

0555

**BOX:**

369

**FOLDER:**

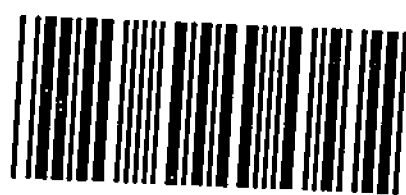
3462

**DESCRIPTION:**

Livingston, William

**DATE:**

10/31/89



3462

Sent for  
 appearance of Kell.  
 a money  
 11<sup>th</sup> Dec. 72

18

William Livingston

Grand Larceny 1st degree [Sections 528, 531, 532 Penal Code].

JOHN R. FELLOWS,

*District Attorney.*

# A True Bill,

McLoot Foreman.

*Foreman.*

204/179

Wm. C. Davis & W. H. L.

0556

0557

Police Court—

3

District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

Otto Harnisch  
 of No. 193 Bowery Street, aged 26 years,  
 occupation Bartender being duly sworn  
 deposes and says, that on the 16<sup>th</sup> day of October 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:

three pairs of pantaloons }  
 two Vests one Coat } and good  
 and lawful money of the United States  
 Consisting of silver Coins amounting to  
 two dollars and one gold piece of  
 the value of one dollar and fifty cents  
 altogether of the value of fifty dollars

(\$50.00)

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 William Ringstone (now here)  
 for the reasons following to wit: That  
 said defendant on the above-mentioned date  
 was a bartender in the liquor saloon 193  
 Bowery. That between the hours of 3 and  
 3.30 o'clock <sup>p.m.</sup> on said date <sup>said defendant</sup> disappeared  
 from said saloon and deponent immediately  
 thereafter missed the afore-described property  
 as having been stolen from his room  
 in 193 Bowery. That deponent then caused  
 the arrest of said defendant by Officer  
 James Brady who found in the possession  
 of said defendant and wearing on his person  
 one vest and one gold piece both of which  
 deponent fully identifies as a portion of  
 said property stolen from the possession of  
 deponent.

Otto Harnisch

Sworn to before me this 17<sup>th</sup> day of

Police Justice.

0558

Sec. 198—200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

3 District Police Court.

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

Question. What is your name?

Answer. William Livingston

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. Newark N.J.

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

Answer. 26 Bowery New York about one week

Question. What is your business or profession?

Answer. Seaman.

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.

Wm Livingston

Taken before me this

day of October 1888

Police Justice.



0559

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

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

Dated Oct 20 18 89 [Signature] Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0560

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

# 267  
Police Court---3 District. 1583

THE PEOPLE &c.,  
ON THE COMPLAINT OF

Otto Harnisch

193 Surgery

William Livingstone

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

Offence *Carrying*  
*gun*

Dated *Oct. 20* 188*9*

Magistrate.

*James Brady*

Officer.

*11*

Precinct.

Witnesses

*James Brady*

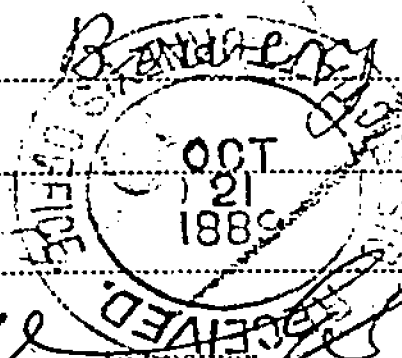
Street.

*Josh Golding*

No. *193 Broadway* Street.

No. .... Street.

\$ *5.00* to make up



*Am* *9/2*

0561

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*William Livingston*

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

*William Livingston*

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

The said

*William Livingston*

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

*three pair of trousers of the value  
of eight dollars each pair, two  
pairs of the value of five dollars  
each, one coat of the value of  
twelve dollars, diverse coins of the  
United States, of a number, kind and  
denomination to the Grand Jury aforesaid  
unknown, of the value of two dollars  
and one pair of the value of one  
dollar and fifty cents*

of the goods, chattels and personal property of one

*Otto Hermann*

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.

0562

SECOND COUNT—

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

*William Livingston*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

*William Livingston*

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,

*three pair of trousers of the value of eight dollars each pair, two vests of the value of five dollars each, one coat of the value of twelve dollars, divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown of the value of two dollars, and one piece of the value of one dollar and fifty cents*  
of the goods, chattels and personal property of one

*Otto Harnisch*

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

*Otto Harnisch*

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

*William Livingston*

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.



0563

**BOX:**

369

**FOLDER:**

3462

**DESCRIPTION:**

Lloyd, Edwin R.

**DATE:**

10/28/89



3462

0564

240

Mr. Hardy

Counsel,

Filed

day of

Oct. 1889

Pleads,

Mcquilly 29

THE PEOPLE

vs.

Edwin R. Lloyd

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Is John 7<sup>th</sup> 1890

Ready Guilty - 1<sup>st</sup> Count  
13

Witnesses;

Edwin R. Lloyd

Maud Eranger

Miss Lloyd

Miss Eranger

to appear & check

7/1

Miss Eranger

murder for off

the days to have

Revolution & for

mother are aware

is entirely allentant

when sets for her

substant, 13

0565

Police Court, 2 District.

City and County }  
of New York, } 88.of No. 109 East 55<sup>th</sup> Street,

John E. Ryan, aged 31 years,

occupation Auctioneer.

being duly sworn, deposes and says,

that on the 10 day of October 1889, at the City of New York, in the County of New York,

Edward R. Lloyd

did feloniously make forge and counterfeit a signature of Maud Granger to a certain check made and drawn on Van Linschoten & Carnegie for the sum of \$193.75 payable to the Oriental Bank in said City to said Maud Granger.

That on said 10<sup>th</sup> day of October 1889 the firm of Van Linschoten & Carnegie were indebted to said Maud Granger in the aforesaid sum of money when said defendant came to the place of business and there requested a check for said Maud Granger.

That said defendant had been in the employ of said Maud Granger, and defendant believing at the time that he was still in the employ of said Maud, and he further represented that said Maud was in need of money and he requested the money for said check defendant believing said representations to be true allowed the check for said amount of money to be delivered to said defendant and defendant met with said defendant to Patrick Harrigan of No. 128 East 13<sup>th</sup> Street and caused said check to be cashed.

That before said check was so cashed by said Harrigan he the said Lloyd represented that he has power of attorney to sign the name of said Maud Granger and in defendant's presence did sign said name, and did

0566

receive said money from said  
Hannigan for said check  
Defendant is now informed by said  
Mann Granger of No 208 West 54  
Street that said defendant was not  
in his employ at that time and  
that he was not authorized by him to  
obtain said check and has no authority  
to sign his name to said check

Defendant therefore charges that all  
representation made by said defendant  
were false and untrue, and that  
he falsely and feloniously made  
and gave said signature of said  
Mann Granger with the felonious  
intent to obtain said money and  
whereby he did defraud said  
Hannigan & Carney of said money as  
possessed. Defendant prays that said  
defendant be arrested and held  
without bail to answer

Police Justice

188

Dated

Police Justice

188

Dated

Police Justice

188

Dated

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.

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,

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street.

\$

to answer

Sessions



0567

CITY AND COUNTY { ss.  
OF NEW YORK,

Maud Granger  
aged 37 years, occupation Housekeeper of No.

208 West 54 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of John E. Ryan

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

Sworn to before me, this

day of

188

10

October

Maud Granger

John J. Glavin  
Police Justice.

0568

Sec. 193-200.

2

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss.

*Edward R. Lloyd* 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. *Edward R. Lloyd*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *Buffalo N.Y.*

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

Answer. *133 West 55 Street New York*

Question. What is your business or profession?

Answer. *Cachman*

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 guilty of taking the ~~Edwin R. Lloyd~~ money with the intent to bring it to Edward Granger. I signed the check with his name and misspelled it*

*Edwin R. Lloyd*

Taken before me this

day of *October* 188*7*

*John J. Conna* Police Justice.

0569

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 John E. Ryan  
of No. 109 East 55 Street, that on the 10 day of October  
1889 at the City of New York, in the County of New York,

Edward R. Lloyd  
did feloniously make false and counterfeit  
the signature to a check made to the order of Anna  
Morgan for the amount of 193 75/100 Dollars with  
the intent to cheat and defraud, and whereby  
he did obtain said money and did cheat  
Vandam & Carey of said amount of money

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him  
forthwith before me, at the 2 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 15 day of October 1889

John E. Ryan POLICE JUSTICE.

0570

POLICE COURT.....DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated.....188

Magistrate.

Officer.

The Defendant *Frank R. [unclear]*  
taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

Officer.

Dated *Oct 10*.....188

This Warrant may be executed on Sunday or at  
night.

Police Justice.

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

Dated

188

The within named

Police Justice.



0571

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.....

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

Dated *October 12* 188*9* *John J. Kennedy* 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.

0572

\$1000 bail for E  
2 P.M. Oct 16/89

BAILED,

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

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

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

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

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

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

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

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

Police Court--- 2. 1568 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John Ryan*  
109 East 35th St.  
*Edward Lloyd*

2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

Office *Forney*

Dated *Oct 15* 188*9*

*W. H. Munn* Magistrate.

*Pickney* Officer.

*C.P.* Precinct.

Witnesses *Maria Munn*

No. ~~208 West 4th~~ Street.

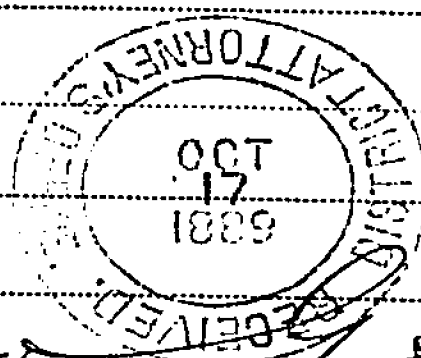
*221 W 43*

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

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

\$ *1000* to answer.

*Cham* *709* *Endowment*





0574

The Safe Deposit Vaults in the Equitable Buildings are the most secure in the world.

THE EQUITABLE LIFE ASSURANCE SOCIETY,

No. 120 BROADWAY, NEW YORK.

ENGINEER'S DEPARTMENT.

Jan 11' 1890

Hon' Recorder. S. M. The  
Dear Sir,

Edwin R. Lloyd  
was employed in the Engrs. Dept  
of the Equitable Society for about  
two years, I had him engaged in  
different capacities during this time  
he performed his every duty honestly  
& faithfully, deserving much credit  
during this time. he left me to  
fill a better position.

Very Respectfully  
J. J. Wilson  
Supt & Chief Engr  
for Society

Subscribed and sworn to  
before me this 11<sup>th</sup> day of  
January 1890.

H. Moynahan

Notary Public

N.Y. Co.



0575

WM. A. CONSTANTINE,  
Cabinet \* Maker \* and \* Upholserer.

All Orders Promptly and Neatly Executed.

710 SEVENTH AVENUE,

New York, Jan. 10th 1890  
To The Hon. Judge Smythe  
This is to certify I have known  
Mr. Edward Layd for several  
years and knew him to be strictly  
honest and upright up to the time  
of his misfortune and I know  
him to be the entire support of his  
widowed mother and sister who  
are temporarily cared for by friends  
I therefore pray that your Honor  
shall temper justice with mercy  
I Am

Most Respectfully  
Sworn to before me *Wm. A. Constantine*  
this 9<sup>th</sup> day of January 1890  
Pita Macdonald  
Notary Public 123  
corner,

0576



HORSES taken on LIVERY.

COACHES & COUPES

For Balls, Weddings, Theatres, Shopping, &c.

Landaus and Landaulets for  
Park and Road Riding.

No

New York,

188

To CHAS. CUDLIPP & SONS, Dr.

CONTINENTAL BOARDING AND LIVERY STABLE.

850 & 852 Seventh Avenue.

Between Fifty-fourth and Fifty-fifth Sts.

To his honor Judge Smyth Esq  
This is to certify that I have known  
and loved for several years and  
have known him to be of good character  
and support to his old and afflicted

Mother and I hope you will be as lenient  
with his sentence as possible as I think  
it will be a lesson for him for the  
future hoping you will take this in consideration  
I remain yours Chas. Cudlipp 301 W 55th  
Sworn to before me this 10th day of January 1890. Residence City  
Thos. Aul Jr  
Com: of Deed  
City, City

0577

C. H. Voss,  
WIPHOILSTILLER,  
& Cabinet Maker,  
156 WEST 150th STREET,  
Near Broadway,  
710 Seventh Avenue,  
New York.

New York, Jan 10th 1890

To the Hon Judge Smythe.

I have known Edwin Lloyd for the past  
fourteen years and have never known  
him to do an dishonorable act.

Begging you in his unfortunate condition  
to have mercy and if in your power you  
can suspend sentence and put him on  
probation I am sure he will never do  
wrong again and you will receive  
the blessings of his poor invalid  
mother he being her only support.

Most Respectfully Yours

C. H. Voss.

Sworn to before me  
the tenth day of January  
A.D. 1890. A. J. Courne  
Notary Public 242  
1890

0578

New York, January 11<sup>th</sup> 1890  
176 Broadway  
208 West 51<sup>st</sup> St.

Genl. Fred. H. Smith,

Judge Court General Sessions

Dear Sir

Edwin R. Lloyd with  
his mother & sister lived in part of  
my flat (No. 208 W. 51<sup>st</sup> St.) for  
a few previous to August last -  
I had opportunities for seeing considerable  
of him - I found him very kind & consid-  
-erate towards his mother & sister of  
color. He was the sole support - for  
transactions in money matters with me  
were always perfectly satisfactory &  
very prompt - They left on  
account of the failing health of his  
mother -

I am readily at hand



0579

this his first ship. He seems to be  
naturally of a free, open, frank disposi-  
-tion - Ever ready to help a friend. Liked  
by every one.

The money has been returned  
to Miss Tranger long since. I  
think were it in her power he would  
go free.

I have this feeling towards him.  
Had I a position open I would not  
hesitate an instant about putting  
him in it.

I think the lesson already  
taught him will be a life long one -

This is not a case of natural de-  
-pravity but one of momentary tempta-  
-tion

To err is human - To forgive  
divine

Very Respy Sd

J. H. Williams

J. H. Phelps and Notary Public Kings Co. N.Y.  
Certs. filed in N.Y. Co.

0580

A. W. MAYNARD, M. D.  
260 WEST 42d STREET,  
NEW YORK.

N.Y. City. Jan. 10<sup>th</sup> 1890  
To Hon - Recorder Lynette

We Drs Maynard  
and Sanders in behalf  
of Edwin R Lloyd would  
earnestly request your  
clemency in sentencing  
him, he being his mother's  
sole support and she  
being afflicted with  
Carcinoma which will  
probably end her life  
shortly. As far as we  
know his past character  
has been blameless.  
The punishment he has  
already received we think  
will have a salutary  
effect.  
Yours very respectfully  
A. W. Maynard M.D.  
J. A. Sanders. M.D.

0581

Van Tassell & Kearney

Auctioneers  
130 E 127 St  
135 E 127 St  
135 E 127 St

No. 2586

New York Oct 10 1889

\$193 The Oriental Bank

Pay to the order of Miss Maude Granger  
One Hundred & Ninety three 75c. Dollars

\$193 75c

Van Tassell & Kearney

Copyright 1889, 10 Spruce St, N.Y.

0582

196  
Made Lager  
Edwin R. Lloyd

FIGURE PROTECTOR, PATENT APPLIED FOR  
JOS. B. GILLMAN, PITTSBURGH, PA.

*Guaranteed*  
THE GREAT ATLANTIC & PACIFIC TEA CO.



0583

## New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Eduin R. Lloyd.

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. I do not desire to prosecute him as I am thoroughly convinced that he is not bad at heart and that as he has never before been under arrest so far as I know I believe he will benefit very much by his experience and become a worthy citizen. The amount of money involved has been restored to me and I am quite sure the young man acted without intent to commit a crime, but rather as one who did not know what he was doing. I believe that he intended to bring me the money he obtained, but in the meantime was led astray by other influences, he had been in my employ quite some time & I had every reason to believe him thoroughly respectable as I know his family are which consist of a crippled mother & a young sister both of whom are entirely without a means of support. I think the boy has been sufficiently punished for his transgression and do not have any doubt but that he will be a much better man after his experience of prison life already suffered.

Maudie Granger  
221 W. 43<sup>rd</sup>

0584

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edwin R. Lloyd

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

Edwin R. Lloyd  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

Edwin R. Lloyd

late of the City of New York, in the County of New York aforesaid, on the tenth day of October in the year of our Lord one thousand eight hundred and

eighty-nine, at the City and County aforesaid, having in his custody a certain instrument and writing, to wit: an order for the payment of money, of the kind called bank cheques - which said bank cheque is as follows, that is to say:

No. 2836 New York Oct 10 1889

The Oriental Bank

Pay to the order of Miss Maude Granger

One hundred & ninety three 75/100 Dollars

\$193 75/100 Van Tassell & Kearney

The said

Edwin R. Lloyd

afterwards, to wit: on the day and in the year

aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in forging on the

back of the said bank cheque a certain instrument and writing commonly called an endorsement which said forged instrument and writing commonly called an endorsement is as follows, that is to say:

Maude Granger

with intent to defraud, 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.

0585

SECOND COUNT—

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

Edwin R. Lloyd  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

Edwin R. Lloyd

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the City and County aforesaid having in his possession a certain instrument  
and writing, to wit: an order for the payment of money,

of the kind called bank cheque

which said

bank cheque is as follows, that is to say:

No 2836

New York Oct 10 1889

The Oriental Bank

Pay to the order of Miss Maude Granger

One Hundred & ninety three 75/100 Dollars

\$193 75/100

Van Sassel & Kearney

on the

back

of which said

bank cheque

there was then and

there written a certain forged instrument and writing commonly called an

Endorsement

of the said last-mentioned

bank cheque

which said forged

instrument and writing, commonly called an

endorsement

is as follows,

that is to say:

Maude Granger

with force and arms, the said forged endorsement then and there feloniously did  
utter, dispose of and put off as true, with intent to defraud, he the said

Edwin R. Lloyd

then and there well knowing the premises,

and that the said

endorsement

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

JOHN R. FELLOWS,

District Attorney.

0586

**BOX:**

369

**FOLDER:**

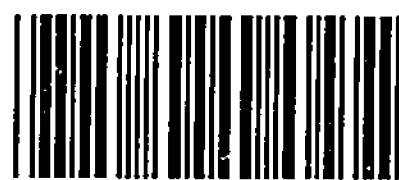
3462

**DESCRIPTION:**

Loewenherz, Sigmund

**DATE:**

10/02/89



3462



Witness:

Henry D. Bernau

John C. Guilford

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1889

Counsel,

Filed,

Pleads,

day of

1889

THE PEOPLE,

vs.

NA

Siegmund Loewenberg

Forgery in the Second Degree.

(Sections 511 and 521, Penal Code.)

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Chas. D. Roberts

Foreman.

Grand Jury Room.

PEOPLE

vs.

Siegmund Loewenberg

Proceedings for defendant's extradition from Germany were instituted October 2, 1890.

Subsequently Detective Heideley went to Germany as the duly authorized agent etc.

Loewenberg succeeded in evading extradition on the ground that he is a German subject, and the German Government is now prosecuting him under the laws of Germany for the crime alleged in this indictment.

As there is no present prospect of securing his presence I think the case ought to be entered on our books and then filed away in Mr. Spaul's office.

Wm. 5/90 J. H. Lindsay

Mr. Cortigan  
Chief Clerk.

0507

0588

*Copy.*

Department of State  
Washington Jan 25, 1890.

Phelps.  
Minister,  
Berlin.

Officer in Loewenberg case  
will sail with papers im-  
mediately. Will advise you  
of his departure.

Wharton.

0589

37

Department of State,  
Washington, October 28, 1889

John R. Fellows, Esquire,  
District Attorney,  
New York City, N.Y.

Sir,

Referring to previous correspondence concerning the application for the extradition of Sigmund Loewherz, I have to inform you that a despatch has been received from our Minister at Berlin, stating that the necessary steps had been taken by the German authorities for the detention of the fugitive, but that his arrest

0590

arrest had not yet been reported.

I am, Sir,

Your obedient servant,

Alvey A. Adze

2<sup>nd</sup> Assistant Secretary



0591

- 7

Department of State,  
Washington, Nov. 2, 1889

Geo. R. Fellows, Esq.,  
District Attorney.  
New York City

Sir:

Referring to my letter of  
28<sup>th</sup> ultimo, concerning the ap-  
plication for the extradition of  
the alleged fugitive Sigmund  
Loewenherz, charged with  
forgery, I have to say that

as

0592

as appears by a telegram  
of our Minister at Berlin,  
dated yesterday, no clue  
has been found to his where-  
abouts, although a diligent  
search has been made.

I am, Sir,

Respectfully,  
Yours truly,

Alvy A. Ades

2d Assistant Secretary

0593

37

Department of State,  
Washington, October 9, 1889.

John D. Lindsay, Esq.,  
Assistant District Attorney,  
New York City.

Sir:

Referring to your letter of the 7<sup>th</sup> instant, addressed to the Third Assistant Secretary of State, in relation to the case of Sigmund Loewenberg, charged with forgery and the utterance of forged papers in New York and a fugitive from justice in Germany, I have to enclose herewith a copy of the papers in the case, duly authenticated, together with the President's warrant authorizing Charles Heidelberg to receive the fugitive and convey him to the United States. News of the fugitive's arrest has not been received.

In regard to the question of Loewenberg's citizenship, the Department is unable to give any advice further

0594

further than to advert to the provision in the treaties between the United States and the German States that the contracting parties shall not be bound to deliver up their own citizens or subjects. This provision where it occurs in a treaty of extradition, has been held to preclude the surrender of a citizen by this Government, and the same effect would doubtless be given to it by the German Government (which does not surrender its subjects in any case), if the question were raised. It may be that Loewenherz has been naturalized as a citizen of the United States and in that or some other manner renounced his original allegiance to the Government of Germany. But, in the absence of proof, the Department would not be warranted in basing any advice on such a supposition.

Should Mr. Heidelberg proceed to Germany with the warrant and papers, it is thought that his best course would be to go at once,  
after




0595

after his arrival in that country, to Berlin and  
confer with the legation of the United States,  
which will be duly instructed in the matter.

I am, Sir,

Your obedient servant,

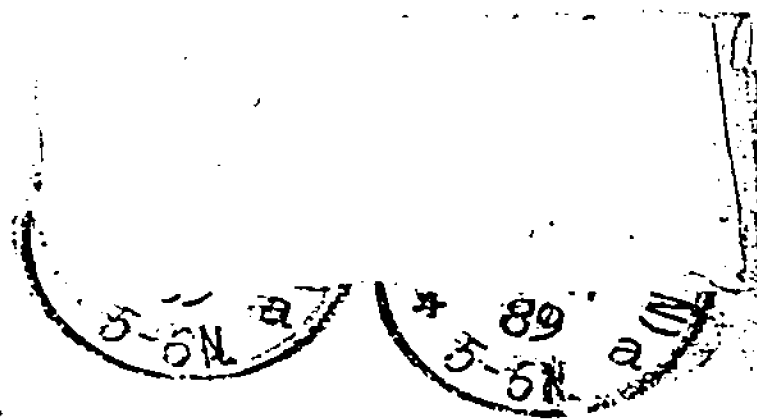
*James G. Minnie*  


Enclosures:

certified papers and Presidents warrant  
as above.

0596

UNITED STATES CONSULATE GENERAL.  
FRANKFORT-ON-THE-MAIN.



Messrs. Adler & Herrmann  
to 135-137 Broadway  
New York  
United States of America

0597

UNITED STATES OF AMERICA,  
STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK. SS.

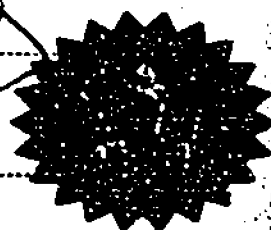
In the Name of the People of the State of New York, To any peace officer in  
the State of New York: \*

Information upon oath having been this day laid before me, that  
the crime of Harassment has been committed, and  
accusing Sigmund Saemundson thereof:

You are Therefore Commanded forthwith to arrest the above named Sigmund  
Saemundson and bring him before me at my residence in  
the Nassau Building in the City, in the City of New York,  
or in case of my absence or inability to act, before the nearest or most accessible Magistrate  
in this County.

Dated at the City of New York, in the County of New York aforesaid, this second day of  
October, 1889.

John H. Meyer  
Recorder, &c.



UNITED STATES OF AMERICA,  
State of New York.

THE PEOPLE

OF THE STATE OF NEW YORK.

against

*Augustus S. Seward*

WARRANT OF ARREST.

Issued *October 2nd 1889*

*Recorder of the Magistrate.*

*Phos. W. S. Seward, Officer.*

To *William S. Seward* Esquire.

CITY AND COUNTY OF NEW YORK, SS.

The return of *Phos. W. S. Seward*  
a Detective Sergeant of the Municipal Police of the City of New  
York respectfully shows that the within named *Augustus S. Seward*  
*Seward* can not with due diligence be found within  
the State of New York.

Dated at the City of New York, in the County of New York  
aforesaid, this *Monday* day of *October* 1889.

*Charles H. Seward*  
Detective Sergeant

0598





0600

county of ... the said ...  
londonly ...  
...  
...  
well knowing the ...  
of the ...  
...  
York ...

...  
...  
and ...

Taken and sworn to before me:  
this second day of October, :  
in the year of our Lord one :  
thousand eight hundred and :  
eighty-nine.

*Wm. S. ...*

*Wm. S. ...*

... Co.

0601

UNITED STATES OF AMERICA.  
STATE OF NEW YORK,  
City and County of New York, ss.

The Deposition of Henry S. Herman, Banker and Broker, of 185 Broadway, in the said city, taken upon oath this second day of October in the year of our Lord one thousand eight hundred and eight-nine, before the said Frederick W. Galt, District Attorney aforesaid, and a Magistrate of the District of New York to assist a witness for the purpose of a person charged with a crime, in support of the foregoing information, who, being duly sworn, deposes and says:

I am one of the members of the firm of Adler and Herman, carrying on business at the above address. I have known Sigmund Loewenherz, charged in the said information with the forgery and utterance of the promissory note therein set forth, for about eighteen months. I have had personal communications with him during the said time. He was during all of the said time a member of the firm of Loewenherz and Landsberg, carrying on business as exporters and manufacturers of leathers and leatherettes, having a place of business for about two years prior to the twenty-first day of May in the present year at number 206 and 208 Canal Street in the said city, and prior to that time for about two years at number 63 Duane Street in the said city.

On the said twenty-first day of May in the year aforesaid, the said Sigmund Loewenherz, called on

0602

2

me at the said place of business of my firm and presented to me the instrument and writing described and set forth in the foregoing information (the original whereof is now in the custody of the District Attorney of this County) and requested me to buy the same, at the same time informing me that his firm had received the said note from the said firm of A. H. Warner and Company, of the said city, for goods sold and delivered by his firm to the said firm of A. H. Warner and Company and at the same time by the said Sigmund Loewenherz produced and delivered to me a certain paper writing in the words and figures following, to wit:

"This is to certify that a certain note made and signed by A. H. Warner & Co. dated May 17th, 1889 payable 4 mts after date to the order of Loewenherz & Landsberg is a genuine business note given for value received and that there is no defense to the same either in law or equity.

Dated New York May 17, 1889. A. H. Warner & Co."

Believing that the said note was genuine, I was induced to and did then and there purchase the said note from the said Sigmund Loewenherz and did then and there pay to him the sum of eleven hundred and sixty-six dollars and eighty-five cents.

I have since been informed by one John T. Caulfield, whose deposition is hereto annexed, that the said note, and also the said other paper herein set



0603

3

forth are false, forged and fraudulent.

Taken and sworn to before me:  
this second day of October :  
in the year of our Lord one :  
thousand eight hundred and :  
eighty-nine.

*Wm. S. Herrington*

*J. M. Wright*

RECORDED &c.

0604

STATE OF NEW YORK,

City and County of New York.

The undersigned, John W. McDonald, Clerk of the Court of Sessions for the County of New York, do hereby certify that on the day of October in the year of our Lord one thousand nine hundred and thirty-three, before the said Court of Sessions, the said McDonald, Clerk of the Court of Sessions, did receive from the said Court of Sessions a sum of money, to-wit: the sum of twelve hundred and twenty-eight dollars and seventy cents, which said sum of money was paid to the said McDonald, Clerk of the Court of Sessions, by the said Court of Sessions, and the said McDonald, Clerk of the Court of Sessions, did thereupon issue to the said Court of Sessions a receipt for the said sum of money, which said receipt is now on file in the office of the said McDonald, Clerk of the Court of Sessions.

That he is one of the partners of the firm of A. W. Warner and Company, which is composed of himself and one Arlen H. Warner, carrying on business at the above named address; that he has carefully examined the promissory note described in the last paragraph of the foregoing information of Henry H. Harrison, hereto annexed, purporting to be signed by the said firm of A. W. Warner and Company, which said note was issued by the said A. W. Warner and Company purporting to be for the use of the order of Governors and Landowners, four months after the seventeenth day of May, 1933, the sum of twelve hundred and twenty-eight dollars and seventy cents, at the German Exchange Bank in the said City of New York, with current rate of exchange on New York, for value received.

That the signature appearing on the said promissory note is not the signature of the said firm of

0605

[illegible][illegible]

Taken on the evening of the 10th of that  
 thing is done. On the 10th of October,  
 1861, the report of our Lord was  
 the second in the hundred and  
 1861-1862.

John T. Canfield

12-11-18  
J. H. H. H.

THE UNITED STATES OF AMERICA

0606

UNITED STATES OF AMERICA.  
STATE OF NEW YORK.

-----X  
In the Matter of Sigmund Loewenherz,  
a Fugitive from the Justice of the  
State of New York.  
-----X

City and County of New York ss.

Henry S. Herrman, of number 155 Broadway in the  
said city, being duly sworn, deposes and says:

I am the same person who made and verified the  
information and deposition hereunto annexed, which  
were taken and sworn to before the Recorder of the City  
of New York on this day.

After the commission of the forging and utter-  
ance of forged paper as alleged in the said informa-  
tion, the said Sigmund Loewenherz fled from the juris-  
diction of the State of New York and, as I am informed  
and verily believe, he has taken refuge in the City of  
Frankfort-on-the-Main in the German Empire.

As I am informed and believe the said Sigmund  
Loewenherz left the United States in the Month of May  
of the present year. He was thereafter and in the  
month of June seen in the streets of said City of  
Frankfort-on-the-Main. His mother lives there, and  
said Sigmund Loewenherz is now in business at the said  
city, with one Landsberg, under the firm name of Loew-  
enherz and Landsberg.

Further than as is herein stated, and as ap-  
pears by the annexed depositions, I have no knowledge



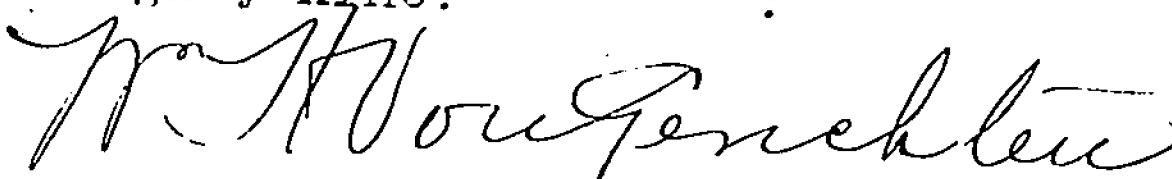
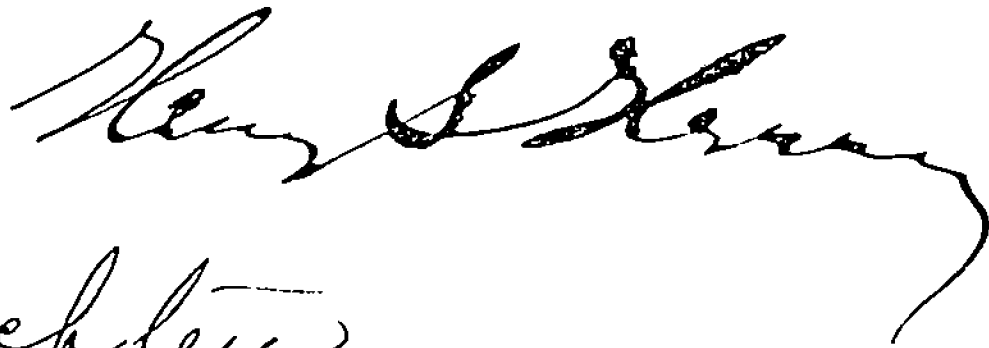
0607

2

of the said Sigmund Loewenherz' history.

This application is made in good faith, for the sole purpose of, punishing the accused, and I do not desire or expect to use the prosecution for the purpose of collecting a debt, or for any private purpose, and will not, directly or indirectly, use the same for any of the said purposes.

Sworn to before me this :  
second day of October in :  
the year of our Lord one :  
thousand eight hundred :  
and eighty-nine. :



Notary Public in and for the

City and County of New York.

(46)

0608

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

City and County } ss.  
of New York, }

of No. 155 Broadway Street, aged 42 years,  
occupation Carpenter & Joiner being duly sworn, deposes and says,  
that on the 21<sup>st</sup> day of May 1889, at the City of New  
York, in the County of New York, one Isaac S. Greenberg

did feloniously forge & utter with  
intent to defraud a certain promissory  
note purporting to be made by Am.  
Warne & Co & dated May 17<sup>th</sup> 1889 for  
the payment of four months thereafter  
to the order of Isaac S. Greenberg & family  
the sum of \$ 122.<sup>10</sup>/100.

That deponent is informed by ~~the~~  
Alon M. Warne that the signature to said  
note is false, forged & fraudulent  
Sworn to before me this }  
21 day of October 1889 }

*Henry S. Greenberg*

Notary Public

City & County of New York.

0609

147/6  
DISTRICT ATTORNEY'S OFFICE,  
*City and County of New York.*

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Henry S. Sherman

vs.

Sigmund Loebenberg

Offence

Dated *October 12* 188*9*

Witnesses, *Alban M. Warner*

No. *40* *Esplanade* Street,

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

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

0610

See Letter Book  
Letter of Mich 29/90 to  
Wm F. Wharton &  
of Mich 27/90 to Frank Rice Jay 7/10

UNITED STATES OF AMERICA,

STATE OF NEW YORK.

City and County of New York, ss:-

I, FREDERICK SMYTH, Recorder of the City of New York, DO HEREBY CERTIFY that the documents hereunto annexed, consisting of a paper writing bearing date May 17th, 1889, purporting to be a promisory note for the payment of money, and to be signed by A.M. WARNER & Co., and whereby the said A.M. Warner and Company promised to pay to the order of Loewenherz and Lansberg Twelve Hundred and Twenty Eight dollars, 70-100, with current rate of exchange upon New York, four months after date thereof at the German Exchange Bank in said city; and also a certain other paper writing purporting to be a certificate of genuineness of note in the words and figures following, to wit:

"This is to certify that a certain note made and signed by ~~AM~~ A.M. Warner & Co., dated May 17th, 1889, for Twelve Hundred and Twenty eight dollars 70-100 cents and payable 4 Mts after date to the order of Loewenherz



0611

2.

and Lansberg and endorsed by Loewenherz and Lansberg as a genuine business note given for value received, and that there is no defence to the same either at law or equity."

"Dated New York, May 17th, 1889."

were produced before me on the 2nd day of October, 1889, at the city and county aforesaid by one Henry S. Herman, banker and broker, No 155 Broadway, in the said city, who at the same time laid before me an information charging one Sigmund Loewenherz with having on the 20th day of May, 1889, feloniously forged the said first mentioned paper writing; and also of having on the same day feloniously uttered, disposed of and put off as true the same with intent to defraud, he well knowing the same to be forged; that the paper writing first herein above mentioned is the original document with the forgery of which the said Sigmund Loewenherz was so charged, and a copy of which is set forth in the said information.

Thereafter, and on the same 2nd day of October, 1889, I took the said information and the said Henry S. Herman swore to the same before me, and afterwards he produced

06 12

3.

before me a certain deposition in writing in support of said information.

The said information and deposition with other papers concerning the criminality of the said Sigmund Loewenherz were duly forwarded by the District Attorney of this county through the proper diplomatic channels as a basis of an application for the said Loewenherz's surrender under the existing treaty between the United States and Germany; and the same are now in the possession of the German Government as I am informed and verily believe.

The first mentioned paper writing hereunto annexed is the promisory note referred to in the said information and deposition, and the said Henry S. Herman and the other of the documents hereunto annexed as to the paper writing produced and delivered by the said Sigmund Loewenherz to the said Henry S. Herman as alleged in the said deposition; and the said documents are the same paper writings referred to in the deposition of one John T. Paulfield, taken before me on the said 2nd day of October, 1889, in support of the said information, the testimony whereof I have to this certificate set my hand at the said city of New York, this Twenty Sixth day of March in the year

06 13

of our Lord One Thousand Eight Hundred and Ninety.

Recorder of the City of New York.

0614

17

Department of State,  
Washington, January 23, 1894

John R. Fellows, Esquire,

District Attorney,

New York City, New York.

Sir,

Your telegram of yesterday advising the Department that Officer Heidelberg will sail for Germany on the 29<sup>th</sup> instant, with the papers in the Loewenherz Extradition Case, was duly received, and the contents thereof communicated to our Legation at Berlin by telegraph.

I am, Sir,

Your Obedient Servant,

William H. O'Hartman  
Assistant Secretary.



06 15

United States Consulate General  
Hankfort on the Main Nov. 26<sup>th</sup>

Messrs. Adler & Hermann,

New York

Gentlemen,

Your letter of the 9<sup>th</sup> instant to Hon. Jacob  
Müller, my predecessor in this office, has been  
handed to me and I hasten to say in reply  
that Mr. Sigismund Laumenberg of New York and  
his partner Mr. Landberg of Frankfurt were in this  
Consulate on the 5<sup>th</sup> instant. He has since been  
seen on the street by a clerk in this office.  
and the two had a case in Court yesterday.  
It may therefore be assumed as probable  
that Mr. Laumenberg can be found when  
your Extradition papers are made  
out and presented in the proper way.

Meanwhile I remain, Gentlemen,

Very respectfully Yours,

Frank H. Mason  
U.S. Consul General

06 16

77

Department of State,  
Washington, March 5, 1890.

John R. Fellows, Esquire,  
District Attorney,  
New York City, New York.

Sir,

Referring to previous correspondence concerning the application for the extradition of one Sigmund Loewenberg from Germany on a charge of forgery, I enclose herewith a copy of a dispatch from our Minister at Berlin, from which it appears that the Imperial German Government declined to surrender the prisoner on the ground that he

is

0617

is a Prussian subject; and thereupon  
our Minister had formally requested  
that the prisoner might be prosecuted  
under the laws of Germany for the  
offence in question.

I am, Sir,

Your Obedient servant,

Alvey A. Allen

2<sup>nd</sup> Assistant Secretary.

Enclosure.

From the Minister to Germany, No  
70, February 13, 1890, - copy.

06 18

copy

No. 70.

Legation of the United States  
Berlin. February 13. 1890.

The Hon James G. Blaine  
Secretary of State  
Washington D.C.

Sir:

I have the honor, referring  
to former correspondence re-  
lating to the extradition of  
Sigismund Lowenberg, to in-  
form you that immediately  
upon the receipt on the 2<sup>nd</sup>  
instant of the Department's  
two telegrams notifying me  
of the sailing of an officer for  
Hamburg with the papers in  
this case, I conveyed intelli-  
gence of their contents to the  
Foreign Office, from which  
I have today received a note  
of which I transmit herewith  
a copy with translation as also  
a copy of my note of today  
addressed to Count Darnaud

Yours



0619

in reply thereto -

Mr. Charles Heidelberg, a  
Detective-Sergeant of the Munic-  
ipal Police of New York City,  
having presented himself  
at this Legation, with the papers  
in this case, this morning  
on his arrival from the United  
States, I was enabled to at once  
acquaint him with the con-  
tent of the former note, in  
which, as you will perceive,  
I have informed that the in-  
vestigations which have been  
made show that Schenck  
who is held in confinement  
at Frankfurt<sup>am</sup> possesses  
Prussian allegiance and  
cannot therefore be extradited,  
but that it would be possible  
to prosecute him in Germany  
for the offenses charged, if the  
needed information and  
material should be found  
sufficient.

Yours

0620

In my answering note, above  
referred to with which I have  
enclosed the papers in the case,  
namely the warrant and  
proof delivered to me by Mr.  
Heidolung, I begged that process  
be brought against Lornenberg, be in-  
stituted in this country, and  
enquired whether the officer  
who must serve notice to  
the United States would be of  
service in connection with  
such prosecution.

Some interest may attach  
to the additional informa-  
tion obtained by the Secretary  
of this Legation in an inter-  
view with the officer in the  
Foreign Office having this mat-  
ter in immediate charge, to  
the effect that Lornenberg, who,  
it appears, resided for a short  
time in the United States  
to have been entitled to make  
residence there, eagerly appeals

to

0621

to his Russian nationality  
and protests against extradi-  
tion.

I shall promptly report  
further action taken in  
this case.

I have the honor,

Yours,

Wm. Walter Phelps.

Enclosures -

1. Count Borchers to Mr. Phelps  
July 12. 1890 (translation) -
2. Mr. Phelps to Count Bismarck  
July 13 1890 -

0622

Enclosure - Translation.  
Foreign Office.

Berlin, February 12. 1890

The undersigned has the honor, referring to the esteemed note of the 29<sup>th</sup> ultimo: F.O. #56- to inform the Envoy Extraordinary and Minister Plenipotentiary of the United States of America, M<sup>r</sup>. William Walter Phelps, that the extradition of Siegmund Loewenberg, prosecuted in New York for forgery, and under arrest at Frankfurt<sup>am</sup> appears, according to communications from the Ministers of the Interior and Justice to be inadmissible, as the investigations show that he possesses Russian State-allegiance. It would be possible pursuant to § 4-figure 3. of the German Penal-Code to cause

Loewenberg,



0623

Locusts to be prosecuted  
before the German Court on  
account of punishable acts  
committed in America, if  
sufficient incriminating  
material is found there for  
a case which is as yet pending.

While begging permission  
to state that he awaits at the  
earliest moment practicable  
the proofs which have been  
collected in New York, the  
undersigned avails himself  
of this occasion to convey to  
the Envoy the assurance of his  
most distinguished consideration.  
(Signed) M. de Mevius.

To

The Envoy Extraordinary and Minister  
Plenipotentiary of the United  
States of America, Mr. William  
Halter Phelps.

0624

37.

Department of State,  
Washington, Nov. 18, 1889.

John C. Fellows, Esq.,  
District Attorney,  
New York City.

Sir: I have to acknowledge the receipt of your letter of the 15th instant in relation to the extradition case of Sigmund Loewenberg.

A copy of your letter has been sent to Mr. Phelps, the American Minister at Berlin, with instructions to

0625

to communicate the information therein contained in regard to the fugitive's whereabouts to the Foreign Office. He was also instructed to enquire whether in case it should turn out that Loewenberg is a German subject, and therefore not subject to be surrendered under the treaty, the German authorities will undertake his prosecution in that country.

I am, Sir,

Your obedient servant,

James G. Blaine

0626

177

Department of State,  
Washington, December 10, 1889.

John D. Lindoay, Esquire,  
Assistant District Attorney,  
New York City, New York.

Sir,

Your letter of the 9<sup>th</sup> instant, relative to the alleged whereabouts of Sigmund Loewenherg whose extradition has been demanded from the German Government, has been received and a copy thereof transmitted to our Minister at Berlin for his information.

I am, Sir,

Your obedient servant.

Oliver A. Cohen.

2<sup>nd</sup> Assistant Secretary.

0627

27

Department of State,  
Washington, Jan'y. 7, 1890.

John R. Fellows, Esq;  
District Attorney,  
New York City.

Sir:

Referring to previous correspondence on the subject of the extradition of Sigmond Loewenherz, I have to inform you that by a despatch from our Minister at Berlin, dated the 14th ultimo, the Department is informed that the  
search



0628

search for Loewenherz had so far been unsuccessful. There seems to be some doubt as to the alleged fugitive's real name, but the search for him is now being prosecuted under the name of Loewenherz. The German Foreign Office suggests that certain information should be afforded as to the name, and that it would be desirable to give a description, or, if possible, send a photograph, of the accused.

CA

0629

As to the question whether the fugitive would be prosecuted before the German Courts, in case it should be found that he is a German subject, the German Government is unable to express an opinion without further evidence as to the crimes charged.

I am, Sir,

Your obedient servant,

Alfred G. Blaine

0630

75

Department of State,  
Washington, January 10, 1890.

John R. Fellows, Esquire,  
District Attorney,  
New York City, N.Y.

Sir,

In reply to the inquiry contained in  
the letter of your office of the 8<sup>th</sup> instant,  
I beg to say that there will be no ob-  
jection to transmitting the evidence in  
the Sigmund Loewenherz case to the  
Department at once. It may then be  
sent to the Legation at Berlin for  
presentation to the German Govern-  
ment

0631

= ment. If it should turn out that the ex-  
= tradition may be granted, the papers  
may be used for that purpose, but if  
it should be found that Loewenherz  
is a German subject then the papers  
may enable the German Government  
to come to a decision in regard  
to his prosecution in that country.

I am, Sir,

Your Obedient Servant,

William F. Wharton  
Assistant Secretary.

0632

77

Department of State,  
Washington, January 25, 1890

John R. Fellows, Esquire,  
District Attorney  
New York City, New York.

Sir,

The letter of your office of yesterday relative to  
the extradition of Loewenhertz, has been received.  
Upon the receipt of your letter telegrams of which  
copy is enclosed was sent to Mr. Phelps, our  
Minister at Berlin. Requesting you to telegraph  
the Department when officer sails,

I am, Sir,

Your obedient servant

Wm. A. Rice.

2<sup>nd</sup> Assistant Secretary

Enclosure.



0633

Enclosure.

To the Minister at Berlin, January  
25, 1890, - telegram.

0634

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

Sigmund Loewenthal

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

Sigmund Loewenthal  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Sigmund Loewenthal,

late of the City of New York, in the County of New York aforesaid, on the  
Xmas Eve day of May, in the year of our Lord  
one thousand eight hundred and eighty-nine, with force and arms, at the City and  
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly  
act and assist in the forging a certain instrument and writing,

to be a promissory note for  
the payment of money  
which said forged promissory note  
is as follows, that is to say:

\$1222 70/100

New York May 17<sup>th</sup> 1889

Some months after date we promise  
to pay to the order of Loewenthal &  
Sonsberg - Twelve hundred Twenty  
eight - 70/100 Dollars, at the German  
Exchange Bank City. With current  
rate of exchange on New York.  
Value Received  
No. - One Sixth 1/20  
A. M. Warner & Co.

with intent to defraud, 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.

0635

SECOND COUNT:—

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

*Sigmund Sosenberg*

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

The said *Sigmund Sosenberg*

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, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, *purporting*

*to be a promissory note for the payment of money*

which said forged *promissory note* is as follows, that is to say:

*# 1228. 10/100 New York May 17<sup>th</sup> 1889*

*Three months after date we promise to pay to the order of Sosenberg & Sanderberg — Twelve hundred twenty eight — 10/100 Dollars at the New York Exchange Bank City, with current rate of exchange on New York.*

*Value received*

*no. One Seven 17/20*

*a. m. Warner & Co,*

with intent to defraud, *the* the said *Sigmund Sosenberg* then and there well knowing the same to be forged, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0636

**BOX:**

369

**FOLDER:**

3462

**DESCRIPTION:**

Long, Charles

**DATE:**

10/02/89



3462

Witnesses:

Henry Troutman

000 Referred to  
Counsel, S. J. Hart @  
Filed day of 1889  
Pleads, *Not guilty*

THE PEOPLE  
vs.  
Charles Long  
Grand Larceny, 1st Degree.  
(From the Person.)  
[Sections 528, 580 Penal Code].

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

*Chas. D. Roberts*

Part III October 8, 1889 Foreman.  
Pleaded 9.2.2 day  
Oct 18/89

S. P. 2 1/2 yrs.

0637



0638

Police Court— / — District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Henry Breitwieser

of No. 231 Avenue A. Street, aged 20 years,

occupation Varnisher being duly sworn

deposes and says, that on the 7<sup>th</sup> day of September 1889 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession and

person of deponent, in the nighttime, the following property, viz:

One watch valued Twenty dollars

the property of Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,

and carried away by Charles Roux (now here)

for the reasons that at about the

hour of 10 o'clock on said night

deponent was standing on Fourteenth

Street and had said watch attached

to a chain in a pocket of the vest

then worn on his person and part of

his bodily clothing. Deponent felt a

movement at said pocket and

saw the defendant standing next to

him and saw his hand slip from

the said chain and deponent seized

his watch. The ring of said watch was

found on the sidewalk directly in front

of defendant Henry Breitwieser

Sworn to before me, this

1889 day

Police Justice.

0639

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles Long* 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 he 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. *Charles Long*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *East 37 Street. 1 month*

Question. What is your business or profession?

Answer. *Lawless*

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*  
*Charles Long*

Taken before me this

*9<sup>th</sup>*

day of *September* 188

Police Justice.

0640

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

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

Dated *Sept. 9* 188 *9* *Stegman* 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.

0641

BAILED,

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

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

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

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

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

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

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

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

Police Court---

1368 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Breitwieser  
231 N. Ave. A  
Charles Long

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Offense  
Lau. from person

Dated, Sept 9<sup>th</sup> 1889

Hogan Magistrate.

Kennedy Officer.

3 Precinct.

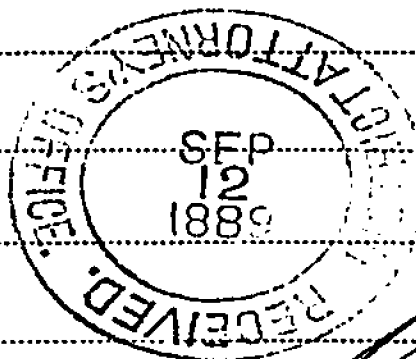
Witnesses \_\_\_\_\_

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

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

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

\$ 1000. to answer



G. S.  
Compt  
9/11/89



0642

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Long*

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

*Charles Long*  
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows :

The said

*Charles Long*

late of the City of New York, in the County of New York aforesaid, on the *seventh*  
day of *September* in the year of our Lord one thousand eight hundred and  
eighty-*nine*, in the *night* time of the said day, at the City and County  
aforesaid, with force and arms,

*one watch of the  
value of twenty dollars*

of the goods, chattels and personal property of one *Henry Breitwieser*  
on the person of the said *Henry Breitwieser*  
then and there being found, from the person of the said *Henry Breitwieser*  
then and there feloniously did steal, take and carry away, against the form of the statute in such  
case made and provided, and against the peace of the People of the State of New York and their  
dignity.

*John R. Fellows,  
District Attorney*



0643

**BOX:**

369

**FOLDER:**

3462

**DESCRIPTION:**

Lordi, Martino

**DATE:**

10/16/89



3462

Witnesses:

Lammie Fredericks

In my opinion the facts in this case do not constitute a crime. It is simply a breach of contract, for which complainant has a remedy on the right side of the Court. As a matter of fact, I am told that such an action was brought by complainant against the defendant in the City Court.

I recommend the dismissal of this indictment -

Dec 11/16 '89. - Lammie M. Davis  
Asst.

Wm. G. Watson

Counsel,  
Filed 16 day of 1889  
Pleads, Wm. G. Watson

THE PEOPLE

vs.

Martino Lardi

Grand LARCENY, 2nd degree.  
(False Pretenses).  
[Section 528, and 531, Penal Code].

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Mr. L. L. L. Foreman.  
In recent Foreman's  
indict. dis. R. B. M.

0644

0645

Police Court—

District.

Affidavit—Larceny.

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

John Frederick  
 of No. 83 Mulberry Street, aged 40 years,  
 occupation Laborer being duly sworn  
 deposes and says, that on the 1 day of January 1888 at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the day time, the following property, viz:

Good and lawful money  
 of the United States of the  
 famous and value of  
 Ninety dollars

the property of

Deponent

and that this deponent  
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
 and carried away by Martinus Lordi

for the reasons following to wit:  
 on the said date the said de-  
 fendants represented to deponent  
 that if he (deponent) would pay to him  
 the said money he would secure for  
 him the ~~said~~ situation. Deponent  
 believing the representation to be true  
 gave to defendants the said money.  
 Defendants failed to secure for de-  
 ponent the said situation, failed to  
 return to deponent the said money and  
 did disappear ~~shortly~~ shortly after  
 taking said money from deponent.  
 Wherefore deponent prays that defendants be  
 apprehended and bound to answer said com-  
 plaint.

John Frederick

Sworn to before me this  
 1888 day

of March  
 1888  
 John J. Mumma Police Justice.

0646

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Martino Lorde

Question. How old are you?

Answer. 33 years

Question. Where were you born?

Answer. Italy

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

Answer. 30 Laight Street; 5 or 6 months

Question. What is your business or profession?

Answer. Laborer

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

Answer. I am not guilty

Martino <sup>did</sup> Lorde  
<sub>swore</sub>

Taken before me this

1st

day of

March

1889

John J. Gorman

Police Justice



0647

Sec. 151.

Police Court District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*  
OF NEW YORK, } *of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by *John Frederick*  
of No. *13 Madison* Street, that on the *1st* day of *January*  
188*9* at the City of New York, in the County of New York, the following article to wit:

*Good and lawful money*  
*of the United States*  
of the value of *Twenty* Dollars,  
the property of *Complainant*  
w *at* taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and  
believe, by *Martino Lorde*

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals ~~and~~ Policemen, and every of you, to apprehend the bod *of* the said Defendant  
and forthwith bring *him* before me, at the *1st* 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 *1st* day of *March* 188*9*.

*John Thomas* POLICE JUSTICE.



0648

Police Court 1<sup>st</sup> District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Frederica

vs.

Martino Eordi

Warrant-Larceny.

Dated March 1<sup>st</sup> 1889

J. Gorman Magistrate

James Garity Officer.

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

James Garity Officer.

Dated March 1<sup>st</sup> 1889

This Warrant may be executed on Sunday or at  
night.

Police Justice.

The within n

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

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

334/3  
to Italy  
labour  
in  
no  
30 Laight St

Police Justice.

0649

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

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

Dated March 1st 1889 John J. Herman Police Justice.

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

Dated March 1st 1889 John J. Herman 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.

0650

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

W #91  
Police Court---

341  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John Frederick*  
*3rd floor rear of 83 Mulberry*  
*Martinus Kord*

2

3

4

Dated

1889

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

*Bailed*

*Will order for delivery*

0651

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*Martinio Sordi*

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

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

The said *Martinio Sordi,*

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-~~eight~~, at the City and County aforesaid, with force and arms, with intent to  
deprive and defraud *one John Frederico,*

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*  
*John Frederico,*

That *he the said Martinio Sordi then knew*  
*of a situation which he could secure for the*  
*said John Frederico, and that he the said*  
*Martinio Sordi was then authorized to secure*  
*the said situation for the said John Frederico,*  
*and that the same was ~~to be~~ employment*  
*in St. John's Park in the said City.*



0652

And the said John Frederico

then and their believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Martino Sordi,

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 Martino Sordi the sum of ninety dollars in money, lawful money of the United States of America, and of the value of ninety dollars;

of the proper moneys, goods, chattels and personal property of the said John Frederico.

And the said Martino Sordi, did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said John Frederico, by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said John Frederico

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

Whereas, in truth and in fact, the said Martino Sordi did not then know of a situation which he could secure for the said John Frederico, and he was not then authorized to secure the same



0653

for the said John Frederico, and the same  
was not employment in St John's Park in  
the said City.

And Whereas, in truth and in fact, the pretenses and representations so made  
as aforesaid by the said Martino Sordi  
to the said John Frederico was and were  
then and there in all respects utterly false and untrue, as he the said  
Martino Sordi  
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said  
Martino Sordi  
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,  
chattels and personal property of the said John Frederico  
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.

0654

**BOX:**

369

**FOLDER:**

3462

**DESCRIPTION:**

Luckschutch, Adam

**DATE:**

10/11/89



3462

0655

Witnesses:

Martin Car

51 13 *Herrmann*

Counsel,  
Filed 11 day of Oct 1889  
Pleads, *Herrmann*

THE PEOPLE  
vs.  
Adam Euckeschnitz  
Grand Larceny  
[Sections 528, 530 - Penal Code].

*John R. Fellows*  
JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL.

*John R. Fellows* Foreman.  
*John R. Fellows*  
Jury, Granted to  
G. J. Brown  
Elmira, N.Y. P.B.M.

0656

The People  
vs.  
Adam Lucksehutch. { Court of General Sessions, Part I.  
Before Judge Martine.

Wednesday, October 30, 1889.

Indictment for grand larceny in the first degree.

Martin Car sworn and examined.

I am working on a railroad uptown in 171st Street in this city, I made the acquaintance of the Defendant in a shanty, I first saw him in the shanty on the 13th of September of this year; when I met him I had a letter which I received from home and as I did not understand how to read or write I gave it to him to read for me and then I asked him to write a letter for me home and he did it; when he finished the letter we went and put it in a box in the lamp-post, then we went back to the shanty and he asked me how much money I have got. I told him I had ninety dollars and showed him that I had it in my pantaloons pocket. I intended to put the money together before going back home. Then the Defendant said, "you are lucky, you have money and I have not got a cent, I am very poor." Then he said to me, "you come to my shanty where I am sleeping"; there was several Polish people there sleeping. That happened about nine o'clock in the morning. In the afternoon we went to go to work on the railroad; then the boss said that he had plenty of workmen and he told me to come the next day. I went to the Polish shanty at six o'clock where the Defendant was; then I got my supper and after that he said, "come on and go to bed"; he fixed the bed for me and for himself and he asked me to come on and go to sleep, I told him "hold on, there is plenty of time", and after this I went out of



0657

doors and the Defendant lay down on the bed.; I went to sleep about nine o'clock, the Defendant laid down on one side and another man on the other side and I went in the middle; the name of the other man is Petsaick. I had my working clothes on when I went to bed, I took off my shoes and slept in my clothes. I had the money in my pocket when I went to sleep, I waked up in the middle of the night and felt somebody at my pocket, I grabbed it and I felt no money, I was somconfused that I did not know what to do, my head goes so around, after this I felt around in the straw to see if I had lost it, I found my money was gone. The Defendant asked me what was the matter and I said to him my pocketbook was gone; he says to me, "you can't find it now but you will find it to-morrow morning." In the morning I went to the shanty boarding boss and told him about the money and then he talked to the Defendant about the money, that if he took it to give it back to me; the Defendant said he did not take it; he said when I got up in the night time and found that my money was gone -- when I went to bed there was a light in the shanty but when I woke up it was dark and the Defendant said to me that a fly got on the flame and extinguished the light. The Defendant afterwards said in the Court that he took the money and would return it to me.

After I talked with the boss in the morning I went and got a policeman and the Defendant was arrested and taken to the Station House, he said in the Court that he took the money and if he was let go he would return the money to me; he talked to me in the Coratian language. From the Police Court I went back with this man to the shanty

0658

and he said to me, "it is in the trunk." Four persons came back from the Court House to the shanty, Joseph Petsaick and another named John Matlack and others. The Defendant could not find the money in the trunk, it is a little trunk, he opened it and there was no money in it.

When the money could not be found in his trunk then he said they had better search all the persons that slept in that shanty; then we searched one side of the shanty and he was looking around on the ground and he could not find any money. Before we came to the shanty he said that he put the money outside between the rocks and then he said "it is not in the rocks, it is in the shanty", and then he opened his trunk and he could not find the money in it.

Cross Examined.

About eighteen men

slept in that shanty that night, it is an open space, there are no beds, only straw put on the ground and they sleep on the straw; there was a petroleum lamp on the wall about five feet or more from the ground, my face was to the wall. I did not show the money to anyone in that shanty and no one saw the money, I have been in this country four years, I only worked half a day with the Defendant, I always carried my money in my working pants.

Joseph Petsaick sworn and examined through the

Interpreter:

I know the Defendant and Mar-

tin Car, I recollect the occurrence of the loss of the money, I slept in the same bed, the man who claims that the money was stolen and the Defendant and I slept on the same bench in the straw, I don't recollect on which side

0659

Car was because the lamp was put out. It was dark and I heard some talk, two persons were talking close to me and one said, "you will find it in the morning", they talked something about money, I don't know who said that because it was dark and I could not see who was speaking.

In the morning I heard all the people of the shanty talk about Car's money being stolen, the Defendant was there; then the boarding boss asked the people in the shanty, who put out the light last night? Then the Defendant said that a fly went against the flame and extinguished the light; then the boss said, "shut the door no one will leave the shanty, I will call to the police to search everyone in the shanty." The Defendant was searched first and no money was found on him. Then the boss said, "I will lock the door and will have the police here to search everyone to find that money." We remained in the shanty; the Defendant insisted and said he would not remain, he wanted to go to work; then we also said that we wanted to go to work and that was the end of it. I did not go to the Police Court the first time when he was taken away but I went to the Court the second time; they were talking to the Defendant and asking him to tell if he took the money; he said, "if you cut my head off I can only say that I did not take the money." He was sent back to his cell, he said, "yes, I took the money"; he spoke in the Croatian language. Then four of us went back to the shanty, the prisoner, the policeman, Car and myself; when we left the street car on the way to the shanty I said to the Defendant, "if you took the money tell where it is and then you will be let go to work."

0660

Then he said, "yes, I took the money and I am willing to give it back if I am let go"; then we went into the shanty. I first looked for his coat and could not find it, then we opened his trunk to see if the money was there and we did not find any money in his trunk; then the Defendant said to me, "come with me", and I went outside by the side of the shanty, we looked all around on the outside of the shanty and could not find the money, he was tearing up the ground with his fingers and then he said, "give me a shovel, I want to dig the ground to find it."

He got the shovel and went in different places along the shanty and digged but he could not find the money and afterwards he was taken back to the cell in the Station House. The door was on one side and the lamp was against the wall, there is only one window in the shanty and the Defendant was nearest the window, the window was open that night, there was no one between the Defendant and the window.

Cross Examined. I went to bed that night between seven and eight o'clock, I could not tell whether any other persons were asleep or lying down when I laid down, I did not see anyone go around the shanty during the night, I was fast asleep but I heard when they commenced to talk, I got up at six o'clock in the morning, there were ~~three~~ others also up when I got up, a little after we were all up there was a talk about the money and the Defendant was searched, it was maybe half an hour after we got up, after the Defendant was searched he said he would not remain, it was after nine o'clock that the Defendant was taken away from his work; I did not talk

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with Car the night he moved in that house but I saw him, when I laid down alongside of him I did not talk to him, I had nothing to say to him. Did you go to bed or lie down with your clothes on? I took all my clothes off only my drawers and my shirt, and went to bed, I don't know what the complainant had on because I did not see him for it was dark, when I saw him in the morning when there was talk about the money I don't know if he had his coat or his pants on; when I got up Car was already up and the Defendant and other people.

Adam Luckschutch sworn and examined in his own behalf, through the Interpreter, testified:

How old are you? I am eighteen years of age. Do you know MR. Car? I know him. Did you tell him to move to your house on the 18th of September last? I advised him to come, I told him if he wants to come to our shanty he is welcome. He went to sleep in your shanty that night? Yes, he did sleep in that shanty. You lay beside him that night? Yes, there were eighteen in that shanty and we all slept close to each other in a heap. Did you put your hand in Car's pantaloons pocket that night? No sir, he is swearing in the way of his own, the Lord should deprive me of both my hands if I took the money, I did not touch it.

Do you know who took it? I could not tell who took it if I would be sentenced to be hung. On the morning of the day that he went to your shanty did you ask him how much money he had? I did not ask him how much money he had but we were talking about our condition, I said I am poor, I cannot save any money in this country, and I said



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to him, "you probably save money in this country." That is all I talked with him, I did not ask him how much money he had. Did he show you that he carried his money in the right hand pocket of his pants? No, he never showed me any money, at no time did he show me his money. Did you know that he had money? I did not know that he had any money. What time in the day did you take Mr. Car to your shanty? He came in the evening, I do not know what time it was, towards evening, I was not with him, he came alone to the shanty. Did you meet him at the shanty? I was in the shanty when he came in. What time did you lie down that night? I cannot tell the time, I have no watch with me but I guess it must have been about eight or nine o'clock when we went to bed. Did Mr. Car lie alongside of you? He was lying in the middle, I was on one side and another man on the other side and then there were others all around us. From that time that you went to bed, about eight or nine o'clock, did you ever get up during the night? Yes, I got up when I felt Car was feeling all about my person, that woke me up, he said "my money is gone." When he told me that his money was gone there was no light in the shanty, I told him to light the lamp and look around. He did not give me any answer, he only was feeling around in the straw, looking for his money, I advised him to make a light and look for the money but he did not do it, he only searched around in the dark. Did you leave that place during the night? No sir, I did not leave the place where I slept, I sat up in the place when he was looking around, I stayed in the place and did not go away. Did you put

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out the light? No sir I did not. Who was the first man to leave that shanty on the next morning? I do not know who left the shanty first, when the others got up I got up also. Did you leave that shanty that night or in the morning and come back again? No, I did not leave the shanty. Were you searched that morning? Yes, the boarding boss searched me all over. What did you do from the time you got up about six o'clock in the morning to the time of your arrest? When I got up I dressed and washed myself and then we got something to eat in the shanty, then for a time there was a talk in the shanty that no one should leave and go to work until this money affair was disposed of; then the money was searched for and was not found and the others left to go to work and I told them that I could not stay there. I was searched when I dressed myself, I went to the place where I worked, then they came and took me away from my work, I told them that I am innocent and why should they take me away from my work. How long after you left the shanty were you arrested? It was about nine o'clock when I was taken away from my work in the morning. Then when you got into the Police Court did you tell Car and the policeman that you took the money and that you would give it back if they let you go? I was all confused about that terribly and I called to Car, I said, "I will give you your money and let me out." Did you have the money? I did not have the money. I did not say to them that the money was in the trunk, I did not say that I hid it among the rocks, I searched the shanty in the hope that maybe he could find the money.

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Micheal Brady sworn and examined.

After the commitment in the Police Court on Sunday morning the 22nd of September, Martin Car the complainant and John Matlack followed me up into the Police Court and told me something, I went to Justice Gorman and he gave me permission to bring the prisoner into Court again and after bringing him into Court he told me through Matlack that he had the money hid away and that if he would take him to the shanty he would find the money and give it to Car. By Justice Gorman's orders I took him back to the shanty at 171st Street and Webster Avenue, he went in the shanty and inquired for something which I did not understand but I saw one man point to where his trunk was, he went to the little trunk and opened it. I asked the Interpreter what he was saying and he told me he then wanted his coat, he did not get it, it could not be found. He was in his shirt sleeves when I arrested him. He said something to the boss of the shanty, I asked the boss what it was he said and I attempted to close the door to keep what men there were around the shanty inside; there were so many of them there I could not do it and then I sent to the Police Station and with the assistance of other officers we drove what men we could into the shanty and closed the door but we were unable to get them in for there were from two to five hundred men around. There was dirt about a foot high alongside the shanty and the prisoner started to search with his hands in this dirt and he suddenly stopped and said something; we made another effort to get the men away but it was unsuccessful. After searching sometime with his hands, the

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Defendant then took a shovel and commenced to dig, he then told me something through Matlack and I took him back to the Station House.

John Matlack sworn and examined.

I drive a horse on a derrick, I know everything that happened; the Defendant said all the time if he was sentenced to get his head cut off he could not say otherwise then he didn't take the money; that is what he said all the time in the Police Court, then he was put back again into the cell, I went to see him all alone at the cell and talked with him, he said, "bring a policeman here and let me out of this cell and I will give the money back if I am let go." I asked him, "where have you got the money?" And he said, "I have it in my trunk", I notified the Court about it, that he was willing to give it back, he said he had it in his trunk and he was taken to the shanty. In the shanty I asked him what kind of a pocketbook it was that Car had, he took out his and said it was a pocketbook like this. Then in the shanty I said to him, "where is your trunk?" He did not look for the trunk but looked first for his coat and he couldn't find it. The landlady said to him, "what are you looking for, you took your coat away when you went to work." His trunk was not locked and there was no money in the trunk. There was a crowd of about a hundred men came; the Defendant said, "I shall tell the policeman to chase that crowd away and he could give the money back when the crowd was gone. The policeman ordered the crowd to go away but they would not. I asked him again where is the

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money. He said, "it is buried in the ground outside the shanty." Then he commenced to dig with his fingers in the ground. I said, "how deep is it buried?" And he said, "about six inches deep." He was digging all the time in the ground with his hands and he did not find any money; then the policeman gave him a shovel and he turned all the ground along the shanty over and no money was found. He said, "somebody else must have taken it"; that was the end of it and they took him away again to prison. I acted in this case as Interpreter.

Adam Luckschute h sworn and examined in his own behalf, testified:

I took out my pocketbook and said to Car, "was your pocketbook like this"? And he said it was like this. I said to him, "if this is yours, take it." He says, "no, it was like this, a leather one but it is not this." Why did you dig up all that ground around the shanty there? I was out of my mind, I was so confused I did not know what I was doing. I did not say to the last witness somebody else must have taken the money. I slept in that shanty about ten nights.

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



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Testimony in the  
case of  
Adam Luckoschitch

filed  
Oct. 1889

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# 0157

Imperial and Royal  
Austro-Hungarian Consulate General -

33 Broadway,

New York,

October 19<sup>th</sup>, 1889.

G. F. Ashton Esq.,

Secretary of the Department  
of Public Charities & Corrections,  
New York.

Sir:- Relating to your letter of  
the 12<sup>th</sup> inst. I sent some one  
knowing the Slavonian language to  
investigate the case and speak to the  
boy in the Tombs; and herewith  
his affidavit you find enclosed.  
I don't know any lawyer speak-  
ing the Slavonian language, but  
Mr. Frank Maloney of # 46  
Second Avenue, may perhaps be  
able to serve.

This is all assistance I can possi-  
bly render so far in the case,  
and remain,

Yours very respectfully

*Palitnik*  
Consul of Austria-Hungary

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Affidavit

I, Antonio Canipacci, do hereby solemnly swear that I saw Adam Lucic, a minor, in the Tombs, New York, and conversed with him in the Croatian language, that I fully understand, and that he related to me what follows:

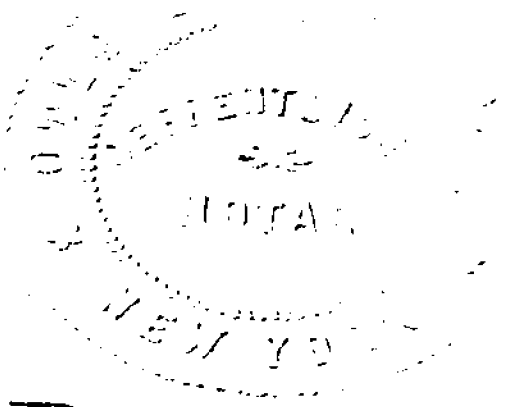
I came to this country about six weeks ago, and went to board, together with many others countrymen at a house in 170<sup>th</sup> Street, Manhattan. One morning a certain Martin Car accused me of stealing a sum of money from his person while he was asleep. He was showing his money the day before, to all in the house. I was arrested and put in the Tombs under this false accusation. I can swear that I did not steal the money, not know of any one else that did ~~it~~ <sup>steal</sup> it.

New York, October 19<sup>th</sup> 1889.

*A. Canipacci*

Subscribed and sworn to  
before me.

Otto P. Berhardt  
Notary Public  
of the  
City and County of  
New York.  
(No. 49, 33 B'way.)



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*Department of  
Public Charities and Correction,  
Commissioners' Office,  
66 Third Avenue.*

HENRY H. PORTER, Pres.,  
CHARLES E. SIMMONS, M. D.,  
EDWARD C. SHEEHY.

G. F. BRITTON, Secretary.

*New York,*

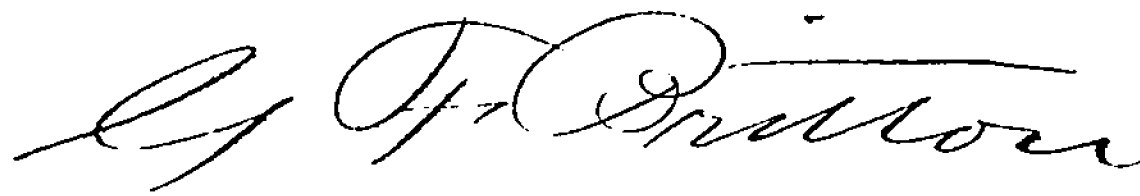
October 21st, 1889.

Hon. John R. Fellows,  
District Attorney.

S i r :

I have the honor to transmit the enclosed communication from the Austrian Consul, together with an affidavit, said papers being the result of President Porter's writing to the Consul about the young man, Adam Liccic, now in the Tombs.

By order,



Secretary.

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6

District Police Court

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK ss.

of No. 171st Street Martin Cag  
being duly sworn, deposes and says, that on the 18 day of September 1889

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession and

possession of deponent, in the night time

the following property, viz.:

Good and lawful money  
of the United States, consisting  
of four bills of diverse denom-  
inations of the amount and  
value of ninety dollars  
\$90.00  
100

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 Adam Luckeschut

(now here), for the reasons following,  
to wit: on the said date of the  
hour of 8.30 P.M. deponent had the  
said money in the right pocket of the  
trousers then worn by him as a portion  
of his bodily clothing as he was  
lying on a bed in a room in a shanty  
on said street. The said defendant  
was lying in the said bed alongside

Subscribed before me this 18th day of September 1889

Notary Public





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Sec. 198-200.

6

District Police Court.

CITY AND COUNTY  
OF NEW YORK ss.

*Adam Luckschuteh*

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

Question. What is your name?

Answer. *Adam Luckschuteh*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *Poland.*

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

Answer. *171<sup>st</sup> Street & Webster Avenue.*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty -  
deprived of my senses  
when I did it*

Taken before me this

day of *September* 1887

*John C. Cochrane* Police Justice.

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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 \_\_\_\_\_

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

Dated *Sept 20* 188*3*. *Wm Cochrane* 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.

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*Sept 21<sup>st</sup> 9 A.M.*  
*" 22. " "*

Police Court *1466* District *6*

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Martin Carr*  
*171 Webster Ave*  
*Adam Luckeschmidt*

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

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

Dated *Sept 20* 188*9*  
*Cochrane* Magistrate.  
*Brady* Officer.  
*34* Precinct.

Witnesses *John Matlack*  
*Joseph Petrash* Street.  
# No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.  
\$ *500* to answer *G. S.*  
*ago Sept 22<sup>nd</sup>*  
*Committed* *G. S.*  
*Prison*

Office *Carney from the Prison*

SEP 26 1889 RECEIVED. OFFICE OF THE DISTRICT ATTORNEY



0676

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Adam Luckschutch*

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

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

The said

*Adam Luckschutch*

late of the City of New York, in the County of New York aforesaid, on the *eighteenth*  
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, in the  
*night* time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of *forty - five*

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

dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of *forty - five*

dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of *forty - five*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of *fifteen dollars*

of the goods, chattels and personal property of one *Martin Carr*, on the  
*person of the said Martin Carr* then and there being found,  
*from the person of the said Martin Carr*  
then and there feloniously did steal, take and carry away, against the form of the  
statute in such case made and provided, and against the peace of the People of the State  
of New York, and their dignity.

JOHN R. FELLOWS, *District Attorney.*