1886?

A. I don't recall it

0638

37

Asked Mrs. Hamilton tell you  
was the last time she had seen  
him?

Admitted remember

Asked Mrs. Hamilton tell you  
about his disappearance?

Asked he had gone, she said, and  
he was drunk, or somebody was  
keeping him away.

Asked she insist that somebody  
was keeping him away from her  
Ed. Hamilton?

Asked <sup>an</sup> ~~no~~ idea that this gentleman  
was meant to see was keeping him  
away.

Asked she inform you that she was  
after the impression that his mother  
was keeping him away from her.

Admitted know whether she did or  
not went to her mother's house  
she seemed to be satisfied that her  
mother was trying to find her  
and wanted to see that she  
could.

Q Then you afterwards ascertained that  
 he was being kept away by his  
 mother and that his mother had  
 sent away the trunk to him <sup>and</sup> then  
 all about the trunk <sup>and</sup> had decided  
 you and Eva Hamilton with  
 reference to the matter?  
 Ans.

Q Then it is true that <sup>you</sup> did see Mrs. Hamilton  
 upon an occasion between June  
 1888 <sup>and</sup> June 1889?

A Yes, I did see her but could  
 not fix the date, you here recalled  
 this to my mind now

Q And this matter of looking for  
 Jack Mann and going to Mrs.  
 Hamilton's house <sup>and</sup> employing detec-  
 tives to look for Jack Mann and  
 going to his boarding houses with  
 reference to his whereabouts and  
 looking for his trunk, that didn't  
 surprise me if on your mind did  
 it?

A I had forgotten all about it at the



0640

39

Miss

When after the 16th of September did  
you ever see Mrs. Swinton again?  
A I don't for any time. I believe I  
did see her once or twice during  
the winter of 1884.

Did you talk with her?

A I never talked with her much.

Of course to you?

A She never talked to me much.

Did you ever see her at all from  
September 16th to June 1884. There  
was no conversation between  
you that you can recollect now  
there?

Answer

When after March did you see  
Jack Mann?

A I don't recall having seen him  
until he came to Atlanta City.

When was it?

A 3 or 4 weeks ago.

Did it <sup>not</sup> ~~is~~ <sup>not</sup> ~~is~~ true that Jack Mann  
was about the 21st of December

0641

40

P

1888 at the city of New York  
and I am a resident of New York  
I am (back now live) of the Hamilton  
all laws of the city & county of New York  
with respect to defrauding and deprive  
you this document Robert Roy  
Hamilton of the proper money  
goods & chattels. My personal property  
has not been mentioned and of  
the use and benefit thereof and  
to appropriate the same to their  
own use and then and there  
personally, fraudulently and  
falsely procured & represent to you  
this document Robert Roy Hamilton  
that one Eva Hamilton, known  
to this deponent as Eva Hamilton  
was then pregnant & that about  
to become the mother of a child  
and that this deponent the said  
Robert <sup>Roy</sup> Hamilton was the father  
of the child, that is not true and  
is it true that he has made that  
statement?

0642

41

Q Not personally to me  
J Did it true that Joshua Trammell ever  
made any statements of that kind  
to any body to your personal knowledge  
A He did when he was at Atlanta  
City

Q Where was he in Atlanta City  
A He was at my office  
Q Where was he at that time  
A At my office

Q Yes  
Q Every body was calling it your chief  
A I do suppose it to be mine my  
chief myself

Q There was no specific conversation  
between you and him about the  
chief

Answer

Q When you approached it was your  
chief

Answer

Q When were you married to Eva  
Lynn

A The 7th of January 1889



0643

42

Q. Was this child ever christened and  
baptized with your knowledge and  
consent?

A. As was baptized at Atlantic City  
with your knowledge & consent?

A. Yes Sir

Q. And were you present?

A. Yes Sir

Q. And what name was it baptized?  
A. The name of the parent Robert  
Ray Hamilton & Eva Hamilton  
and the given name of the child  
Beatrice Ray

Q. Were the names so recorded?

A. The names of the parents given, and  
the given name of the child were  
recorded.

Q. Had you signed the record of it?

A. Either signed it or the clergyman  
signed it in my presence. I am  
not sure if it was registered to  
be signed or not.

Q. And if you signed it you stated  
to him, and gave to him all the

0644

43

P

information from which the certificate  
was made up?

Adgore him the information and  
give him my name as Robert Lay  
Sturgeson

If you have the information from  
which the certificate was made  
up?

Yes Sir

And guaranteed by him when it was  
made out?

Yes Sir

And you knew who was being  
disputed in the certificate at the  
time?

A. Yes I presume I did

Did you sign that record or not?

A. I don't think it was required to be

signed I think the clergyman  
signed it

Where was the church kept?

A. In the church at All Saints City

At James Church I think it was

And what was the name of

0645

44

the pastor?  
A. I think he means our friends of  
Pittsville

Was he the regular pastor of the church?  
A. A new church has been substituted  
for the gentleman who was its  
pastor. You received a paper or  
certificate as to the baptismal  
A. No. I heard it was not worth  
while and carried it to the  
church there. I met the church in  
Pittsville

What was his first name?  
A. James T. Powers. as I recollect  
Was anybody else present?  
A. Mrs. Swinton and Mr. Manning. And  
the whole body of the church was  
filled with the congregation  
of your description. Mrs. Hammett is  
your companion. The property that  
you say you were deprived of  
by reason of these representatives  
as 500 dollars?

Ayes sir (shouting)



0646

45

Q Do that you own check?

A Yes I sent it by mail to Eva

L. M. arm

Q This check you received back?

A Yes by the order of the bank

of E. C. M. arm, Market & Fulton

National Bank for collection

for account of more & the Columbia

Bank. Elmeria H. R. Bacon cashier

Q Prior to the sending of that check

had you any conversation with

either of the parties mentioned in

this complaint as to the sending of

it except Mrs. Hamilton?

A No I did not?

Q When you sent that check to Mrs.

Hamilton was it your intention

that it was to be used by

Mrs. Hamilton for her own personal

usage?

A For the expenses of her living in?

Q Was it an understanding by you

that it was to be used by Mrs. Hamilton

for her personal purposes?

0647

46

A. I don't know that I can answer that directly

Q. Did you have any understanding that any party of that five hundred dollars was to go to Jack Mann or Mrs. Hamilton?

A. Certainly not.

Q. Now when you sent that check of five hundred dollars to Mrs. Mann or Mrs. Hamilton was there any thing about your sending that amount different from <sup>what they</sup> ~~any other~~ was in your contributions upon other occasions?

A. Yes.

Q. Were you not at that time contributing to the support of Mrs. Hamilton?

A. I was.

Q. And did you not at that time consider yourself under some obligation to support her?

A. Yes she said she was with child by me.

Q. Did you not at that time and

0648

47

prior to that for 4 years or so I remember  
that you were under some obligation  
to support her?

As I have reported her?

Graciously & voluntarily?

Answer

During the month of December  
1888 you were contributing to  
Mrs Hamilton for her personal  
use and personal expenditures  
(were you not?)

That was the only amount I had  
contributed

That was the last amount you  
had given to her prior to that time  
prior to her leaving New York  
in October?

I think I was in the last days of  
October I think I was in October

Given a day in expect to again see  
Mrs Hamilton after the date when  
I sent her that check?

As soon as she was able to come  
back after she was confined



0649

48

Q When did you expect to see her about  
what time, what date?

A I didn't fix any date as soon as  
she was able after her confinement  
when she came back.

Q Did you have any stated time when  
she was expected back?

A I didn't.

Q If you consider the contribution  
of Irish and others from the  
latter part of a slave probably into  
Jamaica was excessive in your  
port?

A With what money I gave her before  
she died I considered it a larger  
payment than I would have made  
under any other circumstances.

Q An excessively large amount?

A Larger than I was accustomed to  
giving her.

Q You had given her presents of jewelry  
had you not?

A Yes.

Q Roughly estimated about how much?

0650

#4

objected to: By the Court admitted:  
A. Had given her money to buy certain  
pieces of jewelry  
Direct Examination  
Direct Ex. of Atty  
W. H. Jerome }  
Q. As I understand it in the early  
part of the year 1888 Eva Mamm  
now Eva Hammett represented to  
you that she was at that time  
pregnant with child by you?  
A. She did

Q. Thereafter she went to Europe and  
returned to this country in the fall  
of 1888?

A. In the summer

Q. When she returned to Memphis from  
Europe did she again represent  
to you that she was with child by  
you?

A. She did

Q. Will you state to the Court all that  
she said in reference to going to  
Europe?

0651

50

Objected to as incompetent.

By the Court admitted.

A. I asked her where she was going  
to be confined. <sup>and</sup> she said she  
would go up to her friends in  
Elmira. <sup>to make arrangements</sup>  
to be confined there, and stay there  
until the thing was over and  
until she got well enough to come  
back.

Q. And then she did leave Elmira  
subsequently?

A. She told me she was going to Elmira

<sup>and</sup> I received letters from there.

Q. Prior to December 1884 did you  
receive a letter from her purporting  
to come from Elmira?

A. I received several letters and one  
about the time in which she  
complained.

Q. You did receive a letter from her  
the 11th of December in the month  
of December in the handwriting  
writing?



0652

57

Ayer's

Grand preparing to come from her  
Ayer's

of Nancy in that letter  
A destroyed it

of which I am sorry to say it

Another I am sorry from my spot  
ments, in the City

of which I am sorry to say it - Will  
you state to the Trust the contents  
of that letter?

Objected to

By the Trust Committee

A letter was carried that I had not  
sent her what I had promised to  
send her right up in the letter  
that she was going to be confined  
in a few days.

Reps. Council moves to strike out  
the answer as incompetent and  
irrelevant & immaterial.

By the Trust Committee

of which I am sorry to say it  
will be true?

0653

53

A. David

Q. The capta did you send her that check  
of five hundred dollars that you  
now produce?

A. David

Q. Was that check paid?

A. Yes.

Offense & evidence admitted  
and moved People Ex A.

Q. Did you send her that check of  
500 dollars because you believed  
the truth of the statement contained  
in that letter?

Objected to. By the Court  
Admitted.

A. David

Q. Subsequent to this time 11th December  
1888 when did you next see Eva  
Hamilton?

A. About 5th of January

where?

At 203 East 14th Street

Q. Did you see any check there?

Objected to.

0654

53

By the Court admitted  
A. I. did see a child there a young child  
if there any placements made by  
Eva Hamilton in reference to that  
child?

Appealed to by the Court admitted  
A. She has not made a child to her she  
it was my child as far as I know of it  
did not think it was a child  
if there after you went to Atlantic City  
did you not?

A. I went to Atlantic City this summer  
after the 7th of January this year  
A. Yes

I am at Atlantic City you saw J.  
Anna Swinton one of the defendants  
Did you not?

A. Yes I did

I did see at that time the defendant  
Anna Swinton make any return  
to you or in your presence concerning  
the child?

A. She referred to it as my baby and  
said the nurse is keeping your



0655

54

to be out late on the 6th a quarter  
minutes after 12. I said that I had  
ought to be paid a nice  
baby as that.

That was the baby that you referred  
to as having been christened at  
Atlanta City.

As was.

At any time in the spring of the  
year 1889 did you have a mortgage  
come due for the sum of \$3250  
dollars?

Applied to,

By the Tenant admitted.

There was a mortgage made by  
Mavision, I think the property was  
then owned by McQuinn Brothers  
and the mortgage was to me.

That was paid at about the time you  
referred to.

Answer.

I am sure that date of money specifically  
I can fix it by the satisfaction price  
of the mortgage in the check.

0656

55

Q What check was given to you by James  
M. Quinn & Bros?

A It was.

Q And you have no recollection that  
it enabled you to fix the date

A Except that it was in the spring

Q Did you an instrument or piece of  
paper given you if you can repeat  
your memory by that memorandum

A If you are able to ref. testify

from your recollection as to the

date of that check by M. Quinn  
brothers?

A Such a check was given to me  
about that time by M. Quinn  
brothers.

Q About what time?

A About the date of the date of the  
memorandum.

Q February 11th 1887?

A Yes sir.

Q And what did you do with that  
check?

A I endorsed it and gave it to Eva (Mama)

0657

56

Q And how much was it?

A \$3220 98/100 dollars.

Q Before coming to this complaint  
you had communication with me  
did you not?

A Did.

Q And you stated to me the facts of  
which you were cognizant of  
this case?

A Did.

Q And in coming to that you were  
told by reason of my advice to you  
as to the legal facts stated by me  
were embodied in the complaint  
of which you were cognizant?

A Yes sir.

Recross Examination

Q Mr. Hammett, you say that when  
you sent this check of 500 dollars  
in the month of December 1888  
to Mrs. Hammett that you then  
believed that the representations  
made to you prior to that that  
she was with Cheed was true?



0658

57

Answer

Of the last time you had sent her  
any money prior to December 10th  
with was the latter part of October  
of that year?

Answer as it was

And then it was that she reported  
to you that she was with child was  
March or April?

Answer

And then in October if she had conceived  
in March she was about 7 months  
with child is that right?

Answer as.

And you stay with her over night when  
you saw her in October 1888?

Answer

And you recollect when it was in October  
that you were last with her?

Answer it fix the date

It was the last Saturday of  
October?

Answer may have been Sunday

And you are not a doctor that would

0659

58

enable you to refresh your recollection  
on that question, Did you give her  
any money on that occasion?

A Probably gave her money the last  
time I saw her I am sure I did  
of what your testimony as to how  
late in October was that you saw  
her?

A I think it was perhaps the latter  
part.

Q The probabilities are that it was as  
late as the last Saturday or Sunday  
in October?

A It may have been

Q How many nights did you stay with  
her on that occasion?

A I don't know that I stayed more than  
one, I may have stayed 2.

Q Do you recollect if you stayed with  
her on Saturday & Sunday night  
when you were with her on the  
last occasion in October?

A I am not recollect.

Q You slept with her on the same

0660

59

bed on those occasions?

A Yes

Q And he was dressed for sitting  
A Yes

Q Dressed so that you could see the  
form?

A I think he had a rather full gown  
on I believe the light was turned  
down before he undressed that  
was her custom usually

Q But on the occasion you stayed  
with her throughout the night?

A Did

Q And you and you not have sexual  
intercourse with her on that occasion

A Did

Q Had you any experience before  
that of woman being with  
child?

A Had not

Q You had testified that En Hamilton  
had been with child as a matter  
of fact at that time had you  
not?



0661

60

Q She stated she was.

Q Don't you know as a fact that she was with child then?

A I do not except her statement of her on any occasion before that note a change in her form?

A No more than I did at fall she stated to me last fall —

Q Don't you know that there is a material change in the form of women who is becoming child?

A I know that there is a change but I suppose it varied in different women.

Q Don't you know that there is a positive change in women becoming child?

A I suppose so

Q Were you then informed by Eva Hammett that she was with child at the time you were spending nights after nights with her from March until October 1888? Had you no curiosity to satisfy yourself?

0662

61

as to the truth of her representations  
A. I believed implicitly, "as she told  
me."

Q. Had you no curiosity to ascertain  
the truth with reference to her statements?

A. I never suspected that there was  
any doubt, to say anything else.

Q. Did you suppose it was proper for  
you to continue your secret inter-  
course with her while she was  
being child for 8 months after  
her conception?

A. I supposed she was the judge of  
what was proper.

Q. Had you noticed any change in her  
appearance from March until  
October 1888?

A. I cannot say that I noticed it. I  
supposed it was so.

Q. Then you did not notice if you saw  
no change?

A. I thought I saw a change. I suppose  
now I did not see any change.

Q. How long was she in Mrs. Hamilton's

0663

62

A I think at one time I weighed 150  
or 140. pounds 150 pounds

Q And you think you could be seen  
in the appearance of a man of 50  
pounds a woman of 20 weight  
A I never even ever entered my mind  
in any other way

Q Was it possible for you to sleep  
with her along side after and  
have this illicit intercourse with  
her as late as 8 months after she  
had informed you she had conceived  
child and note no particular change  
in her form and have no suspicion  
as to what she represented to you was  
true?

A That is a fact I had no suspicion  
whatever

Q The rays of suspicion never suggested  
they to you?

A I think in October that she didn't  
appear to be as large as I might  
supposed her to be but I thought  
it was different with different



woman

Q. Have you had any experience or ever read any works upon the subject of child birth?

A. I never had any experience I suppose I may have looked at some medical books.

Q. What did you suppose to be the symptoms accompanying the coming of a child?

A. I understood at first that one apt to be manifested by the personal functions are deranged.

Q. What other symptoms?

A. I suppose they become larger.

Q. What else?

A. I don't know of any other, I don't think of any other.

Q. Did you know anything of the cessation of the menses of the

woman?

A. She told me they had ceased and she had been sick at her stomach.

Q. And you never saw anything

0665

64

of the mind?

A. No she was only with her occasionally  
and you can see enlargement?

A. I believe I saw some but I don't  
suppose I did, it was in question  
of the check that you speak of having  
received December 8th 1889 did  
anybody else to your knowledge  
receive any part of that money  
other than the parties that she  
disbursed it with for debt?

A. I don't know what she did with it  
after I gave it to her

Q. Don't you know that she was spending  
large sums of it in the purchase  
of jewelry?

A. I don't think she did

Q. Don't you know at that time that  
she purchased 600 dollars worth  
of jewelry after getting that check?

A. I think it was later

Q. Don't you know that she purchased  
it out of that money?

Q. I don't know what money she purchased

0666

65

it with

I know when I asked you some time ago  
about contributions why didn't  
you mention that \$220 down  
And say something about a  
mortgage I believe I gave her one  
for \$64 dollars and I believe I gave  
her a smaller mortgage I don't  
remember the amount.

I told you ever being my representative  
for her.

I gave her money to buy real property  
with in New Jersey I gave her  
\$1500 dollars and she had some  
money she had given her before. And  
afterwards paid a second mortgage  
of 500 dollars.

By Mr. Jerome

I then Erastus Hamilton ever represent to you  
after returning to New York that the  
child had shown you, and also the child  
baptized in Atlantic City was  
the child she had described of and  
born in Elmira?



0667

66

Agreed to  
By the Court  
Admitted 5  
As he did frequently

~~11~~

0668

67

Thomas Byrnes called on a witness  
on the part of the people being duly  
sworn deposed & says

Direct Examination

Q You are chief detective & inspector  
of the New York Police for so?  
A Yes Sir

Q Have you had any conversation  
with the defendant Switzer and  
with Joshua Mamm now on  
the bar?

A Yes Sir

Q When and where did you have a  
conversation with the defendant  
in reference to this charge.

A I had a conversation with him at  
300 Mulberry Street from Monday  
on Tuesday Wednesday & Thursday  
each day since he was locked  
up commencing Tuesday.

Q Will you state to the Court the  
substance of this conversation?

A Yes Sir

By the Court

0669

68

Q Now to any conversation concern-  
ing the child made by him and  
any third persons to these persons  
Kansui

Q Not of any kind whatever?  
Kansui

Q For any promises made to them?  
Kansui

Q Proceed

A She stated to me after I stated  
to her what she was wanted for  
that she did not know that this  
baby was to be substituted as the  
child of Mr Hamilton, she said  
that Eva had stated to her that Mr  
Hamilton had stated to Eva that  
a friend of his had gotten into  
trouble with a lady and she was  
about giving birth to a child  
and she directed her as she was  
going away in the early part of  
November to make a set of  
baby clothes for her and to have  
ready about the 14th of



0670

69

of September she was a servant  
with her son to Elmina and she  
didn't return until Christmas day  
the 25th of December and on  
an evening at her house 31st Street  
and 4th Ave in the forenoon  
she asked if she had the baby clothes  
and she said yes. <sup>4th</sup> She said here  
you got a hat and coat and she  
said no, and she said we must  
get a coat and hat and they  
both started out about noon time  
to buy it and they found a few stores  
open on the corner on Christmas  
day and bought the baby's coat and  
hat. Eva directed Mr. Sullivan to  
bring those things home and she  
went home and that she would  
go and bring the baby she did  
go home <sup>and</sup> was a short time  
afterwards Eva returned with  
the baby and it was wrapped up  
in a green shawl <sup>and</sup> she looked  
at the child and it was <sup>4th</sup> 3045

0671

90

days old. the baby was redressed in the new clothes and a day or two afterwards the child was taken sick and they sent for a Dr. in Kemp house and attended to the child for some days and finally the child died. Eva said to be we will have to get another baby. They both started out and got another child where the first one was dead in the house. She went to an undertaker on 11th Avenue in the vicinity of 75th street and he buried the child. The other child the second child was now dropped and after it was in the house some few days it was taken sick and Eva said we will have to get a doctor. Mrs. Swinton said we cannot get a Dr. in Kemp and I said that it was funny that we have a physician here who died within such a short time of his

0672

71

after an aches and pains and  
get my doctor. Doctor Gilbert of  
73d Street. Now we will have him  
attend that one and get Gilbert  
Gilbert. He attended the child  
for some days and he said he  
didn't think the child could live  
and then we took the matter  
over and they thought it would be  
a bad thing to have the child die  
in the same house. Mrs. Smith  
said I will take the child to my  
house. 31st Street. And it became  
settled and she said the child  
died there and it was attended by  
Doctor Gilbert and it died. While  
that child was dead in her house  
Eva said to her we have got to have a  
baby right away. So Eva went  
out and got another child, oh  
~~yes~~ the second child was  
buried by the same midwife  
so this 3d child she sent to the 74th  
Street house and she went over



0673

72

to 14th Street to see the 3<sup>d</sup> baby and  
after looking it over, Eva said  
it was an awful little baby and  
it looked like a small baby and  
I don't like it and would not  
use it for the money. She asked  
Eva where she got it, and she told  
her she got it alone, and she told  
her some more. In the meantime  
after the check had been there for  
a few days they concluded they  
would have to get another baby.

They went out again. My went to a  
house and saw the 7<sup>th</sup> baby. That  
is the baby that is now called Beatrice  
Ray. They went back fascinated  
with it and loved it and accep-  
ted it except it had large protruding  
ears. My Eva said <sup>she</sup> they wished  
they were smaller at any rate  
they took the baby. They went to  
baby in Eva's apartment on 14th  
Street and went out and locked  
the door and when they came

0674

13

When the baby was crying, I asked  
the lady she brought the 4th baby there  
she knew said they had to get rid of  
the 4th baby. <sup>to the shop</sup> I said wrap that  
baby up and I will show you  
where I got it and you can take  
it home and see the lady should  
love to take it back and that  
the person who got the baby died  
and don't want it. I said how  
then went out with the 3rd child  
leaving the 4th in the house. They  
went to the location where they  
got the 3rd child. I am remaining  
on the corner and Mrs. Swinton  
went in with the baby and saw  
the lady and said you will love  
to take the baby back and she  
said I will not do anything of  
the kind and she said you must  
make me believe that the lady who  
brought this baby is dead and you  
cannot get me to take it and she  
said there is 50 dollars and she

0675

74

to see the baby and the 5<sup>th</sup> daccino, and  
I asked her if the 11th baby was the  
baby that was made at Atlanta  
City. And she said yes. I asked her  
if the baby at Atlanta City was  
the same baby that she paid \$10  
daccino for at the location she got  
it from in New York. And that Ray  
Hamilton believed was his and  
she said it was. I asked her what  
the reason of it was. And she got  
stitched, the 11th one. I said you  
and Mrs. Hamilton started out  
to protect Ray Hamilton from  
who betrayed a code and to see  
that child. Now you took that  
baby. You furnished the clothes for  
it and the child died. That was  
the end of the whole thing. Why  
was it necessary to get the other  
3 babies. I asked her if she was  
present at the church when the  
child was christened. And she said  
she was.



0676

75

James Lee into a room to go there  
and she said Eva James Lee then  
of Mrs Hamilton up to the time  
she was married to Ray Hamilton  
had lived with her son almost  
continuously and she said Eva  
always invited to her that she was  
married to Jack Brown and  
Jack always invited her to not  
married.

Paul Brown was at a moment  
to refresh my recollection.  
The Canon.

For Can.

James Lee if Eva had married  
on Hamilton to make him believe  
that that child was his. She said  
he didn't know it that Eva came  
do most anything with him. And  
that Eva never had a child since  
she married. If she had one  
she would never it and that  
Eva was never pregnant with  
child and she was with her, <sup>except</sup> at

0677

76

Interval all the time <sup>and</sup> that she  
was never in that condition.

That was about the substance of  
her story.

Q. Now ask for Jack Mann's state  
ment?

A. He also stated to me that he met  
Eva some 8 years ago in a house  
of prostitution in 31st Street.  
He then became intimate with  
her <sup>and</sup> that intimacy continued  
ever since. He said for the first  
2 years of their acquaintance he  
only saw her at intervals but  
for the last 5 years he has lived  
off and on with her all the  
time where she lived in various  
places in New York that they have  
traveled and lived in places  
outside of New York as a man  
and wife <sup>and</sup> also registered as  
man and wife.

Q. Now ask for some  
things in the Swanton Statement.

By the way ?  
 Ayer & Co.

I heard also when Eva  
 returned on Christmas day and  
 after the baby was released with  
 the new doctors on that Mrs. Swinton  
 went up to 28th Street. We lived  
 furnished apartments there and  
 board for Mr & Mrs. Munn  
 and their child her son Jack  
 Eva and the child that Eva got  
 that day. They went to live with the  
 Laurens as man & wife & child  
 and lived there until before  
 they lived the apartments on 15th  
 Street.

I heard that he had been  
 intimate with her lived with  
 her from 1845 to 1854 years at various  
 places in New York under name  
 of Mrs. Wm. Munn. By traces  
 with her and lived outside of New  
 York with her. I asked him if  
 it was possible for her to be



0679

98

pregnant during that time the  
first years her husband  
knew no if she had been I  
would have known it.

I asked him when he went to  
Elmira how he came to go there  
he said Eva took him there  
and I asked him who furnished  
the money. He said Eva they  
owned that he said I went to a  
hotel he thought the hotel man  
requested a room wife for  
3 or 4 days they stayed there and  
went to the residence of Eva

Dr. after in Elmira, they lived  
there together occupying the  
same room and while she was  
there they she had some trouble  
with her stomach. Dr. Gross  
was called in and he treated her for  
that complaint. He has made  
an affidavit also and sent it to  
some minister's Rectory that this  
woman was not pregnant.

0600

79

Lashed him her much money after  
the marriage of Eva to Hamilton  
she had given him 4<sup>th</sup> he said  
Three thousand dollars. I said  
what did she give you that money  
for?

Offered to

By the Court admitted  
and he said because she didn't  
want me to want for anything  
I know said did she give you any  
money for the purpose of not  
paying anything about the child,  
he said I don't know for what  
purpose she gave it to me she appeared  
to love him very passionately.

Lashed him where he was in Elmer's  
with her if he said anything to him  
about the child, and he said yes  
Eva had directed his mother to  
make some baby clothes for the  
child that she belonged to some  
friend of Hamilton's and here  
she was ready when she would return

0681

80

on the 18th of December he wrote  
a letter at the request of Eva to his  
mother telling her to be careful  
to have those clothes ready when  
she returned as she was going  
to be back on the 15th they were  
shown the original letter which  
I have her now produced and  
said it was his handwriting  
Letter

" Emma on December 18th  
My dear mother we cannot  
come to New York on the 15th but  
will be down soon Eva wants  
to know if you have the things done  
and not to disappoint her when  
she comes down she will only  
stay one day will probably  
come next day now don't  
disappoint her. Love you one  
much. Eve is not <sup>any</sup> has not  
been. That is the reason why  
we have not been down I have  
abandoned hoping that from



0682

81

you <sup>Mr</sup> I am your affectionate son  
 Matty. He indicated that even  
 as his, He also stated to me  
 that after Eva was married to  
 Hamilton that one day before  
 at the house on 17th Street that  
 he went to the bureau drawer  
 to the top drawer and took out  
 a paper and read it to him it  
 was the marriage certificate  
 He then took out another paper  
 and read it to him it purported  
 to be the will of Mr Hamilton  
 bequeathing his property <sup>Mr</sup> to  
 his daughter Beatrice <sup>and</sup> at her  
 death to his wife Eva <sup>and</sup> in case  
 after death that his wife Eva  
 should have full control of the  
 property until such times as  
 the child becomes of age  
 He said now Matty Ray you know  
 no very reliable person that  
 he got thrown off a horse a  
 short time ago <sup>and</sup> broke his leg

0683

82

He might die and he would  
live in memory of you, please  
place a few more antique jewels  
in the hands of the children  
not more of the children would  
not more as they were not in  
style now and would be the  
best.

I would like to say this in  
relation to Mrs. Sumner's state  
ment. The day following the  
making of this statement I asked  
her if she was not able to give  
the locations where she got the  
children. I asked her if she was  
willing to go with one of my  
officers to each of one of these  
places where she knew Eva  
got the children and she said  
she was willing. I sent two officers  
with her and they went to the  
different places at 2 of the places  
they identified her and at the  
3rd place they failed to identify

0684

83

Let me tell you about the attention  
of the lady to the lady who brought  
the baby clothes and when she received  
it. In the case of the last  
Chief Beattie Hamilton they  
paid 100 dollars for that child  
and she was freely identified by  
the lady who gave her the child  
who had and gave her a full  
surrender of what she had a  
right to do

I did not mention over my  
statement to you about Mrs Hamilton  
having been pregnant before  
As he told me that in 1885 years she  
didn't think it was possible for  
her to be pregnant without her  
knowing it. She also said if  
they get me talking I will make  
an appeal for Ray Hamilton  
and if he undertakes to prosecute  
I will make it hot for him  
Dependant Counsel moves to  
bring out the answer.



0685

84

By the Court Motion Denied.

Cop Examin

Q. When was Mrs. Sumner placed  
in your charge?

A. About on Monday afternoon  
she was arrested.

Q. And taken to headquarters?  
A. Yes sir.

Q. Monday afternoon of the week  
A. Yes sir.

Q. And when was the woman  
arrested?

A. The same day later on possibly in  
the morning.

Q. When was it your first  
conversation with Mrs. Sumner?

A. The day after her arrest.

Q. Was there a telegram present?  
A. Not at that time.

Q. Did you have any subsequent  
conversations with her?

A. Yes sir.

Q. When?

0686

85-

A The same day

Q Was there a stenographer present  
on the occasion?

A There was

Q Did she take down her statement?

A Yes sir

Q And was made to you?

A Yes sir

Q And subsequently written out?

A Yes sir

Q Was that the paper that you referred  
to in your testimony?

A It is a copy of that paper.

Q When you first spoke to Mrs. Permitt  
what did you have to say to her?

with reference to any reason  
why she should make a state-  
ment to you?

A I asked her her name residence

and then I asked her what she was

charged with that she was

charged with acting in a <sup>conspiratorial</sup>

for the purpose of getting a

body and committing this

woman Eva Hamilton to get  
 a baby and that she would pay  
 Hamilton to leave it was his child  
 and she said she did not do  
 anything of the kind  
 Q Did you then ask her to make a  
 statement of any connection  
 she might have had of such a  
 transaction?

A I did yes sir

Q What reason did you give to her  
 for making <sup>a</sup> that statement of that  
 character to you?

A Not any other than of possible to  
 get at the truth of the circumstances  
 of the matter but to her some writing

A I did

Q What was it?

A The writing I assume was in  
 the handwriting of Mrs. Hamilton  
 I was not sure if she knew that hand  
 writing.

Q Where did you get it?

A From Mrs. Hamilton



0688

89

Q Did Mr Hamilton state to you in  
whose handwriting it was?

A He said Mr Sumner identified  
it as the handwriting of Mrs Hamilton  
the letter was a letter begging  
him to come to Atlantic City and  
she would see him the truth.

Q He gave you a copy of that paper to Mrs  
Sumner?

A I did not

Q Did you tell her the contents of it?

A I did for it was a letter from Mrs  
Hamilton to her husband asking  
him to come to Atlantic City and  
she would see him the truth. I told her  
and that she was more surprised  
against than surprised.

Q How you got that letter?

A No sir

Q What became of it?

A I think I returned it to Mr Hamilton  
although I may have it yet.

Q Have you with you a copy of  
the statement as written out

0689

58

and moved by Mrs Swinton to you  
Ashore.

I am the witness to produce it  
objected to  
The court refused to direct the  
witness to produce it  
Dependant Counsel

I am that the witness  
be directed to produce the paper  
and permit it to be examined for  
identification so that it may be  
recalled on some future occasion  
objected to

By the objection Sustained  
If will you begin from the beginning  
and tell me what Mrs Swinton  
said to you with reference to her  
connection with Mrs Mann  
A Mrs Swinton stated to me that  
she did not believe she was  
doing anything wrong that Eva  
had said to her before she went  
to Elmina that a friend of  
Rays had got a lady in trouble

0690

89

and she was about having a  
child

Q. Did not she tell you that sometime  
in the month of October Mrs  
Hamilton called upon her and  
asked her if she could make  
a wardrobe for an infant?  
A. She did not.

Q. And did not she tell you that she told  
Mrs Hamilton that a wardrobe  
could be made from \$25 dollars to  
500 dollars?

A. There was nothing said about  
money that I can recollect now.  
Q. Will you say that was not  
stated by her?

A. I will say that there was recollection  
about her mentioning my any  
thing about money, and my  
recollection is very good on  
that point.

Q. Did not she tell you that the party  
for whom it was required offered  
to pay about <sup>75</sup>75 dollars for it?



90

A nothing of the kind is  
 of Alant she can give that she went  
 with Mr Hammett to a certain  
 place to purchase the material  
 for which with which to make the wardrobe  
 & she did not  
 of Alant she can give you that the goods  
 were ordered at Simpson and  
 Crawford, and that they were  
 ordered to be delivered P.O., and  
 that Mr Hammett required the bill  
 to take with him so that she could  
 take it to Mr Hammett <sup>the</sup> exhibit  
 it to him & he could exhibit it  
 to his friend, so as to have him  
 procure the money from his  
 friend for the material  
 & she never made any such  
 statement to me and I never  
 heard it before

I have you any objections now  
 to producing the paper you speak  
 your memory from so  
 that it can be compared.

A. Yes.

Q. Do you object to producing the statement taken down by your stenographer, to permit it to be seen by us if there is such a statement of that character objected to by Mr. Jerome?

The Court.

The Court refuses to instruct the witness to produce that paper. A. I am not willing to produce it. Q. Yet you say that statement was put in to you by Mrs. Swinton?

A. I do not see.

Q. What did she tell you Mrs. Hamilton represented to her with reference to whom the clothing was for the baby's clothes were for?

A. For a gentleman friend of Ray's who got already into trouble.

Q. When did she tell you Mrs. Hamilton spoke to her first about the baby's clothes?

A. Just before she went to Elmina.

0693

92

Q Had he not given you the date?  
A He selected it in this way as being  
the early part of November  
Q Had he not stated you it was the last  
Saturday in October?  
A I think not.

Q Will you look at the statement  
and see whether or not that is  
the date?

A Yes Sir you are right the 30 or 31  
of October, it was the last Saturday  
in October.

Q May there not be some other things  
on that paper that he represented  
to you and you have not stated  
is it possible that there may be  
some other matters in your state-  
ment that you have not testified  
to about?

A There is things here that I know I  
have not testified to about.

Q Do you object to those things being  
made known?

A I do not.



0694

93

Q Why did you not refer to them?  
A I did refer to them & omitted stating them all

Q Did she tell you that on the last Saturday in October she had gone to Simpson's & Campfords with Mrs Hammett to purchase that material?

A No Sir

Q Look at that statement and see if there is not such a statement there?

A No Sir there is not

Q What did she say to you as to what transpired between she and Mrs Mann with reference to the purchase or making clothing for the child?

A She stated to me that Eva had said to her before she went to Elmina that she wanted her to get a suit of baby clothes as a present of Ray's had got a lot of into trouble and she expected to be surprised

0695

94

and she said I want you to be there  
by the 14 or 15th of December  
because by that time I will be  
back and get some and get the  
clothes

Q That is what she told you on the 30th  
of October, or the last Saturday in  
October?

A She told me that on Monday Evening  
of the 31st that was what Mrs  
Hamilton had told her;

Answer

Q And did she tell you that she  
had gone and made the purchase  
for the clothing?

A She told me she got the things and  
made the clothes

Q Did she tell you when she saw  
her next to after the last Saturday  
in October?

A There was no recollection after telling  
me that, not until Christmas  
day.

Q Did she tell you she had not

0696

95

remember from the 30<sup>th</sup> of October  
until Christmas day?

A She may have said so if she did  
I don't recollect it

Q You find every statement that she  
made to you so as she stated, and  
you found it to be true did you  
not?

A I did yes Sir

Q And you found her perfectly willing  
or apparently willing to make known  
to you every thing in connection  
with the matter?

A Yes Sir

Q And everything you found out as  
she told you was correct?

A Yes Sir

Q Did you investigate at Simpson and  
Crawfords to ascertain whether or  
not clothing had been purchased  
there or not?

A No Sir I never heard the name of  
Simpson & Crawford until you  
mentioned it here.



0697

96

By Mr. Jerome.

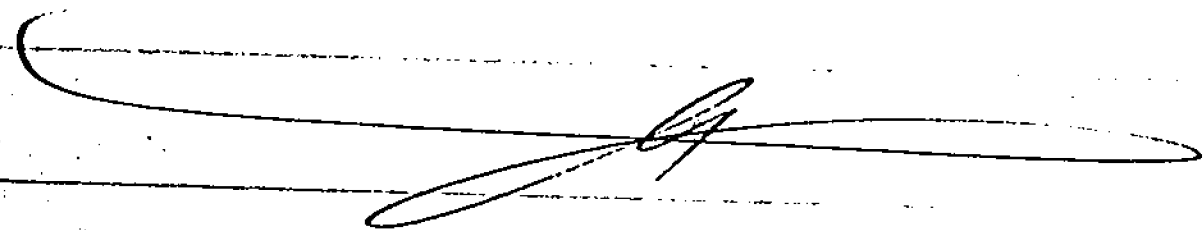
Q Everything you investigated  
you found correct?  
A Yes sir.

Q If you didn't investigate every thing  
A Yes sir.

People's Rest-

Dependants Russell. Moves to,  
dismiss the complaint.

By the Court. Motion Denied.



0698

POOR QUALITY  
ORIGINAL

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

*J. Maria Smith and Johnas McLeod*  
guilty thereof, I order that they be held to answer the same and they be admitted to bail in the sum of  
*Fifty* Hundred Dollars, *each* and be committed to the Warden and Keeper of  
the City Prison, of the City of New York, until they give such bail.

Dated *September 7* 188*9*

*E. Hagan*  
Police Justice.

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

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

\_\_\_\_\_  
Police Justice.

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

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

\_\_\_\_\_  
Police Justice.



Committed



0700

1

First District Police Court.

The People of the State of New York }  
on the complaint of  
Robert Ray Hamilton  
against  
J. Anna Swinton,  
Joshua Mann, and  
Eva Hamilton.

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

Robert Ray Hamilton, being duly sworn,  
deposes and says:

at I am 38 years of age. I reside at present  
No 13 Park Avenue in the city of New  
York. I am a lawyer by profession. On or  
about the 11<sup>th</sup> day of December, 1888, at the  
city and county of New York, J. Anna  
Swinton and Joshua Mann, (both now  
here), and Eva Hamilton, all late of the  
city and county aforesaid with intent  
to deprive and defraud this deponent,  
Robert Ray Hamilton, of the proper  
moneys, goods chattels and personal  
property hereinafter mentioned, and of  
the use and benefit thereof, and to ap-  
propriate the same to their own use,

0701

did then and there feloniously, fraudulently and falsely pretend and represent to this deponent, Robert Ray Hamilton that one Eva Hamilton, then known to this deponent as Eva L. Mann, was <sup>then</sup> pregnant and about to become the mother of a child; and that this deponent, the said Robert Ray Hamilton, was the father of the child with which the aforesaid Eva Hamilton, then known to this deponent as Eva L. Mann, was by them then said to be pregnant. And this deponent, the said Robert Ray Hamilton then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said J. Anna Swinton, Joshua Mann and Eva Hamilton and being deceived thereby, was induced, by reason of the false and fraudulent pretenses so made as aforesaid, to deliver and did then and there deliver to the said J. Anna Swinton, Joshua Mann and Eva Hamilton a certain check or draft drawn by him, the said Robert Ray Hamilton upon the National Bank of Commerce in New York

0702

in the city of New York for the sum of five hundred dollars, payable to the order of the aforesaid Eva Hamilton under and by the name of E. L. Mann and of the value of five hundred dollars of the proper moneys, goods, chattels and personal property of this deponent, the said Robert Ray Hamilton. And the said J. Anna Swinton, Joshua Mann and Eva Hamilton did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of this deponent, the said Robert Ray Hamilton, by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud this deponent, the said Robert Ray Hamilton, of the same, and of the use and benefit thereof, and to appropriate the same to their own use;

Whereas, in truth and in fact, the said ~~J. Anna Swinton, Joshua Mann,~~ and Eva Hamilton, then known to this deponent, the said Robert Ray Hamilton, as Eva L. Mann, was at that time pregnant and was not then about



0703

to become the mother of a child; and this deponent, the said Robert Ray Hamilton, was not the father of <sup>the</sup> child with which the aforesaid Eva Hamilton, then known to this deponent as Eva L. Mann, was by then said to be pregnant.

And whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said J. Anna Swinton, Joshua Mann and Eva Hamilton to this deponent, the said Robert Ray Hamilton, was and were then and there in all respects utterly false and untrue, as they, the said J. Anna Swinton, Joshua Mann, and Eva Hamilton at the time of making the same then and there well knew.

And so this deponent doth say that the said J. Anna Swinton, Joshua Mann and Eva Hamilton in the manner and form aforesaid, by the means aforesaid, the said proper money, goods, chattels and personal property of this deponent, the said Robert Ray Hamilton, then and there feloniously did steal, against the form of the

0704

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

Subscribed and sworn to  
before me this 6<sup>th</sup> day  
of September, 1889.

Robert Ray Hamilton

*E. H. M.*  
Police Justice

0705

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

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*Eva Hamilton,*  
*F. Anna Sinton and*  
*John J. Mann*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Eva Hamilton, F. Anna Sinton*  
*and John J. Mann*  
of the CRIME OF *Grand* LARCENY in the second degree,  
committed as follows:

The said *Eva Hamilton, F. Anna Sinton*  
*and John J. Mann, all*  
late of the City of New York, in the County of New York aforesaid, on the *seventh*  
day of *December*, in the year of our Lord one thousand eight hundred and  
eighty-*eight*, at the City and County aforesaid, with force and arms, with intent to  
deprive and defraud *one Robert Ray Hamilton,*

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

That *the* *the said Eva Hamilton* was  
*then pregnant with child, and was*  
*then about to be delivered of the said*  
*child, and that the said Robert*  
*Ray Hamilton was the father of*  
*the said child.*



0706

And the said

Robert Ray Hamilton

then and their believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Eva Hamilton, T. Anna Shinton and Joshua J. Mann and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said

Eva Hamilton, T. Anna Shinton and Joshua J. Mann, one written instrument and evidence of debt, to wit: an order for the payment of money of the kind commonly called bank checks, for the payment of and of the value of five hundred dollars.

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

Robert Ray Hamilton

And the said

Eva Hamilton, T. Anna Shinton and Joshua J. Mann did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and

personal property, from the possession of the said

Robert Ray Hamilton

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Robert Ray Hamilton

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

Whereas, in truth and in fact, the said Eva Hamilton

was not then acquainted with said child, and was not then about to be delivered of the said child, and the said

0707

Robert Ray Hamilton was not the  
father of the said child.

And Whereas, in truth and in fact, the pretenses and representations so made  
as aforesaid by the said Eva Hamilton, F. Anna  
to the said Simpton and John J. Mann was and were  
to the said Robert Ray Hamilton, more  
then and there in all respects utterly false and untrue, as they the said  
Eva Hamilton, F. Anna Simpton and John J. Mann  
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said Eva  
Hamilton, F. Anna Simpton and John J. Mann  
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,  
chattels and personal property of the said Robert Ray Hamilton,  
then and there feloniously did STEAL, against the form of the Statute in such case made and  
provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,

District Attorney.

Witness: Thomas  
Inspector of Prisoners

I recommend that  
Defendants Hamilton  
& Mann be discharged  
on their personal  
recognizance as the  
People request at present  
procure the witnesses  
necessary to go on with  
the case -

J. R. Fellows  
District Atty.

Dec 30 1890

The Hamiltons having recently  
died, their Indolent's should  
be dismissed in all the  
Defendants - it being manifest  
impossible to procure the Corp

W. H. C.  
District Atty.

69 L. B. W. Sept 16

See Sep

Counsel, [Signature]  
Filed 16 day of Sept, 1889  
Pleads, 200 Chattel

THE PEOPLE  
vs.  
NA  
Eva Hamilton  
J. Anna Swinton  
Joshua J. Mann

JOHN R. FELLOWS,  
District Attorney.

On recm. of Dist Atty.  
indict. dismissed.  
A True Bill.

Chas. B. [Signature]  
Pr. Dec 3, 1890  
On M 8  
FD 201243  
Right Acc. to [Signature]  
8 W. R. C. [Signature]

Wm. A. LARSEN, 7th Judge  
(False Pretenses).  
[Section 528, and 531, Penal Code].

0708



0709

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Eva Hamilton, T.  
Anna Simonson and  
Joshua J. Mann

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

Indictment accuse Eva Hamilton, T. Anna

Simonson and Joshua J. Mann

of the crime of Conspiracy, -

committed as follows:

The said Eva Hamilton, T. Anna

Simonson and Joshua J. Mann, all

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

first day of January in the year of our Lord one thousand  
eight hundred and eighty-nine, at the City and County aforesaid,

did unlawfully conspire to obtain from  
one Robert Bay Hamilton, divers  
sums of money of great value, by  
false pretenses.

And to effect the object of the  
said conspiracy, and in pursuance thereof  
the said Eva Hamilton, T. Anna Simonson  
and Joshua J. Mann, afterwards, to wit:  
on the seventh day of January in the  
year aforesaid, at the City and County  
aforesaid, unlawfully and feloniously  
did falsely pretend to the said Robert

0710

Ray Hamilton, that she the said Eva  
Hamilton had been then lately before  
delivered of a female child, of which  
he the said Robert Ray Hamilton was  
the father, and that a certain female  
infant child which they the said Eva  
Hamilton, F. Anna Swinton and Joshua  
J. Mann then and there produced and  
exhibited to the said Robert Ray  
Hamilton was the child of her the  
said Eva Hamilton and Robert Ray  
Hamilton, and the child of which  
she had been so delivered, whereas in  
truth and in fact the said Eva  
Hamilton had not been then lately  
before delivered of a female child of  
which he the said Robert Ray Hamilton  
was the father, and had not been  
delivered of any child, and the said  
female infant child which they the  
said Eva Hamilton, F. Anna Swinton  
and Joshua J. Mann so as aforesaid  
then and there produced and exhibited  
to the said Robert Ray Hamilton, was  
not the child of her the said Eva  
Hamilton and Robert Ray Hamilton,  
and was not the child of which she  
had been so delivered, all of which  
they the said Eva Hamilton, F.  
Anna Swinton and Joshua J. Mann

0711

then and there well known; against the  
form of the Statute in such case  
made and provided, and against the  
peace of the People of the State of  
New York, and their dignity.

John R. Fellows,

District Attorney.



0712

**BOX:**

365

**FOLDER:**

3428

**DESCRIPTION:**

Hamilton, Joseph

**DATE:**

09/18/89



3428

0713

Witnesses

James T. Myers  
Off Thomas D. Wright

For Charles  
Counsel,  
Filed  
day of Sept. 1889  
Pleads, W. H. Kelly

THE PEOPLE

vs.

Joseph Hamilton  
(- name)

State Larceny, -  
(MISAPPROPRIATION.)  
(Sections 528 and 532 of the Penal Code).

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Chas. D. Folsom

Foreman.

Sept 23/89

Reads O. H.

Recd. Thru m. r.

Sept 25/89

25

0714

Police Court—

District.

Affidavit—Larceny.

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

Walter V. Miles

of No. 358 Broome Street, aged 39 years,  
occupation Bookkeeper being duly sworndeposes and says, that on the 19 day of July 1889 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 Bible  
of the value of twelve dollars, and  
two albums of the value of six  
dollars each; all of the value  
of twenty four dollars

\$ 24

the property of Thomas Kelly and then in  
deponent's care and custody

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 Joseph Hamilton, (now

deceased) The deponent was employed  
by deponent as an agent to sell  
said books. The deponent took  
the said books for the purpose  
of selling them but he has not  
accounted for them, and de-  
ponent is informed by P. Sheehan  
Thomas Bourley now here that  
the deponent admitted to him  
on August 17/1889 that he  
had received the said goods. De-  
ponent asks that deponent be  
dealt with as the law directs.

Walter V. Miles

Sworn to before me, this

of

August

1889

day

J. W. M. M. M.  
Police Justice.



0715

CITY AND COUNTY }  
OF NEW YORK, } ss.

Thomas Burleigh  
aged \_\_\_\_\_ years, occupation Policeman of No. \_\_\_\_\_

9th Precinct Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Walter V. Mule

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

Sworn to before me, this

day of

188

August 18 Thomas Burleigh  
J. Murphy

Police Justice.

0716

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

*Joseph Hammett*

Question. How old are you?

Answer.

*38 years*

Question. Where were you born?

Answer.

*U.S.*

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

Answer.

*79 Wall St — 2 weeks*

Question. What is your business or profession?

Answer.

*Agent*

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

Answer.

*I am not guilty  
I did not pawn the  
books to steal them —  
only for safe keeping*

*Joseph Hamilton*

Taken before me this

day of August 188

Police Justice.



0717

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.....

*Joseph Hammett*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Three* 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 18* 188*9* *J. Murray Paul* Police Justice.

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

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

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

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



0718

Police Court---

1222 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Walter V. Miles

vs.

Joseph Hammett

2  
3  
4

Offence

Miss

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Aug 18 1889

J. Ford Magistrate.

Orville Officer.

Precinct.

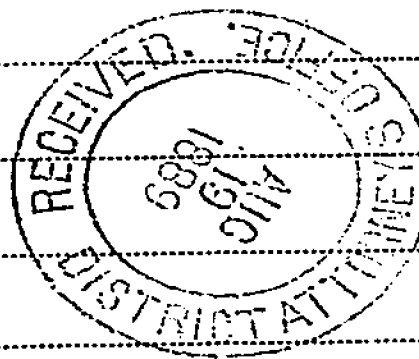
Witnesses

No. Street.

No. Street.

No. Street.

\$ 300 to answer



0719

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Joseph Hamilton*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Joseph Hamilton*  
of the CRIME OF *felix* LARCENY, committed  
as follows:

The said *Joseph Hamilton*,

late of the City of New York, in the County of New York aforesaid, on the  
*nineteenth* day of *July*, in the year of our Lord  
one thousand eight hundred and eighty *nine*, at the City and County aforesaid, being  
then and there the ~~clerk and servant of~~ *agent and trustee*

*of one Walter V. Miles,*

*agent and trustee*  
and as such ~~clerk and servant~~ then and there having in his possession, custody and control  
certain ~~moneys~~, goods, chattels and personal property of the said

*Walter V. Miles,*

the true owner thereof, to wit:

*one printed book of*  
*the value of twelve dollars, and*  
*two albums of the value of*  
*six dollars each,*

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

of the same, and of the use and benefit thereof; and the same ~~moneys~~, goods, chattels and  
personal property of the said *Walter V. Miles,*

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

JOHN R. FELLOWS,  
District Attorney.

0720

**BOX:**

365

**FOLDER:**

3428

**DESCRIPTION:**

Hamilton, Joseph

**DATE:**

09/18/89



3428



0721

**BOX:**

365

**FOLDER:**

3428

**DESCRIPTION:**

Hamilton, Nellie

**DATE:**

09/18/89



3428

Witnesses:

Off Thomas Dunleavy

The complainant in this case  
moved away from the City  
Hampden soon to found.  
(See afft filed herewith).

I forego recommend  
that the indictment  
be dismissed.

Sept 25. 1889. Vernon M. Davis.  
Asst

Joseph Hamilton has pleaded  
guilty to another indictment  
H.M.D.

96/ Off. Clapp  
Counsel,  
Filed 18 Sept. 1889  
Pleads, *Not guilty*

THE PEOPLE  
vs.  
Joseph Hamilton  
(2 cases)  
and  
Mellie Hamilton

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Chas. B. DeLuch  
Sept 25/89  
Foreman.

Indictment  
Dismissed

Grand Larceny second degree.  
[Sections 528, 531, Penal Code].

0722

0723

**PART I.**

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

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

To *Lizzie D. Burton*  
of No. *120 W. Washington Street*

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the *23rd* day of *September* 1889, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

*Joseph Hamilton et al*  
Dated at the City of New York, the first Monday of *September* in the year of our Lord, 1889.

JOHN R. FELLOWS, District Attorney.



0724

Court of General Sessions.

THE PEOPLE

vs.

Joseph Hamilton  
Eva

City and County of New York, ss.

Thomas Burleigh being duly  
sworn, deposes and says: I am a Police Officer attached to the 9th Precinct,  
in the City of New York. On the 19th day of Sept. 1889,  
I called at 120 West Washington Place  
the alleged residence ofizzie A. Burton  
the complainant herein, to serve her with the annexed subpoena, and was informed by  
the housekeeper of said premises that  
said complainant had left there and  
had to Boston to reside.

Sworn to before me, this

3rd day

1889

Thomas Burleigh

of the City of New York  
County of New York  
City of New York

**Court of General Sessions.**

THE PEOPLE, on the Complaint of

vs.

*Joseph Hamilton*  
*Shat*

Offence:

JOHN R. FELLOWS,

District Attorney.

Affidavit of Police Officer

*Thos Dunbar*

*9th Precinct*

Failure to Find Witness.

0725

0726

Police Court 2 District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

J. F. Burton  
 of No. 120 West Washington Place Street, aged 27 years,  
 occupation Salvador being duly sworn  
 deposes and says, that on the 1st day of August 1885 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 grossamer  
waterproof of the value of seven  
dollar, one gold watch of  
 the value of thirty dollar,  
five finger rings of the value  
of forty dollar—value of the  
value of eighty seven dollar

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 Joseph Hammett and

Nellie Hamilton (nowhere). for the  
 following reasons. Defendants both  
 lived in the house at No 152  
Waverly Place where deponent  
 had a furnished room in which  
 the said property was kept. The  
 defendant Nellie Hamilton had charge  
 of deponent's room to clean it. The  
 defendants one man and wife  
 and they left said house together  
 on said date, on deponent's  
 informant by Anna Ingraham now  
 deceased, proprietor of said house.  
 and after defendants left

Sworn to before me, this 18  
 day of August 1885

Police Justice.



0727

The house the said Mrs. Ingraham  
went to their room and there  
found a bunch of keys among which  
was one fitting defendant's room.  
Defendant charged defendant with  
stealing said property for the  
reason that they were the only  
persons who had access to the  
house.

Brought before me } Lizzie L. Burton  
this 18th day of August  
1889 J. H. H. H. H.

Police Justice

0728

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Anna Ingraham*  
aged 1 years, occupation Housekeeper of No.

152 Waverly Place Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Lizzie J. Burton

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

Sworn to before me, this

18  
day of August 1888

*Amie Ingram*  
*J. Humphreys*

Police Justice.

0729

Sec. 198—200.

CITY AND COUNTY }  
OF NEW YORK } ss.

District Police Court.

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

Question. What is your name?

Answer.

*Joseph Hamilton*

Question. How old are you?

Answer.

*38 years*

Question. Where were you born?

Answer.

*N.Y.*

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

Answer.

*39 W. 4th St. 2 weeks*

Question. What is your business or profession?

Answer.

*Agent*

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  
Joseph Hamilton*

Taken before me this

day of

188

Police Justice



0730

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer. *Nellie Hammett*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *Brooklyn*

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

Answer. *Newark N.J. 2 months*

Question. What is your business or profession?

Answer. *Married woman*

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*

*(Refuses to sign)*

Taken before me this

day of *August* 188*8*

*John J. Smith*  
Police Justice.

0731

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.....

Joseph Hammett and Nellie Hammett  
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, each 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 18 1889 J. H. Hammett 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.

0732

Police Court---

1222 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Lizzie F. Burton*  
*120 West Washington Place*  
*Joseph Hammett*  
*Willie Hammett*

Offence

BAILED,

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

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

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

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

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

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

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

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

3 \_\_\_\_\_

4 \_\_\_\_\_

Dated *Aug 18* 188 *5*

*Jord* Magistrate.

*Burke* Officer.

*9* Precinct.

Witnesses *Annie Ingram*

No. *152 West Washington Place* Street.

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

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

\$ *500* to answer *7 S.*

*Ham*





0733

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Hamilton  
and Nellie Hamilton

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

Joseph Hamilton and Nellie Hamilton

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

The said Joseph Hamilton and Nellie

Hamilton, both

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

one waterproof watch of the value  
of seven dollars, one watch of  
the value of thirty dollars, five  
finger rings of the value of  
eight dollars each.

of the goods, chattels and personal property of one Elizabeth S. Burton,

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

John D. Adams,  
Attorney

0734

**BOX:**

365

**FOLDER:**

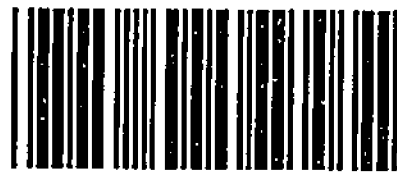
3428

**DESCRIPTION:**

Hanlon, George W.

**DATE:**

09/11/89



3428

0735

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.:of No. 37 7<sup>th</sup> Avenue Street, aged 32 years,occupation art dealer being duly sworndeposes and says, that on the 15<sup>th</sup> day of May 1889 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Two suits of  
men's clothing of the value of  
seventy dollars, one overcoat of  
the value of fifteen dollars, and  
one silk umbrella of the value  
of twelve dollars— all of the  
value of ninety seven dollars  
\$ 97—

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 George W. Haulon (now

deceased) under the following circum-  
stances, to wit:— The defendant  
rented furnished rooms in the  
said house at said time, and  
deponent had a room in said  
house at said time and the said  
goods were in deponent's room.  
Deponent missed the said goods  
on said date, and the defendant  
was also missing, and deponent  
found a handkerchief belonging to de-  
ponent in the room occupied  
by defendant. The defendant  
has not been seen by

Sworn to before me, this  
1889 day

Police Justice.



0736

deponent, since the said larceny  
until the 1st day of September  
1889 when deponent met the  
defendant walking in the street  
having on his person one of the  
said suits of clothes which stolen  
out the defendant now wears  
in court. deponent asks that  
defendant be dealt with as the  
law directs

Given to before me  
the 2nd day of September  
1889 }  
John J. Brown } Sullivan Hersh  
John J. Brown }  
John J. Brown }

0737

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK

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

Question. What is your name?

Answer.

*George W. Haulon*

Question. How old are you?

Answer.

*26 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*No home.*

Question. What is your business or profession?

Answer.

*Agent*

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

Answer.

*I am not guilty*  
*Geo W Haulon*

Taken before me this

188

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.....*

*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 Seven 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.

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

Dated Sept 2 1885 Wm. J. Brown Police Justice.

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

*to bail to answer by the undertaking hereto annexed.*

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

*There being no sufficient cause to believe the within named.....*

.....guilty of the offence within mentioned, I order h to be discharged.

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



0739

Police Court---

2 1300 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

J. Almore Kersh  
vs.  
Geo W. Hamilton

Offence

Saloon

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

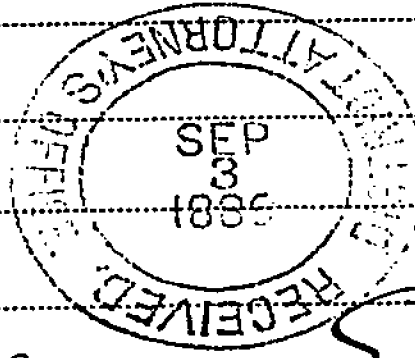
Residence

Street.

No. 4, by

Residence

Street.



0740

Paintings, Etchings, Engravings and Photographs.	✱
FRAMING TO ORDER A Specialty.	
<b>Knickerbocker Art Gallery</b>	
✱	©
	F. Hersh, Manager.
	No. 8 West 14th St.
	NEW YORK.

0741

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*George W. Hanlon*

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

*George W. Hanlon*

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

The said

*George W. Hanlon*

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

*two coats of the value of eighteen dollars each, two vests of the value of seven dollars each, and two pair of trousers of the value of ten dollars each pair, one overcoat of the value of fifteen dollars, and one umbrella of the value of twelve dollars*

of the goods, chattels and personal property of one

*Fittmore Hersh*

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.



0742

SECOND COUNT—

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

George W. Stanlon  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

George W. Stanlon  
late of the City and County aforesaid, afterwards to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms,  
two coats of the value of eighteen  
dollars each, two vests of the value  
of seven dollars each, two pair of  
trousers of the value of ten dollars  
each pair, one overcoat of the value of  
fifteen dollars, and one umbrella of  
the value of twelve dollars

of the goods, chattels and personal property of one

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

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

George W. Stanlon  
then and there well knowing the said goods, chattels and personal property to have been  
feloniously stolen, taken and carried away, against the form of the statute in such case made  
and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,  
District Attorney.

0743

**BOX:**

365

**FOLDER:**

3428

**DESCRIPTION:**

Harfeld, David

**DATE:**

09/23/89



3428

0744

Bail \$1300.  
WITNESSES:  
Julia Hays  
Rachel Schmarybaum  
Dora Weidberg

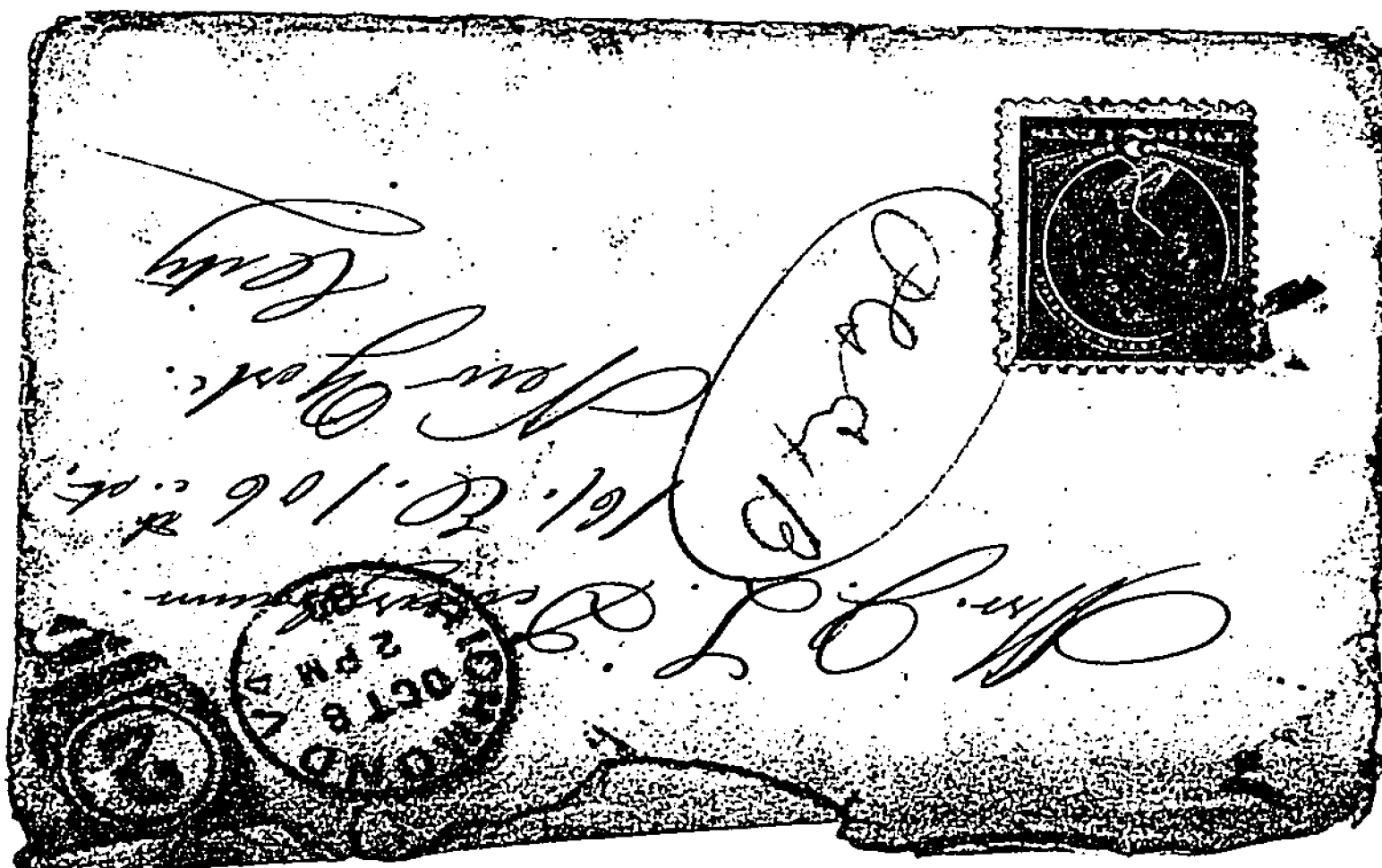
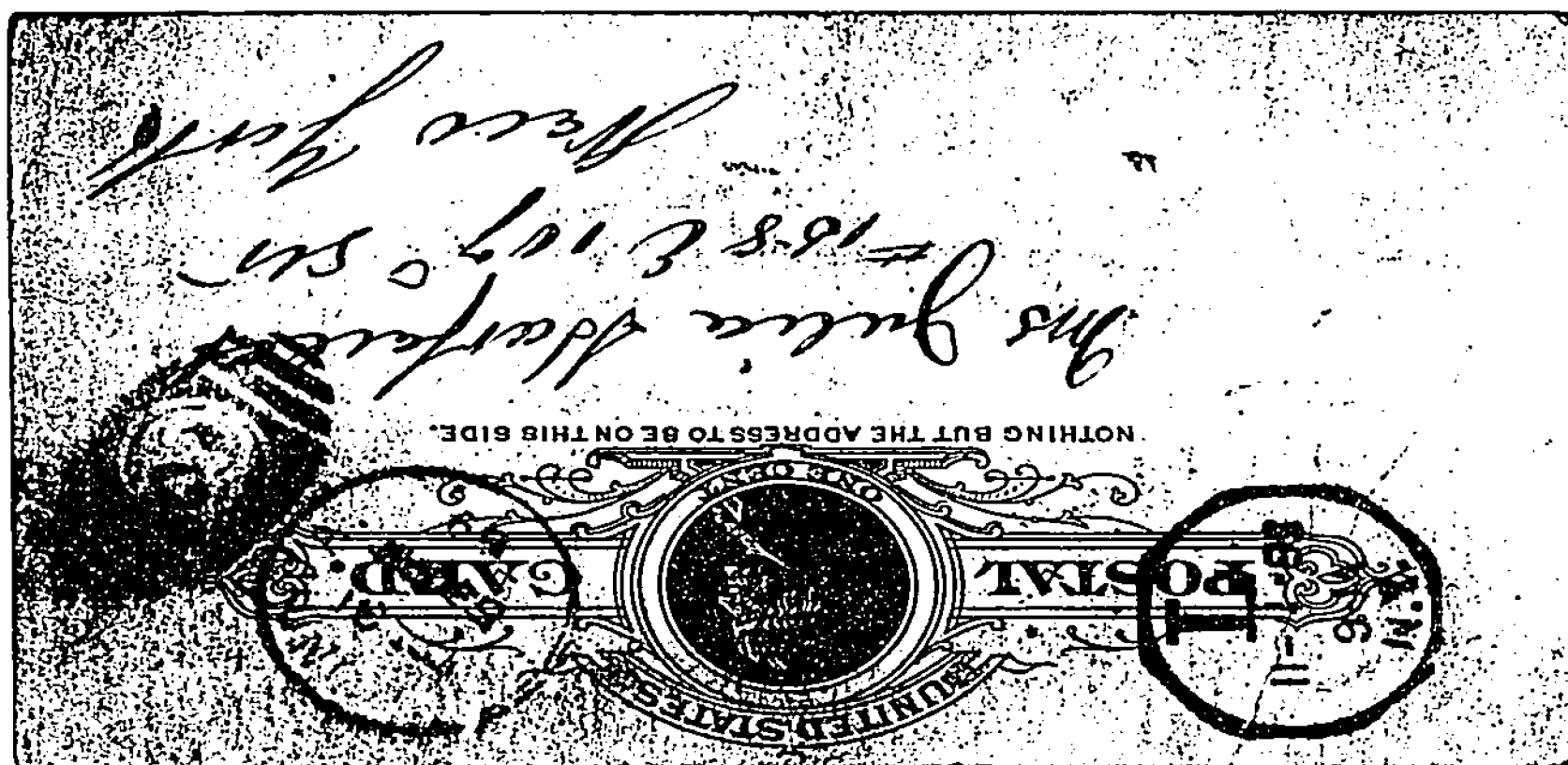
Filed 23 day of Sept 1889  
Pleads, Motions, & 30  
Counsel, *Wm. W. Hays*  
THE PEOPLE  
vs.  
David Haysfeld  
BIGAMY  
(Section 298, Penal Code.)

JOHN R. FELLOWS,  
District Attorney.  
Grand Sept Copy

A True Bill.  
Chas. B. DeLoach  
P. S. Nov. 1, 1889. Foreman.  
Tried and convicted  
Motions to set aside verdict  
granted by Court. Remanded  
Nov 18/89  
J. J. Hays  
Apr. 22/89



0745



0746

DEFENDANT	BONDSMAN	OFFENSE	AMOUNT	PROPERTY
<p>James Crawford 1st wife deceased 158 E 104th St          married Sept 28/79 - live together till May 16/80          David Crawford - live together till May 16/80          Sarah Marie 2nd wife married him on Sept 8/89          at 66 Monroe St</p>	<p>Cum gratia for services of 1st wife          Judgment Sept 27/89 -          Trial Nov 1/89          No divorce Nov 18/89</p>	<p>Procurer &amp; receiver of stolen goods - 1st wife          after several months in custody          in 1st wife in custody to procure goods          to deliver to 1st wife in custody          to come to 1st wife in custody          under the name of 1st wife          but evidence does not appear to be          sufficient to justify same</p>	<p>1st wife in custody - 1st wife in custody          1st wife in custody - 1st wife in custody          1st wife in custody - 1st wife in custody          1st wife in custody - 1st wife in custody</p>	<p>1st wife in custody - 1st wife in custody          1st wife in custody - 1st wife in custody          1st wife in custody - 1st wife in custody          1st wife in custody - 1st wife in custody</p>



# The People of the State of New York,

TO John Sparks, Clerk of Court of General Sessions of the Peace in and for the City and County of New York

GREETING:

That all business and expenses being laid aside, you appear and attend before His Honor Edward Patterson one of the Justices of the Supreme Court of the State of New York, at a Special Term of said Court in the Park one thereof, to be held at the Court House, New York City

SUBPENA on the 27th day of June 1890 at 11.30 o'clock in the fore noon,

DUCES TECUM. to testify and give evidence in a certain action now pending undetermined in the said Court, between Sarah Charles plaintiff and David Starfield

David Starfield

defendant on the part of the Plaintiff and that you bring with you and produce, at the time and place aforesaid, a certain Book of Indictment with Record and accounts of the trial and conviction of me said David Starfield in or about, November 1. 1889, and all other papers and records to the said trial, conviction and sentence relating

now in your custody, and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises. And for a failure to attend, you will be deemed guilty of a contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved, and forfeit FIFTY DOLLARS in addition thereto.

Witness, John Charles N. Van Buren, Reading Justice of said Court.  
at New York City, May 29, 1890. Richard Healey Clerk.

Henry Friend Stone Plaintiff's attorney at law



0748

*against*

Plaintiff

*Affidavit of Service.*  
(Subpœna Duces Tecum.)

*Defendant*

County of \_\_\_\_\_

US. 1

that \_\_\_\_\_ being duly sworn, says

he served the within Subpoena Duces Tecum upon \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
the witness named therein, by delivering to and leaving with him personally a true copy thereof, and at  
the same time and place exhibiting to him the within original, and paying to him the sum of \_\_\_\_\_  
\_\_\_\_\_ his fees for traveling to and from the place where he was required to  
attend in and by the said Subpoena Duces Tecum, and for one day's attendance thereat: and that he  
knew the said \_\_\_\_\_ to be the individual  
mentioned and described in said Subpoena Duces Tecum as such witness.

Sworn to before me, this ..... day  
of ..... 18.....

N. Y.  
Superior Court

Sarah Marks

agst

David Starfield

SUBPŒNA,  
DUCES TECUM.

Levy, Friend of House

Plf w atty

25 Chambers

W. J.

0749

MARRIAGE—HARFELD.—On Sunday, September 8, Miss SARAH MARSH, of this city, to Mr. DAVID HARFELD, of Richmond, Va.

0750

MARKS-HARFELD.—On Sunday, September 8, Miss  
SARAH MARKS of this city, to Mr. DAVE HARFELD, of  
Richmond, Va.

Sunday Sept- 8/89



0751

Form No. 1.

**THE WESTERN UNION TELEGRAPH COMPANY.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon; nor in any case where the claim is not presented in writing within sixty days after sending the message.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. FICKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
6390	Ed	Wm. C. Collier	35

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y. Sept 26 1889

Dated Richmond Va 26

To Jas Byrnes

599 Answered

Chief of Detectives  
300 Mulberry  
St  
NY

Send papers for your man.  
We have him all right

Jno Poe Jr chf Police

BROADWAY

0752

COURT OF GENERAL SESSIONS.

-----X	:
The People	:
v.	:
David Harfeld,	:
Indictment filed SeP. 23/89;	:
indicted for bigamy.	:
-----X	:

Tried Oct. 30/89, before  
Hon. Frederick Smyth and  
a Jury.

Assistant District Attorney Macdona for the People.  
Messrs. J. P. Solomon and D. E. Anthony for the  
Defense.

J U L I A H A R F E L D, the complain<sup>n</sup>t, testi-  
fied, that her maiden name was Julia Harlem. Her fath-  
er's name was Abraham, and her mother's name Rosa, Harlem.  
She first met David Harfeld, the defendant, in the month  
of May, 1879.

(The defense conceded at this point that the com-  
plainant was the wife of the defendant at the bar, and  
was married to him on September 28th, 1879, and that the  
certificate presented by the District Attorney was a  
record of the marriage from the Health Department of  
the City of New York--a certified copy of the record of

0753

2

the marriage.)

Under Cross Examination, the witness testified that she lived with the defendant for five months after her marriage with him--from the 28th of September, 1879, to February 16th, 1880--then the defendant disappeared and she did not know where he was. She had been employed for sixteen years in one establishment. She was known there as "Miss Harlem" before her marriage, and when she returned to her employment in the store she continued to be known by her maiden name. She remembered a woman calling on her in February, 1889, and having some conversation with her in regard to the defendant. The woman in question was a Mrs. Loewenstein. Mrs. Loewenstein asked for her, the witness, as Miss Harlem. She, the witness, always responded to that name in the store, where she had been employed for sixteen years, and was known to everybody connected with the store as Miss Harlem. She, the witness, did not tell Mrs. Loewenstein that she had never heard of Mr. Harfeld, and that she, the witness, was unmarried, and had never been married. The defendant left her on the evening of the 16th of February, 1880, and she did not see him again. She was living then in a furnished room which he had engaged for



0754

3

her at 140 Madison Street. Harfeld told her that he could not give her a home, and that she had to be content with a furnished room. She was known there as Mrs. Harfeld. While they were living together he did not work. He said that he was a diamond cutter by profession. She, the witness, worked during that time in the store in which she had been employed for years before that. The name of the firm was Adams & Company, formerly Bluxome's, at Sixth Avenue and 21st Street. She, the witness, had worked there since 1872. She did not take her marriage name in the store, because she did not wish to have the fact of her unfortunate marriage generally known. They first lived at Harfeld's parents' home. Then, in the latter part of December, 1879, Harfeld said that his parents could not maintain them any longer, and that he was going to Boston to get work. He said that he had been promised a fine position. She, the witness, went with him to Boston, and when he got there he said he had been disappointed about the position, and then he took her clothes and pawned them. Then they returned to this city and took the furnished room in Madison Street. His parents' home was then at 106.

0755

4

East 28th Street. They were in Boston about a month. Harfeld remained with her for five weeks after that-- until the 16th of February, and then he disappeared. She did not receive any letters from him until the beginning of March, 1889. She did not change her residence for some time after he left her, thinking that he might return. She remained in the room for two weeks, and then, when her money gave out, she went to her mother's home. The defendant's father said that he was probably in Canada. She lived with her mother until her mother died, in 1884. Then she went to live with her married sister. She had not quitted New York at any time during this period, and had worked steadily in one employment. She had made every effort possible to find Harfeld.

In the Redirect Examination, the witness testified that she was with child when her husband left her, and she bore a child, which died.

G. EUGENE HARFELD testified, for the People, that he was a brother of the defendant and was a rabbi of the Jewish faith.

Under Cross Examination, he testified that he was present on the 8th day of September, 1889, at a ceremony

0756

5

between the defendant and Miss Sarah Marx. The ceremony was not a marriage, but a betrothal, or engagement. No marriage ceremony was performed at that time.

In the Redirect Examination, the witness testified that it was not customary for a woman to wear a veil at a Jewish betrothal, but it was not prohibited. It was customary at the ceremony of betrothal to put a ring on the second finger of the left hand, but it was not customary to put a ring on the index finger of the right hand. It was customary during a betrothal to break a plate of glass, or anything that could be broken. The betrothal ceremony did not usually take place under a canopy. When the glass was broken at the betrothal, "congratulations" was said aloud three times. He, the witness, knew of his brother's marriage to Julia Harlem on the 28th of September, 1879. When the betrothal ceremony took place between the defendant and Miss Marx on the 8th of September, 1889, he, the witness, who officiated, did not know whether Mrs. Harfeld was living or dead. He asked the defendant if he had heard anything of his wife, and he said no. He said that his wife had been away from him for ten years. This conversation occurred between the brother and himself about



0757

6

a year before the betrothal. He did not ask him before the betrothal ceremony if his wife was living or dead. He had known Mrs. Harfeld when she was a resident of his parents' home with his brother in 1879. He had heard the name of her employers, but did not remember it. He had heard that she was a clerk in some store on Sixth Avenue, and that was all. He did not request his brother, the defendant, <sup>to inquire</sup> at the store on Sixth Avenue before the betrothal about his wife, as to whether she was living or dead. He did not think that that was essential. After the betrothal ceremony between the defendant and Miss Marx, they left for Richmond. Miss Marx's parents lived in this city, and she was a resident of this city. They went to 201 Mayo Street, Richmond, Virginia. They lived under the same roof, but did not live as man and wife there. The defendant lived at this house with his parents. He took Miss Marx there to introduce her to his parents. They lived in the same house for about five weeks. Then his brother was arrested and brought to this city. They did not live together in this city. His brother was arrested in Richmond and brought to this city to answer the indictment for bigamy, and she came on with him. He, the

0758

7

witness, was acquainted with the parents of Miss Marx. He had a conversation with them as to the purpose of the ceremony of betrothal. The parents wished to engage a rabbi, and the defendant said that he, the witness, was a rabbi, and he, the defendant, would prefer to have his brother to perform the ceremony. Miss Marx's parents then said that it was the defendant's desire to take their daughter with him to Richmond, Virginia, to introduce her to his parents and relatives there, and that owing to the fact that she was going to travel with him, he would like such a ceremony performed. Miss Marx's father said that he had done the same thing in Poland. He wished to take the woman who was now his wife to his parents, and they had gone through the same ceremony. The object of this was to give the future husband, according to the Jewish law, an opportunity to prepare a home for his future wife before the nuptials, if his parents were pleased with her, without creating scandal. Miss Marx's father said that such a custom was not in vogue in this country, and for that reason he had thought it necessary to mention it to him, the witness. He, the witness, said that he had heard of

0759

8

such instances, but he was not positive of the law among the Jews authorizing it, but he, the witness, would refer to the Talmud, and if he found a law there permitting it, he, the witness, certainly could have no objection to performing the ceremony. Miss Marx's parents told him that they knew that the defendant had a wife that had deserted him ten years before, and that he had not heard of her or her whereabouts. He had heard nothing of her until March, 1889, when he had obtained some information of her whereabouts through Mrs. Loewenstein, who had known his wife ten years before, prior to her marriage with the defendant. The parents said that Mrs. Loewenstein had called upon a person calling herself Miss Julia Harlem, which was the maiden name of the defendant's wife, and that Miss Harlem emphatically denied that she ever heard of such a person as David Harfeld, and said that she was no man's wife, and that she had no husband. The betrothal ceremony took place at the home of Miss Marx's parents at 60 Monroe Street. He, the witness, obtained a printed form of betrothal contract from a Jewish stationer, and it was signed after the ceremony by Miss Marx and the defendant and two wit-



0760

9

nesses. Then the document was read aloud and a congratulatory address was delivered. Then two glasses of wine were drank with benedictions--betrothal benedictions. Then he, the witness, introduced the intended wife and the intended husband to the company.. He introduced them in these words: "Do you, Sarah Marx, take this man to be your intended husband, to live with him in sickness, in health--to live with him in the future as your husband--as your intended husband--so long as you both shall live?" He said the same thing to the defendant substantially, and both the defendant and Miss Marx replied in the affirmative. Then the engagement ring was put on Miss Marx's finger--a plain gold band ring, with a diamond solitaire set in it. It was placed upon the second finger of the left hand. Then there was a repast, and after the repast they went away to catch the nine o'clock train for Richmond. They went away together. According to the Jewish faith, persons who went through this ceremony had no right to cohabit with each other. The time when the actual marriage ceremony should be celebrated was always fixed in the contract. Some contracting parties waited a month or six months or a year, at their option. It was generally optional,

0761

10

though usually fixed in the contract. If the woman was a virgin, the time must not exceed twelve months, and, if a widow, not to exceed three months. It was necessary that a marriage ceremony should be performed after the betrothal ceremony before the contracting parties could lawfully cohabit, according to the Jewish rite.

J A C O B L. S C H W A R Z B A U M, testified that he lived at 161 East 116th Street. He was a clerk and a married man. On the 8th of September, 1889, he attended a ceremony at No. 60 Monroe Street, between the hours of four and seven o'clock P. M. He went there by invitation. There were a great many people present. Among those that he knew were Miss Marx, her sisters, her parents, Mrs. Moss and Miss Sherrick. His, the witness's wife, was also present. He did not know the defendant before that time, but was introduced to him then. He was also introduced to the defendant's brother, Rabbi Harfeld. His, the witness's, wife received a note from Miss Sarah Marx on the day before the ceremony, inviting the witness and his wife to be present. The note invited him to attend a marriage ceremony. Miss Marx wore a white veil and a wreath upon her head; otherwise her attire was dark. Miss Marx and Mr. Harfeld

0762

11

stood at the head of the room, in front of a mirror between two windows, and Rabbi Harfeld stood in front of them. A canopy was held over the defendant and Miss Marx. He, the witness, held one of the poles of the canopy. There were four poles. Mr. Peitz held another of the poles, and Miss Marx's brother held another. He, the witness, did not know the man who held the fourth pole. Rabbi Harfeld offered a prayer, and then another man read a long prayer, and Rabbi Harfeld pronounced the defendant and Miss Marx man and wife, according to the laws of Israel and the laws of New York State. He saw a ring placed on the index finger of Miss Marx's right hand. The ring would not go on further than the first knuckle, and the bride was asked to take the ring off and place it on the third finger of left hand. He, the witness, had been married according to the Jewish ~~rite~~ rite, and had seen Jewish marriages, and in all respects the ceremony was like the Jewish marriages that he had seen. After the ceremony Rabbi Harfeld asked him to sign a contract of marriage between the defendant and Miss Marx, as a witness.

EMMA SHERICK, of 211 East 122d Street, testified that she attended the ceremony. She



0763

12

was invited to witness a marriage ceremony. Miss Marx was dressed as a bride. She heard Rabbi Harfeld pronounce the defendant and Miss Marx man and wife, according to the laws of the State of New York. She saw a ring placed by the defendant on the hand of Miss Marx. She asked Miss Marx how it happened that she was married on such short notice, and Miss Marx replied that she thought it was best--that she had a good chance and she thought she would take it.

RACHEL SCHWARZBAUM testified, that she was the wife of Jacob L. Schwarzbaum, a previous witness, and had known Miss Marx for about seven years. She was present at the ceremony that took place between Miss Marx and the defendant on the 8th of September, 1889. After the ceremony, which she, the witness, regarded as a marriage ceremony, and which was in accordance with the Jewish rite, which ~~he~~ she had seen performed a number of times, she congratulated Harfeld. She said, "I congratulate you on the wife you are getting, as I know her, and she is a good girl." Harfeld said, "Thank you." After the ceremony she, the witness, ~~was~~ saw a ring which had been placed upon Miss Marx's finger. Miss Marx took off the ring to put on a diamond ring,

0764

13

which she said was her engagement ring. It was a cluster diamond ring, and she said that it was too large and would be made smaller when she got to Richmond. She put the wedding ring on over the cluster diamond ring. She said that she was afraid she would lose the engagement ring, because it was loose. Miss Marx said that she was going to Washington on a wedding tour, and as soon as she got to Richmond she would write to her, the witness. She did write to the witness from Richmond. Her husband had destroyed the letter. She had received several letters from Miss Marx, and she produced one in court.

T I L L I E M O S S, of 228 East 114th Street, testified that she had known the defendant Harfeld for about a year before the ceremony. She met him at Miss Marx's house. She was present at the ceremony in question between Miss Marx and the defendant. According to her knowledge of the marriage ceremony according to the Jewish rite, it was a marriage ceremony. She heard them pronounced man and wife by Rabbi Harfeld.

M A R C U S B E R G E L testified, that he lived at 158 East 107th Street. He was a brother-in-law

0765

14

of Mrs. Julia Harfeld, the wife of the defendant. He met Harfeld in New York City in March, 1889. He met Harfeld at William Bennett's tailoring establishment at 77 Bowery. Harfeld told him, the witness, that he was very sorry that he had left his wife ten years before, and that he had wronged her, and was willing to take her back again. He, the witness, said, "Mr. Harfeld, it took you ten years to decide to come back to my sister-in-law, and now you must give us time to see how you stand, and to find out whether you have bettered yourself." They also had a conversation in the presence of Mr. Bennett to the same effect.

F R E D E R I C K   D E   S O L A   M E N D E Z testified that he was a rabbi of the Jewish faith, and was familiar <sup>with</sup> ~~to~~ the marriage ceremony according to the Jewish rite. He had heard the witnesses describe the ceremony that had occurred at No. 60 Monroe Street on September 8th, 1889, between Miss Sarah Marx and the defendant. It was, according to the description, a marriage ceremony. It was most decidedly not a betrothal.

Under Cross Examination, the witness testified that the canopy was distinctly essential to an orthodox Jewish



0766

15

wedding.

C H A R L E S   H E I D E L B E R G   testified that he was a detective sergeant attached to the Police Central Office in the City of New York.   The defendant was arrested by the witness in the Police Headquarters, when he was brought to this city by the Chief of Police of Richmond, upon the telegraphic request of Inspector Byrnes.   He, the witness, had a warrant issued from Jefferson Market Police Court for the defendant's arrest. Requisition papers were sent on to Richmond for him, and he consented to come to New York when he knew the requisition papers had been sent to Richmond.

For the Defense,   S A R A H   M A R X   testified that she lived at 60 Monroe Street.   Her understanding of the ceremony was that it was an engagement only, and that was the understand<sup>ing</sup> of her parents and of her relations.   She went through the ceremony, because she intended to leave home with a gentleman, and did not care to create any scandal.   She intended to visit the defendant's relatives and be introduced to them.   She had never had sexual intercourse with the defendant. She, the witness, occupied the same room with Harfeld's

0767

16

mother in Richmond, and he occupied another room. Harfeld told her that he was a married man, and had been married ten years before, and that his wife had deserted him within a few months after their marriage, and that he sent her money and she returned it and sent back his letters unopened. She, the witness, understood that he had not seen her or known of her whereabouts for ten years, and thought that it was right that they should be engaged, and if he could procure a divorce that they would be married in Richmond. Harfeld said that he would procure a divorce in Richmond. He said the same thing to her parents. In Washington they went to the American Hotel. They got there at eight o'clock in the morning, and had breakfast, and at <sup>ten</sup> ~~nine~~ o'clock they went into the parlor, where there were several other people, and she put on her hat and cloak, and they went out and came back in the evening for supper, and stayed in the parlor until the train time. She did go upstairs in the hotel while the defendant went to get shaved. The parlor was occupied by a club, and the proprietor of the hotel said that it was not proper for any strangers to be in there when a meeting was being held,

0768

17

and he took her up to a room. Harfeld also went up to the room, and she was sitting at the window reading a paper, and he was sitting at another window reading another paper. They left the hotel at six o'clock and took the train for Richmond. They arrived in Richmond at half past ten o'clock that evening. When they left her father's house to take the train at Jersey City they rode in a carriage with several friends. They took a sleeper, but she didn't undress, and Mr. Harfeld didn't undress either. They engaged but one berth, but Harfeld sat next to her all night. She was twenty-three years of age. They were in Richmond about five weeks. They stayed at the home of Harfeld's parents, and occupied separate rooms. The defendant and Rabbi Harfeld supported the parents' home. She, the witness, did not do any work while she was in that house and earned no money. The defendant gave her no money while she was there.

M O S E S M A R X testified that he lived at 60 Monroe Street. He was born in Warsaw, Poland, and had lived in the United States about twenty years. He was the father of Miss Sarah Marx. He was present at the ceremony which took place between his daughter and



0769

18

the defendant on the 8th of September, 1889. It was an engagement ceremony.

S U S A N M A R X testified that she was the mother of Miss Sarah Marx, and the ceremony which took place between the defendant and her daughter was a betrothal.

R E B E C C A M A R X testified that she lived at 60 Monroe Street, and was a sister of Sarah Marx. The ceremony that took place on the 8th of September, 1889, was a betrothal and not a marriage.

M I N N I E L O E W E N S T E I N testified that she was a married woman, and that she lived at No. 217 Madison Street. She was requested by the defendant to find out if such a person as Miss Julia Harlem existed. She went to the store in Sixth Avenue, and asked to be directed to Miss Julia Harlem. She asked Miss Harlem, "Are you Miss Harlem," and she said, "Yes, Ma'am." Miss Harlem was very indignant. When she cooled down she asked what was the witness's business. She, the witness, told her to come from behind the counter, and she would tell her. After Miss Harlem had waited on a few customers she came from behind the counter and took her towards the 22d Street entrance, and made a loud noise,

0770

19

and she, the witness, was ashamed, and asked her to go downstairs, and they went downstairs, and then Miss Harlem asked her what her business was, and she said, "I received a letter from Richmond, stating that if you will consent to go back to Mr. Harfeld to live with him, he will give you a very good home." Then Miss Harlem said, "I am not that man's wife--what does he want of me ? I don't know anybody by such a name." Then she, the witness left the store, and wrote a letter to Harfeld, reporting the interview.

Under Cross Examination, the witness testified that she did not see Harfeld after she wrote him the letter until about the first or second of September--about a week before the engagement ceremony, and then she told him in the presence of the Marxes that his wife would not live with him under any circumstances, and that she did not know such a man, and was not any man's wife. She introduced Harfeld to Miss Marx originally.

J A C O B P E L T S testified that he lived at 238 Clinton Street. He knew the defendant and Miss Marx. He could not distinctly remember the ceremony of the 8th of September, 1889, because he was somewhat

0771

20

intoxicated at the time. Mr. Schwarzbaum, who testified for the prosecution, was even more intoxicated than he, the witness, was. The ceremony, to the best of his judgment, was an engagement ceremony, and not a marriage. He believed he signed a paper there, and that Mr. Schwarzbaum signed it, but he couldn't swear to it positively. He went to the Cortlandt Street ferry in the carriage with the defendant and Miss Marx, and also across to Jersey City. He did not put a marriage notice in the Herald that evening. It was true that the original of the advertisement that appeared in the Herald did bear his name and address and what appeared to be his signature. In fact it was his signature. He did not put the advertisement in that night, but he wrote it at his place of business on the following day when he was sober. Mrs. Marx, Miss Marx's mother, and he talked over the advertisement before he had it inserted in the Herald. He did not look at the Herald on the 10th of September, 1889, and was not aware that the notice, which he intended to be a notice of an engagement, was printed as a notice of marriage between the defendant and Miss Marx.

M O R R I S   E L L I N G E R,   of 215 East 79th



0772

21

Street, testified that he was formerly a Coroner of the City of New York. He was born in Furth, Bavaria, and had studied in a Jewish theological seminary in Wurtzburg, Bavaria. He was familiar with the Hebrew language and the customs of the Jews. The ceremony that took place between Miss Marx and the defendant on the 8th of September, 1889, according to the description furnished by the witnesses, was a betrothal, and not a marriage.

Under Cross Examination, he testified that he was not employed by Mr. Solomon, of counsel for the defense, but he was engaged with him in business as the editor of the Hebrew Standard.

M O R R I S   R E I N S C H R E I B E R testified that he was present at the ceremony in question between the defendant and Miss Marx, and that it was a betrothal.

D A V I D   H A R F E L D, the defendant, testified that he resided in Richmond, Virginia, and conducted a pawnbroking business there. He had been engaged there for a little over three years as a pawn broker. He was the husband of the complainant, Mrs. Julia Harfeld. He married her in the City of New York, in 1879-- September 28th. After their marriage they resided for some time at his parents' home in 28th Street. Then

0773

22

they went to Boston to get a situation, but he did not get the situation and they returned to New York and lived in a furnished room in Madison Street. She left him, and he knew nothing more of her whereabouts, though he made every effort to find her, until March last. This ceremony which took place between himself and Miss Marx was a betrothal. He told Miss Marx that his wife had deserted him nine years before, and he had made every possible effort to find her, and could not find her until he heard in March last that she was living, and then she refused to return to him. He offered her a good home, and offered her many inducements to return to him, and she refused. He first heard of his wife, after her desertion of him ten years before, in March, through Mrs. Loewenstein. He made the same statements as to his wife to Miss Marx's parents. He had first of all heard that his wife was in the City of New York in February, and then he requested Mrs. Loewenstein to look her up, and offer her a home if she would return to him, and he was informed that his wife had denied that she was ever married to him, and said that she would never have any more to do with him. He, the defendant, had had no sexual

0774

23

intercourse with Miss Marx, either on the journey to Richmond or at any other time since the betrothal ceremony. He intended to introduce her to his parents, and, as soon as he could procure a divorce from his wife, to marry her.

HENRY GERSONI testified that he lived in 73d Street, and was a native of Russia, and was a graduate of a Russian rabbinical college, and formerly exercised the functions of a rabbi. He had also been the editor of the Jewish Advance. He was, at the time of testifying, engaged in journalistic work. He was familiar with the customs and usages of the Jewish church. He was familiar with the Hebrew language. The document in evidence as a defendant's Exhibit was a contract of betrothal. It was customary among the Jews of Russia to enter into that sort of a compact, where it was not intended to have a marriage ceremony for some time afterwards.

MORITZ KORNBLUM testified that he resided at No. 130 Norfolk Street. He knew the defendant and Miss Marx. He was present at the ceremony on the evening of the 8th of September, 1889. It was a



0775

24

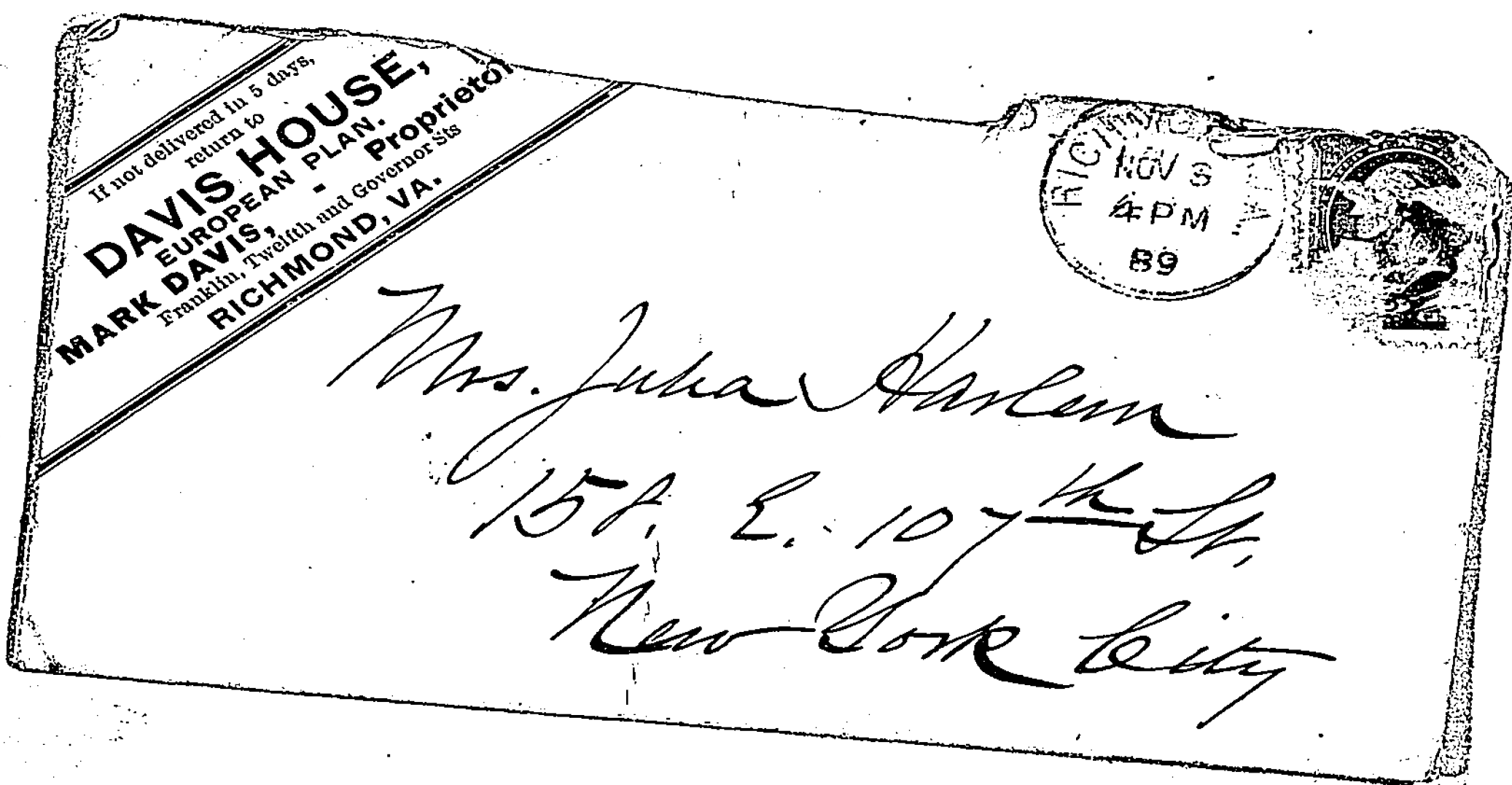
betrothal.

R A Y M A R X testified that she lived at 60 Monroe Street, and was a sister of Sarah Marx. She was present at the ceremony in question. It was a betrothal.

In Rebuttal, F A N N I E J A M I S O N testified that she lived at 161 East 106th Street, and was present at the ceremony at 60 Monroe Street on the 8th of September, 1889, between the defendant and Miss Marx. She was familiar with the Hebrew language and had seen Jewish weddings. The ceremony was similar in all respects to the Jewish weddings at which she had been present.

---

0776



0777

Richmond Oct. 6<sup>th</sup> 1889.

*plow*

Dear Mrs. Sewall

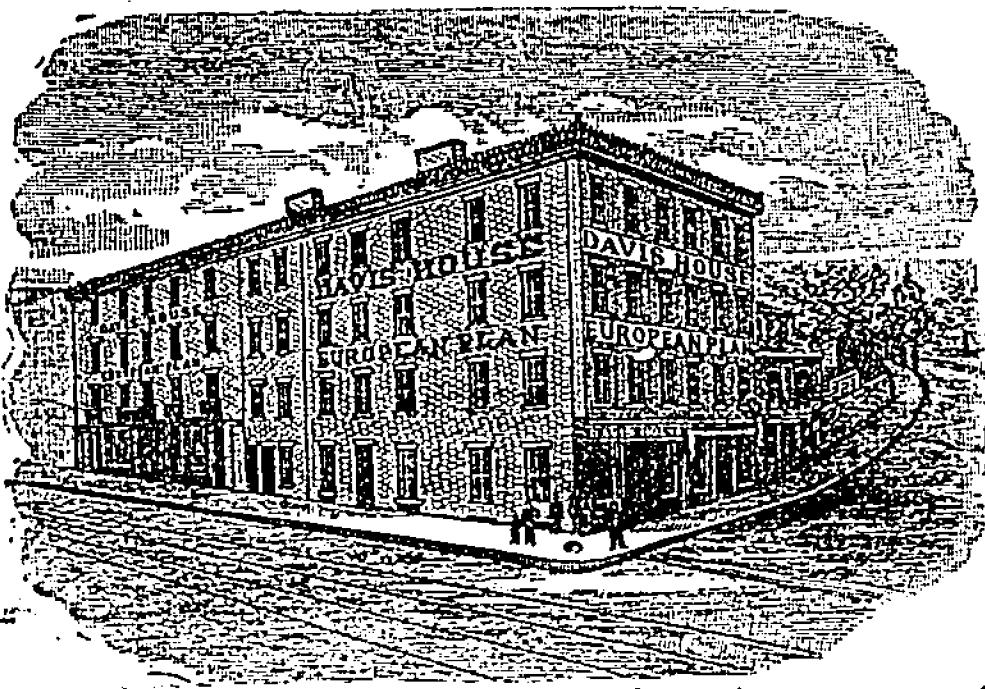
I am very  
sorry that in a moment of  
forgetfulness and self respected  
reserve, I subscribed myself to  
communications addressed to you,  
by a name which in strict truth  
I as yet had no right to use,  
though I had expected as I still  
do, soon to have the honor of  
calling mine. I am especially  
grieved that our family arrangements



0778

had necessitated some secrecy  
in my engagement on September-  
8<sup>th</sup> when we had the pleasure  
of your company, and that the  
fact proved a cause to no in-  
considerable unpleasantness to my  
promised husband and myself  
permit me dear. Mrs. Schwarzbaum  
to remain Yours Truly  
Sarah Marks

0779



# DAVIS HOUSE,

EUROPEAN PLAN.

MARE DAVIS, Proprietor.

Rooms at Moderate Prices,

Elegant Cafe attached.

FRANKLIN, TWELFTH and GOVERNOR STS.

Richmond, Va.

188

Thus the Rev. L.H. is very familiar  
with the laws of the country, Perjury  
with him is as nothing & if the  
Authorities want to properly punish  
such a villain, such as I  
write are a few of his ante-  
cedents.

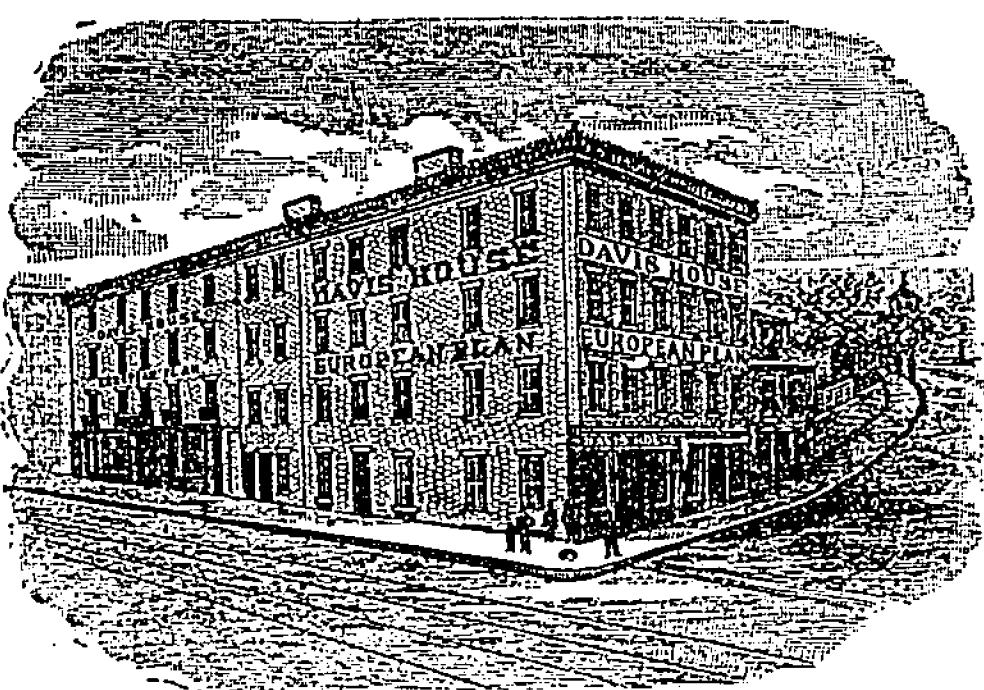
I will not be in N.Y. till  
the end of November

Yours Respectly,  
L.H. Cohen  
69. E. 104<sup>th</sup> St.

0780

**CORRECTION**





## DAVIS HOUSE,

EUROPEAN PLAN.

MARK DAVIS, Proprietor.

Rooms at Moderate Prices,

Elegant Cafe attached.

FRANKLIN, TWELFTH and GOVERNOR STS.

Richmond, Va. Nov 3 1889

Madam

In order to properly furnish  
a crowd of unmetigated scoundrels  
the writer will inform you  
of the Hayfeld family - You  
can submit this to your lawyer  
& he will certainly submit it  
to the district Attorney to send  
these cruel heartless vagabonds  
& brutes to Sing Sing.

The Rev. Louis Hayfeld married  
in London England a sister of  
the writer. After a series of  
cruel bitter treatment, too long  
to write in a letter, he deserted

0782

2

her & children, & we never heard or knew of him for years until a notice of his engagement appeared about 4 years ago in the N.Y. Herald. I was advised by counsel at that time that he had probably got a divorce or a "Get G.I." & that as he was such a scoundrel he was not worth bothering about. The family of the intended wife must have discovered about his wife & family in England as he was arrested & charged at the Jefferson Market Police Court with obtaining \$500<sup>00</sup> under false pretences, as an advance of the dowry - the case was remanded - but I never knew its result. This appeared in

0783

3

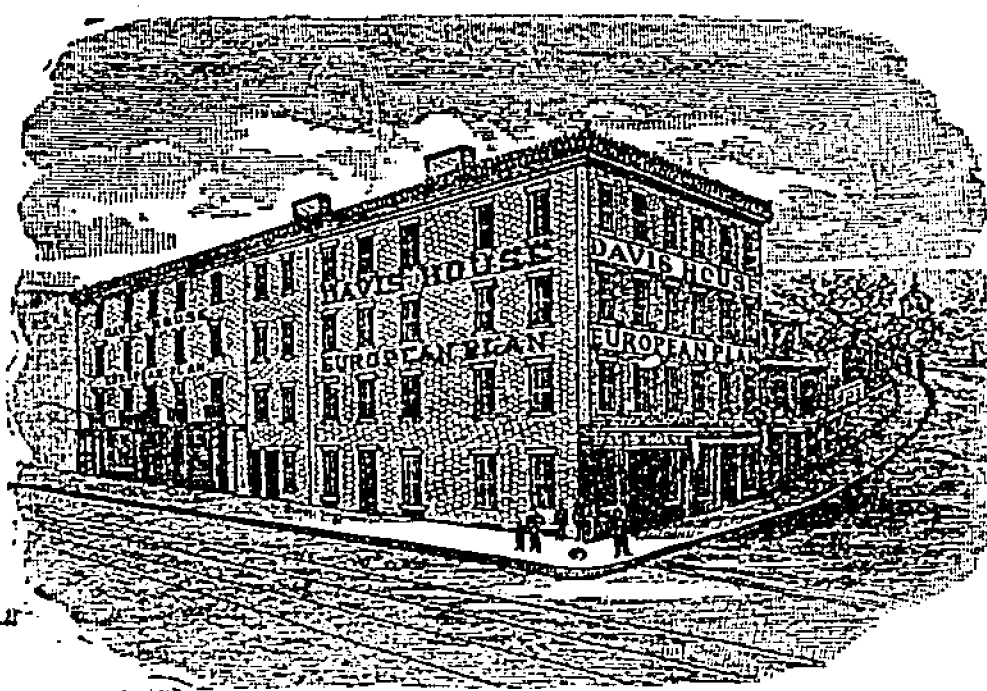
"The N.Y. Sun" - I cannot furnish  
dates now, but if you wish  
to pursue this matter, call  
upon my wife Mrs L.H. Cohen  
69 East 154<sup>th</sup> St. New York City  
& I will arrange that you can  
know very much more -

I am almost positive that  
David Hayfeld had a wife  
in England, before he ever  
came to N.Y. <sup>& informed you</sup> but whether she  
is living or not, I do not know  
But could find this out -

These people are a disgrace  
to Jews, dishonorable & ruinous  
to all that is manly & proper  
to men & women - They should  
be placed where it is impossible  
that <sup>they</sup> can bring degradation &  
ruin upon women & innocent children



0784



# DAVIS HOUSE,

EUROPEAN PLAN.

MARK DAVIS, Proprietor.

Rooms at Moderate Prices,

Elegant Cafe attached.

FRANKLIN, TWELFTH and GOVERNOR STS.

Richmond, Va.

188

Thus the Rev. L. H. is very familiar with the laws of the country, & going with him is as nothing & if the Authorities want to properly punish such a villain, such as I write are a few of his antecedents.

I will not be in N. Y. till the end of November.

Yours Respectly,  
L. H. Cohen  
69, E. 104<sup>th</sup> St.

0785

Police Court, 2<sup>nd</sup> District.City and County } ss.  
of New York,

of No. 158 East 107

occupation Salesman

that on the 8<sup>th</sup> day of September

York, in the County of New York,

Julia Warfield

Street, aged 35 years,

being duly sworn, deposes and says,

1889, at the City of New

David Warfield did feloniously  
intermarry with one Sarah Marks and did  
take her to wife he said David well knowing  
at the time that defendant his lawful wife  
was then living and in full life

That the ceremony of marriage between defendant  
and said David was duly performed by  
Moses H. Schneider a Minister of the Hebrew  
Faith, ~~from the year~~ on the 28<sup>th</sup>  
day of September 1879 and that from that  
day up to the 16<sup>th</sup> day of February 1880  
defendant and said David did live and  
cohabit together as man and wife

Defendant is informed by Rachel  
Schmartzbauer of No. 165 East 106<sup>th</sup> Street  
that on the said 8<sup>th</sup> day of September 1889  
she was present at previous No. 60 Monroe  
Street, <sup>in the City of New York</sup> where the ceremony of marriage  
was duly performed between said David  
Warfield and said Sarah Marks  
by a Minister of the Hebrew Faith  
Defendant believing the information to be  
true charges that said David did  
commit Bigamy in violation of section  
298 of the Penal Code of the State of New York

Sworn to before me this

8<sup>th</sup> day of September 1889

Julia Warfield

J. W. H. Schneider  
Police Justice



0786

*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.....188.....Police Justice.*

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

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

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

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



0787

BAILED,

No. 1, by Moritz Kornblum  
Residence 130 Norfolk Street.

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

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

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

W. 1408  
Police Court--- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Julia Starfeld

1 Barra Starfeld

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

By array  
Offence

Dated Sept 17 1889

Johnson Magistrate.

Heidellberg Officer.

C.P.P. Precinct.

Witnesses Rachel Schwartzbaum

No. 161 E 106<sup>th</sup> Street.

Mr and Mrs M. Seckel

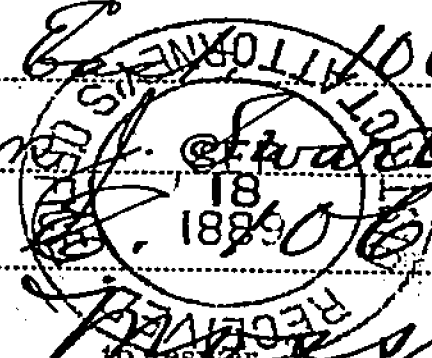
No. 161 E 106<sup>th</sup> Street.

Mr and Mrs J. Schwartzbaum

No. 161 E 106<sup>th</sup> Street.

Mrs R. Seckel

167 E 104<sup>th</sup> St



0788

Sec. 151.

Police Court.....2..... 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 Julia Warfield

of No. 158 East 107 Street, that on the 18 day of September

1889 at the City of New York, in the County of New York, David Warfield,

*did feloniously interfere with one Sarah Marks  
in said City of New York he well knowing at the time that  
Complainant his lawful wife was then living and in full life,  
in violation of Section 298 of the Penal Code of  
the State of New York*

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 2<sup>nd</sup> 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 17 day of September 1889

John Sherman POLICE JUSTICE.



**ל'מנצח**

למז"פ

မင်း

W. 12

פדת משה וישראל, ואל יבריחו, ואל יעלימו לא זה מזו ולא זו מזה  
שום הפרחת ממון בעולם, רק ישלטו בנכסיהון שוה בשוה, וכמ"ר  
הנ"ל העומד מצד החתן הנ"ל

הכלה הנ"ל התחייב להכניס לגדן הפלה הנ"ל קודם החופה סך ותכשיטין בסך וזהב בעד סך

שיתרצו שני הצדדים הנ"ל, וכל היו דלעיל קבלו עליהם שני הצדדים  
או בתוך זה הזמן, או לאחר הזמן מת

העיק להצד שכנגדו על כל הא דכתוב ומפורש לעיל במנא דפשר  
לחדש יום וזמנו שישנה שנה ליום

למקני ביה, ומה שנעשה נעשה, אחר דיום...  
 שנת תר"ט... פה...  
 והכל שחיר וקים

והכל שחיר וקים

G. Harfeld.....0172

Sarah Marks

וְנֵאמָר הַעֲמֵד מִלִּפְנֵי הַחֵן ... יו"ט ... פסח ... יו"ט ... וְנֵאמָר הַעֲמֵד מִלִּפְנֵי הַחֵן ... יו"ט ... פסח ... יו"ט ...

Rev. G. Eugene Harpster

Published by L. ROTHSTEIN,  
Hebrew Books,  
85 Bayard St., New York.

85 באיארד.סט., ניו יארק.

Jacob Pelz. Witness  
Jacob L. Schwarzbaum Witness



0790

CITY AND COUNTY }  
OF NEW YORK, } ss.

Rachel Schwarzbaum  
aged 24 years, occupation Housekeeper of No. 101 East 106

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

Sworn to before me, this 17  
day of September 1887 } Rachel Schwarzbaum

John J. [Signature]  
Police Justice.

0791

Court of General Sessions of the Peace.

-----x

The People &c.

-against-

/David Harfeld.

-----x

Please take notice that upon affidavits, exhibits and certificates, copies of which are herewith served upon you and upon all the proceedings had and taken herein, we shall move this Court, at the term of said Court held by his Honor, Recorder Smyth, and before him, on the 15th. day of November, 1889, at eleven o'clock in the forenoon of that day, or as soon thereafter as Counsel may be heard, for a new trial upon each of the grounds stated in the Code of Criminal Procedure.

And at the same time and place, in the event of a denial of said application, we shall apply for a stay of execution pending appeal ~~xxxxxxxxxxxx~~ from the judgment of conviction herein.

And we shall further ask leave to use the same papers in an appeal for clemency.

Dated, New York City, November 13th. 1889.

Yours &c.,

J.P. Solomon,

and

D. Edgar Anthony,

of Counsel for Defendant.

To

John R. Fellows, Esq.

Dist. Atty.



0792

DEPT. OF JUSTICE

-783-12, -

100 B. 100. 100.

COURT OF GENERAL SESSIONS OF THE PEACE.

The People &c.

-against-

David Harfield.

City and County of New York, SS:-

David Harfield being duly sworn says:-

I am the defendant in this action, and am now confined in the City Prison, New York City, awaiting sentence upon my conviction of the crime of bigamy in Part II of this Court, before his Honor, Recorder Smyth, on the first day of November instant.

Upon the trial of this action, although it was claimed on the part of the prosecution that I deserted my wife Julia Harfield (nee' Harlem) in the early part of the year 1880, this is not true. I left her in New York City, in apartments I had provided for her on Madison Street, that year, and went to Boston in pursuit of employment. I succeeded in obtaining employment there, and in the course of a fortnight or thereabouts had accumulated about fifty dollars above my expenses. In the meantime I had written to my wife, but had received no reply to my letter. Thinking she might be angered at my failure to send her money, I again wrote enclosing \$50 in the letter, upon the envelope of which was endorsed a direction to return if not called for. Some days after, the letter was returned to me, with the endorsement of the postal authorities "not found". Immediately, I abandoned my employment,



0793

DEAR MR. HARRIS

-SIGNED-

THE PEOPLE'S

and returned to New York in search of my wife. I called at the apartments in which I had left her, and on inquiry of the landlady was informed that she had left some time before, in company with a gentleman, whom the landlady described to me. On pressing my inquiry further, I was informed that attached to the trunk which she had carried away was a tag bearing some name and the address of San Francisco, California.

At the time, I knew my wife's mother and her address but was not on good terms with her, so I did not call, but I sent a young woman who resided in the neighborhood to enquire if she, Mrs. Harlem, knew where Julia was. In some way Mrs. Harlem seems to have discovered from my messenger, who it was making the inquiry, and returned the answer that she did not know where she was, and that both of us could "go to hell".

I remained in New York City several weeks, making diligent inquiry among those who knew her, but obtained no information further than that they had heard she had run away out West with another man.

Without means as I was, I was unable to go directly to San Francisco, but as rapidly as possible by peddling through the large cities, I secured means to carry me there and arrived in that City about December, 1880; I remained about four months, and during that time made diligent and persistent inquiry among the Hebrews of that City, as to whether or not a person answering the description of my wife was known to them, but I was able to learn absolutely nothing concerning her, and I heard nothing from her,

0794

either directly or indirectly, until about February of the present year. While I was in San Francisco, I wrote to my father, now deceased, to make inquiry here in New York, which I believe he did, and reported to me that Mrs. Bennett, my wife's sister did not know where Julia was.

About February last, a New York commercial traveller by the name of Hirsch, as I recall it, called at my store in Richmond, Virginia, and in the course of conversation informed me that my wife was employed in the store of a merchant on Sixth Avenue in this City, and gave me the name, which I believe was Adams. I immediately requested my sister-in-law, Mrs. Aaron Harfeld, to write to her sister, Mrs. Lowenstein, to make inquiry, which was, as I believe, made and the result communicated to me, as testified to upon the trial. On receipt of this information, I immediately came to New York City, and went to see Alderman William Bennett, who had married a sister of my wife.

Through him I learned for the first time that his wife was dead for some years, but through him I sought an interview with my wife. It was she, I am informed, who came to said Bennett's store while I was there, but as I was in the extreme rear, and she and Mr. Bennett near the front door, the store being an ~~unusually~~ <sup>unusually</sup> deep one, I could not identify her, but over heard some of her words, uttered in a loud tone of voice, that I was not her husband.

Subsequently I saw Mr. Bennett and had some correspondence with him, and from his letters, hereto annexed, I believed that my wife was about procuring a divorce from me in this State. I was then ignorant of the grounds upon

0795

what is necessary, and know that no legal ground therefor existed under the laws of this State. After awaiting the lapse of several months, and being advised by my Richmond lawyer, Mr. S. L. Bloomberg, that I could legally procure a divorce in the State of Virginia, I directed him to proceed, and said action, as I believe, is now pending in that State.

After meeting Miss Marks, there was no intention on my part, in the most remote degree, to do anything contrary to the laws of this or any other State. I had been informed by my counsel, Mr. Bloomberg, that the prosecution of my suit for divorce would be speedily completed. My mother, Anna Harfeld, is advanced in years, and unable by reason of physicial disability to journey from Richmond to New York, and I was desirous that she should meet and become acquainted with the lady whom I had chosen as my future wife, to be made such after I was free from the bonds which had held me in name only since 1880.

I was opposed to the performance of any ceremony, but was induced to consent to it chiefly upon the request of my brother, G. Eugene Harfeld, who informed me that I could with much greater propriety journey with my prospective bride to Richmond, if I were obligated under the Jewish ceremony of betrothal, and to his solicitation I surrendered. I solemnly swear and declare that I had no intention of becoming the husband of Sarah Marks, either lawfully or unlawfully, on the 8th. day of September last, and if the ceremony performed on the evening on that day was a marriage ceremony, it was performed without my knowledge, con-



0796

1. The first of these is the fact that the Government has not been able to secure the necessary funds to carry out its policy of non-interference in the internal affairs of other countries. This is due to the fact that the Government has not been able to secure the necessary funds to carry out its policy of non-interference in the internal affairs of other countries.

In my journey to Washington with Miss Marks, and thence to Richmond, I no less solemnly swear that my treatment of her was only that of a gentleman towards his future wife; that during her stay in Richmond she lived with my mother and at all times my treatment of her was the same in character, and she is, today, as pure and chaste, so far as I am concerned, <sup>as</sup> on the day when I first met her. I am sure that she never considered herself as my wife, and no further liberties were by me taken or by her permitted ~~and~~ than those perfectly proper between a man and woman betrothed. I do not recall whether I signed the hotel register in Washington as "D. Harfeld and lady" or "D. Harfeld and wife", but if the latter, it was done only to avoid comment, as testified to by me on the trial.

I further swear that in the course of my trouble I was influenced and directed by my brother, G. Eugene Harfeld, looking upon him as one of more learning than myself. I have found him, however, to be unworthy of my trust, as on the night of my conviction, he obtained from me \$175#, almost my last dollar, and with that, and a gold watch and chain entrusted to him for safe keeping, departed, as I am informed and believe, for parts unknown. I understand further that he apparently wilfully failed to obey the instructions of my Counsel, Mr. Anthony, whereby the vitally important testimony of Dr. ~~James~~ Horn was not produced upon the trial.

Since my conviction, and on the 8th. day of November instant, I was served with a summons and complaint in the

0797

alleged adultery committed by me with Sarah Marks, on the sleeping-car between New York and Washington, and in the City of Richmond, and as deponent verily believes, the prosecution for bigamy was instituted for the purpose of laying a foundation for said action for divorce, this deponent having declined, at the suggestion of Alderman Bennett, to so conduct himself that the foundation for a divorce under the laws of this State might be laid.

I further state that I came voluntarily from Richmond with the Chief of Police of that City, and I hereto annex a certificate of that official and others of that City, as to my character and reputation while ~~there~~ <sup>there</sup>.

My mother is 78 years of age, and is almost entirely dependant upon me for support. Since I left Richmond, as I am informed and believe, some small creditors have attached the little property I had been able to accumulate there, and to-day I am without means, and little can probably be saved from my property in Richmond.

I further swear that until the present trouble, I have never been arrested nor accused of the commission of any offence against the laws, which I have at all times sought to obey.

I respectfully pray that all of the foregoing facts may be taken into consideration in my behalf by this honorable Court.

Sworn to before me this

12<sup>th</sup> day of November, 1889.

Timothy Donovan  
Clerk of Deeds  
M. A. & Co.

David Horfeld

0798

IN SENATE, JANUARY 10, 1906.  
REPORT OF THE COMMISSIONER OF THE LAND OFFICE  
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE  
MAY 1, 1895, RELATIVE TO THE LANDS BELONGING TO THE  
STATE OF NEW YORK.

-----X  
The People &c.

-against-

David Harfeld.  
-----X

City and County of New York, SS:-

D. Edgar Anthony being duly sworn says that he is of Counsel for the defendant; that the trial of this action was begun on Wednesday, the 30th. of October last, and that, owing to the engagements of the honorable Recorder, was on the afternoon of that day suspended until the following Friday, November 1st. on which day it was completed and the defendant convicted.

Deponent further says that on Wednesday at the adjournment of Court it having become apparent to him that the theory of the prosecution was that the ceremony performed between the defendant and Sarah Marks on September 8th. was subsequently consummated by their actual cohabitation as husband and wife, he made the offer to Mr. Macdona, the prosecuting Assistant District Attorney, to have the Court select a competent and unbiased physician, who should examine Miss Marks as to her condition. This offer Mr. Macdona declined, and deponent then informed him that such examination would be made by some impartial physician.

Deponent further says that on the following day, Thursday, he was actively engaged in Court in other cases until late in the afternoon. That about five o'clock of that day, in company with G. Eugene Harfeld and Miss Rachel Marks, a sister of Sarah Marks, deponent went to the



0799

CHIEF CLERK OF THE COURT 22:-

DEPOSED BY:

DEPOSED BY:

DEPOSED BY:

residence of Mrs. Lowenstein for the purpose of requesting her, a close friend of Miss Sarah Marks, to request of her that she submit to a medical examination. Mrs. Lowenstein assenting, deponent returned home, after directing Eugene Harfeld to secure the services of some competent and thoroughly reputable physician, to whom he should first explain the purpose of the examination. Deponent further directed Eugene Harfeld to have whatever physician made the examination, at deponent's office on Friday morning promptly at half past ten o'clock, in order that deponent might ascertain the technical terms used in describing the result of said examination. As deponent has since been informed and believes from the annexed affidavits, the examination was made by Dr. John Horn on that evening, but Eugene Harfeld did not state to him the purpose for which it was required, and Dr. Horn was not informed until Friday morning that his presence was required in Court. Instead of bringing the physician to deponent's office, Eugene Harfeld at some time after 11 o'clock on Friday morning, brought deponent the annexed certificate. Your deponent at once sent for Dr. Horn, and as he is informed and believes, he came into Court in response to deponent's message about the time that deponent closed his address to the jury.

Deponent further says, that, as he had promised, Mr. Macdonia, in his address to the jury, laid great stress upon the time the defendant and Sarah Marks had been together and argued that it was improbable that there had not been the actual sexual relation of husband and wife between them even making reference to the calling by deponent of the

0000

closed as a subterfuge on deponent's part. That as deponent verily believes and earnestly urges, if Dr. Horn had been called to the stand, his testimony would have overturned one of the apparently strongest theories of the prosecution, and the jury would have acquitted the defendant. That the reason why he was not subpoenaed was that on Thursday evening deponent had no subpoena, and did not know until Friday by what physician the examination had been made, and further because deponent directed Eugene Harfeld to disclose to him the exact purpose of the examination, and to have the physician come to deponent's office to go thence to Court, and further because deponent believes that, as he understands the usual custom to be, the physician being called upon as an expert, would come without a subpoena. In deponent's practice, he has had occasion in different cases, to call a large number of medical ~~experts~~ *but in no instance as deponent is able to recall, when called as such experts, they have been subpoenaed.*

Deponent further says that he has in his possession the summons and complaint in an action for absolute divorce in the suit of Julia Harfeld against David Harfeld, in which Howe and Hummel appear as Attorneys for the plaintiff. The summons is dated and the complaint verified November 8th. instant, and the latter, for its causes of action sets forth only adultery with Sarah Marks. Deponent conscientiously believes, from the uncontradicted testimony of Miss Rebecca Marks, given on the trial, that Mrs. Harfeld said Miss Sarah Marks was her salvation, and from the annexed letters of Alderman Bennett, and the

0001

no fact was ascertained from the evidence presented that the  
defendant was guilty of the crime charged. The evidence was  
inadequate to sustain the charge. The jury was instructed  
that they must find the defendant guilty if they believed the  
evidence beyond a reasonable doubt. The jury returned a verdict  
of not guilty. The court granted the defendant's motion for  
a new trial. The court set aside the verdict and ordered a  
new trial. The court granted the defendant's motion for  
a new trial. The court set aside the verdict and ordered a  
new trial.

versation and correspondence with said Bennett upon the  
subject of a divorce, that Julia Harfeld instituted this  
prosecution as a possible aid to her in procuring such di-  
vorce.

Sworn to before me this :  
12<sup>th</sup> day of November, 1889. :

John G. Ritter  
Notary Public  
N.Y. Co

J. J. Anthony



0002

-----X  
The people &c.

-against-

David Harfeld.  
-----X

City and County of New York, SS:-

Sarah Marks being duly sworn says that she is of the age of twenty three years, and resides with her parents at No. 60 Monroe Street, New York City; that at the time of the performance of the ceremony of September 8th. last, deponent knew that the defendant had a wife living, but understood that proceedings had been taken for securing a divorce in Virginia, and that it would be shortly obtained; that if said ceremony was a marriage ceremony, it was such without her knowledge, consent or intention, and at no time has deponent intended to be or become the wife of David Harfeld until after such time as he might be legally separated from his wife.

Deponent further says that in all her associations with David Harfeld, he was never taken or attempted to take any liberties in any sense improper or unbecoming in a gentleman toward an unmarried lady. That on the evening of October 31st. last, at the suggestion of Mr. Anthony, as communicated to deponent by her friend, Mrs Lowenstein, deponent submitted to an examination, which was made by Dr. John Horn, Mrs. Lowenstein's family physician. Eugene Harfeld had a private conversation with the physician before such examination, and deponent at the time supposed that he told him, as she understands from her sister Rachel, he had been directed by Mr. Anthony, the purpose of

-1-

OFFICE OF THE COMMISSIONER OF THE LAND OFFICE, NEW YORK, 22:-

DATA ID: 123456789 •

- ۱۲۸ -

**ИП: Б-06798-80.**

ject was not disclosed, but was apparently deliberately concealed from Dr. Horn by Eugene Harfeld. Subsequently when deponent asked Eugene Harfeld if he had arranged for the Doctor to go to Mr. Anthony's office and then to Court, he said, in substance that it was not "essentially necessary"-his favorite phrase- that he had it "in black and white", and showed deponent the annexed~~x~~ certificate, though at that time, as she recalls, not sworn to, as it ~~is~~ now is. Deponent, feeling that Mr. Anthony would not have requested the physician's attendance unless it were necessary, pressed the subject further, whereupon Eugene Harfeld became very violent, both in action and language and asserted that he knew the certificate to be all that was necessary.

Deponent further says that as she is informed and believes from statements to her made by Dr. Horn, Eugene Harfeld not only grossly misrepresented to him the object of the examination, but, without the knowledge or consent of this deponent, and upon the representation that ~~Harfeld~~ ~~xxx~~ deponent, who, with her family, is in very moderate circumstances, had to pay his fee, obtained the return of the sum which had been paid to Dr. Horn for said examination. Deponent further says, that so far as intercourse with man is concerned, she is as pure and chaste as on the day of her birth, all of which appears by the annexed certificate of Dr. Horn and the affidavits of Drs. Horn and Feldman, to whose joint examination, deponent, at the suggestion of Dr. Horn, again submitted on the 9th. day of November instant.

Deponent further says that, of her own knowledge,

0004

although at the time he had \$175, or a large part of it in his possession, as deponent is informed and believes, took the gold watch and chain entrusted to him by David Harfeld, and has since departed for parts unknown. Deponent verily believes, from the conduct of said Eugene Harfeld as above recited, and as by her observed during the trial of this case, that he is either of unsound mind, or else deliberately bent upon his brother's ruin.

Deponent further says that Mrs. Harfeld, Sr., the mother of David Harfeld, is an aged and infirm old lady of the age, as deponent has been by her informed, of 78 years; that during all of defendant's stay in Richmond, Virginia, deponent occupied the room with her, and during much of the time nursed her in her infirmity; that she seldom saw David Harfeld except at meals, (as he was most of the time at his place of business, some blocks from the Harfeld residence) and when occasionally, in the afternoon, he took deponent riding. Mrs. Harfeld, Sr. is of the Hebrew faith, and very devout in her religion, and spent much time while deponent was in Richmond, in religious conversation with her; that, as deponent understands, she is almost entirely dependant on her son David for support, and since his indictment on this charge, has been in a very enfeebled condition, as deponent knows from having returned to Richmond and nursed her, as she was advised by Mr. Bloomberg, the Richmond Attorney, she might with propriety do.

Sworn to before me this :

13 day of November, 1889

*Sarah M. Barker*  
*Notary Public*



**Court of General Sessions of the Peace.**

-against-

**City and County of New York, SS:-**

I am a regularly graduated and licensed physician and surgeon, having an office at No. 147 East Broadway, New York City. I graduated at the New York University Medical University in 1885, and have since then had an experience of about two years as one of the resident physicians and surgeons of St. Mary's Hospital, Brooklyn. I consider myself wellversed in the study and practice of diseases of women.

Mr. Harfheld did not inform me at the time of the purpose of said examination, and made no request of me to attend Court, and it was not until the following day that I learned anything of the facts in this case. I at once hurried to the Court of General Sessions, but arrived too late to give my testimony, as, if necessary, I was and am prepared to do.

0006

OFFICE OF THE DISTRICT ATTORNEY OF NEW YORK

STATE OF NEW YORK

IN SENATE

AND IN ASSEMBLY

Again on the 9th. day of November instant, after I had been informed by Mr. Anthony of the main facts in this case, Dr. B.M. Feldman, of No. 84 Rivington Street, New York City, and I made another and careful examination of said Sarah Marks. We found all of the signs of virginity present. There was neither destruction nor partial injury to the organs such as would result from intercourse, and I unhesitatingly declare and swear that Sarah Marks was, when so last examined, a virgin, and had not had intercourse, with man.

I never saw the defendant David Harfield, and have no interest in this case.

Sworn to before me this :  
12<sup>th</sup> day of November, 1889

John Horn M.D.

Timothy Donovan  
Clerk of Peace  
M.C. & Co

0807

IN SENATE AND HOUSE OF REPRESENTATIVES  
JANUARY 21, 1890  
REPORT OF THE  
COMMISSIONERS OF THE  
COURT OF GENERAL SESSIONS OF THE PEACE.

-----x  
The People &c.

-against-

David Harfield.  
-----x

City and County of New York, SS:-

*Beason M. Feldman*, being duly sworn says that he is a regularly graduated and licensed physician and surgeon having an office at No. 84 Rivington Street, New York City; that on the 9th. day of November inst., Dr. Horn, whose affidavit is hereto annexed, and deponent made a careful examination of Sarah Marks, who has been personally known to deponent for eight years or thereabouts last past; that deponent has read the said affidavit of Dr. Horn, and that the result of said examination is therein correctly stated.

Sworn to before me this

12<sup>th</sup> day of November, 1889:

*Timothy Donovan*  
Com. of Deeds  
*M. C. Co.*

*H. B. Feldman*



0000

OFFICE OF THE COMMISSIONER OF THE LAND OFFICE  
NEW YORK, N.Y.

STATE OF NEW YORK

IN SENATE

JANUARY 1889

WILLIAM BRUNTS

MERCHANT TAILOR

No. 177 BOWERY,

Near Delancey St.,

New York, March 25 1889

Mr. S. Harfeld  
Dear Sir

I take the pleasure of writing to you a few lines which may interest you very much.

Mr. J. M. Rubenstein a brother-in-law of Julia Harlow is in the jewelry business and he travels. He will stop in Richmond Va and send out all about you. Please keep this a secret. I don't want anybody to know. I wrote you about it.

In the next letter I will write you all about it as she will not do anything until Mr Rubenstein comes back.

(over)

I remain your friend  
William Brunts

0809

William Bennett,

✱  
MERCHANT TAILOR, ✱

✱  
No. 177 BOWERY,

Near Delancey St.,

New York April 24 1889

Friend Harford.  
Dear Sir

As I have been sick for the last 5 weeks I could not write to you very well. But as I am well I take the opportunity of doing so.

As a friend of yours take my advice and give her a divorce as this is the best thing for your future life. I can make all arrangements with her to accept it.

Hoping that I will hear from you as soon as possible.

I remain your friend  
William Bennett

08 10

JOHN HORN, M. D.

OFFICE HOURS:  
8 to 10 A. M.  
6 to 8 P. M.

147 EAST BROADWAY, N. Y.

October 31<sup>st</sup> 1889.

This certifies that I am a  
graduated physician of the  
N.Y. University Medical College, and  
that I am especially well versed  
in the study relating to diseases of  
women, and furthermore do I  
certify that after very careful  
examination of Miss Sarah  
Marks of No. 60 Monroe St. this city  
(to me personally known &)  
I can positively say and swear  
that she is a virgin and has  
not had intercourse with man.

Signed John Horn M.D.

State of New York  
City & County of New York

Doorn to before me  
This first day of November  
1889 O. M. Buckley

Notary Public  
N.Y. 21271



08 11

Court of General Session of the Peace.

-----x  
The People &c.

-against-

David Harfeld  
-----x

City and County of New York, SS:-

Jacob P. Solomon being duly sworn says that he is an Attorney and Counsellor-at-law and also Editor of the Hebrew Standard, a weekly newspaper published in the city of New York. That he is familiar with the Hebrew language; that the words הֵן אֶת מְקוֹדְךָ לִי which were translated by one of the witnesses for the prosecution as "With this ring I thee wed", literally translated into the English language mean "Behold, thou art consecrated to me".

Sworn to before me this ;  
12<sup>th</sup> day of November, 1889;



*John G. Pitter.*  
Notary Public  
N. Y. Co.

08 12

CORPORATION OF THE CITY OF RICHMOND

We the undersigned residents of the City of Richmond in the State of Virginia do hereby certify that David Harfield has resided in this City for the past four years (or probably longer) and that during that time he has borne an excellent character and conducted himself in every way as an honorable & upright citizen.

John Fox, Jr.  
Chief of Police

J. D. Angles  
Capt of Police

E. P. Hulce  
Detective Sergt of Police

J. B. Pleasant  
Capt Police

R. H. Howard  
Sergt Police

Wm B Jones, Jr.

M. J. Robinson, <sup>Detective</sup> Sgt of Police

R. M. Quirk, Asst. Supt.







0814

# HEALTH DEPARTMENT OF THE CITY OF NEW YORK

Sanitary Bureau, Seventh Division. Vital Statistics.

Liber 3

No. 11417

OFFICE, 301 MOTT STREET,

*Perfiles Ex New York, Sept. 17, 1889*

## A Transcript from the Record of Marriages IN THE CITY OF NEW YORK.

DATE OF MARRIAGE.		NAME OF GROOM.	RESIDENCE.		AGE.	COLOR.
MONTH.	YEAR.		NUMBER.	STREET.	YEARS	
<i>Sept 28,</i>	<i>1889.</i>	<i>David Harfeld</i>	<i>206</i>	<i>E. 28th</i>	<i>27</i>	<i>W</i>
GROOM'S BIRTHPLACE.		NAME OF FATHER.	NAME OF MOTHER.			
<i>Russia</i>		<i>Abraham Harfeld</i>	<i>Anna Gittelman</i>			
OCCUPATION.	No. of Groom's Marriage.	NAME OF BRIDE.	RESIDENCE.		AGE.	COLOR.
			NUMBER.	STREET.	YEARS	
<i>Diamond Cutter 1st</i>		<i>Julia Harlan</i>	<i>141</i>	<i>Madison</i>	<i>25</i>	<i>W</i>
BRIDE'S BIRTHPLACE.		NAME OF FATHER.	NAME OF MOTHER.			
<i>New York City</i>		<i>Abram Harlan</i>	<i>Rhodes Margolis</i>			
NO. OF BRIDE'S MARRIAGE.	BY WHOM MARRIED, AND OFFICIAL STATION OF PERSON SOLEMNIZING THE MARRIAGE.				WHEN RECORDED.	
<i>1st</i>	<i>Rev Moses A. Schreiber</i>				<i>Oct. 7, 1889.</i>	

The persons authorized to solemnize Marriages by the Laws of New York are the following:

1. Ministers of the Gospel and Priests of every denomination.
  2. Mayors, Recorders, and Aldermen of Cities.
  3. Judges of County Courts and Justices of the Peace.
  4. Jews and "Quakers (or Friends)" in a manner agreeable to the regulations of their respective societies.
- Hence, certificates of the solemnization of Marriages by Notaries, or by or before any other person or officers than those above named, ARE NO EVIDENCE OF SUCH MARRIAGES.

*A True Copy,*

*John T. Nagle*  
Deputy Register of Records.

*Chapman*  
Chief Clerk



of the stamp of Eli's sons. Samuel, inspired by the ideal of Moses, broke the staff over the priesthood and sacerdotalism, and established Nabiism on a firm footing. We have seen the struggles he has encountered for it and the power he has imparted to it through his schools and of prophets.

David, again, was a king after the prophetic fancy, notwithstanding his personal faults. He busied himself with uniting his people under his kingdom and subduing its enemies from without. He had a poetic vein, and fostered the arts of psalmody and of music. But we never find him interfering in the favor of either priesthood or Nabiism. His poetic and musical inclinations tacitly supported the latter; it encouraged "the exultation of the soul." This was just what Nabiism desired. Thus he sang to the Lord: "Slaughter and gift-sacrifices Thou desirest not; Thou hast carved out ears for me," etc., which expresses the very thought which Samuel had uttered: "To hear is better than to sacrifice." But his people were not ripe to appreciate this lofty principle of Nabiism. Nathan, the Nabi, knew that, and therefore was he afraid lest, by the establishing of a central place of worship, the pomp and display of priesthood might subdue this thought of pure religious worship which rang so beautifully in the strains of the psalmist-king, and undoubtedly awakened a harmonious echo in the hearts of his subjects. This was, perhaps, the true reason why he dissuaded David from building a temple.

Having noticed in Solomon traits of character similar to those of David, Nathan at last successfully manoeuvred to have him instituted as the successor of his father. Thus far the courtier prophet worked in the spirit and according to the principles of his illustrious predecessor, the great Samuel. But unfortunately he failed to take into consideration some very important moments and to provide against them; and they proved to be the very ruin of the prophetic ideal toward which the leading Nabiites of the Hebrew people were aiming.

Not like his father, who had to struggle in every step in his career, Solomon was born and raised as a prince. The mighty edict of his father, who had done so much to make of his people a powerful and united nation, who, by his personal valor and skill as a commander in war, had subdued the enemies from outside, and who had endeared himself to his people and its religious guides by his piety and devotion—the mighty edict of his father was alone sufficient to deliver the crown into his hands and to constitute him the absolute ruler of the nation. Having occupied the throne of his father, he found a nation which had been trained in obedience. There were hardly any enemies from without to occupy his attention, and there was an overflowing treasury which his father had accumulated for a period of forty years. What was there to incite the ambition and to arouse the activity of the new king?

At the very beginning of his career, Solomon manifested great firmness in destroying the dangerous political enemies of his kingdom. But then there was nothing left for his ardent and high-minded spirit to do but to foster regal pomp and luxury. He pushed Nabiism aside, and constituted himself a seer; he saw visions and dreams—the visions and dreams of his own greatness and wisdom, and thereby he revived the dormant and nearly forgotten Egyptian superstitions. He built a magnificent "temple to the Lord," un-

doubtedly with the purest of motives. But through the glory he had imparted to it and by the pomp of his sacrifices, he established the authority of priesthood and the preference for sacrificial and sacerdotal rites more firmly even than it had ever been in the estimation of the people before. The inspired Nabiites, if they perceived of the evil tendencies of these doings, did not dare to raise their voice against the mighty ruler, who was himself a prophet; they withdrew to their schools, and took no part in the national politics. During the whole period of his ruling, we do not find Solomon consulting any Nabiite or listening to any one, while David did take counsel from them in almost every important instance of his career. And when his love for great buildings began assuming large proportions, and when the sublime catholicity of spirit which he had manifested in his prayer at the inauguration of the temple stretched so far that he not only tolerated, but even encouraged the "services of strange gods," where pomp and display were connected with them. The Nabiites, much as they were averse to sacerdotal rites, must have been glad to see their people sacrifice at the altar of the Lord rather than see them serve "Kemosh, the abomination of Moab," and other idols. Thus the whole work of Samuel and his followers was undone by the luxury-loving king, and Nabiism hid itself from sight.

At last, in the last years of Solomon's reign, Nabiism again began manifesting its influence through Ahijah, the Shelonite, with whose story our next series begins

#### RABBINICAL DIVORCES.

We presented last week a report of the Jewish Ministers' Association meeting, at which the subject of divorces by rabbis was discussed. The matter has been taken in hand by the Grand Jury, which took the testimony of Rev. Dr. Gottheil and others, and then made the following presentment, which will be welcomed by every right-minded Jew:

"Upon the investigation by the Grand Jury into a charge of bigamy, it appeared in evidence that the defendant, a Russian Jew, born and instructed in the principles of the Jewish faith and ignorant of our laws, having been legally married in accordance with the Jewish marriage law to a woman in Russia, emigrated to this country, bringing with him his wife and three children, the fruit of this marriage. He and his wife having agreed that by reason of domestic discord and misunderstandings it would be better for both of them to dissolve their matrimonial ties, they went before a Jewish rabbi in the belief that such rabbi was authorized by law to divorce them absolutely from each other, and obtained from him a so-called divorce, under which the defendant understood his civil and domestic relations with his wife were entirely terminated and that he was entitled to marry again. Thereafter the defendant contracted a second marriage, and for so doing he was arrested and committed for trial. The Grand Jury has found an indictment against him, pending the determination of which he is now confined in the City Prison. The Grand Jury, having reason to believe that this was but one instance of many in which persons have, through ignorance, rendered themselves amenable to criminal prosecution as the result of the granting of these so-called divorces, upon an investigation of the whole subject has arrived at the following conclusions:

In ancient times, when the Jews had autonomy in all their matrimonial affairs, and Jewish courts were permitted to exercise a kind of ecclesiastical jurisdiction in cases of divorce, bills of divorce were permitted, under certain conditions, to parties who had been joined in marriage in accordance with the principles of the Jewish faith, where, after every reasonable effort had been made to effect a reconciliation under the solemnity of a proceeding conducted in accordance with certain minute rules and attended by impressive formalities, the husband was allowed to divorce his wife upon the ground that in such case the divorce was only the external dissolution of a relation which, internally, had already been destroyed. Since the beginning of the present century, however, the ecclesiastical jurisdiction of the Jews in cases of divorce has ceased in most of the European countries, and in the United States it never existed. A marriage valid in the place where it was contracted can only be dissolved by a court of competent jurisdiction. The Jewish rabbi of the present time has no power or authority to enforce a dissolution of marriage where, according to the ancient principles of the faith, it might have been dissolved or to permit the divorcing of a wife by her husband so long as the marriage has not been duly dissolved by a competent court. This is now conceded by all Jews in this country and by most of those in the Old World. The conservative Jews, however, still regard the ancient ceremony of Jewish divorce as appropriate and necessary before a second marriage can be regularly entered into according to the principles of the Jewish faith.

Notwithstanding this almost universal appreciation of the true object and force of the ancient bill of divorce, it has appeared as a result of the investigation that men in this city, taking advantage of the ignorance of those who, like the defendant above mentioned, are wholly unfamiliar with laws of marriage and divorce, make it their business to grant what they call "religious divorces" upon the pretense that such divorces are valid under the laws of this State. Whether these men so advise the parties who go to them or not, it is, nevertheless, the fact that these ignorant people believe in their validity, and in that belief often contract other marriages, thus unconsciously rendering themselves liable to imprisonment in a State prison. The Grand Jury believes that the practice is one which should be prohibited except in those cases where it is used as a matter of religious belief.

The Grand Jury is of the opinion that the granting of these so-called divorces until after a valid decree of divorce has been issued by a court of competent jurisdiction should be absolutely prohibited by law and be declared a misdemeanor, punishable for a first offence by a fine and for a second offence by imprisonment, and that upon the passage of such a law proper measures should be taken for instructing persons affected thereby of its provisions. The Grand Jury respectfully recommends to the court the propriety of legislation in accordance with these views, and requests that such action should be taken as the circumstances require."

An instance of the granting of a rabbinical divorce came to the notice of the United Hebrew Charities, whose energetic superintendent, Mr. Charles Frank, took prompt action in the matter. The society was called in to aid a woman in confinement who, it was believed, had been deserted by her husband. It turned out, however, that by



mutual agreement and the payment to her of \$8, he had obtained a rabbinical divorce, and was about to be married again. He was arrested, and on agreeing to again live with his wife was discharged. At the instance of the Charities, however, and on complaint of its agent, Mr. Arnold B. Ehrlich, the rabbi who granted the divorce was arrested for obtaining money under false pretenses.

#### A NIGHT AT TOYNBEE HALL.

In the *Christian Register*, the Rev. A. W. Jackson gives the following interesting account of an evening at this great London institution:

Every one is interested in Toynbee Hall. I have been looking into it only to become more interested the farther I see. Last evening I attended its smoking conference, which had been described to me as an occasion not to be missed. The audience-room was well filled, and the privilege of the pipe was freely indulged. Those who did not smoke could by no means escape being smoked, and I am rather proud of the fortitude with which I endured. It was medicine which makes sick,—purgatory, with quite the opposite of purification.

The conference was opened by Canon Blackley, a very intelligent man and an interesting speaker. The subject of debate was "Compulsory Insurance." His plan was to do away with pauperism by requiring every one to make provision for old age out of the earnings of his earlier and less expensive years. The working boy or girl, as he thought, between the ages of seventeen and twenty-one, should have, say, nine pence per week of his wages held back, and paid into the post-office. These small savings the government should take care of, guaranteeing a compound interest until the earner reaches sixty years of age. Then the income should be paid him in regular instalments as a pension. By his figuring, he showed that this pension should amount to about five shillings per week, which is double the average dole of the poor laws now. This was self-support where now is pauper maintenance. His illustrations, of course, were tentative, and designed to show what might be done rather than precisely what should be. The saving period might be longer than four years, the amount of weekly saving more than ninepence or less; but he was thoroughly persuaded as to the wisdom of his scheme in its general features. His argument was presented with great cogency, and his well-made points were applauded very heartily.

The most interesting part of the meeting was now to come. Men from Oxford and Cambridge were present, but they remained silent. It was for the laboring men of East London to try their brains upon the question; and one after another laid aside his pipe, and came to the platform. They had evidently come direct from their labor, hardly stopping to wash their faces, certainly not to change their clothes. They spoke, in the main, with great volubility; some of them, with a great deal of fury. With two or three, the remedy for existing ills was not in a scheme so temperate and slow-footed as this, but in a general smash-up of existing things. The meeting swayed at times with a good deal of excitement. The "reds" were unquestionably here, and a large sympathy was with them. The patient canon made note of all their arguments, and in a calm and reasonable speech answered every one.

Judged from their speeches, these men could not with safety be followed as reformers; but it was interesting to note the zeal with which they took hold upon the question,—a zeal which, I am told, is quite characteristic of these meetings. If, too, their passionate utterances were not altogether wise, the discipline of the hour, I am sure, was wholesome. They had come in contact with a trained intellect that could draw out their minds, and with calm reason meet their unreason.

These smoking conferences are an important feature in the weekly program. Some subject of large practical significance is selected, and some man of recognized ability is drafted in to open the discussion of it. Next Thursday evening, the subject is "The Municipalization of Land," and a member of Parliament is to lay it before them. Great questions are ahead,— "Sanitation," "Poor Law Reform," "International unions," "Work and Wages of Women," "Hospitals, Voluntary or State," "Peasant Proprietary," and many others of like scope. On these subjects rude men will exercise their minds under the guidance of some trained intellect.

Of course, I knew an educational work was being done here; but the scope of it surprised me. There is a course of Sunday evening lectures now in progress on the great poets. Last Sunday evening the subject was "Browning;" next Sunday evening it will be "Wordsworth." Four courses of very studied lectures are now going forward: on Monday evenings, a course of ten lectures on "Electricity;" on Tuesday evenings, a course of twelve on "Dante," given by our brother Wicksteed; on Wednesday evenings, a course of ten on "The French Revolution;" on Friday evenings, a course of ten on "Wind and Water and their Effects upon Scenery." For these courses there is a charge of one shilling each, or about two cents per lecture.

Besides the lectures, a very large amount of class-work is done. There are classes in Latin, French, German. There are two or three classes in English literature. There is a class in astronomy, in physiology, in botany. Mathematics are taught here; political economy, music, drawing. Various clubs and associations have been formed for one interest and another. There is an Adam Smith Club, a Shakspere Society, a Natural History Society, an Antiquarian Society, a Philosophical Society. Nor are amusements forgotten. There is a Rowing Club and a Lawn Tennis Club. This in the midst of that vast demesne of poverty and misery,—East London.

An admirable library of some five thousand volumes has been collected, which is open from nine to ten hours each day, and of which, I believe, the general regulation is, "Step in and use."

I was invited to dine at the hall, and this gave me an opportunity to talk with the young men who are active in the work. They are mostly from Oxford and Cambridge,—intelligent, agreeable and in earnest. Their aim, as one explained it, is to bring refinement and culture to bear on poverty and wretchedness; as another amended the explanation, to bring poverty and wretchedness to bear upon refinement and culture. And, to realize their aim, they do not merely form classes and provide lectures; they seek also the ways of personal contact with men, to learn their condition, ideas, doubts, hopes, aspirations. It is their very frequent practice to invite men to

dine with them, selecting some one from the untutored and despairing life about them. No matter how rough his exterior or how rude his speech, he is their guest for the evening and they make the most of him. One after another, they take him in hand, not to lecture him, but to learn from him and to compare with him. He has, perhaps, never before known such society; but their generous courtesy charms away his diffidence, and draws from him the deepest he can tell. He retires to his cheerless home with the consciousness that he has been smiled upon; he leaves behind a wisdom born of his struggles and his pains.

Of the wisdom that he leaves these young men seem to me peculiarly and profoundly sensible. As one of them said to me: There is a prevalent feeling that the ignorant and poor might profit from contact with the cultivated and well-to-do, though there is also a prevalent feeling that they are not entitled to it. Let me tell you the need is reciprocal. In the city, in the village, in this country, and, I suppose, in yours, the favored of this world group together and drive the poor to their special quarter. It is a great mistake, of which it may well be that the favored suffer most. Worse than a despised poverty is a soulless prosperity, and to this our favored classes by their isolation are self-doomed. The favored and the unfavored need each other, the latter for the nobler standard which may be taught, the former for the humaner wisdom that they may learn. This is not his language, but the substance of what he said to me. Like one who has been dreaming, I stir myself into the realization that this is London, and not Boston, aristocratic old England, not democratic America.

#### A DANTESQUE STORY OF PERSECUTION.

The marvelous history of the Jews, comprising unique and startling situations, constitutes the most thrilling tragedy of the ages. Despised and persecuted by all the earth, from time to time, they have maintained their solidarity through all the changes of fortune and the vicissitudes of time. Scattered over the earth, yet the bond of their unity has never been broken. Engaging in the most prosaic occupations, they seem ever surrounded by the golden mist of legend and romance.

After fifty centuries of strangely mingled prosperity and adversity, they stand to-day the most peculiar people on earth, in full possession of all those remarkable characteristics that enabled them to defy the Pharaohs, and with the sword of Gideon to smite the Midianite. The most powerful races and nations have failed either to assimilate or absorb them, and the most bitter and cruel persecutions, so far from exterminating them, have but served to confirm them in the common cause of Jewish solidarity.

The long-continued oppression of the Jews in Russia is one of the principal causes lying at the root of the present critical condition of Russian commerce. The Russian atrocities visited upon this helpless people, whose very weakness should have been the pledge of their protection, constitute the foulest insult to Christian civilization.

Aroused by the Dantesque story of Russian persecution, the English and the Americans have from time to time sought to alleviate the sufferings of this unfortunate people. Large sums of money have been raised in their behalf.



0817

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*David Starfeld*

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

*David Starfeld*

of the CRIME OF BIGAMY, committed as follows:

The said *David Starfeld*,

late or the City of New York, in the County of New York aforesaid, on the *twentieth* day of *September*, in the year of our Lord one thousand eight hundred and *and twenty nine*, at the *City and County* aforesaid,

did marry one *Julia Starman*, and then,

the said *Julia Starman*, did then and there have for *his wife*: and the said *David Starfeld*,

afterwards, to wit: on the *eight* day of *September*, in the year of our Lord one thousand eight hundred and eighty-nine, at the *City and County* aforesaid,

did feloniously marry and take as *his wife* one *Sarah Madar*, and to the said *Sarah Madar*,

was then and there married, the said *Julia Starman*,

being then living and in full life, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.