

0253

BOX:

518

FOLDER:

4718

DESCRIPTION:

Gallagher, Hugh

DATE:

04/10/93



4718

0254

BOX:

518

FOLDER:

4718

DESCRIPTION:

Sherman, Charles

DATE:

04/10/93



4718

Off Waller

Filed

day of *April* 189*2*

Pleading

THE PEOPLE

719.

Dugh Sillagher

三

Charles Sherman
botts com. April 18/98

DE LANCEY NICOLL.

District Attorney.

DE LANCEI, NICCOLI,
District Attorney.

A TRUE BILL.

James Dwyer

Forrestman

APR 20/93



~~Leaving for New York~~

0255

0256

Police Court— District.

City and County } ss.:
of New York,of No. 515 E. 70th

occupation Horse Dealer

Michael Haley

Street, aged 26 years,

being duly sworn

deposes and says, that the premises No. 525 E. 74th

Street, 19 Ward

in the City and County aforesaid the said being a

Frame Stable Building

and which was occupied by deponent as a Stable

and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly

lock on the door leading to said stable breaking the

on the 6 day of April 1893 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

set of harness of the value of fifty dollars. One horse and

the property of

Defendant

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

Joseph Gallagher and Charles Sherman

for the reasons following, to wit: that defendant securely locked and fastened the door leading to said stable about 9 P.M. on the night of the 6th of April 1893 and the above described property were then in said stable. About ten o'clock P.M. on the said 6th day of April defendant went again to said stable and found that it had been broken open and the said horse and set of harness had been taken away. Defendant next saw said horse and harness in Jersey City State of

0257

New Jersey and was there informed by the Pleas
authorities of Jersey City that the said horse and
harness was found in the custody of the two
defendants Gallagher and Sherman who are now
held in custody in the State of New Jersey.
Defendant has seen said property identifies it
as the same stolen from his stables - and prays
that these two aforesaid named defendants be
held to answer for the burglary of the same -

Sworn to before me this }
7th day of April 1893 } Michael Haley.
Police Justice

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

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

vs.

1
2
3
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0258

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

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

Dated,..... 189..... Police Justice.

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

Dated,..... 189..... Police Justice.

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

Dated,..... 189..... Police Justice.

0259

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael Haley
315 E. 701
vs.
1. Joseph Gallagher
2. Charles Sherman

3.....

4.....

Offense

Dated,..... 189

Magistrate.

Officer.

Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.

\$..... to answer.....

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Hugh Gallagher
and
Charles Sherman

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

Hugh Gallagher and Charles Sherman

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

The said

Hugh Gallagher and Charles Sherman, both

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

one horse of the value of thirty dollars and one set of harness of the value of ten dollars

of the goods, chattels and personal property of one

Michael Haley

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.

SECOND COUNT—

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

Hugh Gallagher and Charles Sherman
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:
The said *Hugh Gallagher and Charles Sherman, both*

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

*one horse of the value of thirty
dollars and one set of harness
of the value of ten dollars*

of the goods, chattels and personal property of one

Michael Haley

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

Michael Haley

unlawfully and unjustly did feloniously receive and have; the said

Hugh Gallagher and Charles Sherman

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

DE LANCEY NICOLL,

District Attorney.

0262

BOX:

518

FOLDER:

4718

DESCRIPTION:

Garlick, Theodore

DATE:

04/14/93



4718

0263

POOR QUALITY
ORIGINAL

Witnesses:

A. E. Edelson
Off Bureau

Sam Sullivan
234 Grand
St. Louis
1st Ave 75th

Counsel,

Filed *14* day of *April* 189 *3*
Pleads, *guilty* 17

THE PEOPLE

vs.

24
301
tailor

Theodore Garlick

Part I
April 26

DE LANCEY NICOLL,
District Attorney.

Part 3. May 9, 93 - B.S.W.

A TRUE BILL.

Samuel Dwyer
Foreman.

Part 3. May 25, 93
Tried and convicted
burg 3d deg
Jan 17, 93

Burglary in the Third Degree
[Section 498, § 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100]

0264

POOR QUALITY
ORIGINAL

Witnesses:

A. S. Edelson
Off Burns

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

24
301674
tailor

Theodore Garlick

Post T
April 26

DE LANCEY NICOLL,

District Attorney.

Part 3. May 10, 1893. B.S.W.

A TRUE BILL.

Daniel Dwyer
Foreman.

Part 3. May 25, 1893

Tried and convicted
Burg 3 & 2nd

June 17, 1893 mso B.

Burglary in the Third Degree.
[Section 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

0265

Mount Fair Lodge, No. 336, I. O. O. F.



Meets every Friday at No. ~~69~~ 69 St Mark's Place

HENRY H. GUTTMAN, Secretary,

1484 Second Ave New York, May 26th 1893.

To his Honor Judge Fitzgerald City.

At a stated meeting held on May 26th it was resolved that

whereas Theo Garlick has been a member of above Society for 15 years & whereas it is personally known to the members of above Society that said Theo Garlick during that time, has made an honest living for himself & family and whereas said Theo Garlick has been found guilty of a crime. It is hereby resolved that we the members of above Society believe that said Theo Garlick has committed no crime intentionally, and we respectfully ask the court to exercise its utmost clemency, by suspending sentence. On behalf of the 225 members of above Society

Henry H. Guttman Secy

The undersigned, citizens and business men of the City,
County and State of New York, do hereby certify that we
have known Theodore Garlick for many years past as an
honest, industrious and worthy citizen.

We believe that he has always conducted his business
honestly and we respectfully ask the Court to exercise its
utmost clemency in the disposition of his case.

Dated May 1893.

Name.	Business.	Address.
Henry H. Gutman	Furniture	1484. 2 Ave
George Green	Clothier	28.30 W. Broadway
H. Gold	Valuers	1586 Park Ave
Ch. Broner	1519 1st Ave	M. of Cigars
S. Baranowitz	Retired	185 E. 93rd St
M. H. Rudin	Wholesale Tobaccoist	1098 3rd St
Emmanuel Lipkowitz	Cigar manufacturer	375 E. 4th St
H. Reuss	Yng Goods	21 Ave B.
Paul Reliant	Bookbinder	212. 7th St.
Sol. Hirschberg	64 Grand St	
M. Mahlon	Printer	49 South St.
Joseph H. Jeweller		99 E. 4th St.
L. Bauer	23 W. 3rd St	Hats caps & Shoes
Max Harris	166 Orchard St	Furnishing Goods
Richard de Vries	Carpenter	175 E. 87
M. Kraus	Mechanic Taylor	347 E. 57
Isaac Raphael	Hats	14 Broadway
L. Klein	64 2nd Ave	Wholesale Hosiery
S. Ginzburg	Books	214 Eldridge St

0267

Henry J. Pappas. 49. 26. March
Albion, Michigan. 213 E 7 St
Ondt Keller No 99 Chestnut St
M. E. Brown manufacturer of day. Clocks 400 E 73 St

The undersigned citizens and business men of the City,
County and State of New York, do hereby certify that we
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honest, industrious and worthy citizen.

We believe that he has always conducted his business
honestly and we respectfully ask the court to exercise
its utmost clemency in the disposition of his case.

Dated May 1893.

Name	Business	Address
Jos. Rosegarten	glass flor	1424 2nd Ave
Louis Cohn	Merchant Tailor	323 E 74th St
J. Marmann	Merchant	1431-1st Ave
J. Freudenberg	Butcher	1406 2nd Ave
Adolph M. Fischl	Shoemaker	1426 1st Ave
O. Leichtog	Butcher	404 E 75th St
H. Morse	Toy Shop	1369 1st Ave
Diedrich Cordes	Liquor Store	1429 1st Ave
M. Hoffelmeier	Wear Taylor	210 E 74th St
Chimmichlery	Dry Goods	1443-1st Ave
Morris Epstein	Dry Goods	1443-1st Ave
Louis Brill	Butcher	1450 1st Ave
Adolph Offer	Dry Goods	1451 1st Ave
Harry Zelezny	"	1319 1st Ave
Jules Guissart	Salesman	335 E 77th St
John Luffy	"	214 E 76th St
Christopher M. Carr	Mason	1420 1st Ave
J. Flamm	Liquor Store	1448-1st Ave
Max Orlof	"	1447 1st Ave
Bernard Hohn	"	1442 1st Ave

Josef Gleeck 1418 Dry good Store
 Siegler Brothers Columbus R. Liquor Store
 George Rice 1414 2nd Ave.
 J. M. Stern 1408 2nd Ave.
 Lester Keger 1400-2nd Ave Groceries
 Henry Feldmann Dry Goods 1400-2nd Ave.
 R. L. Friedler Salesman for Austin Nichols &
 Wholesale Grocers 51 to 61 Hudson St. N.Y.
 J. Epstein 1425 2nd Ave.
 M. Hahn 1398 2nd Ave.
 A. Lewin 1978 2nd Ave.
 Edward Mahoney Liquor Store 1394. Ave.
 J. P. P. painter plaster
 and paper hanger 211 E. 76th St.
 Herta Rothstein 1101 E 77 St.
 Fried Müller Candy Store 1423rd Ave.
 Julius Bepthoff 1429 2nd Ave Dry good Store
 A. Ruhl 1433 2nd Ave. Snow Store
 M. Greenwald milk store 304 E 74th St.
 Adolph Pasternak Butcher 302 E 74th St.
 Leopold Marcus Grocer 315 East 74 St.
 Leopold Braun Liquor Store 317 E 74 St.
 J. M. P. 42 St 418
 Moritz Roehl 367 E 62nd St.
 M. Levy Cloaks 66 Grand St.
 Michael M. Reshen Carpenter & Builder
 255 E 74th St.
 Morris Goldberg 210 E 74th St.
 Max Dekker E 74 St Barber
 Wm. Wolff 250 E 74th St. S. Real Estate
 M. Feldman 250 E. 74th St.

Joseph Cohen 248 E 74 St
 E. J. Schuncker 1442 2nd Ave.
 Dr. Oscar Rottor. 1448 2nd Ave.
 S. Horn 1443 2nd Ave.
 J. Schlesinger Tailor 1445 2nd Ave.
 Josef Black 1447 2nd Ave. Chumby
 19. Hase 1447 2nd Ave. Artificial flowers
 Louis Baer 411 E 81 St
 R. Solomon 1483 2nd Ave. Painter
 Harry Berman 1442 2nd Ave. Painter
 Max Friedberg 1421 2nd Ave. Refor
 M. Berman 245 E 40 Painter Supplies
 Chas. Dief 1450 2nd Ave. Drugs
 Oscar Wm Rosenberg 1492 Second Ave.
 Louis Link Barber 1482 2nd Ave.
 Phillip Link Milkman 302 E 84
 H. Solomon Painter 1365 3rd Ave
 Jacob Freeman Painter 209 E 74 St
 John Weiss 1390 2nd Ave.
 Samuel Goldberg music 70/365 1st Ave.

The undersigned, citizens and business men of the City,
County and State of New York, do hereby certify that we
have known Theodore Garlick for many years past as an
honest, industrious and worthy citizen.

We believe that he has always conducted his business
honestly and we respectfully ask the Court to exercise its
utmost clemency in the disposition of his case.

Dated May 1893.

Name	Business	Address
Francis Wall	Liquor	1420 2 nd Ave
Francis Watson		370 E 74 th St
W. R. Van Voorhis		122 West Lexon Ave
W. D. Brydun	Law	402 E 64 th St
Edw. Delaney		402 E 64 th St
James J. Mahony		247 E. 77 th St
Charles A. Baylen		311 E 101 st St
Frank Brock		340 E 74 th St
		1432 1 st 2

The undersigned citizens and business man of the City,
County and State of New York, do hereby certify that we
have known Theodore Garlick for many years past as an
Honest, industrious and worthy citizen.

We believe that he has always conducted his business
honestly and we respectfully ask the court to exercise
its utmost clemency in the disposition of his case.

Dated May 1893.

Name	Business	Address
Maxstadt	Very Large	401 E 73 rd St
G.H. Doenges	Butterhol	231 E 73 rd St
Ger. Hoffman	Apothecary	1396 - 2 nd Ave.
J. J. Bettman		242 East 71 st St.
J. Epstein	M.D.	181 East 2 nd St.
A. E. Embeck	Druggist	259 E. 72 nd St.
Jaques Pollatscher	Real Estate	303 E 72 nd St.
Samuel Jacobs		153 E 71 st St.
Jan. Lustig	Publisher	218 East 75 th St.
S. Epstein	M.D.	304 E 73 rd St.
A. D. Lee		331 E. 77 th St.
Henry Meyer	Lyons	1431 - 2 Ave.
Albert Cohen		248 East 74 th St.
Rev. Herman Lustig	Minister of 72 nd St. Temple	171 E. 77 th St.

as I have received reliable information as to Mr. Garlick's honesty
I respectfully request this Court to exercise its clemency in
dealing with this case.

Jacob Cohen 225 E 79th street

Herman Shapiro 304 E. 73rd St.

WHEREAS THEODORE GARLICK is one of the Charter members of Charles Dickens Lodge No. 160 , K.of P., and has been since about 13 years a tireless and honest worker for the welfare of the lodge and Order .

WHEREAS In all his dealings and transactions during said period he was always upright and honest ; with great energy he always succeeded in making a honest living and properly supporting his family which now consists of his wife and children .

WHEREAS Neither in private or business life has he ever done an act which would give rise to even the shadow of a doubt as to his integrity ; he always was and is fair , upright and generous in all his dealings and always true to the right and to his friends; and for these reasons he has always been held in the highest esteem by his brethren who honored him with the highest gift to wit; Chancellor Commander of the Lodge .

WHEREAS Said Garlick was recently indicted and on the 25th day of May 1893 before his Honor Judge Fitzgerald convicted of the crime of Burglarly . And

WHEREAS we are morally convinced that said Garlick did not commit the crime laid to his charge nor is he guilty of the crime of Burglarly or any other crime .

THEREFORE be it ,

RESOLVED That we the Charles Dickens Lodge No. 160 K.of P. at a Special meeting assembled do hereby unanimously express our utmost confidence in Brother Theodore Garlick , and relying upon and judging from his career of 13 years

unbroken and unmarred by any incident which would tend to raise the suspicion of a doubt as to his character , and judging further from his tireless and noble work which he performed without any reward , interest or hope or reward or interest in behalf of his brethren and his fellow men we do hereby declare our unbounded faith in his perfect innocence. And be it further ,

RESOLVED that a copy of these resolutions be delivered to the Counsel of Brother Garlick to be used by him in behalf of said Brother in any manner that he may deem fit and proper.

Dated , New York May 30th 1893.

Samuel Jaskovits
Active Chancellor Commander
of Charles Wickens Lodge No. 960 N.Y.C.
Max Reichner H of R. S.

Jonas Hoch Sec.
Herman Baum Prelate

0275

W. J. General Coe

The People

vs.

Theodore Earlick

0276

COURT OF GENERAL SESSIONS

-----X
THE PEOPLE OF THE STATE OF NEW YORK

Against

THEODORE GARLICK
-----X

CITY AND COUNTY OF NEW YORK SS:

PATRICK H. DELAHANTY, being duly sworn deposes and says:

I am a graduate of the New York Law School and clerk in the office of James W. Osborne Esquire.

Several days prior to the 25th day of May 1893, Judge Alfred Steckler came into the office of Mr. Osborne and requested me to say to Mr. Osborne that he desired the case of the People against Garlick to be placed on the calendar for Thursday May 25th.

I told Judge Steckler that I would inform Mr. Osborne of his desire.

Upon Mr. Osborne's coming into the office I told him what disposition Judge Steckler desired to be made of the case of the People against Garlick and thereafter Mr. Osborne sent the papers down stairs with directions that they be placed on the calendar for Thursday May 25th.

Sworn to before me
this 1st day of June 1893.

) Patrick H. Delahanty
Ray Winger
Notary Public
N.Y.C.

COURT OF GENERAL SESSIONS

THE PEOPLE OF THE STATE OF NEW
YORK.

56
27
82

against

THEODORE GARLICK

AFFIDAVIT

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS ST.,

NEW YORK CITY.

0277

COURT OF GENERAL SESSIONS

-----X
THE PEOPLE OF THE STATE OF NEW YORK

Against

THEODORE GARLICK
-----X

CITY AND COUNTY OF NEWYORK SS:

JAMES W. OSBORNE, being duly sworn deposes and says:

I am a Deputy Assistant District Attorney for the City and County of New York, and represented the People in the above entitled case, and during the 25th day of May 1893, had charge of the calendar in Part III of the above court.

On the ~~Week~~ ^{prior to May 25th/893} ~~day of May 1893~~, the above case appeared on the calendar ~~and~~ at the request of Judge Steckler who said he was anxious that the case should be tried I agreed to place to place the same upon the calendar again as soon as it could be prepared for trial and I also agreed that the case should appear on some day when ^{Steckler} the judge did not hold court. One of the days was a Thursday.

Some days after that I fixed, with Judge Steckler, upon Thursday May 25th as the day for the trial of the above case.

At the opening of the court on that day Charles Steckler, a partner of Judge Steckler, was in court, as was also another representative of Judge Steckler's firm, and I informed said representative that the case would be

2

moved for trial and that I would wait for Judge Steckler as long as I reasonably could and would place a short case on for trial first and give the judge an opportunity to be in court. I understood his representative to say that that course would be satisfactory. I thereupon placed upon trial the defendant in another case, which case lasted until ^{about 20} minutes after twelve o'clock, whereupon the above case was called for trial.

Upon the case being moved for trial Judge Steckler's representative stated that the Judge would be over in a few minutes and requested the court to wait. The court informed said representative that the court could not suspend business because of the absence of Judge Steckler but that inasmuch as Judge Steckler expected to be over in a few minutes a jury might be impannelled, and a court officer was sent to inform Judge Steckler of the situation. The jury was impannelled and sworn whereupon Judge Steckler appeared in court, apologized for being late, made no objection to proceeding with the trial, made no request that a new jury be sworn, took no exception to the court's requiring the defendant to proceed to trial and made no effort to challenge any of the jury.

Prior to the impannelling of the jury the court assigned special counsel to assist Judge Steckler's representative in proceeding with the case and the said jury were accepted by said representative and said special counsel.

Sworn to before me
this 12th day of May 1893.

Jas. W. Osborne
Henry Winger Notary Public

COURT OF GENERAL SESSIONS

THE PEOPLE OF THE STATE OF NEW
YORK.

against

THEODORE GARLICK

AFFIDAVIT

DE LANCEY NICOLL,
DISTRICT ATTORNEY,

No. 32 CHAMBERS ST.,

NEW YORK CITY.

0280

N.Y. Court of General Sessions.

-----:
The People &c :

against :

Theodore Garlick:
-----:

DEFENDANT'S BRIEF ON MOTION FOR A NEW TRIAL.

There was no evidence to connect the defendant with the burglary and there was no evidence that he was present at the burglary, nor that he aided or abetted in its commission.

There was no evidence that he was an accessory, either before or after the fact of the commission of the burglary.

No one can be held as a principal or as an accessory unless there is evidence showing that he was present at the time of the commission of the crime or knew of its commission.

In other words there could be no conviction for burglary in this case unless the people proved that the defendant was present at the time of the commission of the burglary that he broke in or assisted in breaking in the plaintiffs premises, or that he aided and abetted those that committed the burglary.

The mere possession of the stolen property is not sufficient to convict the defendant of the burglary.

In cases of burglary, the mere possession of the stolen goods, unaccompanied with other suspicious circumstances, is not even prima facie evidence of the burglary, although it may be of the larceny.

People v Frazier 2 Wheelers Crim Cases 55

In the case of the People v Davis 1 Parkers Crim Reports 447 it was held, that where a burglary is connected with a larceny, mere possession of the stolen goods without other evidence of guilt is not to be regarded as prima facie or presumptive evidence of the burglary

This is a Supreme Court, General Term, authority.

Point 11.

Even if it should be held that the possession of the property raised a presumption, the explanation of the defendant that he purchased the same from a man named Rosenbaum in Baxter Street was such an explanation as required the direction of the court to acquit.

"If the party give a reasonable and probable account of the way in which he became possessed of the property, as by stating the name of the person from whom he obtained it, and such party is known to be a real person, it is then incumbent upon the prosecutor to show that such account is false. But if the account given be unreasonable or improbable on the face of it, then the accused must prove its truth, or otherwise he will not be relieved from the pressure of the general rule of presumption.

Therefore when a man was indicted for stealing a piece of wood, ~~xxxxxxx~~ which was found five days after the theft in his shop and he stated that he had bought it from a person whom he named, and who lived about two miles off, it was held that the prosecutor was bound to show that the account was false

Reg v Smith 2 C & K 207

0283

R v Evans 2 Cox C.C.270

R v Dibley 2 C.K. 883

A new trial should be granted.

Alfred Steckler,

Of counsel for the defendant.

Point III

In the absence of any regulation to the contrary, actual engagement of counsel in the trial or argument of a cause in another Court at the same time, is good ground for claiming a postponement.

Rice v Melendy 36 Iowa 166

An exception lies to the refusal of the application to postpone, on account of actual engagement of counsel

Howard v Free an 3 Abb Pr N.S.292

Gallaudet v Steinmetz 6 Abb N.C. 224

Gregg v Howe 37 Super Ct 420.

0284

CITY AND COUNTY OF NEW YORK, ss.,
being duly sworn, deposes and says: that he is _____ years of age, and a clerk in
the office of ALFRED & CHARLES STECKLER, the attorneys for the _____
in this action; on the _____ day of _____ 189 at No. _____
in the City of New York, he served the annexed _____

upon _____ the _____ therein
by delivering to, and leaving with _____ personally _____

_____ true cop thereof _____

Deponent further says that he knew the person so served to be _____

Sworn to before me this
day of _____ 189

N. General Land Court.

The People

Plaintiff,

AGAINST

Shesloe Farlick

Defendant.

*Lefts Brief on Motion
for new trial*

ALFRED & CHARLES STECKLER,

attys to clerk of court
PULITZER BUILDING,
CORNER PARK ROW AND FRANKFORT ST., NEW YORK CITY.

Due and timely service of a copy within _____

and indorsed notice of _____

entry is hereby admitted

Dated, N. Y., _____ 189

Atty.

To _____ Esq.

Atty.

Sir:

Please take notice that the within is a
true copy of an _____
this day duly filed and entered in the office of
the clerk of _____

in this action.

Dated, N. Y., _____ 189

Yours, etc.,

ALFRED & CHARLES STECKLER,

Attorneys for _____

To:

Esq.,

Atty. for _____

0285

At a Trial Term of the CITY COURT
OF NEW YORK, held at the City Hall
in the City of New York, on the 25th
day of May A. D. 1893

Present,

Mr. Justice Joseph E. Newberger

Annie Handel

against

Emma Shaw

Verdict.

The Court charge the Jury, who say that they find a verdict for the
Plaintiff and assess the damages at the sum of \$50. 5% allowance
Motion for a new trial made and denied

30 days stay of execution after notice of entry of Judgment,
60 days to make and serve a case.

(Extract from the Minutes.)

John B. McGoldrick Clerk.

0286

I, Joseph E. Newburger, one of the Justices of the City Court of New York, do hereby certify, that Alfred Steckler Esq., was engaged before me as counsel for the plaintiff in the action of Annie Handel against Emma Shaw.

That a jury was empanelled in said action on Wednesday the 24th day of May 1893 and the trial proper began on Thursday morning May 27th 1893 at ten A.M. and said Alfred Steckler was actually engaged before me in the trial of said action from ten oclock up to about twenty minutes after twelve oclock in the afternoon of said day.

Dated New York May 29th 1893

Joseph E. Newburger

For the City and County of New York

- - - - - :

The People &c :

against :

Theodore Garlick :

- - - - - :

City and County of New York, ss:-

Theodore Garlick being duly sworn deposes and says:-

That he is the defendant herein.

That prior to the 25th day of May 1893 he was present in the Court of General Sessions at least twice with all his witnesses ready for the trial of the indictment herein, but that at neither time was the District Attorney ready to proceed.

That deponent after his indictment herein retained Alfred Steckler Esq as his counsel to defend him on said indictment and fully and fairly stated the facts of his defence to his said counsel.

That his said counsel was alone cognizant of the facts of his defence and deponents counsel was ready to proceed to trial upon the previous occasions before referred to.

That on Thursday the 25th day of May 1893 between 12 o'clock noon and half past twelve o'clock on said day in the absence of deponents said counsel Alfred Steckler, the District Attorney called this deponent for trial on the indictment herein, in the Court of General Sessions of the Peace for the city and county of New York, in Part III thereof before Mr Justice Fitzgerald, and although Mr Stecklers clerk informed the Court and District Attorney that his

0288

said counsel Alfred Steckler was then and there actually engaged in the trial of a cause in the City Court, the Court ordered the trial to proceed on the indictment herein and the jury were sworn and duly empanelled to try this deponent upon said indictment in the absence of his said counsel Alfred Steckler.

That after the jury had been empanelled and duly sworn, and the District Attorney was opening the case for the prosecution deponents counsel came into Court and proceeded with the trial.

Sworn to before me, this

29th day of May 1893.

Max Meyer

Commissioner of the
New York City

Thornton Garlick

Court of General Sessions of the Peace
for the City and County of New York

-----:

The People &c :

against :

Theodore Garlick :

-----:

City and County of New York,ss:-

Alfred Steckler being duly sworn deposes and
says:-

That he is the counsel for Theodore Garlick the defendant
herein.

That the defendant duly informed ^{deponent} of the nature of his
defence and what his witnesses ^{were} expected to prove and depon-
ent has been ready from the time of his retainer to proc-
eed ^{with} to the trial of the indictment herein.

That on Wednesday the 24th day of May 1893 deponent bec-
ame actually engaged in the trial of a cause of Annie
Handel against Emma Shaw in the City Court of New York Part
III thereof, before Honorable Joseph E. Newburger one of the
Justices of said court and a jury.

That the jury was duly empanelled to try said cause
of Handel against Shaw before said Justice Newburger on the
24th day of May 1893 and the trial proper began on ten
oclock ~~on~~ the morning of the 25th day of May 1893.

That deponent was actually engaged in the trial of
said cause before Mr Justice Newburger as the counsel for
the plaintiff in said action, and Andrew D. Parker Esq was
the counsel for the defendant in said action.

that while this deponent was thus engaged in the trial of said cause before Mr Justice Newburger he was informed by some one who was sent from the Court of General Sessions to deponent while he was trying the said case in the City Court, that the case of Theodore Garlick was called for trial before Mr Justice Fitzgerald.

Deponent sent word that he was actually engaged and could not try the case of Theodore Garlick until the case he was actually engaged in was disposed of.

That deponent was actually engaged from ten o'clock on the morning of the 25th of May until up to about twenty minutes after twelve o'clock of said 25th day of May 1893 and that immediately upon the retiring of said jury of said action ~~in~~ in the City Court after the charge of the court deponent forthwith left the Court Room of the City Court and went to Part III of the General Sessions the place of trial of the said Theodore Garlick.

That when deponent reached the said General Sessions a jury had already been empanelled and sworn to try Garlick and the District Attorney was opening the case for the prosecution.

Sworn to before me, this
29th day of May 1893

Max Myer
Commissioner of the
New York City

Alfred H. Hall

0291

Court of General Sessions of the Peace
for the City and County of New York.

-----:
The People &c :
against :
Theodore Garlick :
-----:

City and County of New York, ss:-

Max Myers of said city being duly sworn depos-
es and says:-

That he is a clerk in the office of Alfred Steckler
counsel for the defendant herein.

That on Thursday May 25th 1893 when the case of
Theodore Garlick was called for trial before his Honor
Mr Justice Fitzgerald in the Court of General Sessions
Part III deponent informed the Court and District Attorney
that Mr Steckler was then actually engaged in the trial of a
cause in the City Court before Mr Justice Newberger and a
jury.

That the justice ordered the trial to proceed and a jury
was empanelled and sworn in the absence of Alfred Steckler
the counsel for Theodore Garlick and after the jury had
been sworn and as the District Attorney was opening the case
Mr Steckler came into court.

Sworn to before me, this
29th day of May 1893

Max Myers
Joseph Steiner
Notary Public
New York County (97)

0292

CITY AND COUNTY OF NEW YORK, ss.,
being duly sworn, deposes and says: that he is _____ years of age, and a clerk in
the office of ALFRED & CHARLES STECKLER, the attorneys for the _____
in this action; on the _____ day of _____ 189 at No. _____
in the City of New York, he served the annexed _____

upon _____ the _____ therein
by delivering to, and leaving with _____ personally _____

_____ true cop thereof _____

Deponent further says that he knew the person so served to be _____

Sworn to before me this
day of _____ 189

N.Y. General Sessions Court.

The People v.

Plaintiff,

AGAINST

Theodore Garlick
Defendant.

Affidavit as to

*Actual Engagement
& Extract from Minutes*

ALFRED & CHARLES STECKLER,
Attys. for
PULITZER BUILDING,

CORNER PARK ROW AND FRANKFORT ST., NEW YORK CITY.

Due and timely service of a copy within
_____ and indorsed notice of
entry is hereby admitted

Dated, N. Y., _____ 189

Atty.

To _____ Esq.

Atty.

Sir:

Please take notice that the within is a
true copy of an _____
this day duly filed and entered in the office of
the clerk of _____

in this action.

Dated, N. Y., _____ 189

Yours, etc.,

ALFRED & CHARLES STECKLER,

Attorneys for _____

To:

_____ Esq.,

Atty. for _____

0293

Sec. 192.

District Police Court.

Undertaking to Appear during the Examination.

CITY AND COUNTY } ss:
OF NEW YORK,

An information having been laid before
Justice of the City of New York, charging Charles H. Garlick Defendant
with the offense of

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

WE, Charles H. Garlick Defendant of No. 1420
Street, by occupation Manufacturer
and of No. 1420 Street,
by occupation a Merchant Surety, hereby jointly and severally under-
take that the above-named Charles H. Garlick Defendant shall personally
appear before the said Justice, at the 1420 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 100
Hundred Dollars.

Taken and acknowledged before me this
day of Jan 1899

J. Garlick
Justice of the Peace
Police Justice.

0294

City and County of New York, ss:

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 Twenty **Hundred Dollars,**
exclusive of property exempt from execution, and ever and above the amount of all his debts and liabilities,
and that his property consists of the store by fixtures
signer store No 1470
Grand av North four
thousand dollar free and
clear

Francis O'Hill
James O'Hill

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Taken the day of 189

Justice.

Underlying to appear during
the examination.

0295

Police Court— 3 District.City and County { ss.:
of New York,

of No. 21 Amag Maham S. Edelen
 occupation Manufacture Cloaks Street, aged 29 years,
 deposes and says, that the premises No. 94 & 96 Canal Street, 10 Ward
 in the City and County aforesaid the said being a fire store brick
~~building~~
 and which was occupied by deponent as a cloak manufacturing
 and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking the
locks of a door leading from the
hallway of said premises into deponent's
floor

on the 16 day of March 1888 on the night time, and the
 following property feloniously taken, stolen, and carried away, viz:

One hundred and sixty three
pairs of socks of the value
of about five hundred dollars

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

Theodore Garlick
 (nomine)

for the reasons following, to wit: from the fact that
at the hour of 6 P.M. on said
date deponent left said premises
securely locked and fastened and
on deponent's return to said premises
on the 17th inst deponent discovered
that said premises had been entered
in the manner described above.

0296

Said defendant was arrested by
Officer William Burns of the N. Precinct
and a number of Lattice Jackets
were found in the possession of said
defendant. Depoant has since seen
the property found in the possession
of said defendant and fully and positively
identifies the as part of the property
taken stolen and carried away from
Depoant's possession. Depoant is further
informed that said defendant had
attempted to sell a number of other
Jackets also the property of depoant

Spoken to before me this A. S. Edgerton
21 day of March 1893

[Signature] Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888 Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888 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 1888 Police Justice.

Police Court, District,	Office—BURGLARY.
THE PEOPLE, &c., on the complaint of	1. 2. 3. 4.
Dated 1888	Magistrate.
Witness,	Officer.
No.	Clerk.
No.	Street.
No.	Street.
No.	Street.
\$	to answer General Sessions.

0297

Sec. 198-200.

3 District Police Court. 1882

City and County of New York, ss: .

Theodore Garlick 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. *Theodore Garlick*

Question. How old are you?

Answer. *44 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *301 East 74th St, 2 years*

Question. What is your business or profession?

Answer. *Manufacturer*

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*
*Theodore Garlick*Taken before me this *30*
day of *March* 189 *7*

Police Justice.

0298

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 Deputy

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, Nov 31 1893 [Signature] Police Justice.

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

Dated, Nov 31 1893 [Signature] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0299

Ex March 31st 1895
1:30 P.M.
\$1000.00 bail
[Signature]

BAILED,

No. 1, by *Simon Kumpinsky*
Residence *32 West* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court, *3* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Abraham S. Edelson
vs.
Theodore Garlick
2
3
4
Offense *Burglary*

Dated, *Mar 30* 189*5*

Hogan Magistrate.
Ben V. Holley Officer.
110 Precinct.

Witnesses *B. J. McLaughlin*
695 B'way (Bklyn)
No. _____ Street.

Sam. Gilligan
239 Grand
No. _____ Street.

Mr. J. J. [illegible]
554 Fulton St (Bklyn)
No. _____ Street.

400 to answer *Gis.*

[Signature]
[Signature]

COURT OF GENERAL SESSIONS, PART III.

----- x
 :
 The People of the State of New York, :
 :
 against : Before
 : Hon. James Fitzgerald
 Theodore Garlick. : and a jury.
 :
 :
 ----- x

Indictment filed Apl. 14, 1893.

Indicted for burglary in the third degree.

New York, May 25, 1893.

A P P E A R A N C E S:

For the People,

Asst. District Atty. James W. Osborne;

For the defendant,

Mr. Alfred Stechler.

ABRAM S. EDELSTEIN, a witness called for the People, being
 duly sworn, testified as follows:

I live at No. 21 Edlridge Street. I am a man-
 ufacturer of ladies' cloaks at 94 and 96 Canal Street. My
 place of business is on the first floor. On March 16th.
 I closed up my place as usual, locking all the doors at
 six o'clock in the evening. I left about \$1500 worth of
 cloaks in my store when I locked it up. On the follow-
 ing morning about 3 o'clock an officer came to my house
 and woke me up. I accompanied the officer to my store
 in Canal Street and found that the door had been broken
 in. The locks were broken off. I examined my stock and
 found that 163 ladies' cloaks of the value of about \$500

2.

had been stolen. I saw nothing of any of my property until the 27th. day of March when I was passing the store of E.J. McLoughlin, 695 Broadway, Brooklyn, E.D. In the window of his store I saw two jackets, which I recognized as mine. I went in the store and had a conversation with the proprietor. In consequence of that conversation I came back to that store at about four o'clock in the afternoon. While waiting for the defendant to come I saw an expressman deliver a package containing 48 jackets at the store of McLoughlin. I examined those jackets and found them to be part of the property that had been taken from my store on the night of the 16th. of March. I also found some of my property in Mr. Gilligan's store on Grand Street. The defendant came to the store of McLoughlin in Brooklyn at about four o'clock on the afternoon of March 27th. and was placed under arrest by an officer. I heard him tell the officer that he bought the cloaks from a man doing business at 18 Baxter Street by the name of Rosenbaum. I recovered the fifty jackets which were found at McLoughlin's store in Brooklyn.

Cross-examination:

I tried to find Rosenbaum. I went to 18 Baxter Street, but was informed by his wife that he had gone away. I have never seen Rosenbaum since that time. I went to Garlick's house in 74th. Street and there found six of my cloaks under some goods on top of a bureau. I am positive in my identification of those goods as my property.

3.

BERNARD J. McLOUGHLIN, a witness for the People, being duly sworn, testified as follows:

I am in the dry goods business at 695 Broadway Brooklyn. On the 27th. of March the defendant came into my store at about two o'clock. He showed me some ladies' cloaks and asked me if I wished to buy them at a bargain. He said they were a side line; that the party who owned them wanted cash very badly and if I could pay cash for them he would sell them to me very cheap. I finally made a bargain with him to purchase fifty of the jackets at 90 cents apiece. He left two with me as a sample, and in the afternoon an expressman delivered 48 others. At four o'clock in the afternoon the defendant came and presented me his bill for fifty jackets at 90 cents -- \$45. While the defendant was absent from my store the complainant and a detective officer came there and had a conversation with me. At the time the defendant returned with his bill I said to him: "I want you to take 5% off of this". He told me he could not do it; that he would not take anything off. I asked him what was his reason for selling the goods so cheap and he told me they were a side line.

Cross-examination:

He told me he was selling the goods for somebody else on commission. He gave me a bill in his own name. At first I only offered the defendant 75 cents each for the cloaks and I considered that a fair price for them.

4.

WILLIAM BURNS, a witness for the People, being duly sworn, testified as follows:

I am a police officer connected with the 11th. Precinct. I went to the premises of the complainant on the morning of the 17th. of March and found the door burst open and the lock hanging down. On the afternoon of the 27th. of March I went to McLoughlin's store in Brooklyn in company with the complainant. When the defendant came to the store with his bill I placed him under arrest and took him to the Eldridge Street Station. He told me he had bought the cloaks from a man named Rosenbaum at 18 Baxter Street. I have been to 18 Baxter Street several times since but have been unable to find Rosenbaum.

Cross-examination:

I heard McLoughlin ask the defendant to take 5% off the goods and heard the defendant refuse to do so. I went with the complainant to the defendant's house and there found six jackets on top of a bureau along with some other goods.

LOUIS GLASS, a witness for the People, being duly sworn, testified as follows:

I live at 25 Market Street. I am a cutter in the employ of the complainant. I saw the jackets in question in the Eldridge Street Station House and identified them. I have made a great many similar jackets and I am positive that these belong to the complainant.

5.

SAMUEL J. GILLIGAN, a witness for the People, being duly sworn, testified as follows:

I am in the dry goods business at 237, 239 and 241 Grand Street. The name of the firm is the New York Cloak Company. About March 24th. the defendant sold me some jackets which were afterwards identified by the complainant as his property. He came up to me and told me he had some goods he would like to sell me at a low price. He displayed his goods and wanted a dollar and a quarter apiece for them. I purchased some at that price and some at 75 cents. I considered \$1.25 a fair price for the goods he sold me.

DEFENSE.

THEODORE GARLICK, the defendant, being duly sworn, testified as follows:

I am a married man and live at 301 East 74th. Street. I am in the clothing business. I manufacture children's cloaks and once in awhile I buy job lots and sell them. I have an office at 66 Grand Street. One day during my absence from the office a message was left on the slate for me to call on Rosenbaum at 18 Baxter Street. I went to Rosenbaum and bought 80 ladies' cloaks at 80 cents apiece. I had no knowledge that these were stolen goods. As soon as I had purchased them I started out among the different dry goods stores in New York and Brooklyn and endeavored to sell them. I sold 50 to Mr. McLoughlin as he

6.

has testified. I also sold some of them to Mr. Gilligan and the remainder were found in my house by the officer. I have never been arrested before in my life. I have had dealings with all the leading dry goods houses in the City of New York.

Cross-examination:

I do not remember telling the officer that I bought 56 coats. I am certain that I bought 80. I have a sewing machine in my house and I employ Italians to do work on the cloaks outside in their own homes. I had known Rosenbaum for about eight years. I have not seen him since this trouble arose over these cloaks.

JOSEPH ADELSON, a witness for the defendant, being duly sworn, testified as follows:

I have an office at 66 Grand Street. The defendant has a desk room in my place. I remember the fact of Mr. Rosenbaum coming to the office during the absence of the defendant and leaving a message on a slate for him.

SIMON KAPINSKY, of No. 32 Hester Street, Henry Fox of 21 Meserole Street Brooklyn, and Francis O'Neil of 301 East 74th. Street New York City testified to the good character of the defendant.

The jury returned a verdict of guilty of burglary in the third degree.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Theodore Garlick

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

Theodore Garlick

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

The said

Theodore Garlick

late of the 10th Ward of the City of New York, in the County of New York aforesaid, on the
sixteenth day of *March*, in the year of our Lord one
 thousand eight hundred and ninety-*three* in the *night* time of the same day, at the
 Ward, City and County aforesaid, a certain building there situate, to wit, the *factory* of
 one *Abraham S. Edelson*

there situate, feloniously and burglariously did break into and enter, with intent to commit some
 crime therein, to wit: with intent the goods, chattels and personal property of the said *Abraham*
S. Edelson in the said *factory*
 then and there being, then and there feloniously and burglariously to steal, take and carry away,
 against the form of the statute in such case made and provided, and against the peace of the
 People of the State of New York and their dignity.

SECOND COUNT—

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

Theodore Garlick

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

The said

Theodore Garlick

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

*one hundred and sixty-three
jackets of the value of three
dollars each*

of the goods, chattels and personal property of one

Abraham S. Edelson

in the

factory

of the said

Abraham S. Edelson

there situate, then and there being found, in the

factory

aforesaid, 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.

THIRD COUNT:

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

Theodore Garlick
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

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

*one hundred and sixty - three
jackets of the value of three
dollars each*

of the goods, chattels and personal property of

Abraham S Edelson

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

Abraham S Edelson

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

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

DE LANCEY NICOLL,

District Attorney.

0309

BOX:

518

FOLDER:

4718

DESCRIPTION:

Gencey, Albert

DATE:

04/11/93



4718

0310

Witnesses:

Off Hersh
J. J. Gorch

Counsel,

Filed

Pleads

11/1893

THE PEOPLE

vs.

Albert Gency

Grand Larceny, second Degree.
[Sections 828, 831, Penal Code.]

Part 3 May 5/93

DE LANCEY NICOLL,

District Attorney.

Old bill
Part 4 April 25/93

A TRUE BILL.

David Dwyer
Foreman.

Part 3. May 5/93 -
Tried and acquitted.

0311

Police Court

District.

1912

Affidavit—Larceny.

City and County } ss.
of New York,of No. 95 Columbia Street, aged 20 years.
occupation Iron worker being duly sworn,deposes and says, that on the 29th day of March 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in day time, the following property, viz:

Three pawn tickets representing one watch, one ring, one chain and one locker. The whole of the value of above seventy dollars

\$ 70 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 Albert Seely (nowhere)

from the fact that deponent had pawn tickets in a trunk in defendant's room number 73 Gorick Street when deponent boarded he missed said tickets. Deponent is informed by Officer Hesch that he arrested the defendant and that he found a locker in the possession of defendant that deponent was identified said locker as the property of deponent which he had pawned and which one of said tickets had represented. Deponent therefore charges the defendant with having stolen said property and prays that he be held to answer.

w/ J. J. J. J. J.

Sworn to before me, this
of March
1893

3

(day)

Police Justice

0312

Sec. 198—200.

District Police Court.

City and County of New York, ss:

Albert Gensy 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. *Albert Gensy*

Question. How old are you?

Answer. *36 years*

Question. Where were you born?

Answer. *Hungary*

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

Answer. *247 Stanton Street 5 months*

Question. What is your business or profession?

Answer. *Painter*

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**Albert Gensy*

Taken before me this

day of

*March**1897*

1897

Police Justice.

03 13

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.....

Defendants

Five *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* 189 *3* *[Signature]* Police Justice.

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

Dated,.....189.....Police Justice.

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

Dated,.....189.....Police Justice.

03 14

By March 30th 1893
2 P.M. *[Signature]*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

3rd District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

W. J. Zorich
85 ~~75~~ Columbia
Albert Geisen

2 _____
3 _____
4 _____

Offense *Larceny*

Dated, *March 30th* 1893

Hopm Magistrate.

Has on Officer.

13 Precinct.

Witnesses *Call the officer*

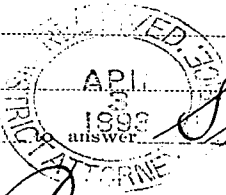
No. _____ Street.

Joseph Friedman

No. *344* *E Houston* Street.

No. _____ Street.

\$ *500* answer *SS*



Com *gt*

03 15

505

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Albert Gencsi

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

Albert Gencsi

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

The said

Albert Gencsi

late of the City of New York, in the County of New York aforesaid, on the *29th*
day of *March* in the year of our Lord one thousand eight hundred and
ninety-three, at the City and County aforesaid, with force and arms,

*three written instruments and evidences
of contract of the kind called
pawn-tickets (a more particular
description whereof is to the Grand
Jury aforesaid unknown) of the
value of thirty dollars each*

of the goods, chattels and personal property of one

Joseph Szarish

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.

SECOND COUNT—

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

Albert Genesey
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

Albert Genesey,

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 written instruments and evidences of contract of the kind called pawn-tickets (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of thirty dollars each

of the goods, chattels and personal property of one

Joseph Gorich

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

Joseph Gorich

unlawfully and unjustly did feloniously receive and have; the said

Albert Genesey

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

DE LANCEY NICOLL,

District Attorney.

0317

BOX:

518

FOLDER:

4718

DESCRIPTION:

Gerstenfeld, Solomon

DATE:

04/13/93



4718

03 18

BOX:

518

FOLDER:

4718

DESCRIPTION:

Isler, Abraham

DATE:

04/13/93



4718

03 19

Witnesses:

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

Solomon Gerstenfeld

and

Abraham Isler

DR LANCEY NICOLL,

District Attorney.
M.P. on recom. Joint City
Indict. dis. RBH

A TRUE BILL.

David Durkin

Foreman.

Sworn - May 1, 1893.

J. L. Smith and J. J. Smith

Grand Larceny,
(From the Person.)
Degrees
[Sections 828, 830, 832 Penal Code.]

1893

0320

Police Court

District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 114 E 115th Street, aged 21 years,
 occupation Domestic being duly sworn,
 deposes and says, that on the 26 day of March 1893 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
 session of deponent, in the night time, the following property, viz:

One plain gold ring. and
 one gold ring set with diamond
 together of the value of eighty
 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

Solomon Gerstenfeld
 (now here) and Abraham Isler not
 arrested. From the fact that the said
Gerstenfeld was engaged to be married
 to deponent. and on said date at
 about the hour of 7 o'clock P.M. the
 defendant Gerstenfeld took deponent to
 his brother in law Salmon at the corner
 of Attorney & Broome streets where they
 had a drink deponent calling for
 soda water. and after taking said
 drink deponent became dizzy. the
 defendant Gerstenfeld then took
deponent to the defendant Isler
 home in Delancey st. near Pitt st. and

Subscribed and sworn to before me this
 1893
 Police Justice

after depment and Gerstenfeld arrived at Isler's house. The Isler requested depment to let him see said rings.

telling depment that he wanted to get rings like them. at the same time removing said rings from depment's hand. and as soon as he Isler got possession of said rings he gave them to the defendant Gerstenfeld who placed them in his fingers. depment then demanded the return of her rings. but both Isler and Gerstenfeld refused to return them to depment.

Gerstenfeld then took depment again to the Saloon at the corner of Brown and Attorney streets - where he deserted depment.

Wherefore depment charges the said Solomon Gerstenfeld (now here) and the said Abraham Isler not arrested with being in company with each other and acting in concert together, and feloniously taking stealing and carrying away said property from the person of depment.

Joni: Berules

Servin to before me
this 8th day of April 1893

G. E. Sumner Jr
Police Justice

0322

5

Sec. 198-2007

CITY AND COUNTY OF NEW YORK, ss:

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I Am Not Guilty -
Solomon Gertenfeld

Taken before me this

day of

1893

Police Justice.

0323

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Abraham Isler

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

Question. What is your name?

Answer.

Abraham Isler

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer.

Austria

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

Answer.

235 Delancey St. Six months

Question. What is your business or profession?

Answer.

cloak maker

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

Answer.

*I Am Not Guilty-**Abraham Isler*

Taken before me this

day of

April 1895

Police Justice.

0324

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

Defendants

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

Dated, April 8th 1893 B. E. Sumner Police Justice.

I have have admitted the above-named

defendants

to bail to answer by the undertaking hereto annexed.

Dated, April 8th 1893 B. E. Sumner Police Justice.

There being no sufficient cause to believe the within named

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

Dated, _____ 189 _____ Police Justice.

0325

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court,

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Fanny Bender
vs.
Sol Gerstenfeld
Abraham Isen

Dated,

189

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ 1000, to answer

Bailed

399

5

offense
Larceny

114 C. 115

April 8th 1893

Simms Jr
Levy
Court

RECEIVED
APR 10 1893
CLERK

Each

9th

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Solomon Gerstenfeld
and
Abraham Isler

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

Solomon Gerstenfeld and Abraham Isler
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *Solomon Gerstenfeld and Abraham Isler, both*

late of the City of New York, in the County of New York aforesaid, on the *26th* day of *March* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *night*-time of the said day, at the City and County aforesaid, with force and arms,

one finger ring of the value of *eleven* dollars, and one other finger ring of the value of *seventy-five* dollars

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

De

SECOND COUNT—

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

Solomon Gerstenfeld

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

The said

Solomon Gerstenfeld

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

one finger ring of the value of eleven dollars, and one other finger ring of the value of seventy five dollars

of the goods, chattels and personal property of one

Femi Bender

by one Abraham Isler and

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

Femi Bender

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

Solomon Gerstenfeld

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

DE LANCEY NICOLL,

District Attorney.

0328

BOX:

518

FOLDER:

4718

DESCRIPTION:

Giller, Marks

DATE:

04/12/93



4718

Witnesses:

Samuel Gaultier

Counsel,

Filed

13th day of April 1893

Pleads,

THE PEOPLE

vs.

B

Markes Siller

F

DE LANCEY NICOLL,

District Attorney.

County Clerk

A TRUE BILL.

Samuel Siller

Foreman.

13th April 26/93

Burglary in the Third Degree.
[Section 498, N.Y.C. 32 § 84-100]

0329

0330

Police Court—

District

City and County { ss.:
of New York,of No. 64 Stanton Street, aged 27 years,
occupation Cutter being duly sworndeposes and says, that the premises No. 64 Stanton Street, 10th Wardin the City and County aforesaid the said being a four story brick dwelling
first floor front rooms west side
and which was occupied by deponent as a dwellingand in which there was at the time no human being, by namewere **BURGLARIOUSLY** entered by means of forcibly bursting open
the door leading from the hallway
into deponent's apartment.on the 6 day of April 1893 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:A quantity of clothing and silver
ware of the value of two hundred
dollars.
(\$200.00)the property of deponentand deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

for the reasons following, to wit:

deponent found the
deponent in the said
apartment and the premisesbroken into as aforesaid
deponent Samuel Franklinthe 7th day of April 1893Charles LinterPolice Officer

0331

Sec. 198—200.

3 District Police Court. 1892

City and County of New York, ss: . .

Marks Giller 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. *Marks Giller*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *Poland*

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

Answer. *184 Chrystie Street, 3 months.*

Question. What is your business or profession?

Answer. *Dealer*

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*
Marks Giller
man

Taken before me this

day of

April

189

*3**Charles W. Smith* Police Justice.

0332

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

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

Dated, Apr 7 1893 Charles V. Linton Police Justice.

I have admitted the above-named Defendant

to bail to answer by the undertaking hereto annexed.

Dated, Apr 9 1893 Charles V. Linton Police Justice.

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

Dated, _____ 189 _____ Police Justice.

1891

0333

Police Court--- 3 District. 393

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Gaulton
64 Gaulton
Yuma

2
3
4

Offense *Carrying*

Dated, *April 17* 189*3*

Samuel Gaulton Magistrate.

Carney Officer.

68 Precinct.

Witnesses *Lucas Brown*

No. *68* Street.

Lena Feld

No. *68* Street.

Lophia Brown

No. *68* Street.

\$ *1000* to answer

Samuel Gaulton

BAILED,

No. 1, by *Mr. Rudolf Herz*

Residence *968 Boston Avenue* Street.

No. 2, by *Mr. Rudolf Herz*

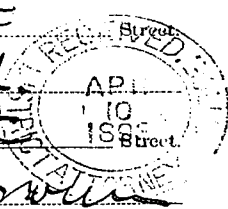
Residence *968 Boston Avenue* Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



0334

COURT OF GENERAL SESSIONS, PART /

(1708)

THE PEOPLE

vs.

Marks Giller

For

INDICTMENT

not found

To

M

M. Rudolph Henry

No.

918 Boston Ave Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *filed* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House in the Park of the said City, on the *13* day of *APRIL* instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

DE LANCEY NICOLL,

District Attorney.

0335

462

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Marks Giller

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

Marks Giller

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

The said

Marks Giller

late of the *10th* Ward of the City of New York, in the County of New York aforesaid, on the
sixth day of *April* in the year of our Lord one
thousand eight hundred and ninety-*three*, with force and arms, in the *day*-time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Samuel Franklin

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Samuel*
Franklin in the said dwelling house then and there being, then and there
feloniously and burglariously to steal, take and carry away, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

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

Marks Giller
 of the CRIME OF *Grand LARCENY in the second degree* committed as follows:
 The said *Marks Giller*

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

*divers articles of clothing and
 wearing apparel, of a number
 and description to the Grand Jury
 aforesaid unknown, of the value
 of one hundred dollars, and
 Divers articles of silver ware, of
 a number and description to the
 Grand Jury aforesaid unknown,
 of the value of one hundred dollars*

of the goods, chattels and personal property of one

in the dwelling house of the said

Samuel Franklin
Samuel Franklin

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

De Lancey Nicoll,
District Attorney

0337

BOX:

518

FOLDER:

4718

DESCRIPTION:

Gilman, Gilbert J.

DATE:

04/24/93



4718

Witnesses:

Samuel Mavropetis
Off. Sec. of Court

Counsel,

Filed

day of April 1893

Pleas,

Wm. H. H. H.

THE PEOPLE

vs.

Silbert J. Silman

Robbery,
Degree,
(Sections 224 and 220, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Samuel H. H. H.

Foreman.

Part 3. May 1/93
Tried and convicted
G.R. 22 deg.

Ed. H. H. H.

0338

COURT OF GENERAL SESSIONS, PART III.

----- x
 The People of the State of New York, :

 against : Before
 Gilbert J. Gilman. : Hon. James Fitzgerald
 : and a jury.
 ----- x

Indictment filed April 24, 1893.

Indicted for robbery in the first degree.

New York, May 1, 1893.

A P P E A R A N C E S:

For the People,

Asst. District Atty. E. S. Weeks;

For the defendant,

Mr. J. C. Costello.

SAMUEL NAVYESKI, a witness for the People, being duly sworn,
 testified as follows:

I live at 130 Munroe Street. I am a cigar
 manufacturer. On the 18th. of April of this year I had a
 gold watch and chain in my vest pocket. Between eight and
 nine o'clock in the evening I went into a saloon at the
 corner of Adam and Division Streets. I saw the de-
 fendant in there. The defendant took my watch out of my
 pocket and I caught him by the hand. I held him tight and
 he knocked me in the head. Another man who was present
 hit me in the chest and another ki ked me. I asked him to
 give me back my watch and chain, but he had taken it out
 of his pocket with one hand and turned it over to another
 one of the party. The other man who had the watch ran

2.

away. I am sure the defendant is the man.

Cross-examination:

The watch was worth \$55. I am agent for a party who lives at 4 Essex Street. I peddle cigars around the city. I remember signing an affidavit in the Police Court. I think it was about nine o'clock at night when this happened. I am sure I had my watch because I looked to see what time it was. This whole occurrence did not take five minutes. The prisoner was in front of me and another man was behind me when the watch was taken out of my pocket. I am positive it was the defendant who took the watch out of my pocket. The prisoner wanted to run away but I held him fast and turned him over to a policeman.

JAMES GILMARTIN, a witness for the People, being duly sworn, testified:

I am a police officer attached to the 7th. Precinct. On the 18th. of April this year my post was on Rutgers Street from Division to South. At about half past eight my attention was directed to a crowd surrounding the complainant in Canal Street. I went to the crowd and I found the complainant having hold of the prisoner. He accused him of having stolen his watch. The prisoner denied it. I asked him: "Did you take this man's watch?" He said no. I searched him but found nothing on him. The complainant was cut and blood was streaming down his face.

4.

companion of the defendant. I have never been convicted of any crime in my life.

GILBERT J. GILMAN, the defendant, being duly sworn, testified:

I live at 82 Park Street. I was out of employment for about a month before the time of my arrest. Previous to that I was working in a restaurant in South Street. I had nothing whatever to do with the stealing of the complainant's watch. When the officer came up he asked me why I struck the complainant. I told him I struck him in order to free myself; that as I was walking along the street this man grabbed hold of me and said I had taken his watch. Quite a crowd of people gathered round and I wanted to get away. I admit that I struck the man, but I did not take his watch or have anything to do with taking it.

Cross-examination:

I have never gone by any other name than that of Gilbert J. Gilman. I was never known by the name of Ford. In 1891 I got three months in the City Prison under the name of Michael Colligan. Other than that I have never been convicted.

I had no acquaintance with the man who came up to me on that evening and handed me a package of cigarettes. I was very much surprised when the man came up and took hold of me, and that is the reason I struck him.

The jury returned a verdict of guilty of grand larceny in the second degree.

0342

Police Court— 3rd District.CITY AND COUNTY }
OF NEW YORK, } ss

Samuel Navyesky
 of No. 182 Madison Street, Aged 47 Years
 Occupation Agent being duly sworn, deposes and says, that on the
 18th day of April 1893, at the 7th Ward of the City of New York,
 in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
 ponent by force and violence, without his consent and against his will, the following property, viz:

A watch of the value of
 Fifty five dollars

of the value of _____ DOLLARS,

the property of defendants
 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 force and violence as aforesaid by

Gilbert J. Gelman²⁴ Robert Barron
 both now here, who were in company
 with each other and acting in
 concert for the reasons that said
 watch was attached to a chain
 and worn on deponent's person.
 Deponent was walking along Canal
 Street and was in a crowd and
 the defendants jostled and pushed
 deponent and a hand was placed
 in the region of deponent's vest pocket
 and deponent grabbed the hand and
 then ~~defendants~~ held deponent and

day of

Sworn to before me, this

188

Police Justice.

0343

took said watch from deponent's
person; deponent seized Gilman
and held him fast and thereupon
said Barron struck deponent to
compell deponent to release said
Gilman

Sworn to before me } Samuel Navias
the 19 April, 1893 }

Amos A. 3

Police Justice

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Offence—ROBBERY.

1
2
3
4

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

0344

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Herbert J. Gelman 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.

Herbert J. Gelman

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

New York

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

Answer.

Refused

Question. What is your business or profession?

Answer.

Work in brass foundry

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
Herbert J. Gelman

Taken before me this

day of

1883

Charles J. [illegible]

Police Justice.

0345

Sec. 198-200.

B

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name.

Answer.

Robert Barron

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

New York

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

Answer.

103 Monroe St. 7 years

Question. What is your business or profession?

Answer.

Fish dealer

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
Robert Barron

Taken before me this *19*

day of *April*

188*9*

Charles H. Kelly

Police Justice.

0346

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

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

Dated April 19 1893 [Signature] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0347

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court---

3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Navoy
182 Madison
Gilbert J. Gelman
Robert Barron

3. _____
4. _____

Offense Robbery

Dated, April 19 1893

Magistrate.

Gelman Officer.

as to Robert Barron Precinct.

Witnesses DISMISSED

No. April 21 1893 Street.

Samuel Navoy FOREMAN.

No. 20 Street.

Morris Rosenberg

No. 11 Rutgers Street.

to answer

316 May 1

0348

482

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Gilbert J. Gilman

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

Gilbert J. Gilman

of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said

Gilbert J. Gilman

late of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *April* in the year of our Lord one thousand eight hundred and ninety-*three*, in the ~~time of the said day~~ at the City and County aforesaid, with force and arms, in and upon one *Samuel Navasky* in the peace of the said People then and there being, feloniously did make an assault; and

one watch of the value of fifty-five dollars

of the goods, chattels and personal property of the said *Samuel Navasky* from the person of the said *Samuel Navasky* against the will and by violence to the person of the said *Samuel Navasky* then and there violently and feloniously did rob, steal, take and carry away,

the said *Gilbert J. Gilman* being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid unknown

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

De Lancey Nicoll
District Attorney

0349

BOX:

518

FOLDER:

4718

DESCRIPTION:

Gleason, James

DATE:

04/05/93



4718

0350

BOX:

518

FOLDER:

4718

DESCRIPTION:

Whalen, Michael

DATE:

04/05/93



4718

Witnesses:

Off. Martue.

Counsel,

Filed

Pleads,

day of *April* 1893

THE PEOPLE

vs.

James Gleason

and

Michael Whalen

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Samuel Dwyer

Foreman.

April 5/93

Read July 3rd

B. P. 2 1893

Exhibit in the Third Degree.
[Section 498, 1893.]

0352

Police Court 2nd District.City and County }
of New York } ss.:of No. 235 West 19th Street, aged 31 years,occupation Bar-tender being duly sworndeposes and says, that the premises No 88-9th Avenue Street,in the City and County aforesaid, the said being a four story brickBuildingand which was occupied by deponent as a Liquor Store~~and in which there was at the time a woman being, by name~~were BURGLARIOUSLY entered by means of forcibly breaking openand pushing in, the fanlight, over the frontdoors of said store.on the 31 day of March 1883 in the Night time, and the

following property feloniously taken, stolen, and carried away, viz:

Good and lawful money of the United States
of the amount of seven dollars. and a
loaded revolver. of the amount and
value of ten dollars

the property of William Duncell. and in deponent's care + custody.

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

John Reason & Michael Melan both now here, and
while acting in concert with each other.

for the reasons following, to wit: that about the hour of one, o'clock
A.M. of said date, deponent securely closed and
fastened said Liquor store, and at that time
said fanlight was also securely closed and fastened
and at that time said sum of money was lying
on a marble slab, behind the bar in said store,
and said revolver was lying alongside where said
money was located, and after seeing said store
securely closed and fastened deponent went away.

0353

and that about the hour of 4.30 o'clock A.M. defendant was notified at his residence No 235 West 19th Street - that said store had been broken into, and that he immediately went to said store, and discovered said fanlight broken in, and that he then missed the aforesaid property - And that defendant is informed by Officer James Martin, that about the hour of 3 o'clock A.M. of said date, he found the defendants in company with each other in said store, and that he then discovered said fanlight open, and that on the defendants Whelan's person he found the sum of seven dollars and a loaded revolver, and that defendant has seen the said revolver found on the person of the defendant Whelan by said Officer - and fully recognizes the same as his property - and as the aforesaid revolver stolen from said store on said date - defendant therefore asks that said defendants may be held to answer

Sworn to before me this
31 day of March 1893

Frank Butterby -

Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated

188

Magistrate.

Officer

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0354

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged _____ years, occupation _____ of No. _____

16 Precinct Police

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Frank Battersby*

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

Sworn to before me, this _____ day
of *March* 189 *3*

James Martin

John P. Battersby Police Justice.

0355

Sec. 193-200

CITY AND COUNTY } ss.
OF NEW YORK.

District Police Court.

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

Question. What is your name?

Answer. *James Gleason*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *13-10-Avenue - 3 Months*

Question. What is your business or profession?

Answer. *Labra*

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*
*James Gleason*Taken before me this
day of *March* 188*8**John H. Lawrence*

Police Justice.

0356

Sec. 193-200.

2 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *Michael Melan*

Question. How old are you?

Answer. *21 years -*

Question. Where were you born?

Answer. *W. J.*

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

Answer. *340 East 33 St - 4 Months*

Question. What is your business or profession?

Answer. *Cart. Driver*

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 -*

Michael Melan

Taken before me this
day of March 1931

Police Justice.

0357

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

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

Dated March 31 1893 John H. [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.

0358

Police Court---

364
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank Patterson
235 p. 11. 19
James Gleason
Michael Melan

Burglary
Offence

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

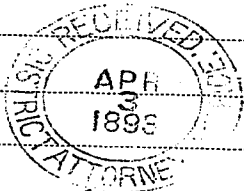
Dated March 31 1893
Voorhis Magistrate.
Martin Officer.
16 Precinct.

Witnesses _____
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000 lack G. J. to answer



1000 lack G. J.
Mr. Burt

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

THE PEOPLE OF THE STATE OF NEW YORK

against

James Gleason
and
Michael Whalen

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

James Gleason and Michael Whalen

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

The said

James Gleason and Michael Whalen, both

late of the 16th. Ward of the City of New York, in the County of New York aforesaid, on the
thirty-first day of *March*, in the year of our Lord one
 thousand eight hundred and ninety-*three* in the *night*-time of the same day, at the
 Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of
 one *William Purcell*

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

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

SECOND COUNT—

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

James Gleason and Michael Whalen
 of the CRIME OF *Petit* LARCENY committed as follows:
 The said *James Gleason and Michael Whalen, both*

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

*the sum of seven dollars in money,
 lawful money of the United States
 of America, and of the value
 of seven dollars, and one pistol
 of the value of three dollars*

of the goods, chattels and personal property of one

Frank Buttersby
William Purcell
 in the *stone* of the said *William Purcell*

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

De Laurey Nicoll
District Attorney

0361

BOX:

518

FOLDER:

4718

DESCRIPTION:

Goldstein, Jacob

DATE:

04/14/93



4718

0362

BOX:

518

FOLDER:

4718

DESCRIPTION:

Scope, Samuel

DATE:

04/14/93



4718

0363

POOR QUALITY
ORIGINAL

Witnesses:

Alfred Schneider

Counsel

Filed

day of

1893

Pleas

THE PEOPLE

vs.

Jacob Solenstein
and
Samuel S. S. S.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Samuel S. S. S.
April 20/93
Foreman.

Tried & convicted
S. P. 2488 6 mo
R. M.

Fugitive in the Third Degree.

Section 489.

0364

POOR QUALITY
ORIGINAL

Witnesses:

Edw. Schneider

Counsel,

Filed

day of

1893

Pleads

THE PEOPLE

vs.

Jacob Solastem
and
Samuel Scpie

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

David Dwyer
April 20/93 Foreman.

(Not)
Tried & convicted
S. P. 2 yrs 6 mo
R.M.

Burglary in the Third Degree.

[Section 498, Penal Code 1.]

The People
 Jacob Goldstein
 and
 Samuel Scope } Court of General Sessions Part I
 Before Judge Martine. April 20. 1883
 Indictment for attempt at burglary.

Louis Stange, sworn and examined.

I live at 169 Division St. and keep a shop at No. 165 ~~there~~; my business is the tailor business.

on the fourth floor, room No 8. I closed up my room 165-Division street on the night of the 11th of April about ten o'clock I locked the door with three locks; two of the locks are patent locks and that lock was outside. That locked with a bar I have got two bars; they are half a yard long. The lock now shown me is the lock that was on the door that night. I locked that lock before I went away and the staple that held it was whole. There were no marks or scratches on the door. I came back to 165-Division St. at six o'clock in the morning. I found everything broken. the bar that hung on the door was broke. I did not see the lock then.

I had goods in the place worth from seven to nine hundred dollars.
 Cross-Examined. I have been in the tailor business twelve or fifteen years. I have been at 165-Division street about nine months. I left the place

on the night in question about ten o'clock and went home. I have workmen in my place; they leave at seven o'clock in the night. There is only one door that enters the shop. There is no other way of getting into that place only by that door. I put two locks on that door myself, patent locks; ~~the~~ closes up and latches itself and the door is opened with a key from the outside. The watchman told me of the breaking in the morning. I went in to see if any of my goods were missing, but I found none missing. The lock was broke and the door was broke a little, I don't know with what; they scratched it where the lock is, near the lock. The patent locks were not broken. The door was fastened when I got there with the patent locks; the padlock was broken. I did not find the lock.

Moses Gavera, sworn and examined. I am a watchman for two shops at 165 Division Street. St. Stang's shop is one of the shops that I am watchman for on the fourth floor. On the night of the 11th of April what time did you go to sleep? At twelve o'clock I go to

sleep and at four o'clock I am getting up. Were you asleep at about half past one o'clock on the night of this occurrence?

Yes, I was sleeping. I was awake by the breaking of the lock, the noise woke me up. I slept in another shop and I heard the noise. I slept next door to Mr. Stamp's shop. I immediately got up. I opened the door and I ran toward them and they ran away up stairs. I heard their steps. I did not know how many there were. It was quite dark. I don't know where they ran to, but they run up instead of running down. There are two flights up stairs to the roof. You did not go to the roof? No, I did not run after them. I commenced to halloo in that shop where I slept; the ~~boss~~^{boss} also sleep in the same shop; he came out, he thought it was a fire or something. I went around to the other shop. There were other watchmen. They came out with bars of iron and they were standing watching to see if anybody comes down. When I saw the other men watching then I went down to the street for a policeman; then

a policeman came. Officer Snyder came first and another later on. I tried to open the door of Mr. Stamp and I could not. I saw that one lock was broke off and the other two were fast yet. I saw the lock was missing from the place, but I did not know where it was.

Cross

Examined. I have been watchman eight months; since I came to this country. In Russia I was in a flour mill. Where I slept is No. 8. and Mr. Stamp's shop is No. 7, the same floor. What sort of a noise did you hear? It was the breaking of a padlock woke me up; I heard that something was breaking, some sharp clash, and then I ran out. When I ran up to the door then I heard people run away. I know Mr. Stamp since January, I knew him before, but I have only been a watchman for his shop since January. I am still a watchman for him. I told him that the lock was broken off his shop. My boss was standing with a broom in his hand and two others had iron bars when they opened

the doors of their shops.

Michael B. Snyder, sworn and examined
I am attached to the 12th precinct and was
on the 11th of April. I had a tour of duty
from twelve to six. I arrested those two
young men. My beat was on Hester
and Division street and one side of
Norfolk street. No. 165 Division street is
in another precinct. About one or half
past one o'clock my attention was called
to the premises 165 Division street. I heard
loud cries of hallooing and ran over to
165 Division st. I heard commotion in
the building. I went in and got up on
the fourth floor out on the landing I saw
Moses Gavera and all that I could
hear was, "Burrows up stairs." I went
up to the top floor and I noticed the
skuttle half way open. I walked in the
roof and crouched over in the corner
I found those two men. There was a
chimney on each side; there was
a water tank in one corner and
in the other a kind of ^{cap} elevator covered
with tin with a wheel in it on the
top of the elevator shaft. I found the
defendants right alongside the elevator
on the side exposed to the hatchway
because ~~ground~~ on the back

there was nothing but the caps on the edge of the building. They were down about that position (showing) with their coats over their heads; one was standing alongside the other in Indian file. I went over to them and grabbed them. I was assisted by officers Baker and Manning; they had come up about this time. I took Samuel Scope and Manning took Goldstein. I searched around the roof and found this iron bar; it is part of a hinge; it was near where they were standing. I then went down stairs to the floor of Mr. Hany and examined the door of his premises and found breakage at the side of the door. I found this padlock on the floor right by the door; the staple was broken. I had the piece of iron with me and fitted the sharp end into the marks on the door and it fitted exactly. The defendants told me they could not speak English. I asked them what they were doing, and they shrugged their shoulders. I speak a little German and I tried that on them, but they did not give me any answer.

Jacob Goldstein, sworn and examined in his own behalf testified. I am working for an Express; on the 11th of April I was working. I earned \$1.75 that day from Charlie Lewis and Jake Cohen; they paid me the money. I work with the other defendant. You are charged with going into this man's place at 165 Division Street in this city and breaking off the lock of his door with the intent to commit a burglary, did you do that? I did not break that lock. Were you sober that night? I was intoxicated and I do not know how I came to that place. In the evening I had some whiskey and beer and the mixed drinks made me intoxicated.

Cross Examined. I don't remember how I got there. Do you remember that you did not break the door? Because I never did such a thing. I have been always working. I never went into that kind of business. What were you standing with your coat over your head for? I was lying on the roof. I cannot speak English. Officer Jacobs arrested me once. I was innocent. I was discharged.

Samuel Scopé sworn and examined. I am 19 years old. I am doing odd jobs for expressmen. I have been in America three years. I understand some English but I cannot speak it. You are charged with being on the 11th of April 1913 with Goldstein at 165 Division street with the intent to commit a burglary? I don't know anything about it. When I finished work I took the horse to the stable. I went with the boss. I had a candle and I put it in my pocket; and when I came out I met the other defendant on the corner of Norfolk and West 2nd St. He had a moving job and the man whom we moved gave us money to buy beer. Then the other defendant treated and I treated. I don't know what happened afterwards I got so drunk. I did not know what was going on about me. They found \$1.40 on me in the station house.

Cross Examined. I don't recollect whether the policeman found a candle in my pocket.

Charles Lewis, an expressman, testified that the defendants worked for him and he could not say anything against them. The jury rendered a verdict of guilty.

0373

Testimony in
the case of
Jacob Goldstein
and
Samuel Scipe

filed April
1893
20 J.

0374

Police Court—3rd District.City and County } ss.:
of New York, }of No. 165 Division Street, aged 27 years,
occupation Tailor being duly sworndeposes and says, that the premises No. 165 Division Street, 7th Wardin the City and County aforesaid the said being a factory building; a half
of the fifth floor of
and which was occupied by deponent as a factory
~~and in which there was at the time a human being, by name~~Attempted to be
were BURGLARIOUSLY entered by means of forcibly removing ^{one of the}
pad locks used in fastening the
door leading into said portion of the
lofton the 11th day of April 1893 in the night time, ~~and the~~
~~following property feloniously taken, stolen, and carried away, viz:~~with intent to commit
some crime therein~~The property of~~and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY ^{was attempted to be} was committed and the aforesaid property taken, stolen and carried away byJacob Goldstein and Samuel Scope
(both now here)for the reasons following, to wit: that the doors and windows
leading into said portion of the building
above described were securely locked and fastened
since found the staple broken and
the pad lock removed although said
place had not been entered. That
a large quantity of clothing was in
said loft. Deponent is informed by
Moses Gavera (now here) a watchman

in said building that at about the hour of 1.30 a.m. he was in the adjoining workshop on the same floor and heard said break and entry attempted and gave the alarm to attract the police. Depovent is informed by Officer Michael B. Snyder (now here) of the 12th Precinct that he went to said building and found the defendants in company with each other on the roof of said building crouched in a manner to hide themselves.

Sworn to before me }
the 12th April, 1893 }

Lois Strong

Charles L. Lister
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named _____ guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of _____ Hundred Dollars _____ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

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

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

Police Court, _____ District, _____	
THE PEOPLE, &c., on the complaint of _____	
vs.	
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
Dated _____ 1893	_____
Magistrate.	_____
Officer.	_____
Clerk.	_____
Witnesses,	_____
No. _____	Street, _____
No. _____	Street, _____
No. _____	Street, _____
\$ _____ to answer General Sessions.	

Offence—BURGLARY.

0376

1021

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 31 years, occupation Police officer of No. 12 Precinct Street, being duly sworn, deposes and

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

Sworn to before me, this 12 day } Michael B. Snyder
of April 189 3 }

Charles N. Latorre Police Justice.

0377

1821

CITY AND COUNTY } ss.
OF NEW YORK, }

aged 42 years, occupation Moses Gavera of No. Watchman

165 Division Street, being duly sworn, deposes and

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

Sworn to before me, this 12 day of April 189 3 by Moses Gavera
of man

Police Justice.

0378

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

Jacob Goldstein 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.

Jacob Goldstein

Question. How old are you?

Answer.

28 years.

Question. Where were you born?

Answer.

Russia.

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

Answer.

West St. 8 1/2 months

Question. What is your business or profession?

Answer.

Labrer

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
Jacob Goldstein
made

(Embrued)

Taken before me this

day of

1883

Charles H. Justice

Police Justice.

0379

Sec. 198-209.

1882

District Police Court.

City and County of New York, ss.:

Samuel Scorp 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. *Samuel Scorp*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *53 Orchard St. - 3 years*

Question. What is your business or profession?

Answer. *Labrador*

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*
Samuel Scorp
Wm

Taken before me this

day of

189

Charles J. Justice
Police Justice.

0380

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

defendant

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

Dated, April 12 1893

Charles N. Lester Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, _____ 189

Police Justice.

There being no sufficient cause to believe the within named

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

Dated, _____ 189

Police Justice.

1881

0381

Police Court---

3

405 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Stang
165 Division
Jacob Goldstein
Samuel Scope

Offense
Adultery
Puryury

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

3 _____

4 _____

Dated, April 12 1893

Saints Magistrate.

Snyder Officer.

12 Precinct.

Witnesses Moses Gavara

No. 165 Division Street.

Call officer

No. _____ Street.

No. _____ Street.

\$ 1000 to answer G.S.

Bon

0382

462

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Jacob Goldstein
and
Samuel Scope

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

Jacob Goldstein and Samuel Scope
of the crime of attempting to commit
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

Jacob Goldstein and Samuel Scope, both

late of the 7th Ward of the City of New York, in the County of New York aforesaid, on the
eleventh day of *April* in the year of our Lord one
thousand eight hundred and ninety-*three*, with force and arms, in the *right*-time
of the same day, at the Ward, City and County aforesaid, the dwelling-house of one
certain building there situate, to wit:
the factory of one Louis Stang
there situate, feloniously and burglariously *attempt to* did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Louis*
Stang in the said *factory* dwelling-house then and there being, then and there
feloniously and burglariously to steal, take and carry away, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

De Lancey Nicoll
District Attorney