

0000

BOX:

348

FOLDER:

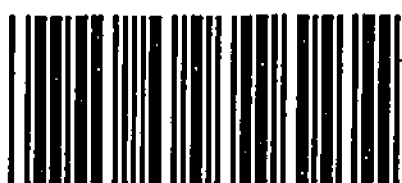
3274

DESCRIPTION:

Sairs, John

DATE:

03/19/89



3274

0009

117

1889

THE PEOPLE

vs.

POLICY [§ 844, Penal Code].

B
John Sains

This Defendant

✓ is ok. be proof
includ. No. 17/89
Cust. 17/89

JOHN R. FELLOWS
For Sec'y

from 1000 m.

THE STORY

referred to 23 May to permit
entry of the Confederate

Chas H Scott Foreman.

Three times two days
to serve to

ag bl

Before Noon

Police Justice

February 20/89

W. J. Sherman activities being duly
permitted ^{and} says, on the part of the
people.

By the Court.

Where day or do business
A 150 N. Main Street

Yours is your answer
A Private detective.

On the 8th day of January, did you visit
the premises in E Corner of Bridge
and Broad Streets ?

Agoston

At what time of day did you go there?
About half past 4 o'clock in the after-
noon.

Q. Are you any knowledge as to what those premises were used for?

Оуесен.

All men state all his business

all that occurred in these premises on
the day you were there?

A. This is only two steps from the street going to
the place on the Bridge Street side and
I went in there on the 8th of January
and saw a gentleman there and said
I wanted a capital saddle \$5.29.

Q. You saw a gentleman there?
A. Yes Sir.

Q. To be in court?

A. Yes Sir (pointing out the defendant)
I asked him for the capital saddle
\$5.29.

Q. This was in the rear of the age in ^{saloon}
A. Yes Sir.

Q. Was there a saloon in front?
A. Yes Sir.

Q. And you were in the back room of this
saloon?

A. Yes Sir and while I was in there
a gentleman was sitting there and
told me to write down the number
I wrote down the number on a
piece of paper. I handed him the

money and I wrote it on a piece of paper and gave it back to me. G. Hoyn identifies that as the slip I gave to you? (showing)

A. Yes I took the piece of paper and went about my business.

Q. Did you pay him anything?

A. Yes I paid him ten cents.

Q. Have you been in that place since?

A. Yes.

Q. When?

A. I went there frequently during the month of June only.

Q. Did you see the defendant engaged in any business there during the same month?

A. Yes.

Q. How long after the first time that you went there did you go there again?

A. Probably a week or so, within a week or two.

Q. And you saw the same man there the same defendant?

Ayes Sri,

Q This was after you played the 10 cents
Ayes Sri and said to him I want to
play policy. Was he said he was not
doing any business, and said how
do it that you are doing business with
him?

Q Was there another man in the place
then?

Ayes Sri, and that is all the conversa-
tion I had, he would not take my
money.

Q Have you been there since that time?
Ayes Sri

Q Have you ever had any other transac-
tions with this defendant?

Ans Sri

Prof Examined

Q Have you had any other conversations
on the other occasions with this
gentleman?

A Only the conversations that I explained
to the Court, the time prior to the
last time I went there

00 14

5

Q Have you told the Court, everything that
transpired between you ^{and the defendant}
on the occasion when you visited that
place?

A Yes Sir

Q Everything, quite sure of it

A As far as my knowledge goes

Q There is nothing that is of any impor-
tance that you have forgotten?

A No Sir

Q You say you were used this piece of
paper?

A Yes Sir

Q Who gave it to you?

A I took the paper off of the door

Q You wrote the number 5, 29, on it?

A Yes Sir

Q Is that all you wrote on it?

A Yes Sir

Q Did you write the word first capital

A No Sir

Q Did you write the figures ten on it?

A No Sir

Q Did you write January 5th on it?

E. V. C. out ?

Aussu

Did you write Penguin Bros on it ?

Aussu

Did you write owner of legion Palace on it ?

Aussu

Did you write Joe Poe on it ?

Aussu

Did you see the appendant. write it ?

Aussu

Did you write January 8th - 89 ?

Aussu that is lead pencil on it

John Doe or Doc, seems to be written

in lead pencil over the ink, did

you write it ?

Aussu that is lead pencil

And also down below you wrote

John Doe or Poe in lead pencil ?

Aussu

And W.D. ?

Aussu

When you wrote this what did you do with it ?

7

A I handed it to the defendant.

Q And then what did you do?

A I handed him the money with the piece of paper, at the same time he wrote on the piece of paper. And then went about my business.

Q Which did you hand him first, - the piece of paper. And then the money?

A Yes sir.

Q How much did you say it was?

A 10 cents.

Q And then what did he do?

A He wrote on that paper. And then handed it in above.

Q Did you see what he wrote on this piece of paper?

A I know there was no writing on it except F. 29.

Q Did you see what he wrote on this piece of paper?

A Certainly not.

Q Did you see him write on this piece of paper at all?

A Yes sir.

8

Q. What did you see him write?

A. Ten cap and Larry & W. E.

Q. He said you say a minute ago that you knew S. 29 was on the paper and nothing else?

A. That was all when I gave it to him
Q. And when you received it back it had 10 cap. plus W. E. on it?

A. Yes sir.

By the Court.

Q. Did anybody else handle the paper excepting the defendant?

A. No sir.

Q. And all there was written on it at the time you gave him the paper was S. 29?

A. Yes sir.

Q. And when he handed it back to you this other writing was on it?

A. Yes sir.

Q. Did anybody touch the paper but you and him?

A. No sir.

Contd. Cross Examination

9

Q How long have you been a private de-
fective?

A 9 months

Q What was your business before that?

A Boonkeeper

Q For whom?

A S. H. McEwen 9 and 11 Grammer Street

Q How long?

A Four or five months

Q Have you dis. charged from there?

A No sir they went into bankruptcy

Q And what was your business before that?

A Real Estate

Q In this city?

A Yes sir

Q How long?

A About a year

Q Were you in business for yourself?

A No sir I worked for J. W. Stevens

Q Did you resign from that place?

A Yes sir

Q You were not discharged?

A No sir

Q What business were you in before that?

A Clergyman.

Of what denomination?

A Catholic.

Whereabouts?

A Brooklyn.

Did you resign your office there?

Yes Sir.

If you were not expelled from the Church?

Yes Sir.

Discharged?

A No Sir. Resigned through my getting married.

If the fact of your getting married was a violation of your oath was it not?

By the Court.

Does answer it.

Has you ever been arrested for any offence?

A Once on a trumped up charge of Bastardy.

When was it?

A Three or four years ago I guess.

Where was it at that time a clergyman?

Yes Sir.

0020

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Q Was it ^{after} you became a clergyman
Answer

Q Was it after you resigned from the
church?

Answer

Q Were you ever arrested at any other time?
Answer in my life

Q Who preferred that charge against you?
Answer

Q Do you know the woman's name?

A I know of the woman but never saw her

Q Do you know the woman's name that
made the charge?

A I do not

Q About you know the woman's name
who charged you with Fornication?

A I do not I believe it is Mulvaney
I cannot swear to it

Q Did she reside in Brooklyn?
Answer

Q Do you know what part of Brooklyn?
Answer

Q Do you know what month that was in
A I cannot tell

0021

12

Q. What was the disposition of the Coal?
A. Discharged.

Q. Before you bought this policy how you
saw seen the defendant?

A. Not to my knowledge No Sir.

Sworn to before me this
20th Day of February, 1889

P. H. Foster

Anthony Comstock being duly sworn deposes and says, called as a witness by the Court.

My office is 150 Nassau Street and am the special agent and secretary of the Society for the prevention of vice since its organization in 1873. I desire to testify in reference to the paper, I have had all these years of experience in prosecutions since 1873 in cases commonly called lottery policies, and I wish to represent testimony what this represents, that is what is commonly called a lottery policy.

Cross Examined

Q. This Mr Comstock doesn't purport to be a lottery policy on its face?

A. It does.

Q. Does that purport to be a lottery policy?

A. It is what is called commonly a lottery policy.

Q. Would you say omitting the words F. 24 that it purports to be a lottery policy?

A. No not omitting the figures.

0023

14

The numbers that are on there show what
to bet, if you leave out the numbers
529. it would indicate for Capital
Ten.

If suppose they were not there would you
pay it was commonly called a lottery
policy?

A. I should say no.

Q. Do you know whether there was any lottery
drawing on the 5th of January 1889
of your own knowledge?

A. No. I have no personal knowledge.
McComstock.

Do you offer the return on the search
warrant in evidence?

By the Court. Objector to

By the Court. Admitted. Exception

Pass for the people.

Dependant on Counsel wants further
examination

At

0024

Sec. 192.

District Police Court

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Judge White a Police Justice
of the City of New York, charging John Sains Defendant with
the offence of Drunk

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

We, John Sains Defendant of No. 118 Park

Place Street; by occupation a Labourer

and John Egan of No. 119 Pearl

Street, by occupation a Garage Surety, hereby jointly and severally undertake that

the above named John Sains Defendant

shall personally appear before the said Justice. at the 1 District Police Court in the City of New York,

during the said examination, or that we will pay to the People of the State of New York the sum of four
Hundred Dollars.

Taken and acknowledged before me, this

day of September

1889

John Sains
John Egan
POLICE JUSTICE

0025

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Contained in premises 114 Pearl
Street the full value of One
thousand Dollars

John Egan

Undertaking to appear
during the Examination.

THE PEOPLE, & C.,
ON THE COMPLAINT OF

Taken the _____ day of _____ 188

Justice.

District Police Court.

0026

POLICE COURT, 1st DISTRICT.

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

William J. Sherman
of No. 150 Nassau Street, being duly sworn, deposes and says,
that John Sains (now present) is the John Pol ~~person of that name~~
mentioned in deponent's affidavit of the 7th day of February 188 9
hereunto annexed.

Sworn to before me, this 9th
day of February 188 9 }

William J. Sherman

A. J. White POLICE JUSTICE.

CITY OF New York COUNTY OF New York } ss.
AND STATE OF NEW YORK.

Anthony Courtot of 150 Nassau Street,
that he has just cause to believe and does believe that

whose real name is unknown, but
did, on or about the 8th day of January,
corner of Bridge and Broad streets, in
street, in the City of New York
knowingly sell, furnish, vend and procure, and cause to
instrument, purporting to be a ticket or part of a ticket
is hereto annexed, and which said paper or instrument hereto annexed is what
or are called lottery policies and further that the said,

John Por

has in his possession, within and upon certain premises, occupied by him and situated and
the north east corner of Bridge and Broad streets, in a liquor saloon
known as number known as Berglin Brothers street, in the City of
New York and County of New York aforesaid, certain others, what are commonly known as, or
are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal
property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery poli-
cies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and
has in his possession, the aforesaid articles in violation of the laws of the State of New York, in
such case made and provided, and with intent to use the same as a means to
commit a public offense.

Subscribed and sworn to before me,
this 11th day of February, 1889

Anthony Courtot

Police Justice.

CITY OF New York COUNTY OF New York } ss.

New York City being duly sworn further deposes and says, that on the
8th day of January, 1889, aforesaid, he called at the place of business of
the said John Por affidavit of Anthony Courtot, aforesaid, at the said
premises described aforesaid in and there purchased the said paper, ticket and instrument,
purporting to be what is commonly called a lottery policy as annexed to foregoing affidavit,
under the following circumstances to wit: Deponent there saw the said John Por

and had conversation with him in substance as follows.

Deponent said, to said John Por, "give me 5 or 29 Capital
padding for \$10." The said John Por, wrote the
said paper, annexed aforesaid, and handed
same to deponent, and deponent paid the
said John Por, the sum of five cents for the same.

Deponent further says, that from personal
observation, conversations, and dealings had with
the said John Por, he is informed, verily believes
and is positive that the said John Por, now

0028

CITY OF New York COUNTY OF New York
AND STATE OF NEW YORK.

5-29 Capital

Jan 8-1889

Anthony Comstock of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that John Poe whose real name is unknown, but who can be identified by W. J. Sherman, did, on or about the 8th day of January, 1889, at number 5-29 Capital street, in the City of New York and County of New York unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery policy and further that the said,

John Poe has in his possession, within and upon certain premises, occupied by him and situated and known as number 5-29 Capital street, in the City of New York and County of New York aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and has in his possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided, and with intent to use the same as a means to commit a public offense.

Subscribed and sworn to before me,
this 8th day of January, 1889

Anthony Comstock

Police Justice.

CITY OF New York COUNTY OF New York } ss.

W. J. Sherman, of 150 Nassau Street New York City being duly sworn further deposes and says, that on the 8th day of January, 1889, aforesaid, he called at the place of business of the said John Poe and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery policy as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said John Poe and had conversation with him in substance as follows.

Deponent said, to said John Poe, "give me 5-29 Capital
paddle for \$10." The said John Poe, wrote the
said paper, annexed aforesaid, and handed
same to deponent, and deponent paid the
said John Poe, the sum of five dollars for the same.
Deponent further says, that from personal
observation, conversations, and dealings had with
the said John Poe, he is informed, verily believes
and is positive that the said John Poe, now

0029

has in his possession, at, in, and upon certain premises occupied by him, and situated and known as ~~the~~ the North East Corner of Bridge and Broad streets, in a saloon known as Berglin's Bro's liquor saloon, divers and sundry books, papers, device, apparatus, writings and paraphernalia for gambling purposes with intent to use the same as a means to commit a public offense -

Subscribed and sworn to before me this 1st day of February 1889

Wm. J. Sherman
Justice

William J. Sherman

POLICE COURT — DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

Anthony J. J. J. J.

VS.

John Doe

LOTTERY AND POLICY.

Dated

1889

Magistrate.

Clerk.

Officer.

WITNESSES:

Bailed, \$

to answer

By

Sessions.

Street.

0030

Dr. J. M. Fenwick,
No. 128 Varick St. N.Y.

March 29th 1899

I hereby certify
That John Cairns at 18
Varick place is sick with Heart
disease. Lung disease. And nervous
prostration. He is compelled to keep
his bed. It is impossible for him
to attend Court in his present
Condition.

Respect.

Yours
D. S. M. Fenwick
128 Varick St.

0031

J. J. Fairwick,
No. 128 Varick St., N. Y.

March 21, 1889.

I hereby certify
That John Sains at
18 Varick place is very Sick
with disease of the Heart.
disease of the Lungs and
nervous prostration. he is Compelled
to keep bed. in his present condition
it is impossible for him to
attend Court.

J. J. Fairwick
128 Varick St.

0032

N. Y. City May 20/89
Mr John Egan

Dear Sir
I cannot go to Court today
as I am not able to walk
25 feet I am giving up
by the Doctors and I
have not the money to
get a Certificate the last
time the Doctor was here
I did not have the money
to get the medicine I wish
the Court would send
one

I Remain Yours
Respectfully

John Sims

18 Varick Place
City

0033

Dr. J. M. FENWICK,
128 VARICK STREET,

OFFICE HOURS, { 8 to 10 A. M.
1 to 3 P. M.
5 to 7 P. M.

New York May 23rd 1889

I hereby certify

That John Saise at 18 Varick
place is sick with Bronchial Phthisis,
Heart Disease and extreme debility.
he has sick faint spells and great
difficulty in breathing on the least
exertion. Therefore he will not be able
to attend Court tomorrow and really
it is impossible to tell when he will be
able.

Dr. J. M. Fenwick

128 Varick St

To Chief Clerk.

Please do not put this case on the calendar
during the May Term '89. This adjournment
is granted upon the above certificate.

Wm Davis

May 23/89

Asst.

0034

19 Form H.

NEW YORK, Dec. 7, 189 3A Transcript from the Records of the Deaths Reported to
the Health Department of the City of New York.

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK.

CERTIFICATE AND RECORD OF DEATH

No. of Certificate,

30999John Sairs

I hereby certify that I attended deceased from July 5, 1889, to Sept. 27, 1889,
that I last saw him alive on the 22^d day of Sept., 1889, that he died on the
27th day of Sept., 1889, about 9 o'clock A. M. or P. M., and that to best of my
knowledge and belief, the cause of his death was as hereunder written:

Chief Cause, General Debility from Duration of Disease.Contributing Cause, Malaria Fever, NephritisSanitary Observations Heart failure & ExhaustionWitness my hand this 7th day of Dec., 1889Place of Burial, Calvary (SIGNATURE), O. C. Smith, M. D.Date of Burial, Sept. 27, 1889Undertaker, Wm. H. Hottel & Sons, RESIDENCE, 130 Wash. PlaceResidence, 194 Spring St.

Burial permits issued at 301 Mott Street, Room 35, Week days, 7 A. M.-6 P. M. Sundays and Holidays, 8 A. M.-5 P. M.

Date of Death	Full Name	Age, in years, mos. and days	Color	Single, Married or Widowed	Occupation	Birthplace	How long in U. S. if foreign born	How long resident in New York City	Father's Name	Father's Birthplace	Mother's Name	Mother's Birthplace	Place of Death	Last place of Residence	Classed Dwelling (A tenement house is one occupied by more than two families)	Direct cause of Death	Indirect cause of Death	Date of Record
<u>Sept. 27, 1889.</u>	<u>John Sairs</u>	<u>49 years, 6 mos</u>	<u>White</u>		<u>Masseur</u>	<u>Massachusetts</u>	<u>New York</u>	<u>Always</u>	<u>John Sairs</u>	<u>Germany</u>	<u>Mary Sairs</u>	<u>Germany</u>	<u>18 Canrick Place</u>	<u>"</u>	<u>"</u>	<u>As above.</u>		<u>Sept. 29, 1889.</u>

A True Copy.

C. C. Alderman

Chief Clerk

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcripts, and no inquiry as to the facts reported has been provided for by law.

0035

City & County
of New York } S.

John Eagan residing
at no 117 Pearl Street New York City
being duly sworn deposes & says; that
he was well acquainted with the late
John Sairs, having known for a period
of at least 20 years, and that he was the
same person mentioned in the Certificate
of death and also further knows him
to have been under indictment in the
office of the District Attorney of the
City & County of New York.

Sworn to before me John Eagan
this 7th day of December 1893.

Henry A. Van Selt

Clerk of Deeds. N.Y. City

0036

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

THE PEOPLE OF THE STATE OF NEW YORK

against

John Sairs

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

John Sairs
of the CRIME OF SELLING WHAT IS COMMONLY CALLED A LOTTERY POLICY, committed as follows:

The said

John Sairs
late of the City of New York in the County of New York aforesaid, on the eighth day of January in the year of our Lord one thousand eight hundred and eighty nine, at the City and County aforesaid, feloniously did sell to one

William J. Sherman
what is commonly called a Lottery Policy, the same being a certain paper, and writing, as follows, that is to say:

5 = 29 1st cap = \$10
Jan. 8 Eve.

(a more particular description of which said paper and writing so commonly called a Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

John Sairs
of the CRIME OF SELLING A PAPER, WRITING, AND DOCUMENT, IN THE NATURE OF A BET AND WAGER UPON THE DRAWING OF A LOTTERY, committed as follows:

The said

John Sairs
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one William J. Sherman

0037

a certain paper, writing and document, in the nature of a bet and wager upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document, is as follows, that is to say:

5-29 1st Cap = 110
Jan. 8 Eve

(a more particular description of which said paper, writing and document, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT.

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

— John Sairs —
of the CRIME OF SELLING A WRITING, PAPER, AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows:

The said

John Sairs
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one William J. Sherman

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

5-29 1st Cap = 110
Jan. 8 Eve

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT.

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

— John Sairs —
of the CRIME OF SELLING A PAPER, WRITING AND DOCUMENT IN THE NATURE OF A BET AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

0038

The said

John Sairs

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

William J. Sherman

a certain paper, writing and document in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

5 = 291st Cap = 10

Jan. 8. Ever

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FIFTH COUNT.

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

John Sairs

of the CRIME OF SELLING A WRITING, PAPER AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said

John Sairs

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, feloniously did sell to one

William J. Sherman

a certain paper, writing and document in the nature of an insurance upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper, writing and document is as follows, that is to say:

5 = 291st Cap = 10

Jan. 8. Ever

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

0039

BOX:

348

FOLDER:

3274

DESCRIPTION:

Samuelson, Hans J.

DATE:

03/22/89



3274

Witnesses:

M. Howard
Emma Johnson

From an examination of this case I am of opinion that at present there is not sufficient testimony in this to go to trial. Further testimony may be forthcoming and pending discovery I think it proper to recommend that the defendant be discharged on his own recognizance
April 17/89
Jugger
book out all

W. J. Purdy

Counsel,

Filed 22 day of March 1889

Pleads,

Abquily vs

THE PEOPLE

vs.

James J. Samuelson

Grand Larceny Second degree.
[Sections 628, 631 Penal Code].

JOHN R. FELLOWS,

District Attorney.

April 7/89

P. V.

A TRUE BILL.

Foreman.

April 17. Page 3
Part III April 17/89
Defendant discharged on his own recognizance

0041

4th DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Martin Sava
agst.
Hans J. Samuels

Examination had March 11th 1889
Before Hans J. Sherry Ford Police Justice.

I, James A. Lyon Stenographer of the 4th District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of _____

as taken by me on the above examination before said Justice.

Dated March 12th 1889.

J. Mumford James A. Lyon
Police Justice. Official Stenographer.

0042

4th District Police Court,

Wed. March 11th 1889

The People & on Complaint of

Martin Lora

ag't

Hans J. Samuels

Before Hon. J. Henry Ford

Police Justice.

Appearances

In The People - W. Brainerd

and Defense - Chas. H. Murray

Martin Lora, the complaining witness being
sworn testified as follows:

Cross Examination - by - Chas. H. Murray

Q What is your business?

A I keep an employment agency - an intelligence office in the same premises where I live at 153 East 3rd Street. I occupy the whole floor as an office and dwelling.

Q Have you a servant in your employ?
A No sir.

Q There was nobody but your wife there

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on that day?

A That is all.

Q What time did this defendant come there?

A In the neighbourhood of one o'clock, a little before that.

Q How long did he remain there?

A About an hour or three quarters of an hour - when he came there, there was a couple of girls in there seeking employment. To my recollection nobody else came there while he was there.

Q Your wife was there?

A She was in the kitchen and she wasn't there while he was in the office.

Q Are you positive about that?

A To my recollection she was not.

Q Was there any other woman in the office?

A No sir.

Q Was there anybody else in your living apartments besides your wife?

A Yes, in the kitchen, not in the office.

Q You were in the office all the time he was there?

A Pretty much.

Q How long was he in the office before

he took his seat at this desk?

A Short time. When those other people went away I ask him to take a seat at the desk; he was there about ten minutes.

Q Was this \$200. in bills?

A Yes.

Q What time did you put it in that desk?

A That morning, about nine o'clock.

Q What time did you miss it?

A A little while after he went away - about 1.30 P.M. About fifteen minutes after he left I examined the drawer of the desk.

Q Who was in the office when you missed the money?

A My wife and I and nobody else.

Q Wasn't this other woman there?

A No sir.

Q Not at all in the office?

A No sir.

Q From the time that you speak of the two guys that came there for positions; there was nobody else in that office except this Defendant is that true ~~and~~ from 9 A.M. until you missed your money - about 1.30 P.M.?

A That is all

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Q (Aunt you remember what took place?
A No sir.

Q Then all the persons there between
9 AM and 1.30 PM. were these two
girls and this defendant?

A Yes.

Q How long have you known him?

A About 4 or 5 years.

Q Do you know his mother & brother
also?

A Yes sir.

Q Did you ever invite him to your office
or to come and see you?

A No; he generally came there himself
and he has been several times in 32nd
Street.

Q Did you miss money each time
he was there?

A No sir.

Q Did a check form any part of the
money that was stolen?

A No sir.

Q For no bank books?

A Yes sir.

Q How long after you asked him to write
did he remain there?

A Not more than seven or eight
minutes. And he was sitting by the desk
then and he was too nervous to write.

I was sitting on ~~the~~^{right} side of the desk - he was before it. When he first came to the office he was sitting on a bench on the right side. He went to the desk after the girls went away; when I requested him to write.

2 He is a Swede?

A A Norwegian.

2 What you requested him to write was in English?

A Yes sir

2 Did he finish it?

A No sir. I told him his brother was a good writer and I thought he was as good a scholar as his brother and he said he was not in a school like his brother - he was a clerk in a store and that he couldn't write as fast as his brother. He said that was the reason he could not write; what he wrote was mixed.

2 Didn't he tell you that he couldn't write as fast in English as you dictated to him?

A No sir.

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Q Did you ask him to call again?

A Yes, but he never turned around to me to answer. I told him to come the next day and that I would get him a position.

Q He didn't answer you?

A No sir

Q You are positive that from the time you put the money in the drawer until he left your office, that you weren't absent from that office - from the time he entered the office until you missed your money?

A I was out and I had the key. I was in 3rd Avenue and he was there with the other girls until I returned.

Q How do you know what time he came there, if you were out when he came there?

A I let him in there. I wasn't out. I requested him to wait. I was home.

Q From the time he came there until he went away you were there?

A I let him in and requested him to sit down and I would be back in a minute, but the desk was locked and I had the key. I wasn't away more than five minutes and when

0048

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I came back I sat at the desk and him on the other side of it.

2 When and to whom did you first speak of the loss of your money?

A To my wife.

2 When did you first make it known to the Police authorities?

A The same day.

Re-Direct Exam - by - Mr. Bramard

3 How long before the defendant came into your place had you seen this money in your desk?

A About ten minutes.

2 When you had occasion to unlock the desk?

A Yes sir, a hundred times a day.

2 After he came in did you unlock the desk?

A Yes sir.

2 When you asked him to come there the next day. You said he made no answer

A No sir.

2 Did he turn to look at you or anything of the sort?

A to sir.

Q Had he an overcoat?

A Yes sir and when he went out he put one arm in it and was putting the other arm in when he went into the hall-way; he was in a great hurry.

Q Did he give you any reason for going off them?

A No sir; he didn't even say "good bye."

Q Did either of these two girls go to the desk?

A No sir, they weren't in that neighborhood; they were sitting on a bench about four or five feet from the desk.

Q What were you doing with them?

A I was conversing with them about situations.

Q What sort of an overcoat did the defendant have on?

A A light spring overcoat.

Q What did he say about wanting a situation?

A When he was writing - he had written a couple of lines and I told him if he was quick on the pen and quick doing what I asked him to do

that I would employ him and he said he had not got any money to live on for a week, if I would employ him. He said he owed for room rent for a week and I told him I would see him in the cold, provided he did what I wanted him to do and I would advance him money to pay his room rent and see he had enough to live on.

Q What answer did he make to that?

A He said nothing.

Re-Cross-Examination — By — Wm. Murray

Q Do you know how much money he had when he came to your office on that day?

A He didn't have any according to what he told me.

Q You are sure when you came back you unlocked the desk?

A Yes sir.

Q Did you open it then to see if the money was there?

A Yes sir.

Q And it was there?

A Yes sir.

Q And this man was sitting at the desk when you returned and unlocked it?

A On the bench, alongside of it.

Q And there was nobody in the place when you missed the money?

Deo to Civ.
Sum before me this 14th
of March, 1889

J. Murphy
Police Justice

Denis C. Farley, a Police Officer attached to the 1st Precinct, testified as follows:

Direct Exam. — by — Mr. Bramm

Q How long have you been on the force?
A A little over fourteen years.

Q You arrested this defendant?

A Yes.

Q At that time did he or not have a passage ticket to Europe in his possession?

A Yes, on the Tanager line.

Q What day was he arrested?

A On Friday and the ticket was for the next day Saturday steamer.

Q Where is the ticket?

A I gave it back to him.

Q Did he give you any reason about going to Europe?

A None, except to see his mother.

Q Did he have any money?

A He had \$38.76, in bills and 76 cents in coin.

Q Any bank books?

A No sir.

Q Did he have on this same overcoat that he has on now?

A Yes sir.

Q Did he have a light overcoat with him?

A That is all he had.

Capt. Lamm, - by - Mr. Murray

Q Where did you arrest him?

A In front of 126 East 25th Street - that is where he lives.

Q Did you tell him for what you arrested him?

A I think I asked him did he know what it was for and he said he didn't know. I told him after that I was an officer and that Mr. Saov charged him with stealing.

some money from him and he said he was not guilty.

Q Did you question him as to where he got the money you found on him?

A He said he got it where he worked and he could show for it. He said that in the station house.

Q Are you the officer that Mr. Sava saw when he made this complaint?

A Yes sir.

Q Do you remember what he stated to you about the stealing of the money?

A He said he suspected the defendant, that he had been in the office $\frac{3}{4}$ of an hour and he was writing at the desk for a few minutes and he said when he went away he went away very quick and suspicious looking with one arm through his coat and the other arm not. He said he suspected him partly from the way he went out.

Q Did he say or did you ask him whether there were any other people in the office at the time he missed the money?

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Q He said his wife and another woman was there.

Q Did he tell you what time he wiped the money?

A He said about 3 PM.

Q Did he say when the defendant was there?

A He said between twelve and one.

Q Did you, in the course of the investigation, ask him or did he ask you ask to when he put the money there or anything in relation to when he last saw it there?

A Yes; I asked him when he last saw the money and he said he didn't see it since he put it there in the morning.

Q Are you positive about that?

A Yes; I asked him if he was positive about taking it from under his pillow and putting it in the desk. I had an impression it was not taken from his desk at all and he said he was positive that he put it in the desk and took it from his pillow.

Q At nine o'clock?

A He didn't say when and said he

missed it at three o'clock - when he looked for it. I am positive of that.

Q Did you ask him or did he say what other persons were in the office besides the defendant?

A He said his wife and some other female - I don't know her name.

Q He didn't say anything about any girls looking for employment?

A He made special mention of some one besides his wife. He said the girls were there.

Q Did you search his trunks?

A I did.

Q Did he make any objection to that?

A No sir.

Q Gave you the key?

A Yes and he told me where I could get the other key. I found one key in his lodging house and he said if I couldn't get the other key to break it open.

Q After you arrested him did Mr. Sava see him before he was taken to the Court?

A Yes sir, in the Station house.

Q Did he have any conversation with him there?

A Yes, some general remarks. I don't know what was said.

Q Did he accuse him there?

A Yes sir.

Q And his statement is about the same as the statement of the robbery to you, - the statement to this defendant?

A He didn't go into any particulars; he told the Sergeant he charged him with stealing the \$200. and four bank books.

Q Did you make any inquiries when you arrested him in front of the house?

A No sir.

Re-Direct Examination - by Mr. Graham

Q You found no bank books in the trunk?

A No sir.

Q What day did Mr. Sava see you?

A On Wednesday.

Q Was he very much excited?

A Yes, rather.

Q Because he lost his money?

A Yes sir.

Q Was his wife with him?

A No, he came back and his wife was in the office and she was cooler than he was.

Q That was right after he missed the money?

A Yes sir; after he notified me.

Q That was Wednesday?

A Yes sir.

Q And you arrested the man on the spot?

A Yes sir.

Q Wednesday was the day that you understood the offence was committed?

A Yes sir.

Q He saw you about what time?

A In the neighbourhood of four o'clock.

Q Where?

A In the Station house - the 21st Precinct, 35th Street, near 3rd Avenue.

Q Did you understand he was there before you?

A I ~~could~~ don't think so. I really couldn't say. I am in and out all the time.

Turn to before me the
10 of October 1884
J. Murray

Recd Jones

0058

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Martin Tava, the complaining witness
recalled -

By Mr. [unclear]

Q What kind of a desk was this?

A It was an old fashioned desk, ~~inclined~~
with an incline and had a drawer
in it and a railing around it and about
half as big as the desk (desk in judge's room)

By The Court

Q When you found you had lost your
money what did you do?

A I went to the Station House.

Q How long after; - was it right away?

A Pretty much.

Q Did you see this officer at the Station
House?

A Yes sir.

Q When you first went there?

A I waited there.

Q How long were you in the Station House
altogether?

A Something like half an hour.

Q You saw this officer there at the time
you were in the Station House?

0059

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Q Yes sir

Q What time did you go there?

A I think about two o'clock.

By Mr. Brammer,

Q When you and the defendant were both sitting in your office, how near were you to the man, when he sat by the drawer resting on the ledge of the desk?

A I was alongside of him, about four or five feet away & when he was writing I turned around and spoke to my wife in the kitchen door and he was alone then.

Sum. to be presented
11th of February 1889

Wm. H. Brammer

Police Justice

0060

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 *nine* 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 13th* 188*9* *G. Thompson* 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.

0061

\$500. bail for
Mch 11th 2. P.M.
13 - 9/2am

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

793
Police Court---

4th 396
District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Martin Sura
163 East 31st
Kans. Cannel

2

3

4

Dated

1889

Magistrate

Officer

Precinct

Witnesses

No.

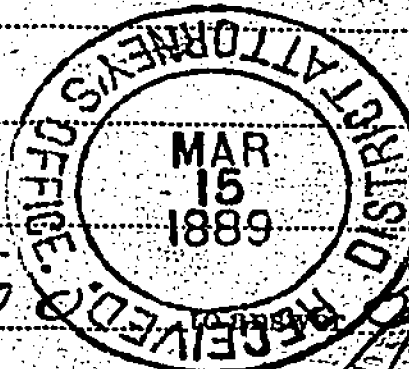
Street.

No.

Street.

No.

Street.



\$

50

Offence
G. M. C. C. C.

RECEIVED
MAR 15 1889
CLERK'S OFFICE
DISTRICT ATTORNEY'S OFFICE

0062

Police Court—

11th District

Affidavit—Larceny.

City and County }
of New York, } ss.

of No.

153 East 31st

Street, aged 43 years,

occupation

a father

being duly sworn

deposes and says, that on the

10th

day of March

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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 time, the following property viz:

Good and lawful money of the United
States of the amount and value of
Two Hundred dollars and thirty Marks in
gold and money altogether of the value of
Two Hundred and Six 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 James Quinlan (now here)

from the fact that at about the hour of one
o'clock P.M. on said date the deponent
came into deponent's office at the above described
number and deponent asked said defendant
if he defendant was out of employment and
if he desired a situation and defendant
stated that he desired employment as he
defendant had no employment for some time
for his room rent and deponent agreed to
give defendant a situation as clerk in his
deponent's office and deponent asked defendant
to sit down at the desk in deponent's office
and give deponent a sample of defendant's
hand writing and deponent asked defendant

Sworn to before me, this

188

Police Justice

0063

To write as dictated to by Dependent he acted
at various times he could not write and shortly
before the defendant sat down at Dependent's
desk Dependent saw the aforesaid money
in the drawer of said desk in Dependent's
Office and about twenty minutes after defendant
left said desk Dependent missed said
money and there was no other person in the office
or at Dependent's desk from the time Dependent
saw the said money in the drawer of said
desk until the time Dependent missed said
money wherefore Dependent charges the
defendant with the larceny of the aforesaid
money and prays he may be dealt
with as the Law directs

Sworn to before me this

9th March 1889

J. H. Munnford

Martin P. Brown

Police Justice

0064

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Guo Jacob Samuelson 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. *Guo Jacob Samuelson*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *Norway*

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

Answer. *136 - 8th St. 10 Years*

Question. What is your business or profession?

Answer. *Guo fiter*

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*
Guo Jacob Samuelson

I did not go to Complainant's office for employment but only to visit him as I had done several times before. I did not take any money or know there was any in the desk. I had at the time one hundred and forty three dollars saved from my earnings. I was employed by the Wells back Incandescent Company until Feb'y 28' 1889 when I was laid off on account of slack work. I told my brother and my landlady three weeks ago that I was going to Europe to see my mother. The Complainant was sitting within three feet of me all the time I was at the desk and could have seen me if I opened the drawer or taken the money. Guo Jacob Samuelson

Taken before me this

day of

Week

1889

Police Justice.

0065



American Branch,

21 EAST 17TH STREET.

NOVELLO, EWER & CO.,
OFFICE OF "THE MUSICAL TIMES,"
1 BERNERS STREET, W.,
80 & 81 QUEEN STREET,
CHEAPSIDE, E.C.

BOOKBINDING WORKS,
111 & 113 SOUTHWARK STREET, S.E.

STEAM PRINTING WORKS,
69 & 70 DEAN STREET SOHO, W.,
LONDON.

New York, March 29 1889
at 12 M.

Mr. Suva.

Dear Sir,

City

I received a letter from my
Brother yesterday in which he
says Miss Hanna Johnson have
been down to see him for to
worry him a little more I suppose.
He says he would rather have
more of your people to go and
see him, as he has had quite
enough of you and her.

I am inclined to think that
she do not know what she is
doing and I suppose you as
a man with a little respect
for yourself and other people

0066

ought to look into this affair
a little closer.

It is very serious to lock up
a man, that you do not know
whether is guilty or not.

I can tell you that the fellow
have not got a cent to his name,
the money he had in his pocket
when you had him arrested,
belonged to himself, it was
money he had worked for. it
was all the money he had and
he expected it to do him some
good service on his way home.
I and my Brother have all
ready spent a big lot of money
on him since Jacob got locked
up, and I have been determined
to prosecute the party that have
got him in. First I did not

0067

know if he had taken anything from you or not, but I am now sure of that he havenot got one cent and am inclined to think that he is innocent for the charge you have against him. He says himself that he is sorry to hear that you have lost your money, but he can not help it, and if he gets out next week, he do not want to make any charge against you or Miss Johnson. I will let him do as he likes about that, but if you still press the charge on him, and he should be let out, I as well as my other Brother, will do all we can, and spend anything necessary for to have the party put in Prison for as long as possible.

0058

I do not think Miss Johnson
is any company for you if
you want to consider yourself
a gentleman, which I hope you
are.

You can now do what you
think is best, and take the
chances.

I have plenty of people to testify
as to his good Character and beside
prove that the few dollars he
had, was money he had earned.

It is a good thing it was not me
anybody made such charges against
I would not have been as soft as

My Brother.

Please do me the favor and tell
Miss Johnson to let that man
alone, if she bothers him any-
more she will have to deal with
somebody else.

Yours, respectfully

Alfred Samuelson

0069

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Hans J. Samuelson

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

Hans J. Samuelson

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

The said

Hans J. Samuelson

late of the City of New York, in the County of New York aforesaid, on the *sixth*
day of *March* 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
day - 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 *one hundred*

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

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

dollars ; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *thirty dollars, and the*
sum of thirty marks in money,
lawful money of Finland, and of
the value of six dollars

of the goods, chattels and personal property of one

Martin Luvay
then and there being found,

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

JOHN R. FELLOWS, *District Attorney.*