

0484

BOX:

536

FOLDER:

4882

DESCRIPTION:

Eberling, Henry

DATE:

10/23/93



4882

POOR QUALITY
ORIGINAL

0485

Witnesses:

John W. Weerman

Off. Prof. Knauch

Subscribed at
St. Louis, Mo.
this 22nd day of Dec.

Counsel,

Filed

Pleds,

19

THE PEOPLE

vs. Clinton St.
Plumber, vs.

Henry Eberling

Jan 22-1893

Pleds Rec. St. Court

Elmira (Ref. Dec 4)

DE LANGEN NICOLL,

District Attorney.

Dec 22-1893 B.S.

A TRUE BILL.

Edward G. Taylor

Foreman.

Grand Larceny, & Count Degree
[Sections 528, 529, 530, Penal Code.]

Police Court— 3 District.

Affidavit—Larceny.

City and County {
of New York, } ss.

John Witterman
of No. 115 Willitt Street, aged 30 years,
occupation pedler being duly sworn,
deposes and says, that on the 14 day of October 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 the day time, the following property, viz:

One horse and a wagon, together
of the value of One Hundred Dollars,

\$100⁰⁰/₁₀₀

the property of John Gerold, in the care and
custody 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 Henry Sperling from the fact
that deponent left said property on the
corner of Duane and West Streets, in this city,
on the aforesaid date and when he returned
he found said property to be missing. that
deponent was informed that a horse and wagon
answering the description of the aforesaid property
was found in possession of said Sperling
in Brooklyn on the same date upon which
it was stolen and upon deponent going to
Brooklyn he found the missing property
and that the said Sperling had been arrested
and confined ~~to~~ in jail. Wherefore, deponent
prays that defendant may be apprehended
and dealt into according to law

John Witterman

Sworn to before me and
of October 1893
at New York City
Police Justice.

POOR QUALITY ORIGINAL

0487

1847

Sec. 151.

Police Court 3 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by John Witterman of No. 115 Willert Street, that on the 14 day of Oct 1893, at the City of New York, in the County of New York, the following article, to wit:

A horse and a mason, together of, of the value of One Hundred Dollars, the property of John Gower, taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by Henry Sperling

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 3 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 16 day of October 1893

Handwritten signature of the Police Justice

POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0488

Police Court..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated..... 189

Magistrate.

Officer.

The Defendant.....
taken, and brought before the Magistrate, to
answer the within charge, pursuant to the
command contained in this Warrant.

Titus & Krauch Officer. S.

Dated..... 189

This Warrant may be executed on Sunday
or at night.

Police Justice.

POOR QUALITY
ORIGINAL

0489

Sec. 198—200.

1882
District Police Court.

City and County of New York, ss:

Henry Eberling 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. *Henry Eberling*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *87 Clinton St. / 1 month*

Question. What is your business or profession?

Answer. *Plumber*

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*

Henry Eberling

Taken before me this

day of

1892

John McQuinn
Police Justice.

POOR QUALITY
ORIGINAL

0490

State of New York,

County of Kings } SS.

City of Brooklyn }

John L. Kranch
of New York City

being duly sworn, says he is acquainted with the hand-
writing of Joseph Kirk, the Police Justice who issued
the annexed Warrant, and that the signature to this War-
rant is in the handwriting of said Joseph Kirk.

Sworn to before me, this 17

day of Dec 1883

McDonough
Police Justice.

This Warrant may be executed in the County of

Kings
McDonough
City of Brooklyn Police Justice.
1883

0491

Police Court - District

THE PEOPLE, &c
ON THE COMPLAINT OF

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Josiah Witterman
vs *John O'Connell*
and Henry Deringer

Out

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— 100 —

[illegible]

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient ~~proof~~ ^{evidence} 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
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, Mar 1 / 189 John P. Woods Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Eberling

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

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

The said

Henry Eberling

late of the City of New York, in the County of New York aforesaid, on the *fourteenth*
day of *October* 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
seventy dollars and one
wagon of the value of
thirty dollars*

of the goods, chattels and personal property of one

John Arnold
Butterman

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

Henry Eberling
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows :

The said

Henry Eberling
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
seventy dollars, and one chain
of the value of thirty
dollars*

John Gerold
of the goods, chattels and personal property of one

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

John Gerold
unlawfully and unjustly did feloniously receive and have ; the said

Henry Eberling
then and there well known 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.

0494

BOX:

536

FOLDER:

4882

DESCRIPTION:

Edison, John

DATE:

10/12/93



4882

POOR QUALITY
ORIGINAL

0495

Witnesses:

Herbert Noel

Joseph Noel

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

2nd
1375
B

John Edson

Assault in the First Degree, Etc.
(Firearms.)
(Sections 217 and 218, Penal Code.)

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Foreman.

Fall 23. October 24/93

tried and convicted

Assault, 2nd deg

Pen 2 1/2 years.

POOR QUALITY
ORIGINAL

0496

Police Court—6th District.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 1390 Boston Avenue Street,

aged 51 years—occupation Salesman being duly sworn, deposes and says, that
on Wednesday the 4th day of October

in the year 1883 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and beaten~~ by John Edison

(~~name here~~) who aimed and discharged
an ~~deponent~~ deponent two several times
a pistol loaded with fusils
and lead balls which pistol
he the said deponent then
and there held in his
hand. That deponent was
so violently and feloniously
assaulted

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

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

Sworn to before me, this 6th day }
of October 1883 }

Theobald Roll

Charles N. Linton POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0497

Sec. 198-200.

6th

1882
District Police Court.

City and County of New York, ss:

John Edison 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.

John Edison

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.

1375 Bristow St. 5 years -

Question. What is your business or profession?

Answer.

Conductor

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 of the charge
J. Edison*

Taken before me this

6th

day of *October* 1893

Charles McJannet

Police Justice.

POOR QUALITY
ORIGINAL

0498

BAILED,
No. 1, by Ed. J. Schumann
Residence 1375 Madison Street
No. 2, by _____
Residence _____ Street
No. 3, by _____
Residence _____ Street
No. 4, by _____
Residence _____ Street

Police Court... 10th District.

THE PEOPLE, &c.,
BY THE COMPLAINT OF

Martha Holt
1390 Madison Ave
John Jackson

Offence Assault
felony

Dated October 6th 1893

Samuel Magistrate.

John Schumann Officer.

34th Precinct.

Witnesses Joseph Holt

No. 1390 Madison Ave Street.

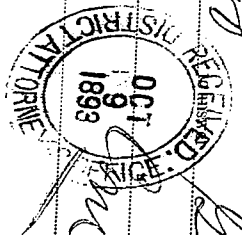
Richard Graham

No. 43 W. 53rd Street.

Bayonne N.J.

No. _____ Street.

\$ 500



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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 October 6th 1893 Charles N. Linsley 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.

POOR QUALITY
ORIGINAL

0499

District Attorney's Office,

CITY AND COUNTY OF NEW YORK.

34

Aug 12 1894

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see Officer Dawling
attached to your command in
Oct 19 in relation to the case of
Geo. Edison
sentenced Dec 24/93 to 2
years and 6 months imprisonment by
Geo. Dawling

Please ask the officer to bring such information in relation to the case, and as to the previous record of the prisoner, as he may be enabled to obtain.

Yours truly,

HENRY W. UNGER,

Deputy Assistant and Secretary to the District Attorney.

1895

POOR QUALITY
ORIGINAL

0500

COURT OF GENERAL SESSIONS,

PART III.

-----x
: The People :
: of the State of New York, : Before
: -Against- : Hon. Rufus B. Cowing,
: John Edison. : and a Jury.
: :
-----x

Indictment filed October 12th, 1893.

Indicted for Assault in the First Degree.

New York, ^{Ad.} November 23rd, 1893.

APPEARANCES.

For the People,
Assistant District Attorney Henry D. Macdona.

For the Defendant, Mr. Jacob Berlinger.

J O H N D O W L I N G, a witness for the People, sworn,
testified:

I am a police officer attached to the 24th Precinct.
I arrested the defendant on the night of the 5th of
October, charging him with assault. I searched him
and found no weapon on him. I know the saloon of Mr.
Noll, 390 Boston Avenue. There is an electric light
in front of the place.

T H E O B O L D N O L L, a witness for the People, sworn,
testified:

I live at 390 Boston Avenue, and carry on a liquor
business there. I am fifty-one years old. I have kept
in that place five months. On the night of the 4th of

**POOR QUALITY
ORIGINAL**

0501

October, about 12 o'clock, I was in my saloon. About fifteen minutes before 12, the defendant, with two others, came into my saloon. The defendant asked for the cards, and said that he and his friends would like to play a game. I told him he couldn't have the cards because it was nearly twelve o'clock. Edison said "What the hell do you close up for so early? Your time is one o'clock." I says "I guess I am the boss in my own store, and I don't need to be told about what time to close up." He says "You want to sleep; that is all." I says, "If I like to sleep, I sleep; and I will close up now." The defendant and his friends then had a glass of beer each. The defendant and his friends got into a row with me, and I went to the back of the bar for my stick and started to put them out. When I got them out I closed up my store. When I told my son to shut the door this man tried to prevent him from doing so. When they got out in the street this prisoner picked up stones from the street and fired them at the house. There are trees in front of my place. I went outside when the stones were fired, and told them if they didn't stop I would get a police officer. I saw the defendant John Edison pull a revolver out of his pocket and fire a shot directly at me. I jumped behind a tree, and on the following morning I found a bullet hole in the tree. It was right even with my head. I am positive that the defendant John Edison fired that bullet from a pistol which he held in his hand. My son then shouted for me to go in the house, and I ran in the house.

**POOR QUALITY
ORIGINAL**

0502

CROSS EXAMINATION:

I wrote to the police captain, telling him of the trouble I was having with young men in my saloon, and he promised me protection. I did not tell him about the defendant firing a shot at me which struck a tree. I made no complaint of this shooting until three weeks after the date of the assault. Anyone who wished could see the mark of the bullet in the tree on the day following the assault and since. A great many parties come up to my hotel, as I have a picnic ground connected with it; and some of those parties shoot at times. I know that the bullet hole in the tree was not made by any of those parties, but was made by the bullet from the pistol which the defendant fired at me. There is an electric light in front of my place, and I was standing about twenty-five or thirty feet from that light at the time the defendant fired the shot. I could see his face clearly. I had seen him in my saloon several times before, and knew his face perfectly.

J O S E P H N O L L, a witness for the People, sworn, testified:

I am a son of the complainant, and live at 390 Boston Avenue in this city. I was with my father on the night of the 4th of October. I saw the defendant and his friends in our store about a quarter of 12 o'clock. The young men came in and asked for cards; my father said they couldn't have the cards, as he was about to close up. They drank some beer in the place, and then started to have a fight. My father went behind the bar and got a club and put them out of the store. He told

**POOR QUALITY
ORIGINAL**

0503

them if they didn't behave themselves he would lock the door, lock them in and send for an officer. When they got outside they began to throw stones at the house. I saw the defendant firing stones. My father then went out, and when he was outside I saw the defendant pull a pistol and fire it at my father. My father jumped behind a tree, and the bullet of the pistol struck the tree. I heard the defendant say as he and his friends walked away, "We will fix that son of a bitch to-morrow night."

CROSS EXAMINATION:

I heard two shots fired. It was after the defendant missed hitting my father that he said that he and his friends would fix him to-morrow night. At the time I saw the shots fired I was standing at the front door, about seventy-five feet away from the defendant. I am positive that I saw the pistol in his hand and saw him fire it. After he had fired it off twice, he and his friends went away. The following day I looked and saw a bullet hole in the tree behind which my father ran. I am positive that it was a fresh bullet hole. There was an electric light right in front of our store, and you could see everything clearly. I was standing within seventy-five feet of the parties at the time of the shooting. I have known this defendant for a few months and could not be mistaken in him. The defendant came into our place some time after this occurrence. My father sent for a policeman and had him arrested. My father did not make any charge against the defendant on

**POOR QUALITY
ORIGINAL**

0504

the morning following the shooting.

D E F E N S E.

J O H N E D I S O N, the defendant, sworn, testified:

I live at 375 Bristol Street, Morrisania; that is one block from Noll's saloon. I heard Mr. Noll's testimony. The charge that he makes against me of firing a pistol at him on the 4th of October is not true. I have never carried a pistol. I did not fire any pistol at him on that night. I went to his saloon on the night of the 4th of October, in company with two men named Mulvey and McCabe. I asked him to give us the cards, so that we could play a game of euchre. He said it was getting too late and he was going to close up. We then had some drinks. One of my friends laid down a quarter on the bar, and the proprietor would not give him the change. We had a quarrel about that, and he started to put us out of the saloon. When we got outside I did not go and stand on the opposite corner. I did not fire off any pistol that night, as I had no pistol with me. I was around that neighborhood until the time of my arrest. I have been employed by Mr. Reilly at 107th Street and 1st Avenue, driving a truck, for about three months. I was arrested once for disorderly conduct and discharged. I never carried a pistol in my life.

E D W A R D J. M U L V E Y, a witness for the defendant, sworn, testified:

I am employed by the Union Railroad Company. On

**POOR QUALITY
ORIGINAL**

0505

the 4th of October I went with McCabe and Edison to Noll's saloon. When we went in we asked for the cards, but they were refused. So we had three drinks at the bar, and the proprietor did not give us any change. We had a quarrel about that money, and the proprietor went and got his club and started to put us out. We went out and walked to the opposite side of the street. I was in company with Edison until we went away from that place. No revolver was fired by him or by anyone else. The three of us walked to West Farms. I did not see any pistol in Edison's hand; I had none, and McCabe had none.

CROSS EXAMINATION:

I had not been with Edison all that day; I only met him in the evening. We all had a few drinks, but were not under the influence of liquor. After we left the saloon we walked to West Farms, went to a saloon there, had a drink, and then returned home. During the time I was with Edison I did not see any pistol with him, nor did I see him fire off any pistol. We had no particular object in walking to West Farms, except to visit a saloon there and get a drink.

J O H N C. F U R B E R, a witness for the defendant, sworn, testified:

I am in the grocery business at 1219 Union Avenue. I do not know the defendant, but I know the complainant, Mr. Noll. On the morning of the 5th of October I was talking with Mr. Noll. He brought me out and showed me where the bullet had struck in the tree. I saw what Mr. Noll told me was the bullet mark on the tree.

**POOR QUALITY
ORIGINAL**

0506

I could not tell whether it was a bullet mark or a mark of a nail. There was simply a piece of the bark torn off the tree. It looked to me as though it was a place where a notice of a picnic had been nailed up, and that the mark was the mark of the nail. It did not look to me like the mark of a bullet.

T H O M A S G R A V E S, a witness for the defendant, sworn, testified:

I reside at 418 Boston Avenue. I have lived there about three years. My house is about 140 feet from the saloon of Mr. Noll. I have heard the testimony as to this assault. The way I understand it was that Edison was standing opposite the saloon. I remember the night of the 4th of October. I sleep in a hall room on the second floor. On that night I was at home. I am not a heavy sleeper. I heard no pistol shot; if a pistol had been shot off at 12 o'clock at night so near my house as the testimony in this case shows, I would have heard it. I am positive I heard no pistol shot on the night of the 4th of October. I will swear positively to that fact.

E D W A R D J. E D I N G T O N, a witness for the defendant, sworn, testified:

I am the father of the defendant; Edington is his proper name. The character of the defendant is good. He has worked steadily for some time.

**POOR QUALITY
ORIGINAL**

0507

F E L I X M c C A B E, a witness for the defendant, sworn,
testified:

I live at 342 Clinton Avenue. I have lived there going on thirty-one years. I am a laborer. I am acquainted with the defendant and with Mulvey. I was in their company on the night of the 4th of October. We went together to Noll's saloon on that night. When we got into the saloon we asked Noll to give us the cards, so that we might have a game of euchre. Mr. Noll refused to give us the cards, saying it was too late. We went to the bar then and had a drink. There was some dispute about the change, and the proprietor went behind the bar for a club and started to put us out. We went out of the saloon and went across the street. I was with Edison during all the time he was there, and I did not see him fire off any pistol. There were some stones fired at the saloon by all three of us. I saw no pistol in Edison's possession that night.

CROSS EXAMINATION:

I was working on the day of the trouble; I work every day. I left my house between six and seven o'clock. I did not meet Edison until nine or ten o'clock. After I met him we had some drinks, and it was nearly twelve when we went into Mr. Noll's saloon. We did not go in there for the purpose of having a fight. There was a dispute about the change, and Mr. Noll said he would put us out of his saloon and lock the place up. He struck us with the club which he took from behind the bar. After we got out of the saloon we took a walk to West Farms, went into a saloon there and had a drink.

**POOR QUALITY
ORIGINAL**

0508

Then we started to walk home again. We did not have any definite object in going to West Farms.

J A C O B M. F U R B E R, a witness for the defendant, sworn, testified:

I am employed in the Department of Street Improvements in the 23rd and 24th Wards. I live at 219 Union Avenue. I have here a diagram of Noll's saloon and the trees in front of it. I have examined the tree which Mr. Noll testified was struck by the bullet in this case. I saw a mark on the tree as though the bark had been stripped off, but I would not say that it was a bullet hole. It looked to me more as though a pin or a nail had been driven into the tree and took off some of the bark.

The Jury returned a verdict of guilty of
Assault in the Second Degree.

POOR QUALITY
ORIGINAL

0509

(8)

WAS IN THE SECOND DOOR.

THE FIRST MAN, WHOSE NAME WAS NOT KNOWN TO

THE POLICE.

HAD BEEN DRIVEN INTO THE ROOM AND TOOK OFF, ABOUT 10

NOTES. IT TOOK ME TO GO DOWN TO THE STREET AND TO THE

STATION ON THE STREET. I WENT TO THE STREET AND TO THE

I SAW A MAN ON THE STREET WHOSE NAME WAS NOT KNOWN TO

THE POLICE. HE WAS DRIVEN INTO THE ROOM AND TOOK OFF, ABOUT 10

NOTES. IT TOOK ME TO GO DOWN TO THE STREET AND TO THE

I SAW A MAN ON THE STREET WHOSE NAME WAS NOT KNOWN TO

THE POLICE. HE WAS DRIVEN INTO THE ROOM AND TOOK OFF, ABOUT 10

NOTES. IT TOOK ME TO GO DOWN TO THE STREET AND TO THE

I SAW A MAN ON THE STREET WHOSE NAME WAS NOT KNOWN TO

REMARKS:

THE FIRST MAN, WHOSE NAME WAS NOT KNOWN TO THE POLICE, WAS

DRIVEN INTO THE ROOM AND TOOK OFF, ABOUT 10

NOTES. IT TOOK ME TO GO DOWN TO THE STREET AND TO THE

Charles L. ... 12/1893
Paul of General ...
Paul ...

The ...
... of ...
... 23rd 1893.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Edison

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

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

The said

John Edison

late of the City of New York, in the County of New York aforesaid, on the *fourth* day of *October* in the year of our Lord one thousand eight hundred and ninety-*three*, with force and arms, at the City and County aforesaid, in and upon the body of one *Theobald Noll* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Theobald Noll* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Edison* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge with intent *him* the said *Theobald Noll* thereby then and there feloniously and wilfully to kill, 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

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

The said

John Edison

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, in and upon the body of the said *Theobald Noll* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said *Theobald Noll*

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said

John Edison

in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, 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.

05 11

BOX:

536

FOLDER:

4882

DESCRIPTION:

Enneser, Louis

DATE:

10/06/93



4882

POOR QUALITY
ORIGINAL

05 12

Witnesses:

Bey Stas

Counsel,

Filed,

Pleads,

6th day of Oct 1893

Myself

THE PEOPLE

vs.

Louis Enneser

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

For 3. October 12/93 Foreman.

Ind and acquitted

0513

Police Court—5th District.

City and County } ss.:
of New York,

of No. 2103 - 2^d Avenue Benjamin Dias Street, aged 19 years,
occupation Labourer being duly sworn
deposes and says, that on the 28 day of September 1893 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Louis

Emmer, now here, who
willfully and maliciously
stabbed deponent in the ear
with a pair of scissors.

Deponent
further says this assault was
committed

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

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

Sworn to before me, this 28 day
of September 1893

Benjamin Dias

Chas. H. H. H. Police Justice.

POOR QUALITY
ORIGINAL

05 14

Sec. 100-200.

1882
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not- Guilty -
Louis^{hi} Ennesser
mark

Taken before me this
day of *Sept* 189*7*

Police Justice.

POOR QUALITY
ORIGINAL

0515

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

William Davis
vs.
John Davis

Offense,

Assault
Felony

Dated,

September 28, 1893

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.



\$500 to answer

John Davis

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, Sept 28 1893.

Police Justice.

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

Dated, _____ 189

Police Justice.

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

Dated, _____ 189

Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Louis Enneser

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

Louis Enneser

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

The said

Louis Enneser

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

Benjamin Deas in the peace of the said People then and there being, feloniously did wilfully and wrongfully did make an assault ; and the said *Louis Enneser*

with a certain *scissors* which *he* the said *Benjamin Deas*

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

De Lancy Nicoll,
District Attorney.

05 17

BOX:

536

FOLDER:

4882

DESCRIPTION:

Epstein, George

DATE:

10/10/93



4882

POOR QUALITY
ORIGINAL

05 18

Witnesses:

W. H. Taylor

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

George Epstein

Grand Larceny,
[Sections 528, 529, 530, Penal Code.]

DE LANCEY NICOLL,
District Attorney,

A TRUE BILL,

Edward G. Taylor

Foreman.

POOR QUALITY
ORIGINAL

05 19

1912

Police Court—

District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 114 1/2 Essex Street, aged 19 years.

occupation Waiter being duly sworn,

deposes and says, that on the 8th day of October 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 the time, the following property, viz:

The gold watch, with chain and fob, attached the whole being valued at Eight 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 George Epstein (now here)

for the reasons following to wit: Deponent having received the said property from his boss in his room this defendant after being informed of his rights admits and confesses to having stolen said property which property deponent found in defendant's possession

Mark Gachn

Sworn to before me this
1893

Police Justice

POOR QUALITY
ORIGINAL

0520

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

George Epstein

Taken before me this

day of

1891

Police Justice.

POOR QUALITY
ORIGINAL

0521

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,
vs.
ON THE COMPLAINT OF

Max Miller
George Robert

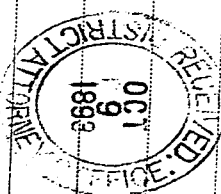
Dated, _____ 189

Offense

John Magistrate.
Thayer Officer.
Precinct.

Witnesses

No. _____ Street _____
No. _____ Street _____



No. _____ Street _____
to answer _____

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

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.

POOR QUALITY
ORIGINAL

0522

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Epstein

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

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

The said

George Epstein

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

*one watch of the value of
forty dollars, one chain of
the value of twenty dollars and
one locket of the value of
twenty dollars*

of the goods, chattels and personal property of one

Max Shaler

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

De Lancey Nicoll
District Attorney

0523

BOX:

536

FOLDER:

4882

DESCRIPTION:

Escelona, Viscenta

DATE:

10/17/93



4882

0524

BOX:

536

FOLDER:

4882

DESCRIPTION:

Quintano, Frank

DATE:

10/17/93



4882

Witnesses:

Elmer E. Sanborn

20th ~~George J. Sanborn~~
Counsel, R. M. as 87 Nassau
Filed 17th of Dec 1893
Pleads, Guilty

THE PEOPLE
21 21st 11th 1893
21st 6th 11th 1893
Grand Larceny
[Sections 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]

Subpoena
affixed per
2/1/94

21st 6th 11th 1893
Grand Larceny
[Sections 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]

POOR QUALITY
ORIGINAL

0526

(1305)

5
Police Court— District.

Affidavit—Larceny.

City and County }
of New York, ss.

of No. 236 West 125th Street, aged 31 years,
occupation Jeweler being duly sworn,

deposes and says, that on the 10 day of October 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 the day time, the following property, viz:

One - diamond scarf Pin,
valued at fifty-five 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

1
Vicenta Escelona; and
Frank Luntano; both now here; from
the fact, that the said defendants,
went into the aforesaid premises and
asked Charles O Barcalow, of 54 West
125th Street; to show them some diamonds
Pins; the said Barcalow saw the
defendant Escelona secret a pin
in his coat sleeve, whilst the said
Luntano was watching him; (Barcalow)
The said Barcalow immediately grabbed
hold of the said Escelona's arm, and
deponent saw the said pin sticking
in his coat sleeve; Wherefore deponent
charges these defendants with acting.

Sworn to before me, this

189

Police Officer

POOR QUALITY
ORIGINAL

0527

in concert; and prays that they may
be held to answer

Sworn to before me } J. D. Sanborn
this 11th day of October 1893 }

Chas. F. Smith

Police Justice

POOR QUALITY
ORIGINAL

0528

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

aged 19 years, occupation Charles O Barcalow Clerk of No. 54 West 125

Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Chas O Sanborn

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

Sworn to before me, this 11 day of Oct, 1897 } Charles O Barcalow
Chas O Sanborn
Police Justice.

POOR QUALITY
ORIGINAL

0529

Sec. 198-200.

5
District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Viscanta Escelona 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.

Viscanta Escelona

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

Porta Rica

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

Answer.

211 E 11 St. 4 months

Question. What is your business or profession?

Answer.

Clerk

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

Viscanta Escelona
mark

Taken before me this

day of

189

Police Justice.

POOR QUALITY
ORIGINAL

0530

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK

Frank Quinitano 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.

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 -
Frank Quinitano

Taken before me this

day of

189

Police Justice.

POOR QUALITY
ORIGINAL

0531

Ans. \$3.00 per
2.00 m. 11000.00
each.

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

1100
Police Court--- 5
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edmond G. Anderson,
236 E. 125th
Street, Brooklyn,
Franklin Avenue

Grand
Office

Dated October 11th 1893.

John
Officer.

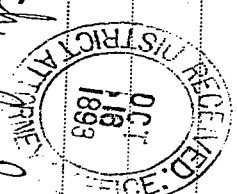
30
Precinct.

Charles B. Barclay
Witness
No. 54 West 125th
Street.

No. _____
Street.

No. _____
Street.

No. 1000
to answer
each \$1.00.



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 \$1000 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
Dated October 13 1893.

Police Justice.

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

Dated 1893 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 1893 Police Justice.

THE PEOPLE,

COURT OF GENERAL SESSIONS, PART I.

vs.

BEFORE RECORDER SMYTH.

VISCENTA ESCELONA,
and
FRANK QUINTANO.

Wednesday, November 8, 1893.

Indictment for GRAND LARCENY, in the SECOND DEGREE.

Assistant District Attorney Macdona, for The People.

Mr. Berlinger, for the Defendants.

CHARLES BARCALOW, sworn and examined, testified:

By Mr. Macdona:

- Q What is your name? A. Charles Barcalow.
- Q What is your business? A. Clerk for Mr. Sanborn.
- Q Where is Mr. Sanborn's place of business?
A. 231 West 125th street.
- Q What is his business? A. Jeweler.
- Q Do you remember seeing these two defendants on the 10th of
October, at that store? A. Yes, sir.
- Q What time of day did they come there?
A. It was on October 10th, on Tuesday; between 4 and 5
o'clock.
- Q In the afternoon? A. Yes, sir.
- Q Did they come in together, into the store?
A. The two of them came in together.
- Q Were there any other customers in the store when they came
in? A. There was one young man, talking to
Mr. Sanborn.
- Q Did either of them speak to you when they came into the
store? A. The one with the beard spoke to me.
- Q What is his name? A. Quintano.

**POOR QUALITY
ORIGINAL**

0533

Q What did he say?

A. He asked to see some scarf-pins, about \$25.00 or \$40.00 somewhere around that price; I showed him some, took out the tray of pins, and he looked at them, and he kind of admired one there, a cluster pin with sapphire in the center and with diamonds around it, at \$55.00. I showed him that, and he attracted my attention a little ways, and turned around-----

Q. Quintano did?

A. Yes, sir.

By the Court:

Q When you showed this man, Quintano, the tray of pins, I understood you to say that he wanted to see scarf-pins from \$25.00 to \$45.00?

A. Yes, sir.

Q Then you took out the tray; did you?

A. I took out the tray of pins.

Q And you laid it where?

A. On the show-case; I was in front.

Q Where were those two men when you laid the case in the front?

A. They were on one side of the show-case and I was in front of the tray; they were standing together.

Q I understood you to say this man, Quintano, looked at a pin worth \$55.00?

A. Yes, sir.

Q What did he say about that?

A. He looked at it, but he said he would like to have something more showy and not quite as high priced.

By Mr. Macdona:

Q When he had this pin in his hand, did he engage in conversation with the friend of his?

By the Court:

Q Did he take it into his hand?

A. I had the tray in front

of him.

Q Did he take out that pin?

A. Yes, sir, he took it out of the tray with his hand, and looked at it, and the two of them talked together about the pin -- I couldn't understand what they were talking about; they were talking Spanish or some thing of the kind of language -- I don't know which.

Q What was done next?

A. He asked me if we had any higher priced ones, a little more showy; I told him that we did 't have anything more showy than that one; I walked down a little ways, about two feet or something like that---

Q Leaving the tray there with the pins?

A. Yes, sir.

Q This man took the pin in his hand?

A He laid it down on the tray; I walked about two feet or so, and I turned around and came back; when I came back he asked me again if I had anything a little more showy, and I looked right away, and I saw this particular pin was gone. What did you do?

A. I called Mr. Sanborn; and Mr. Sanborn came down and took him by the sleeve, and found the pin in his sleeve between the cuff.

Q Who did he take hold of?

A. Viscenta.

Q Took him by the wrist?

A. Yes, sir, took him by

the wrist.

Q Did you see the pin in his sleeve?

A. When Mr. Sanborn came down, we took it out of his sleeve; I saw Mr. Sanborn take it out.

Q It was still in the paste-board it was in, and the paste-board and the whole thing was up his sleeve?

A. Yes, sir.

Q That pin was worth how much?

A. \$55.00.

C R O S S E X A M I N A T I O N .

By Mr. Berlinger:

Q Where did Mr. Sanborn come from?

A. He was in the store; at the other end of the show-case

Q Did you leave from behind the show-case after Mr. Sanborn came; did you come from the front of the show-case?

A. I put the pins back into the tray and went out for an officer.

Q Was that before Sanborn came to where the two men were?

A. No, sir.

Q Did you come to the front at the same time that you called for Sanborn?

A. No, sir; I stayed where I was.

Q When Mr. Sanborn came and did what you have told us, taking the pin from the sleeve of this defendant -- that happened when you were behind the case?

A. Yes, sir.

Q You looked straight out?

A. I was looking at him.

Q What time of day was this, about noon?

A. Between 4 and 5 o'clock.

Q In the evening?

A. In the afternoon.

Q Was the gas lit in your store, or do you have an electric light?

A. We have gas, but it was not lit.

By the Court:

Q There was light there?

A. Yes, sir, Tuesday afternoon.

By Mr. Berlinger:

Q Did you hear either of these men make any explanation, or do

you know any explanation they made at the time the officer came, or when Mr. Sanborn came out to them at the finding of the pin? A. I couldn't understand what they were talking about.

By the Court:

Q You went out, you left these two gentlemen in the care of Sanborn; you went out for an officer?

A. Yes, sir; Mr. Sanborn closed the door and kept them in.

Q Did the officer come?

A. Yes, sir.

Q Is he here?

A. Yes, sir, he is here; Officer Collins.

By Mr. Berlinger:

Q In whose possession was the pin when you and the officer came back?

A. Mr. Sanborn's.

By the Court:

Q I suppose Mr. Sanborn, after he took it out of his sleeve didn't give it back to him?

A. No, sir.

By Mr. Berlinger:

Q Or the other man either?

A. No?

Q At any time did you see that pin and the card that it was attached to on the floor?

A. No, sir.

Q You are sure about that?

A. Sure, yes, sir.

Q It didn't drop on the floor?

A. No, sir.

ELMER E. SANBORN, sworn and examined, testified:

By Mr. Macdona:

Q Mr. Sanborn, what is your business? A. Jeweler.

Q Whereabouts do you carry on the business?

A. 231 West 125th street, this city.

Q Do you remember seeing this defendant Escelona, this first one, in your store, on the 10th of October, in the afternoon, about 5 o'clock? A. Yes, sir.

Q And also this other defendant, Quintano?
A. Yes, sir.

Q Tell the Court and jury what you saw them doing, and how your attention was attracted to them?

A. My attention was first called as the clerk called me.

By the Court:

Q The clerk was Mr. Barcalow? A. Yes, sir; he called to me, as if there was some trouble between them there, and I stepped along and I said, "Charlie, what is the trouble?" He said, "This man is trying to steal a pin."

By Mr. Macdona:

Q "This man," referring to which of these defendants?
A. To the one this way, without the beard.

By the Court:

Q That is Escelano? A. Yes, sir.

Q Go on? A. And I stepped along on the opposite side of the show-case from the clerk, beside the party whom he seemed to have the trouble with.

Q You stepped out from behind your counter, did you, your show-case? A. I was not behind the counter.

Q You stepped from somewhere? A. I moved along towards them.

Q Did you get on the same side they were; were they both together then? A. Yes, sir.

Q What did you do when you got there?
A. I touched him on the sleeve.

Q Touched Escelona? A. Yes, sir.

Q Go on? A. And drew the pin from this sleeve, I took hold of the right hand, of this sleeve; the young man was right across the show-case, and had hold of his wrist, like this, and I pulled the pin from his sleeve here(illustrating).

Q Was the pin in the piece of card-board?

A. Yes, sir.

Q How large is the card, about?

A. I should say three and a half inches long and an inch wide.

Q What did you say when you got it out of the sleeve?

A. They seemed to talk together-----

(Objected to)

Q Did they talk together? A. They did; I didn't understand the language, so I don't know what they were saying.

By Mr. Macdona:

Q After they talked together, did Quintano say anything to you, did this man with the beard say anything, or converse with the man? A. Yes, sir; the only thing I could understand --he had been only here three months, and wanted me to let him off.

Q You did not? A. No, sir.

Q Your boy went for an officer, and an officer came in and arrested them? A. I told the clerk to put up the goods and go and get an officer, which he did.

By the Court:

Q You shut the door? A. No; I stood right there, and they stood.

By Mr. Macdona:

Q What became of that pin? A. It was taken to the

police station in the hands of the officer, and left with the Property Clerk or in the hands of the Court.

By Mr. Berlinger:

Q You say when you came up in front of where the show-case was, where these two young men were standing, your clerk, Mr. Barcalow, had his arm across the show-case, and had hold of this defendant's wrist. Do I understand you correctly?

A. Yes, sir.

Q What did he say, Barcalow; he called your attention to something that had transpired in relation to the pin; is that correct?

A. Yes, sir.

Q Where did you take the pin from?

A. Out of the left sleeve.

By the Court:

Q Was it between his shirt sleeve and his wrist, or was it between the coat and the shirtsleeve?

A. It was between his white shirt and his wrist.

Q How long is that pin; about how many inches?

A. I should think the gold part of the pin might be two and a half inches long, possibly a little longer; I am giving it from memory.

By Mr. Macdona:

Q What was the value of that pin?

A. \$55.00 it was marked.

THOMAS COLLINS, sworn and examined, testified:

By Mr. Macdona:

Q Officer Collins, you arrested these two defendants, Escelona and Quintano, did you, on the 10th of October, and brought them to the station house?

A. Yes, sir.

Q Did you search them when you got them to the station house?

A. Yes, sir.

Q What did you find on Quintano?

A. I found \$1.12.

Q Did you search the other one, Escelona?

A. Yes, sir.

Q What did you find on him? A. I found some pawntickets.

Q Any money? A. No, sir.

Q Did you have any conversation with Quintano?

A. No, sir.

Q And you took the pin, did you; what became of that pin?

A. I left it in the station house, and they sent it to the Property Clerk.

By Mr. Berlinger:

Q You found, officer, \$1.12 on which one of these men; Quintano? A. Yes, sir.

By the Court:

Q And a lot of pawn-tickets on the other one, and no money? A. Yes, sir.

MR. MACDONA: That is the case for the People.

THE CASE FOR THE DEFENCE.

VISCENTA ESCELONA, sworn and examined through the Official Interpreter, testified:

By Mr. Berlinger:

Q How long have you been in this country?

A. Three months.

Q What were you doing, what did you come here for?

A. I am a student.

Q What were you studying?

A. A dentist student.

Q Where were you living?
13th and 14th streets.

A. In Third avenue, between

Q Where did you come from?

A. From Porto Rico.

Q Do you remember going in Mr. Sanborn's jewelry store last Tuesday?
A. I think it was about the 10th of October.

Q What did you go in there for?

A. I received a letter from my brother, in which it was announced to me that he will send to me a hundred dollars, and my brother said in the letter that he wanted that I should buy for him a pin, a nice pin; he said it should not cost more than \$20.00 or \$25.00.

By the Court:

Q Who said that?

A. My brother wrote me in the letter that I shall look and see if I can buy a nice pin.

Q Where was his brother living; in this city?

A. He lives in Porto Rico.

By Mr. Berlinger:

Q Is that right?

A. Yes; he lives in Porto Rico.

Q And then you went to Mr. Sanborn's jewelry store?

A. I had no intention to buy a pin; we went out to take a walk, I and this man.

By the Court:

Q Quintano?

A. Quintano; and as we passed the store, and saw so many jewelry exposed there in a showcase, then we entered to find out what is the price of those articles. Then the young man he brought out some pins; he showed them to us, and I took one pin to look at it, and it

fell out of my hand, and then I was about taking up the pin from the floor, and he caught me by the wrist, and he took the pin away from me, so I couldn't examine it. Then after a little while the policeman came and arrested me, and I was searched afterwards.

Q Did you steal any pin there? A. No; I had no intention of stealing a pin.

C R O S S E X A M I N A T I O N.

By Mr. Macdona:

Q Ask him where he is studying dentistry?

A. I had already studied, in Havanna; but I was only three months here, and I had not commenced to study yet dentistry.

Q What had he been doing during the three months that he has been here? A. I brought here \$150.00 when I came here, and I lived on that money, and I expected money from my brother.

Q He says he lived on what avenue?

A. On Third avenue, between 13th and 14th streets.

Q Ask him if it is not true that he lives at 211 East 11th street? A. I have been living there one month.

Q Why did he say he lived on Third avenue, near 14th street, when he lived at 211 East 11th street?

A. Before I lived at that place, I lived there in Third avenue.

Q And he hasn't done any work here, has he; he is a student?

A. I was to enter college.

By the Court:

Q What college? A. I was first to go to school and to learn English, and then to study dentistry.

Q Did he go to school? A. No, I was not to school yet; but that was my plan, what I had to do here, to learn English and then study dentistry.

Q Why did he tell the Judge who examined him first, that he was a clerk? A. No; I didn't say so.

Q Ask him what brought him up to 125th street; what was he doing in 125th street, at 5 o'clock on the afternoon of Tuesday, October 10? A. Just taking a walk; going around to see the city.

Q Ask him if it is not true, that, just before he went there, some days before he went to take this walk in Harlem, he pawned some of his clothes? A. Yes, sir, that is so, to pay my expenses until money comes from Porto Rico.

Q He had no money; he had to pawn his clothes to get money? A. Yes, sir; for that I pawned my clothes.

By Mr. Berlinger:

Q You get money from home; do you? A. I expected a remittance; expected a hundred dollars.

Q But you got money previous-----

THE COURT: He said he did.

By The Court:

Q Ask him how long he knows Quintano?

A. One month.

Q Where did he get acquainted with Mr. Quintano?

A. In 119th street and Third avenue.

Q What kind of a place is it? A. On the corner I met him.

Q Met him on the corner of the street? A. Yes, sir.

Q Does he know where Quintano lived? A. He lived with me.

Q He lived with you, where; 211 East 11th street?

A. In 11th street; yes, sir.

Q Does Quintano speak Spanish? A. Yes, sir.

Q Where did you meet Quintano that morning, or that day, that he went to this jeweler's? A. We went out from my room together, to take a walk.

Q What did Quintano do for a living?

A. He is an interpreter.

Q Does he work at anything? A. He told me that he is interpreter in a hotel.

Q What hotel? A. I don't know; he said that he is an interpreter in a hotel.

By Mr. Berlinger:

Q What street corner was it that you first met the other defendant? A. 19th street.

Q It is not 119th street? A. 19th street.

FRANK QUINTANO , sworn and examined, testified:

By Mr. Berlinger:

Q How long have you been in this country?

A. Three years.

Q And have you been employed while you have been here?

A. Yes, sir.

Q And what at? A. I have been employed with Bartow , Lows & Co.

By the Court:

Q Where do they keep; where is his store?

A. They are closed already, the office, last week.

Q Where was the office? A. 11 Burling slip.

Q What were you doing there? A. Salesman and correspondent

By Mr. Berlinger:

Q Where were you employed last?

A. I was in the Leonard House.

Q Where is that? A. 33rd street and Fifth avenue,
a hotel.

Q What were you working at there? A. As hall-boy.

Q And how long were you employed there?

A. I was employed a month.

Q Have you ever been convicted of any crime, in any country?

A. No, sir.

Q You are sure of that? A. Yes, sir.

Q Where did you first meet this other defendant, Escelona?

A. 19th street and Third avenue.

Q When? A. About a month ago.

Q Before that, had you ever known him or seen him?

A. No, sir; never.

Q Now, on the day that you went to 125th street with him,
where did you meet him, or where did you start from together?

A. The first time I met him, in Third avenue and 19th
street, he didn't know any English; I was out of work, I
was interpreter for some people. He saw me; he said, "Do
you speak Spanish?" I said, "Yes; I am Spanish, and I speak
English." He said, "I want to have somebody to show me the
city and many things." Then he took a room with me; he pays
every week; he used to pay me a dollar or two dollars for
my expenses. That day he got up, and said, "Frank, I will
receive a hundred dollars from my home; I am going to buy
that pin for my brother that he wrote to me about;" and then
he said, "I want to see the city, up-town." We took the
Sixth avenue elevated and went up to 125th street. Crossing

over 125th street, he saw some pins, and he said, "Oh, I want to see the price of those pins; can you come with me in and ask for the price?" I say, "All right; I will ask," and I went and asked for the pins, asked for the price; and, when I was looking, my attention was attracted by a noise, and I saw the man grasp his hand, and say, "You stole a diamond pin." Then I told the man I didn't know that; I thought he wanted it, because he was going to have money from home; he had plenty of money, as I seen many times--- many people know him in the restaurant where I took him.

Q You didn't go in there with the intention of stealing any pin from Mr. Sanborn?

A. No, sir.

Q Or aid and assst anybody or help anybody in taking any from Mr. Sanborn?

A. No, sir; I was interpreter.

Q Did you know anything about the pin being found in the defendant's sleeve before your attention was called to it?

A. When my attention was called, I saw the man having the pin in his hand; I said, "Did you intend to steal this diamond pin?"

Q The boss came?

A. I said, "This man intended to buy this diamond pin." The boss then called a policeman and handcuffed him. The policeman said, "You will come, too." I said, "Yes, I will go," and I went to the station house.

By the Court:

Q You went with the policeman?

A. Yes, sir.

By Mr. Berlinger:

Q And the other man went with the policeman?

A. Yes, sir.

By Mr. Mac dona:

A. A month.

A. I was living in 17th

A. Yes, sir.

A. No, sir.

A. Yes, sir.

A. May be I misunderstood; I didn't
ing.

A. Yes, sir.

A. Yes, sir; may be I misunderstood what they did ask me.

A. Yes, sir.

A. Yes, sir.

A. Yes, sir.

Q You told them where you were born, in Havanna?

A. Yes, sir.

Q And he said, "Where do you live, and how long have you lived there?" and you said, "211 East 11th street, four months?"

A. No, sir; may be I misunderstood.

Q How did you come to get to the West side elevated, from your house in 11th street, to take the station? Did you take the west side elevated?

A. 18th street and Sixth avenue.

Q You went through Union Square; didn't you?

A. I can't really say.

Q You went from 211 East 11th street; did you go through 11th street?

A. I don't remember; but I think we walked over to Third avenue, and turned around and went over to Sixth avenue.

Q Through 18th street?

A. Yes, sir.

Q On the way up from 11th to 18th street, and on the way across 18th street towards the West side elevated, did you see any other jewelry store; was the attention of your friend attracted to any other shop?

A. No; I don't remember.

Q You got out at 125th street and Ninth avenue?

A. Yes, sir.

Q How far from Ninth avenue is the shop of Mr. Sanborn?

A. I think it is half a block.

Q About half a block up, 236?

A. Yes, sir.

Q Did you notice any other jewelry store on the way to that place; do you remember passing another jewelry store, on the same side of the street, with a show-window in it?

**POOR QUALITY
ORIGINAL**

0549

A. It may be; I don't remember well.

Q Your attention, or your friend's attention was not attracted to any store; you didn't notice any store?

A. No, sir.

Q None but this Sanborn store?

A. Yes, sir.

THE JURY DISAGREED.

POOR QUALITY
ORIGINAL

0550

12

the People.
To Exelma
Vicente and
Frank Lintano
pled Oct. 1993
115 Va

POOR QUALITY
ORIGINAL

0551

COURT OF GENERAL SESSIONS OF THE PEACE,
CITY & COUNTY OF NEW YORK,

THE PEOPLE,)
VS.) BEFORE
FRANK QUINTANO.) HON. RANDOLPH B MARTINE,
Jointly indicted) AND A JURY.
with)
Viscenta Escelona.)

TRIED, NOVEMBER 23RD, 1893.

INDICTED FOR GRAND LARCENY IN THE 2ND DEGREE.
INDICTMENT FILED OCTOBER 17th, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY BARTOW S. WEEKS,
FOR THE PEOPLE.
C.A. MAAS, ESQ.,
FOR THE DEFENSE.

**POOR QUALITY
ORIGINAL**

0552

2

CHARLES O. BARCALOW, testified that he is a salesman for Mr. Sanborn, a jeweler, at 236 West 125th Street. On October 10th he, the witness, saw the defendant go into the store between 4 and 5 o'clock. The defendant was in company with Viscente Escelona. The defendant asked to see some scarf pins, worth about \$30 or \$40. The pins were on cards, with the prices marked, and were arranged in rows in the trays. The defendants looked over all the pins, and then selected the one in court, and asked the price of it. The defendants conversed with each other in Spanish. The witness did not understand that language. Quintano asked the price, and he, the witness, said \$55, and Quintano handed the pin to the co-defendant then. As Quintano handed the pin to the co-defendant, he spoke to the co-defendant, who made some reply. The witness did not understand them. Then the defendant asked the witness if he, the witness, had anything more showy. The witness said no, at the same time stepping about three feet toward the window, to see if there was any pins there. He walked away side ways, but came right

back, and noticed that the pin was gone. The witness look at both defendants, and noticed that the other one had his sleeve against the showcase; that is, Escelona. He, the witness, grabbed Escelona's hand, and called for Mr.Sonborn. The other defendant was standing alongside of Escelona. At the time Mr.Sanborn took the pin from the other defendant's sleeve, neither defendant said anything in English; they conversed in Spanish.

In

CROSS-EXAMINATION

the witness testified that the defendant said, "We want to see some scarf pins." The defendant picked out the pin in evidence and handed it to his co-defendant, who looked at it and then returned it to the defendant, who placed it back in the tray. The defendants conversed in Spanish as they examined the pins. He, the witness, knew the description of most of the pins in the tray. The defendant asked to see some more showy pins, and then laid down the pin in question, and it was in the tray when he, the witness, turned around to look in the window, but he

4

changed his mind, and turned again to the tray. The pins were on cards, and arranged in rows in the tray, so that if a pin was taken from the tray, there was a vacant or empty space left, and the absence of the pin could be noticed at once. He, the witness, thought there were more showy pins in the window, and started to go to it, when, remembering that there was none in the window, he turned back, and saw that the pin in evidence was gone, and he saw Escelona's sleeve held against the case, and acting suspiciously, and he, the witness, grabbed Escelona's arm, and called Mr. Sanborn.

In

RE DIRECT-EXAMINATION

the witness testified that the pin in question was the highest priced pin in the case. There were no scarf pins in the window, that he, the witness, knew of.

ELMER E. SANBORN testified that he is a jeweler, at 236 West 125th Street. Between his, the witness's, store and 8th Avenue, there are two stores--two jewelry stores,

one in a basement and one at 264. In the afternoon of October 10th he, the witness was in his store. There might have been a few scarf pins in the window that day; he, the witness, was not certain. Mr.Barcalow called him, the witness, on the day in question, and he went to Mr.Barcalow's assistance, and took from the defendant Escelona's sleeve the pin in evidence. The pin was attached to the card, in ~~the~~ Escelona's sleeve. The pin was worth \$55; it cost \$60 to manufacture. When he, the witness, took the pin from Escelona's sleeve, he told Mr.Barcalow to go get an officer, and then Quintano said, "Don't do that. He has been here three months." He, the witness, told the defendants to stay in the store, and he sent a boy for a policeman. The boy remained away 7 to 10 minutes, and, during that time, he, the witness said nothing to the defendants, or they to him.

In

CROSS-EXAMINATION

the witness testified that he could not say positively whether or not there were scarf pins in the window

that day. Mr. Shaw was in the store before the defendants came in; no one else came in while the defendants were there. The formal questions were asked the defendants at the station-house. Both defendants showed a perfect willingness to remain, when told to do so, while a messenger went for a policeman.

THOMAS COLLINS testified that he is an officer of the Municipal Police, attached to the 30th Precinct/ On October 10th he was called to Mr. Sanborn's store, at 236 West 225th Street, and he arrested both defendants. They said they lived at 211 West 11th Street. He searched both defendants and found no money on Escelona and \$1.12 on Quintano; both had pawntickets. The defendant did not converse with the witness.

In

CROSS-EXAMINATION

the witness testified that, on entering the store, Mr. Sanborn said that Escelona had stolen a pin, and

that both defendants came in the store together.

THE DEFENSE.

FRANK QUINTANO, one of the defendants, testified that he had been in this country nearly three years. He came from Havana, where his father, who is wealthy, lives. His object in coming to this country was to learn English. He was employed by Barretto, Roach & Co., as corresponding salesman, in the segar business. In the summer he used to meet rich Spaniards, and show them the City, and interpret for them. That firm closed, and he lost his position, and, afterwards, acted as interpreter. He received \$150 or \$200 from his father during the summer. He became acquainted with Escelona about one month before his arrest. He met Escelona at 19th Street and 3rd Avenue, and, seeing he was a Spaniard and a stranger, he, the witness, spoke to Escelona. He, the witness, said to Escelona, "Would you like to have an interpreter, like me," and Escelona said, "Yes; I will have you. I will give you a dollar a day, and if I can give you more, I will give you

more." Escelona spent a good deal of money going to the theatres, and other places. Then Escelona hired a room, and invited him, the witness, to share it with him, and he, the witness, who had no money, at that time, accepted the offer. Escelona said that he had been in the country only two months. He, the witness, thought Escelona was a rich man, as he spent considerable money, and said that he expected more from his people in Porto Rico. Escelona said that he had received a letter from his father, asking him, Escelona, to buy a scarf pin for his, Escelona's, father. On the day in question Escelona said he would like to see the principal parts of the City, and they took an elevated train to 125th Street, and, in passing Mr. Sanborn's store, Escelona stopped at the store window and said, "Look at the pretty pins. I will inquire for them, and I will see a diamond pin for \$20 to \$30. Will you interpret for me, Frank?" He, the witness, said he would, and they went in the store, and he asked to see pins ranging in price from \$30 to \$40. As the defendants were looking at the pins, the clerk grabbed Escelona's hand, and said, "This young fellow intends

to steal from me."and he called Mr.Sanborn. The witness said, "This must be a mistake, because I didn't think this fellow can do those things, because he looks like a rich fellow, and he has been here only three months." Then Mr.Sanborn sent for a policeman, who came and arrested both defendants.

In

CROSS-EXAMINATION

the witness testified that his father's name was Arthur Quintano, and he is a lawyer in Havana. He, the witness, did not return to Cuba, after learning English, because he learned that his country was involved in political troubles. He, the witness, was living on 7th Street, between 2nd and 3rd Avenue, and Escelona was living in 3rd Avenue between 12th and 13th street, when they first met each other. The defendants spent a good deal of their time, especially at night, at the theatres, concern halls, and cafes. They did not visit the Cuban colony in this City. Escelona did not have dealings with any bank in this City, to his, the witness's, knowledge. He, the witness, received from his father \$100 through a Wall Street bank.

**POOR QUALITY
ORIGINAL**

0560

10

He, the witness, paid no rent when he roomed with Escelona. Escelona paid him \$1 a day for interpreting. He paid the money at the end of every day. He, the witness, did not remember whether he said, in his direct examination, that his father or his brother sent him a letter instructing him to purchase a scarf pin. He meant to say his father. The pin in evidence, People's Exhibit No.1, was not the pin that the clerk had in his hand. The middle stone of the pin that the clerk had in his hand was a red stone. When the clerk took hold of Escelona's wrist he had this pin in his hand, and did not take it out of Escelona's sleeve; tho' he, the witness, was not certain on this point. The witness testified, further, "I was looking at another pin, and when I turned around I saw that he has grabbed him by the wrist, and has the pin in his hand." It was not true, the witness testified, that he asked the clerk for more showy pins, and the clerk did not walk a short distance away from where he, the witness stood. When Escelona was accused of the crime, he, the witness said, "What is the matter,

**POOR QUALITY
ORIGINAL**

0561

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Escelona?" and Escelona said, "I don't know." That was all that was said. When arrested, He, the witness, had \$1.12 and Escelona had no money. He, the witness, paid Escelona's car fare on the Elevated to 125th Street that day, because Escelona had no money. They pawned their clothes when short of funds. On October 7th he, the witness, pawned his vest for 87 cents, under the name of Wider. He, the witness, did not pawn two pairs of stockings, for 23 cents, on the day before he went to Harlem. When asked about another pawnticket bearing the name of "Wider," the witness said, Well, Escelona must know something about that. Mr. Escelona must know something about it, because sometimes he put his pawntickets in my pocketbook." The witness identified some of the pawntickets as belonging to him. Some of the pawntickets were in Escelona's name, but claimed by Quintano.

)))))))))

MANUEL J. SUAREZ testified that he was acquainted with

The defendant Quintano, ~~whom~~ The witness was a clerk for J.M.Ceballos, & Co., Bankers and Commission Merchants, at 80 Wall Street. That firm acted as correspondents for Quintano's father, and paid him money on several occasions. The defendant's reputation is good.

In

CROSS-EXAMINATION

the witness testified that he had seen the defendant several times, during the three years past, at the office. He, the witness, knew the defendant only because he had seen him, the defendant, at the office. Ceballos & Co. have not paid the defendant any money in a long time; they have nothing to do with him now, or for about seven months.

Mr.Barcalow, testified, in rebuttal, that, at the time that he took hold of Escelona's wrist he, the witness, had no pin in his hand. There was no pin in the ⁹try, with a redstone, that he showed the defendant. There

**POOR QUALITY
ORIGINAL**

0563

13

were no pins with red or reddish stones; only, diamond
pins and gold pins.

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POOR QUALITY
ORIGINAL

0564

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

THE PEOPLE,)	BEFORE
VS.)	
VISCENTA ESCELONA)	HON. RANDOLPH B. MARTINE,
Jointly indicted with.)	
Frank Quintano.)	AND A JURY.

TRIED, NOVEMBER 22ND, 1893.

INDICTED FOR GRAND LARCENY IN THE SECOND DEGREE.

INDICTMENT FILED OCTOBER 17TH, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY BARTOW S. WEEKS,

FOR THE PEOPLE.

JACOB BERLINGER, ESQ.,

FOR THE DEFENSE.

**POOR QUALITY
ORIGINAL**

0565

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CHARLES C. BARCALOW, testified that he is a salesman for Mr. Sanborn, Jeweler, at 236 West 125th Street. On October 10th he saw the defendant enter Mr. Sanborn's store in company with Frank Quintano, between 4 and 5 o'clock in the afternoon. They wanted to see some scarfpins. Quintano asked to see the pins. The witness took out a tray, and showed them the pins, and they admired one, and asked the price. The witness said it was \$55. Then they asked to see other pins, and the witness turned to get them, and, upon returning to the tray which he had placed in front of the two men, he noticed that the pin was gone. He immediately seized the defendant and called for Mr. Sanborn. When the witness turned to get the other goods, he left the two defendants standing in front of the counter, with the tray on the counter by them. The witness saw Mr. Sanborn take the pin out of the defendant's sleeve. He had it between his skin and his cuff.

In

CROSS-EXAMINATION

**POOR QUALITY
ORIGINAL**

0566

3

When Mr. Sanborn came up, he, the witness, had the defendant's hand, across the showcase, but he did not, at that time, see the pin. The defendant said something in Spanish; he did not speak English.

ELMER E. SANBORN testified that he is a jeweler, at 236 West 125th Street. The pin shown to him was his property, and he valued it at \$55. It cost him \$65, but the party for whom it was ordered, did not take it, and he marked it down to \$55. He saw the defendant and Quintano enter his store on the afternoon in question. He was talking to a gentleman, in the store, when Mr. Barcalow called him, and he sprang between the defendants and the door. The pin was on the card, in the defendant's shirt sleeve of the left arm. Quintano said, "Let him go. He has been here only three months." The defendants talked together, but the witness did not understand them.

**POOR QUALITY
ORIGINAL**

0567

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THOMAS COLLINS, testified that he is an Officer of the Municipal Police, attached to the 30th Precinct. On October 10th he, the witness, was summoned to Mr. Sa born's store, arrested the two defendants. He searched the defendants, and found \$1.12 on Quintano and nothing on the other defendant. Both defendants, however, had pawntickets in their pockets.

THE DEFENSE.

VISCENTE ESCOLONA, one of the defendants, testified that he lived at 200 11th Street, and had been in this country three months. He did not steal the pin, as alleged. He went in the store to buy a pin for his brother for \$25 to \$30, and he had the pin in his hand when they grabbed him and accused him of stealing it. His brother was, in Porto Rico, and wrote but did not send any money with which to buy the pin. He, the defendant had been out of money about one month, and had

to

POOR QUALITY
ORIGINAL

0568

5

to pawn his belongings until he could get money from Porto Rico, but the ~~had~~^{arrivals} had not yet arrived.

FRANK QUINTANO, the co-defendant, testified that he did not intend to steal the pin. He went into the store, with the other defendant, as interpreter. He met the co-defendant in 19th Street and 3rd avenue about a month before his, the witness's arrest. Then they took a room together, and the other defendant spent a good deal of money on the witness, for the theatres, cafes, etc. They went out for a walk, and, when in 125th Street, in passing the complainant's store, they looked in the window, and the co-defendant admired the pins, and they went in the store to look at them. They did not intend to steal. The defendant testified, further, "And we went in, and I said I would like to see pins, from \$20 to \$30, and the clerk brought the case and put it just in front of me, and that was at the side, and a gentleman came in the store, and I turned my head to look, and when I turned around again the clerk had hold of his (the codefendant's) hand, and

he called the boss, and we was arrested."

In

CROSS-EXAMINATION

the witness testified that the co-defendant wanted him to go uptown and show him the principal parts of the City. He, the witness, admitted that he knew that he and his co-defendant had no money, at the time that they went into the store to look at the pins, and, moreover, that they had pawned some of their clothing, in order to raise money, some time before. The pin shown to him, the witness, was not, he said, the pin that he had seen in the store, or that the clerk had shown to them. He, the witness, did not see the pin referred to in the co-defendant's possession. It was not the pin that the clerk had in his hand. He, the witness, did not ask the store clerk to show him some more showy pins.

REBUTTAL.

**POOR QUALITY
ORIGINAL**

0570

7

CHARLES O. BARCALOW, being recalled, testified that the defendants asked to see pins of the price of \$30 or \$40. The price of the pin in question was given to the defendants. The price of all the pins is ~~mm~~ marked in plain figures, on the back, just as the pin in evidence. There is no pin in the try with a red stone in it. He, the witness, saw the pin taken out of the sleeve of the defendant. Mr. Sanborn took it out. It was not true that he, the witness, had the pin in his hand at the time that he took hold of the defendant's hand.

POOR QUALITY
ORIGINAL

0571

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

THE PEOPLE OF THE STATE OF NEW YORK

against
Vicenta Escelona
and
Frank Quintano

The Grand Jury of the City and County of New York, by this indictment, accuse
Vicenta Escelona and Frank Quintano
of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed
as follows:

The said Vicenta Escelona and
Frank Quintano, both —
late of the City of New York, in the County of New York aforesaid, on the tenth
day of October, in the year of our Lord, one thousand eight hundred and
ninety-three, at the City and County aforesaid, with force and arms,

one scarf-pin of the value
of fifty-five dollars

of the goods, chattels and personal property of one

Elmer E. Sanborn

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

De Lancey Nicoll
District Attorney

0572

BOX:

536

FOLDER:

4882

DESCRIPTION:

Eteay, Robert H.

DATE:

10/13/93



4882

Witnesses:

Maria Thompson
Off W. D. Donoghue

~~Seventy-five~~ ~~Campbell~~

~~to appear~~

This piece of

has been taken
for the State of
and is now in the
hands of the
court

~~for~~

Counsel,

Filed

Pleads,

THE PEOPLE

22 E. 9th St.

vs.

James H.

Robert H. Egan

Part 2 - Dec. 6, 1893

and convicted of

2nd degree

DE LANCEY NICOLL,

District Attorney.

Part 3. Oct 23/93

Fried and they disagree

A TRUE BILL.

Charles J. Taylor

Nov 9/93

Foreman.

Ordered by jury discharge

5416 J.P. P.S.
Dec 13/93

Burglary in the Third Degree.
[Section 498, Art. 2, Sec. 1, of the Penal Code.]

1893

Witnesses:

Maria Thompson

Off W. D. Donough

~~Greenleaf Campbell~~

& Officer

Thompson

has been taken
in the Court House
and taken to the
prison

for

Counsel,

Filed

Pleas,

THE PEOPLE

22 6.9

203 6.9

us.

Jan 11.

Robert H. Egan

Part 2 - Dec. 6, 1893

and and convicted of

of 2nd Degree

DE LANCEY NICOLL,

District Attorney.

Part 3. Oct 23/93

and and may disagree

A TRUE BILL.

Chicago J. Taylor

Nov 9/93

Foreman.

and of my charge

5416 J. P.

Dec 13/93

[Section 498, 502, 512, 522, 532, 542, 552, 562, 572, 582, 592, 602, 612, 622, 632, 642, 652, 662, 672, 682, 692, 702, 712, 722, 732, 742, 752, 762, 772, 782, 792, 802, 812, 822, 832, 842, 852, 862, 872, 882, 892, 902, 912, 922, 932, 942, 952, 962, 972, 982, 992]

POOR QUALITY
ORIGINAL

0575

COURT OF GENERAL SESSIONS OF THE PEACE, Part 11.

City and County of New York.

The People,	"	
	"	Before
vs.	"	
	"	HON. FREDERICK SMYTH,
ROBERT H. FTEAU.	"	
	"	and a Jury.

Tried, DECEMBER 5TH, etc., 1893.

Indicted for BURGLARY, in the THIRD DEGREE.

Indictment filed OCTOBER 13TH, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY HARRY W. MACDONA,
For THE PEOPLE.

J. OLIVER KEANE, ESQUIRE,
For THE DEFENSE.

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MICHAEL McDONOUGH, being duly sworn, testified that he was a police officer, attached to the 28th Precinct. On the night of the 10th of October, 1893, his tour of duty was from 12 to 6 A. M. His post was Fourth avenue, from 96th to 106th streets. He first saw the defendant on Fourth avenue, between 97th and 98th streets. The defendant "was walking up against the wall that guards the railroad cut, and had a bundle in his arms. He walked over to the defendant and asked him where he was going. The defendant said he was going home. He asked the defendant what he had in the bundle, and the defendant said, "I have got wash." He said, "What are you doing out with wash, at this time of night?" The defendant said, "I am taking it to my mother, to do it for a poor family that is going to Chicago in the morning." He said to the defendant, "Let us go over under the light and see what the wash looks like." He and the defendant walked over under the light, and he told the defendant to open the bundle. The defendant said he wouldn't do it. He whistled for

Officer Sullivan, and, when he got there, he asked Sullivan if he knew the defendant. Officer Sullivan said that he did not. The defendant again refused to open the bundle, and he took him to the station house. The Sergeant asked the defendant what he had in the bundle, and the defendant said, "There is the bundle; if you want to look at it, you can." The Sergeant asked him his name, and he said he did not know. The sergeant asked him where he lived, and he said that he did not know. He, the witness, searched the defendant, and found a pocket-book containing four pawn-tickets in his possession. After the defendant was locked up, he, the witness, in the presence of the Sergeant and the doorman, opened the bundle. The bundle was covered with a blanket, and contained a sealskin coat and an ulster. The coat and ulster shown to him by the District Attorney were the ones that were in the bundle. There was a piece of paper between the ulster and the coat, and another piece between the blanket and the ulster. On one of the pieces of paper was writ-

ten, "William A. Thompson, 510 Manhattan avenue, City, 4th floor, South." He went to the address on the paper, next morning, about half-past 9 o'clock. He went up to the fourth floor, and found the doors locked. He then had a conversation with the janitor of the building, and, in consequence of that conversation he went to a drug store at the corner of 121st street and Manhattan avenue. While in the drug store he met the agent of the house at 110 Manhattan avenue, Mr. Barnett. He and Mr. Barnett went through the entire house, with the exception of the complainant's apartments, which were locked. He, the witness, returned to the premises on the same afternoon, about 3 o'clock, and met Mr. Barnett at the door. He went up to the complainant's apartments with Mr. Barnett. He took the complainant to the station house, and she identified the coat, ulster and blanket as being her property of herself and her husband.

In cross-examination the witness testified that he had had a conversation with Thomas Goddeson;

but it was not a fact that he had accused Thomas Goddeson of complicity in this crime. In an empty flat, adjoining the premises supposed to have been burglarized, he and the janitor found some clothes belonging to the defendant. The janitor told him that the defendant had no right to enter that flat, and that the flat was kept locked.

In re-direct examination the witness testified that there was a fire escape from one of the windows in the vacant flat. The fire escape formed an L, and led from the window of the vacant flat to the window of the complainant's kitchen.

MARIA THOMPSON, THE COMPLAINANT, being duly sworn, testified that she lived at 510 Manhattan avenue. She knew the defendant as the hall-boy of those premises. She left her apartments on the 9Th of October, 1893, and went to Brooklyn with her little boy, where she spent the night. Before leaving her apartments she said to the defendant, "Robert, I have left our dog with Mrs. Smith, the janitor, and possibly I may

**POOR QUALITY
ORIGINAL**

0580

6

not be home to-night; and will you take out the dog, as the janitor hasn't the time, and I will pay you on my return." When she left the house, all the doors and windows were locked or bolted. She returned to her home on the night day, between 3 and 4 o'clock in the afternoon. On the way home she stopped at the office of the agent of the flat, Mr. Barnett, in 125th street. In consequence of a conversation that she had with him, Mr. Barnett accompanied her to her home. Mr. Barnett went out, and returned, about five minutes later, with the officer. As she was unlocking the door of her apartments, "the lock shot back." She had no difficulty in unlocking the door. The window in the kitchen, leading to the fire escape, was open; the bolt had been drawn and pushed back. She knew of the robbery before she got to her home. She missed her seal-skin coat, and her husband's ulster. She then went to the police station, and identified the property there shown to her as belonging to her. She was a married woman. Her husband was a commercial travel-

er for V. Henry Rotschild & Co., and had been with that firm twelve or thirteen years. The value of the sealskin coat was about \$200., and the value of the ulster was about \$40. The coat, ulster and blanket were in her house when she left it on the 9th of October.

In cross-examination the complainant testified that the defendant had been in her private hall twice -- once when he had begged a shirt from her, and once when she had sent him for brandy. She sent the defendant for brandy on two occasions. Her husband was not at home when she sent for the brandy. She had sent the defendant for lager and porter when her washwoman was there. She could not remember the wash-woman's name, and did not know her address. Before the loss of the articles in question, her husband had lost a Prince Albert coat and vest, and a pair of trousers. He had reported that loss at the police station. Nobody had access to her apartments but her husband and herself.

In re-direct examination the complainant

testified that her family physician was Dr. Tredwell. The brandy which she had sent the defendant for, had been prescribed by Dr. Tredwell.

MOSES BARNETT, being duly sworn, testified that he was a real estate dealer. His place of business was at 9 East 125th street. He was the agent of the flat at 510 Manhattan avenue. He corroborated the officer and the complainant in regard to visiting the complainant's apartments.

FOR THE DEFENSE, ROBERT H. ETEAU, THE DEFENDANT, being duly sworn, testified, in his own behalf, that he had lived in New York since 1887. He had been employed for two years and a half as a valet by John D. Garrison, since deceased. He had worked in Lyric Hall, on Sixth avenue between 41st and 42nd streets. After leaving the employment that he had at Lyric Hall, he was employed at the Hotel Endicott. After that he was employed by A. A. Ervine, of Ervine & Schneider, and remained in their employ until the time

**POOR QUALITY
ORIGINAL**

0583

9

of his arrest. His duties in the flat were to clean the halls and vacant flats, and go errands for the tenants. He had been to grocery stores, liquor saloons and pawn-shops for the complainant. The officer's testimony as to finding pawn-tickets in his possession was true. The first pawn-ticket was for a pin, which had been given to him by his brother. The second pawn-ticket was for a coat, vest and pants, which were the property of the complainant. That property had been given to him by the complainant to pawn, and he gave her the money which he received on it. The complainant told him to keep the ticket for her. The third ticket called for a suit of clothes. That suit had been given to him by his mother to pawn. He believed they belonged to his brother. The fourth ticket was for a coat and vest that he pawned for the complainant. He got \$2. on that property and he gave the money to the complainant. The complainant gave him the ticket back, saying that he had better keep it, as she might misplace it, and she intended to get the goods out

in a short time. He saw the complainant about half a dozen times on the day in question. About half-past 11 or 12 o'clock, the complainant told him that she was going away, and she wanted him to take her dog to the janitor and to take it out during the day, as the janitor would not have time to take care of it. About half an hour after that the complainant's little boy told him that the complainant wanted to see him, and he went to the dumb-waiter and spoke through it to the complainant. The complainant said she was going to send him some food for the dog, and she sent it down on the dumbwaiter. He took the food off and placed it in a vacant coal cellar. About an hour after that he was again called to the complainant's apartments, and he went into the parlor. There was a bundle, done up in a blanket, lying on the lounge. The complainant told him that "there was in that bundle some goods that she wanted him to dispose of, as he had disposed of the others, for the sum of \$75., if he could; and, if not, for what he could get." He took the bundle.

**POOR QUALITY
ORIGINAL**

0585

11

He left the flats about half-past 7 o'clock that night, and went up-town and called on a friend. He stayed with his friend until about half-past 10. After leaving his friend, he walked leisurely down Eighth avenue, gazing in the windows, and turned into 121st street, and went across to Saint Nicholas avenue, down the avenue to 113th street, through that street to Fifth avenue, down the avenue to 109th street, through that street to Park avenue, and, on the west side of Park avenue to 98th street. When he was crossing the bridge he heard Officer McDonough talking, on the West side of Park avenue. He stood on the bridge for nearly half an hour, and then went towards 97th street. The officer accosted him, and asked him what he had in the bundle. The officer took him over to a gas lamp, and again asked him what was in the bundle. He did not know what was in the bundle, because it was done up when it was given to him. He told the officer that he did not know what was in the bundle; and the officer told him that, if he did not know what was in the

bundle, he would have to take him to the station house. The sergeant asked him what his name was, and he said that he had nothing whatever to say. His mother lived at 203 East 97th street at that time, and he was on his way home. His reason for not telling the Sergeant his name, address, &c, was that he did not wish to have the case in the newspapers; and he thought, since the complainant had employed him to do the business for her, that as soon as she found out that the goods were missing, she would go forward and say that she had given them to him, and that would end the matter. He did not know what was in the bundle until he saw it opened in court. He had never been arrested before. He remembered, on his previous trial, having been charged with being in a New Jersey prison at one time; that charge was false.

In cross-examination the witness testified that the things belonging to his brother had been pawned under the name of Johnson. His brother's name was Eteau. The complainant's goods had been

pawned under the name of Brown. The clothes which he had pawned under instructions from his mother, had been pawned under the name of Eteau. He remembered having testified, on his former trial, that he had never been in the New Jersey State Prison. He had never seen the three men pointed out to him by the District Attorney as Wardens in the New Jersey State Prison before his arrest.

ALLEN A. ERVINE, being duly sworn, testified that he was a contractor and builder. He lived at 508 Manhattan avenue. He had been in business in New York City since 1876. He had employed the defendant a little over a year before this trial as a hall-boy, and the defendant had been in his employ up to the time of his arrest. The defendant's general reputation for honesty was good. He had sent the defendant to the bank with money at various times, and had always found him to be honest.

In cross-examination the witness testified that he did not know that the defendant had ever

POOR QUALITY
ORIGINAL

0588

14
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been in the New Jersey State Prison, and he would not have employed the defendant if he had known that.

MARGARET GOODESON, being duly sworn, testified that she was a married woman. She resided at 512 Manhattan avenue. She knew the defendant as a hall-boy, and had always found him honest and trustworthy. She had often entrusted the defendant with the keys of her apartments.

IN REBUTTAL, JOSEPH ASHMORE, being duly sworn, testified that he was a Deputy Keeper in the New Jersey State Prison, at Trenton. He had occupied that position for about fifteen years. He knew the defendant and had known him since December 11, 1888, at which time the defendant was under his care as a convict. He was positive that the defendant was the man whom he had had under his care. The defendant was discharged from the prison on May 6th, 1891. He had seen the defendant in the Tombs, and identified him.

In cross-examination the witness testified

that he went to the Tombs with Officer McDonough to identify the defendant. Officer McDonough did not go up on the tier with him when he identified the defendant.

THOMAS CARROLL, being duly sworn, testified that he resided in Trenton, New Jersey, and was a deputy Keeper in the New Jersey State Prison. He had been in that position four years. The defendant worked in the department of which he was in charge during the year 1891. He was positive that the defendant was the man whom he had seen in the New Jersey State Prison.

CLEMENT RICHARDSON, being duly sworn, testified that he was the keeper of the West Wing of the New Jersey State Prison at Trenton. He had been in charge of that wing from July, 1888, until the time of the trial. The defendant was in that wing during the early fall or winter of 1890.

GEORGE H. TREDWELL, being duly sworn, testified that he was a reg-

ularly graduated, practising physician. The complainant had been a patient of his. He gave the complainant instructions to take brandy, whenever she was afflicted with certain pains.

THE COMPLAINANT, being recalled, testified that she never gave the defendant anything to pawn for her. The defendant never gave her the proceeds of the pawning of any goods.

WILLIAM A. THOMPSON, being duly sworn, testified that he was the husband of the complainant. He had been married about five years. At all times during his married life he had supplied his wife abundantly with money, and his wife had had means of her own.

IN SURREBUTTAL, J. R. V. SMITH, being duly sworn, testified that he was a clergyman, attached to the Little Zion, A. M. E. Church, of Harlem, and had been connected with that church since 1890. He had known the defendant during his pastorate, which commenced in 1890.

As far as he knew, the defendant's character for honesty was good. He remembered officiating at the funeral of one John Harris, who had been killed by his father, in April, 1891. To the best of his recollection and belief, he saw the defendant at that funeral. To the best of his recollection, the defendant had been in the habit of visiting his church from the beginning of his pastorate, in 1890.

In cross-examination the witness testified that he was as positive that he had seen the defendant at the funeral as he was that he had seen the corpse. . He thought that the defendant was with his mother at the time. Harris was buried from a house in 124th street, between First avenue and the river.

CATHERINE ROBINSON, being duly sworn, testified that she was a married woman, residing at 205 East 97th street. She had lived there over five years. She knew the defendant. She remembered attending the funeral of one Harris, in April, 1891, and remembered seeing

the defendant there. She was positive that she saw the defendant at that time; there could be no mistake about that.

In cross-examination the witness testified that she had not talked to anybody about the testimony she was to give. She had never missed the defendant, except when he was at his work.

ANNA A. COLES, being duly sworn, testified that she was a married woman and lived at 223 East 97th street. She knew the defendant. Previous to May, 1893, she had lived at Newton, Long Island. She remembered attending the funeral of one Harris in April, 1891. She remembered seeing the defendant at that funeral.

In cross-examination the witness testified that the defendant was accompanied by his mother at the funeral.

JAMES A. TYLER, being duly sworn, testified that he was a cook, and resided at 216 East 97th street. He knew the defendant, and had known him a little over four years.

He remembered an occasion when the defendant was struck in the face with a cane by one John Willett. The defendant was wearing eyeglasses at the time. Previous to being struck with the cane, the defendant had no scars on his face. As far as he knew, the defendant's character for honesty was good.

In cross-examination the witness testified that he had seen Willett about two weeks before the trial. Willett was a railroad man.

ELLEN ETEAU, being duly sworn, testified that she was the mother of the defendant and resided at 203 East 97th street. She remembered attending the funeral of Hohn Harris, which occurred at 212 East 124th street, in 1891. Her son was not an inmate of the New Jersey State Prison from 1888 to 1891. Her son was with her during that period, with the exception of a year and three months, when he was at Harper's Ferry, Virginia, with a misister.

In cross-examination the witness testified that one of her brothers-in-law was living, and that

he had a son named Robert Henry. She thought she knew Officer McDonough, but she was not very sure.

MICHAEL McDONOUGH, being recalled on the part of THE PEOPLE, testified that he had seen the mother of the defendant within two weeks previous to the trial, on Park avenue, near 102nd street. He was on post at the time, and a Mr. Spencer took Mrs. Eteau to him. Mr. Spencer, he believed, kept a grocery store in the house in which Mrs. Eteau lived. Spencer said, "Are you Officer McDonough?" He said, "Yes." Spencer said, "This is Mrs. Eteau." He, the witness, said, "Mrs. Eteau, I am very sorry for the trouble that you are in and the trouble that your son has given you; he has a good education." He said, "The time that he was in jail; you know all about it?" Do you mean the time that he was in Trenton?" Mrs. Eteau said, "Yes." He said, "You knew that he was sick there; didn't you?" Mrs. Eteau said, "They didn't tell me anything; a prisoner that came out told me that he was sick in jail."

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PHILLIPS & MOWER, 82 Nassau St., N. Y.

Cont of General Sessions Part I

BEFORE

His Honor Recorder Smyth

November 1893

Direct. Cross. Re-Direct. Re-Cross.

[illegible]

POOR QUALITY
ORIGINAL

0596

Mr. MacDonna will please
return this to Mr. Anderson

PHILLIPS & MOWER, 82 Nassau St., N. Y.

STENOGRAPHER'S MINUTES.

Court of General Sessions
Part I

The People

v.

Robert H. Stearn

BEFORE

His Honor Recorder Smyth

November 1893

WITNESSES.

Direct. Cross. Re-Direct. Re-Cross.

Maria Thompson

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Michael M. Donogh

15

11

William A. Thompson

5

Robert H. Stearn

5

15

Moses Barnett

48

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THE PEOPLE,

COURT OF GENERAL SESSIONS, PART I.

VS.

BEFORE RECORDER SMYTH.

ROBERT H. ETEAU.

Wednesday, November 8th, 1893.

Indictment for BURGLARY, in the THIRD DEGREE.

A Jury was empannelled and sworn.

Assistant District Attorney Macdona, for The People.

Mr. Kane, for the Defendant.

MARIA THOMPSON, sworn and examined, testified:

By Mr. Macdona:

Q Mrs. Thompson, where do you live?

A. 510 Manhattan avenue.

Q Did you live there in October last?

A. Yes, sir.

Q How long have you lived there?

A. From -- the 3rd of August we moved there.

Q The 3rd of August you moved there, 1893?

A. Yes, sir; it was on a Thursday.

By the Court:

Q What floor?

A. Four floors up.

By Mr. Macdona:

Q Front or back?

A. All through, front and back.

By the Court:

Q You have got a flat; is that it?

A. Yes, sir.

By Mr. Macdona:

Q Mrs. Thompson, do you know this defendant?

A. I only know him from being there in the house when we moved there.

Q What is he; messenger and hall-boy?

A. A hall-boy and messenger, both.

Q You have had him do various things for you, have you not,
at various times? A. Yes, sir.

Q Do you remember the 10th day of October last?
A. Yes, sir.

Q Do you remember what day of the week it was?
A. On Tuesday.

Q Were you at 510 Manhattan avenue that day?
A. In the afternoon I arrived home.

Q You had been away how long? A. From Monday, the
day before.

Q You had been away to Brooklyn, visiting? A. Yes, sir.

Q When you returned to your apartments did you notice any of
the doors or the windows leading to your room had been dis-
turbed during your absence? A. Yes, sir.

Q Which was it; the window, or what?

A. When I went to unlock the door the end of the lock
shot back; we have got two locks on the door, one is a Yale
and the other is a stationary lock; before I could get the
key in the door, the end of the lock shot back; I unlocked
the door and went in, and found the kitchen window down
at the top, about so much (indicating).

Q Has you fastened that window?

A. That was the last window I fastened.

Q With a brace between the two windows? A. Yes, sir.

Q Was that bursted when you looked at it?

A. Yes, sir; it was back.

Q Did you examine the wardrobe or the closet in that room,
after you noticed the window?

A. I knew about the robbery before I examined this window.

Q You did? A. Yes, sir.

Q Just tell us where you went after you saw the window; did you go to the closet or bureau drawer and search around the room?

A. Yes, sir.

Q Tell us what you noticed?

A. I went to the drawer, the bureau drawer, in my bedroom -- I found a seal-skin sack was gone.

By the Court:

Q Was the door opened? A. No, sir, it was unlocked, but it was shut.

Q Did you leave it locked? A. I don't remember whether it was locked or not.

Q The bureau drawer was closed, but the seal-skin sack was gone?

A. Yes, sir; I went into the hall-bedroom, where my husband's ulster was hanging, and that was also gone; I had it hanging up to get the smell of camphor out of it.

Q Was it your husband's coat? A. Yes, sir; an ulster.

MR. KANE: We admit this is the property.

By the Court:

Q Go on? A. A blanket was gone; that was all I missed that day; before that, we had missed suits of clothes.

Q Were those things in your house on the Monday that you left it locked?

A. Yes, sir.

Q You locked up yourself? A. Yes, sir.

By Mr. Macdona:

Q What is the value of this seal-skin wrap?

A. I suppose the value of that seal-skin would be worth \$200. and the coat is worth \$40.

By the Court:

Q And the blanket? A. The blanket is not of much value, just a small blanket, worth about fifty cents.

By Mr. Macdona:

Q When did you next see these articles?

A. I went down to the police station.

Q What police station? A. To 104th street and Third avenue, or 116th street -- I don't know which.

Q The policeman came after you, Officer McDonough?

A. Yes, sir.

Q And you went down and saw some property in the station house?

A. Yes, sir.

Q This is the property, the coat and the seal-skin sack (showing property)?

A. Yes, sir.

MR. MACDONA: I offer that coat and seal-skin sack and blanket in evidence.

By the Court:

Q That is your property, and that was in your house?

A. Yes, sir.

Q Did you ever authorize this man to take that property away?

A. No, sir.

Q You certainly didn't authorize him to get it washed?

A. No, your Honor.

C R O S S E X A M I N A T I O N.

By Mr. Kane:

Q You have lived there, you say, in that house, 510 Manhattan avenue, for two months? A. Since the 3rd of August.

Q During that period, up to the time of the arrest of this defendant, he was hall-boy there; was he not?

A. Yes, sir.

Q And I believe, in answer to the District Attorney's question, you said that you had occasion to send him on errands for you?

A. Yes, sir.

By the Court:

Q And then he was familiar with your apartments; was he?

A. No, sir.

Q He had been in?

A. He had been to the door; the hall-door.

Q How long had he been there before you came; do you know anything about that?

A. I don't know, sir.

By Mr. Kane:

Q He was frequently in the habit of going to your rooms; wasn't he?

A. No, he was not; when I sent for him, he came to the door.

Q When you sent for him how did you do; did you ring an electric bell or call for him?

A. I called for him.

Q At the time you requested him to go on these various errands for you, did he go into your apartment at all?

A. No, he stood in the door-way; I called him in the hall and closed the door.

Q Was your conversation with him, whatever it was, in the hall?

A. Yes, sir; in the hall-door.

Q You said you were a married lady?

A. Yes, sir.

Q Your husband is a salesman?

A. Yes, sir.

Q And his business necessitates him to be out of the city for long periods of time?

A. Yes, sir.

Q You are alone there; are you?

A. Yes, sir.

Q Are you a drinking woman?

A. No, sir; I do not drink.

Q Do you remember, on various occasions, calling this young man into your room and sending him to the corner of 122nd street and St. Nicholas avenue for various quantities of liquor?

A. No, I don't remember.

Q You don't remember?

A. But I will tell you what I did.

Q Did you?

A. I will tell you what I did; on several occasions, I was taken very sick, which I am subject to, a stomach trouble; being ordered by my physician, I sent this man for brandy twice; and, on two other occasions, I had a washerwoman, and I sent him for lager.

Q You never sent him for Golden Wedding whiskey?

A. No, never.

Q Do you know the janitor of that building?

A. Yes, sir.

Q Do you remember, on frequent occasions, sending this defendant to the janitor's apartments for lager and porter?

A. I never sent him; only what I have told you.

Q Do you visit the janitor's apartments of those premises frequently?

A. No, I don't visit frequently; I was there three times in my life, on business.

Q Did the business consist of you sending this defendant to a neighboring liquor store for intoxicating liquors?

A. No.

Q You did not?

A. No, I didn't; only what I have told you before.

Q Your husband was not at home on these occasions; was he?

A. No, sir; he is travelling.

Q How long had he been away from home; about?

A. He went away on the 3rd.

By the Court:

Q Your husband went away on the 3rd of October?

A. Yes, sir, the 3rd of October.

By Mr. Kane:

Q Is your husband at home now? A. Yes, sir.

Q Is he in court to-day? A. Yes, sir.

Q Now, isn't it a fact, madam, that you were just a little short of money at that time?

A. I am never short of money; my pocket-book is always full.

Q Weren't you short at that time? A. No, sir.

Q You say that you didn't authorize this man to take these garments from your apartments?

A. I never authorized him at all.

Q Isn't it a fact that you told him to go out and pawn them?

A. No, sir; it is not a fact.

Q What time did you leave your apartments on that day?

A. About half-past 1.

Q What time did you return? A. Between 3 and 4 o'clock.

Q Three and four o'clock in the afternoon?

A. On the next day.

By the Court:

Q You were away from Monday until Tuesday?

A. The lady is here where I was staying all night.

By Mr. Kane:

Q After you had entered your rooms, and found that the window was open, as you have described, and that the lock had been tampered with, and after you had gone to the bureau drawer and discovered the loss of your seal-skin coat and the loss of your husband's over-coat, did you complain to anybody?

A. Yes, sir; the officer was there.

Q Did you complain to anybody at the time?

A. I complained to the officer and Mr. Barnett, in my parlor, at that time.

By the Court:

Q I understood you to say, on your direct-examination, that you heard of the larceny of your property?

A. Yes, sir; then I was coming home.

Q Where were you? A. On 125th street; I went so see Mr. Barnett, the agent of the house; I went to see if he heard anything of the first robbery, and, before he could tell me, he told me of the second robbery?

Q There had been another robbery?

A. Yes, sir. And Mr. Barnett went home with me, along with this lady friend of mine; and, when we got home and went up stairs, I found the things gone.

Q Then you went to the station house, and you saw your property there?

A. Yes, sir.

By Mr. Kane:

Q Didn't you state, in answer to Mr. Macdona's question, that the first you knew of this robbery was when you came home and you went in there and you found your windows open?

THE COURT: No, she didn't say anything of the sort.

By Mr. Kane:

Q You were examined before, in regard to this matter, weren't you, on a previous trial?

A. Yes, sir.

Q Isn't it a fact that you stated that the first knowledge that you had of any robbery in regard to the seal-skin sack and that over-coat, was when you came home?

A. I wanted to explain, but I was not allowed, that I went on Third avenue, to see Mr. Barnett.

Q Did you not say so? A. I said so, because I was not allowed to explain perfectly.

Q Was Mr. Barnett in court on the last trial?

A. No, he was not.

Q Is he here to-day? A. Yes, sir.

Q You called at Mr. Barnett's place, in regard, you say, to some burglary that had been committed before this?

A. Yes, sir.

Q And you and Mr. Barnett and your lady friend returned to your residence -- you say after you came from Brooklyn, you went to Mr. Barnett's office, and, after talking with Mr. Barnett, you and Mr. Barnett and your lady friend went to your apartments?

A. Yes, sir.

Q And that, at the time you visited Mr. Barnett's office, he informed you that another offence had been committed against you, that some of your property had been taken?

A. Yes, sir.

Q Mr. Barnett didn't know that property had been taken at the time?

A. Yes, sir; he knew it.

Q How should he come to know that your premises had been entered?

A. Mr. Barnett said to me, "Have you got a seal-skin coat, Mrs. Thompson?" I said, "Yes, I have." He said, "Have you got an ulster?" I said, "No, but my husband has got an ulster." He says, "We have found your seal-skin sack and we found the ulster, and we think we have got the man that stole your property."

Q Isn't it a fact, madam, that, on the previous trial of this case, that you testified that the first knowledge that you had was from the officer in this case, who informed you?

A. No; I said Mr. Barnett informed me.

- Q Mr. Barnett? A. Yes, sir.
- Q You are positive of that? A. Positive.
- Q After Mr. Barnett informed you that the seal-skin sack and the ulster had been taken -----
- A. He asked me if I had it.
- Q And you told him it was your property?
- A. Yes, sir.
- Q Did Mr. Barnett ever see that seal-skin sack or ulster before in his life?
- A. No, never.
- Q Then you went back to your rooms and examined your drawers, &c, and found that certain property was missing?
- A. Yes, sir.
- Q That was between three and four o'clock in the afternoon; wasn't it? A. Between 3 and 4 in the afternoon.
- Q After you found your property was missing, what did you next do? A. I almost fainted in my parlor; I was sitting there about ten minutes.
- Q Did you take any action, did you go to the station house?
- A. Yes, sir; I went to the station house.
- Q With whom? A. With Officer McDonough.
- Q Where did you meet Officer McDonough?
- A. In my rooms.
- Q Was he there when you and your lady friend and Mr. Barnett were there? A. No; I was up stairs before and this gentleman came in about five minutes after.
- Q Five minutes after you arrived at your premises, he came in?
- A. Yes, sir.
- Q Do you know who summoned him?
- A. I don't know. I suppose, Mr. Barnett.

Q Did Mr. Barnett leave you from the time you left his office until the officer came?

A. Yes, sir; he went down stairs to the drug store, to telephone.

Q How long after you arrived at your rooms?

A. He went right down when he found out that I had missed things; that my things were gone.

Q You all three came together, yourself and another lady and Mr. Barnett came to your flat?

A. Yes, sir.

Q And after you arrived there you went up stairs to some other apartment?

A. No, I didn't go to any apartment; I went to my own apartments, certainly, and I stayed there.

Q Mr. Barnett left you and went down stairs?

A. Yes, sir.

Q How long was he gone?

A. I suppose about 10 minutes.

By the Court:

Q Then the policeman came and you went with him to the station house, and you saw your things?

A. Yes, sir.

By Mr. Kane:

Q You live at 510 Manhattan avenue?

A. Yes, sir.

Q Where is the station house?

A. The station house is on Third avenue and 104th street, I think; I am not acquainted with station houses.

Q How long did it take you to walk down to the station house?

A. We went in a car.

Q How long would it take you to walk from 510 Manhattan avenue to the station house?

A. I don't know; I

never tried; I am a stranger in the city.

Q You went to the station house and identified this clothing?

A. Yes, sir, and my lady friend was with me.

Q Did you see the prisoner when you went down to the station house?

A. Not the first time.

Q You visited the station house the second time?

A. Yes, sir.

Q When was that?

A. It was the morning afterward.

Q You saw him then?

A. Yes; I saw him then.

Q Did you have any conversation with him?

A. Not a word.

Q You are sure it was at the station house you saw him?

A. I only know it was a station house; I am not acquainted with station houses.

By the Court:

Q You saw him either at the station house or at the courthouse?

A. Yes, sir.

Q You went before a Police Magistrate?

A. Yes, sir.

By Mr. Kane:

Q You say, madam, that, while you were absent from your home, in Brooklyn, that this burglary or larceny was committed?

A. Yes, sir.

Q Why did you state, in the Police Court, that you saw him enter your apartments with a skeleton key?

A. I never said I saw him enter my apartments. I said I thought the door had been opened with a key; a skeleton must have been used. I never said a skeleton key. I signed that paper, but I didn't read it.

Q Your affidavit states that this defendant entered your dwelling burglariously, forcibly, and unlocked the door with

a false or skeleton key?

A. It might be done.

Q You were examined in the Police Court; weren't you?

A. Yes, sir.

Q You don't know how that place was entered?

A. I only know from the lock going back, I thought the door had been entered by a key.

By the Court:

Q You saw that the window was opened and your things were gone?

A. Yes, sir.

By Mr. Kane:

Q You say that there was a Yale lock on the door and also an ordinary lock?

A. Yes, sir; the Yale lock was all right.

Q The other lock seemed to be tampered with?

A. No; it shot back before I could get the key in perfectly.

Q You had a key to that Yale lock?

A. I had two keys to both locks.

Q You are on the fourth floor?

A. Yes, sir.

Q You say the rear window of your flat was opened?

A. Yes, sir.

Q Is there a fire escape leading to that rear window?

A. Yes, sir; there is an empty flat next door.

Q Was there a fire escape leading to that floor where that window is?

A. Yes, sir.

Q This defendant is not the janitor of that place?

A. No, sir; he is the assistant janitor or hall-boy.

Q Do you know whether he has charge of any of the keys to the rooms that are empty in that flat?

A. I don't think he has a right to have any of those keys, and I don't know whether he has any or not.

Q Did you ever see him open, without the permission of the janitor, any of the flats in that house?

A. No.

BY MR. MACDONA:

Q This larceny that the learned counsel has been kind enough to bring out here, what was that, what were the things stolen at the other larceny?

(Objected to)

By the Court:

Q What were the things that were taken by means of the other larceny, the first larceny?

A. A Prince Albert coat and vest and a pair of pants.

Q Belonging to your husband?

A. Yes, sir; and a coat and vest separate.

By Mr. Macdona:

Q Is that the Prince Albert coat? (Coat shown)

A. That is the coat.

Q Are these the pants and vest and that other coat of your husband's? (Showing other clothing)

A. No; those are not my husband's.

Q But that coat is (Showing coat marked People's Exhibit A)?

A. That coat is.

Mr. Kane: I ask Your Honor to strike out all that testimony.

The Court: No.

Mr. Kane: Exception.

Mr. Kane: If your Honor please, upon the

last trial of this case, the defendant defended himself, and he is not satisfied with the cross-examination of Mrs. Thompson, the complaining witness in this case, and he desires to conduct his own case. That being the fact, I desire to ask to withdraw.

The Court: Does he wish to defend himself?

Mr. Kane: Yes, sir.

The Court: I do not wish you to withdraw at present.

Mr. Kane: He desires to recall Mrs. Thompson.

The Court: You remain here.

MICHAEL McDONOUGH, sworn and examined, testified:

By Mr. Macdona:

Q You are attached to the 28th precinct; are you?

A. Yes, sir.

Q How is that precinct bounded; tell us where it is?

Bounded on the South by 98th street, on the North by 118th street, and on the West by Fifth and Lenox avenue, and on the East by the East River.

Q No. 510 Manhattan avenue is not in your precinct? It is on the other side of Central Park, west?

A. No, sir; it is in the 30th precinct.

Q What tour of duty did you have on the night of the 10th of October?

A. From 12 to 6 A. M.

Q What beat?

A. 98th street to 108th street, on Fourth avenue.

Q Did you, while on that beat at any time during the hours you have named, see this defendant?

A. I did, sir; at ten minutes to 1.

By the Court:

Q What night?

A. The morning of October 10.

By Mr. Macdona:

Q Where did you see him?

A. Park avenue, between 97th and 98th streets.

Q Is there a bridge at 97th or 98th street, going over Fourth avenue?

A. There is a bridge on both streets

Q How far from the bridge at 98th street did you see this defendant; how many feet away from the entrance to the bridge was it?

A. About 150 feet from the 98th street bridge.

Q Was he on the side-walk or in the roadway when you saw him?

A. He was over against the railroad wall, walking along-side of it.

Q One hundred and fifty feet from the bridge?

A. Yes, sir.

Q And how high is that wall, officer?

A. The wall runs different heights; at 96th street it becomes into a tunnel. Between the railing and the stone wall, it is about four feet high.

Q Did this defendant have anything with him, any bundle?

A. He had a bundle in his possession.

Q You accosted him; did you?

A. I did, sir.

Q Tell us exactly what you said and what he said?

A. While standing on Fourth avenue, between 97th and 98th streets, I seen the boy coming up; wondering what it was, I crossed over. I says, "What have you got there?" I drew

my baton out of my pocket. He said, "I have got the wash of a poor family, going to Chicago. I am fetching it home to my mother, to get it ready for them." I said, "It is a nice time of night to fetch wash home; come over to the lamp to see what is it." He said, "I know my rights." I said, "So do I mine; you open that bundle, or I will take you up to the house." He said, "You come to my house, if you want." I said, "No, come to my house." I arrested him, and Officer Sullivan came up 97th street; I asked him, "Do you know this fellow?" He said, "No." I said, "He tells me he has got wash in the bundle." While walking down through Fourth avenue, I saw Officer Shaw at Lexington avenue, and spoke to him. He said to the defendant, "Why don't you open it for the officer?" He said, "I opened it for two other officers, who seen it was wash, and I am not going to open it." Officer Shaw said, "You had better open it for him; you will have to open it for every officer." I fetched him in the station house, and the sergeant asked him his name. He said he didn't know. "Where do you work?" He said, "I don't work now." The Sergeant said, "What is in that bundle?" He said, "Look at it yourself." We locked him up. I said to the Sergeant, "I wonder what is in it?" I opened the bundle and found this seal-skin coat and that ulster wrapped in that blanket, with two sheets of manilla wrapping paper, one on top and one underneath.

Q After you had opened the bundles and examined the papers, did you find any marks?

A. On the bottom of the sheet of wrapping paper which was underneath the seal-skin sack was written, "William A. Thompson, 510 Manhattan avenue, 4th floor."

Q Did you search this prisoner?

A. I did, sir.

Q What else did you find on him besides this bundle?

A. I found that pocket-book, with four pawn-tickets in it.

Q Have you got those tickets there?

A. Yes, sir.

Q I show you pawn-ticket No. 74, 553, B. Goldstein, 2,108 Third Avenue. That is one of the pawn-tickets you found there?

(Objected to) (Objection overruled) (Exception)

A. Yes, sir; a coat and vest.

Q Did you go to Goldstein's to look up the articles called for by that ticket?

(Objected to) (Objection overruled) (Exception)

A. I did, sir; and brought them here to court.

Q I hand you a coat?

A. Yes, sir; that is one of them.

Q People's Exhibit 1 for identification, and a vest?

A. Yes, sir; this is one of them.

Q That is one of the things you found represented by this ticket 74,553

(Objected to) (Objection overruled) (Exception)

A. Yes, sir.

Q You arrested this man on what day, the 10th?

A. October 10th.

Mr. Macdona: I offer this pawn-ticket in evidence, 74,553, dated October 4, People's Exhibit 2.

The Court: That last property is not a portion of the stolen property, but I will overrule

your objection and give you an exception.

Q Did you look for goods on the pawn-ticket 70,110, September 4th, calling for a pin?

A. Yes, sir, a pin -- a badge, I call it.

Q You went to the pawn-shop and got the badge called for on that ticket?

A. Yes, sir.

Q Here is ticket 70, 296, by the same pawn-broker, for a suit of clothes?

A. Yes, sir.

Q Did you find that suit of clothes?

A. Yes, sir; that is here in court.

Q Also, this Mount Morris Loan Office, 31,348?

A. Yes, sir, calling for a suit of clothes; that is in court, too, wrapped up in that package.

Q This package you brought into court since recess?

A. Yes, sir; the pawn-broker brought it here.

Q These are the clothes represented by this last ticket?

A. A Prince Albert coat and vest and pants.

Mr. Macdona: I offer these goods, and will connect this defendant with the clothes.

Mr. Kane: I object.

The Court: Objection overruled.

(Exception)

By Mr. Macdona:

Q Did you, after your arrest of the defendant, have any conversation with him about these articles represented by ticket 74,533?

A. No, sir, I didn't ask him nothing at that time about them.

Q Have you since?

A. No; but I found out since, though.

- Q You have not spoken to him about it? A. No.
- Q Have you found out anything about this Mount Morris Loan Office? A. Mes, sir; Mrs. Thompson claims the suit of clothes belong to her husband, still there; I asked her, and she told me -----
- Q They have been identified in your presence? A. Yes, sir.
- Q You examined this man, and you found all these pawn-tickets on him, in the station house; and you took him to court, the next day, did you? A? Yes, sir.
- Q And had him remanded? A. Had him remanded until I could find out-----
- Q You found this address on a paper. Did you go to 510 Manhattan avenue, in this city? A. I did, sir; I went in the morning, first.
- Q You didn't find Mrs. Thompson? A. Mrs. Thompson was not at home; I met Mr. Barnett, and the janitor.
- Q You returned later in the afternoon? A. I told Mr. Barnett I would be back.
- Q You had some conversation with him about that business? A. Yes, sir.
- Q Then you went back in the afternoon and you found Mrs. Thompson? A. Yes, sir.
- Q Did you bring her down to the station house? A. I did, sir.
- Q Did you exhibit to her this over-coat and this sack and this blanket? A. Yes, sir.
- Q These are the articles that you found in the bundle that you opened in the station house; is that right? A. Yes, sir.

Q Did she identify those articles as her property?

A. Yes, sir.

C R O S S E X A M I N A T I O N .

By the Defendant:

Q Officer McDonough, in stating that you arrested me a little after 1 o'clock, on Tuesday, October 10th, you stated that you found me skulking along a wall about one hundred and fifty feet from the bridge that I had just come off; did you not?

A. I did.

Q Have you taken any measurements, so as to have that distance as accurate as you have given it?

A. I did.

Q You took a measurement, you have it positively, you marked the place where you found me and went back?

A. There was no necessity to mark it; there was a big pile of rock -- I didn't make the pile of rock; they were dumped there.

Q Did you measure the pile of rocks?

A. I did.

Q On which side of the bridge were you standing when you saw me on the bridge?

A. I was on the east side, walking between both bridges.

Q Who were you in conversation with when you were standing there?

A. In conversation with a young gentleman and some lady.

Q Are you positive who the lady was?

A. No, sir.

Q On which side were you walking then?

A. On the west side.

Q You say you saw me get off on the east side?

A. No, I didn't say nothing of the kind; I met you on the

east side.

Q You were on the west side when you saw me get off the walk?

A. No, I was on the east side, standing on the side-walk.

Q About halfway between 97th and 98th streets?

A. No; I was only about thirty-five feet from the corner of 97th, standing in the shadow of the building.

Q Will you tell me how many lights there are between 97th street corner and the bridge?

A. Do you mean gas lamps on the street? From the north side of 97th street up to where I found you there are no gas-lights on Fourth avenue.

Q There are none within three blocks; are there?

A. Oh, yes, there is one, seventy feet further than that, on the south side of 97th street and Park avenue.

Q I am talking about up-town?

A. 101st street is the last lamp.

Q That is three blocks away, as I said?

A. Yes, sir.

Q Then, naturally, if there are no lights there, it isn't at all surprising that I was in the dark; is it?

A. Not at all surprising that you were in the dark.

Q If there was no light there at half-past 1?

A. You couldn't have been in the light.

Q The moon was not shining. Officer, will you please tell me on which side the side-walk walk is on that street?

A. It is on both sides, east and west.

Q How about the avenue? A. It is on the east and west side of the avenue.

Q That side-walk is not on the same side the bridge is on?

A. No, you have got to cross over.

Q If I just came off that bridge, naturally I would have been on the side of the wall that is in the dark; wouldn't I?

A. Yes, sir.

Q Temm me who it was that told you that my friend, Max Gooderson, the son of the ex-Chief of the Fire Department, had been accused of stealing these things?

A. I don't know who told me; somebody.

Q Did they tell you that anybody else had been accused, too?

A. No.

Q Another young fellow that used to be around with me in the hall?

A. No.

Q You are positive of this?

A. Positive.

Q You never told me so?

A. No, I never told you so.

Q I want you to tell me, officer, if I refused to tell you where I lived?

A. You said you lived in 207 East 97th street, first, and then you refused to tell afterwards.

Q Didn't I say 203?

A. No, you said 207.

Q How was it, if I refused to tell you, as you stated on the previous trial, where I lived, I also was willing for you to come home with me in the next block and open this bundle?

(Objected to)

(Objection sustained)

Q Will you tell me if it was not at my request that I was taken to the station house?

A. Certainly, it was compulsory upon you to go there; you asked me to take you there, because I wouldn't let you go.

Q I told you at the time, so you state, that I had the wash for a poor family going to Chicago; is that what I said?

A. That is what you told me.

Q You are positive of this?

A. Yes, I am positive.

Q Didn't it seem strange to you at the time that a poor family was going to Chicago?

(Objected to) (Objections sustained)

Q Officer, didn't I tell you something with reference to my case?

A. What do you mean?

By the Court:

Q Did he tell you anything about this case?

A. Not as I know of; he wouldn't tell me where he got the stuff.

By the Defendant:

Q Didn't I tell you that I was acting under the instructions-- that Mrs. Thompson gave me those things to pawn?

A. You said nothing of the kind; you said, "Whatever was given to me in confidence, would I misplace that confidence?" That is as far as you got.

Q Then it seems that I told you something. I told you that what was given to me in confidence, I wouldn't give away; I told you that?

A. You said, if there was anything given to you in confidence, would you misplace that confidence?"

Q Those are my exact words? A. I believe they are.

Q I told you that what was given me in confidence, I wouldn't tell you?

A. You asked me that.

Q Now, officer, are you positive that you are not mistaken in the wording of that assertion of mine?

The Court: You needn't answer. He has already answered the question twice.

Q Do you remember what you said to me that caused me to make that assertion?

A. No, I don't.

Q Tell me, officer, if you ever came to me after my arrest and

tried to get any facts relative to this case from me?

A. That is my business.

Q I didn't ask you what your business was; I asked you what you done?

A. Yes, sir.

Q My answers were always what?

A. That you wouldn't give anything away to me.

Q Can you remember at what places and what time you came to me?

A. On the way to the court I asked you once.

By the Court:

Q Where was the next place?

A. In the cells; back of the station house.

By the Defendant:

Q Anywhere else? A. Not as I know of.

Q Not here in the court-room? A. No.

Q Don't you remember the time I was indicted, back there?

A. I didn't go back there for any purpose like that at all.

Q But you did, while you were there? A. No, I didn't.

Q You never spoke to me?

A. I spoke to you, but not on any business.

Q What business did you have there then?

The Court: You needn't answer that.

By The Defendant:

Q Tell me how, when I refused to tell you my name, you found it out? A. I found it out by that piece of paper wrapped in the bundle.

Q My name? A. N, not your name; I found your name from Mr. Smith.

Q He is what? A. The janitor of them flats,

510 Manhattan avenue.

Q You are sure it was not from Mr. Barnett?

A. No, not from Mr. Barnett.

Q Mr. Barnett didn't say anything about my name?

A. Mr. Barnett called you "William."

Q Where did you meet Mr. Barnett? A. At the flat.

Q By appointment? A. No, sir.

By the Court:

Q You went to the flat, didn't you, when you saw the address on that piece of paper? A. Yes, sir.

By the Defendant:

Q Is that piece of paper here? A. No, sir.

Q Where is it? A. That I couldn't say; it might be in the furnace.

Q Tell me your direct conversation with Mr. Barnett?

A. Oh, we talked about several things; we went all through the flat, looking to see who was robbed and what they lost. I told him I found pawn-tickets in your possession; that was the principal conversation; I found out what was stolen; I went through every flat, inquiring.

Q You and Mr. Barnett, together? A. Yes, sir.

Q How many vacant flats did you find?

A. One up on the fourth floor, corner of 121st street, I believe; that corner building of Manhattan avenue.

Q Did you find that flat locked? A. No, sir, it was open; it was vacant and unlocked.

Q Was there anything in that flat?

A. Yes, sir, there was some of your old wearing apparel that had no business to be in the flat.

Q Anything else? A. There was an old trunk,

there might have been two in that room where your clothes was; there wasn't three; there was nothing in them.

Q Those trunks had something in them?

A. There was nothing in them.

Q Did you inquire who owned those trunks?

A. Mrs. Smith told me who owned them.

Q You went through all these flats before you had seen Mrs. Thompson?

A. Yes, sir; before I had seen Mrs. Thompson.

Q Until the time you had gone through all these flats you didn't know whether there was anything stolen or not, or whom it belonged to?

A. How do you mean?

Q I mean, until the time that you went through those flats with Mr. Barnett, inquiring who had lost goods and who hadn't, you didn't know whether anything was stolen or not?

A. Oh, yes, I did.

The Court: It is his business to find thieves.

By the Defendant:

Q What reason did you have to go through the flats, if you knew those things were stolen?

A. Knew what things were stolen?

Q If you knew that these things were stolen from Mrs. Thompson, why didn't you go and see Mrs. Thompson?

A. I couldn't see her; she was out.

By the Court:

Q You went to the address?

A. Yes, sir; and inquired for her.

By the Defendant:

Q Did Mr. Barnett tell you that she had gone?

A. She hadn't come back at that time.

Q What time were you there?

A. I was there in the morning, and I was there in the afternoon.

By the Court:

Q You got there about 4 o'clock in the afternoon?

A. Between 3 and 4.

By the Defendant:

Q You say that Mr. Barnett told you that Mrs. Thompson was not home?

A. Mrs. Smith told me that.

Q Mr. Barnett said he didn't know nothing about Mrs. Thompson being home?

A. That is it.

Q Whereabouts did you meet Mr. Barnett?

A. I believe it was in the drug store.

Q You were in the drug store when he came in?

A. I was.

Q How long had you been there, in the drug store?

A. I didn't stay there over two or three minutes; he was in previous to me getting there.

Q How long did you remain at that flat?

A. About an hour and a half.

Q Who was it told you that I had been in the habit of carrying whiskey to Mrs. Thompson's room?

By the Court:

Q Did anybody like that.

A. Nobody told me anything

By the Defendant:

Q Why did you tell me, in your conversation, that you had found out I had been in the habit of carrying Golden Wedding whiskey to her room?

A. I said nothing of the

kind.

Q Tell me who was in the station house at the time you took me there?

A. Sergeant O'Keefe.

Q Anybody else?

A. The door-man, yourself and I.

By the Court:

Q I suppose there were some prisoners down in the cell?

A. I was not in the station house -- I was in the back part of the station house, altogether in a separate building

By the Defendant:

Q You stated that I refused to tell you or the sergeant anything relative to my name or address?

(Objected to, as already answered.)

By the Court:

Q Answer that question. Did he refuse to tell the sergeant?

A. The sergeant asked him his name, and he refused to tell him, and he refused to tell him where he lived.

By the Defendant:

Q How then could you testify, at the previous trial, that I told the sergeant that I had removed furniture from the room?

A. I didn't tell the sergeant that at all; you stated that to the jury, yourself.

Q Didn't you tell it to the jury, when you were cross-examined; didn't you admit it?

A. I did not.

Q I think you did?

A. I think I did not.

Q Tell me at whose suggestion it was, to make me confess and give testimony against myself, I was subjected to certain indignities in the 104th street jail?

The Court: You needn't answer that question. You may ask if you were subjected to any indignities, first. He hasn't said you were.

By the Defendant:

Q Was I? A. That I don't know.

By the Court:

Q Did you subject him to any indignities? A. No, sir.

By the Defendant:

Q Do you remember telling me, when I refused, as you say, to say anything about this case, that you could make me talk--- do you remember, officer, telling me, when I refused, as you assert, to give any testimony concerning this case, that it would be possible to make me talk, if I were down stairs and the hose turned on me?

By the Court:

Q Did you do that? A. No.

By the Defendant:

Q Or words to that effect?

A. No, nor words to that effect; I didn't speak nothing about giving you the nose.

Q Do you remember, while I was sitting, the morning that I was down there for examination at the Harlem Police Court, holding my right hand, while a brother officer held me, whilst the third hit me on the head with a stick, in the police station?

A. No, sir.

Q You don't remember that? A. No, sir.

Q I was sitting there? A. You were sitting on a chair; I was watching you.

Q You had hold of my right hand?

A. I hadn't hold of you at that time, while you were sitting.

Q And yet it is possible, while I was sitting there, that somebody from behind might have hit me on the head?

The Court: No, that won't do -- the ceiling might have fallen down on you, anything.

By the Defendant:

Q Were you in court and heard Mrs. Thompson's testimony?

A. I did; I was there.

Q Did you hear Mrs. Thompson when she testified?

A. I did.

Q Did you hear Mrs. Thompson testify that she remained in her rooms while Mr. Barnett went down stairs?

A. I don't know what Mrs. Thompson or Mr. Barnett do or don't do while I was not there.

Q I asked you if you heard Mrs. Thompson testify that she remained in her room while Mr. Barnett went down stairs?

A. I believe I did hear her say that.

Q Is that a fact? A. I don't know whether he was in her rooms or not, but I met him downstairs.

Q On our last trial, you stated that you went to Mrs. Thompson's between 3 and 4 o'clock, and found Mrs. Thompson absent. Now, is it true, as Mrs. Thompson stated, that she remained in her flat while Mr. Barnett came down stairs?

A. I told you at the last trial, when I went to Mrs. Thompson's flat, I found her absent, between 3 and 4 o'clock, and me and Mr. Barnett walked on the side-walk. I asked her if she lost any stuff, and said, "Come over to the 124th street station house, and see if they are yours."

BY MR. MACDONA:

Q You say that you examined the empty flat on the corner house?

A. Yes, sir.

Q It adjoins the corner, this vacant flat that you examined?

31 A. Yes, sir.

Q Was there any access from that vacant flat to the window of the room, of Mrs. Thompson's apartments?

(Objected to) (Objection overruled)

A. There is a fire escape shaped in the ell fashion, which goes from this empty flat up to Mrs. Thompson's kitchen window.

WILLIAM A. THOMPSON, sworn and examined, testified:

By Mr. Macdona:

Q I show you a coat, pants and vest represented by ticket 31,348 on the Mount Morris Loan Office, and ask you if these clothes are yours?

(Objected to) (Objection overruled) (Exception)

A. Those are mine; I reported to the 30th precinct station house when I discovered the loss.

Q When were they lost? A. I discovered the loss about the latter part of August.

Q Did you speak to the janitor and all the rest of the people? A. No, I didn't.

Q You went to the police? A. I told the police officer on the beat.

Q You afterwards discovered them in the station house, in the hands of Officer McDonough?

A. I saw them at court the first time.

Q That was the first time you saw them? A. Yes, sir.

Q There is a coat and vest represented by ticket 74,555; did you ever see that coat and vest?

A. Yes, sir; those are mine.

Q When did you miss those? A. It is an old coat and vest; I missed it about the same time.

By Mr. Kane:

By Mr. Kane:

33

Q You had some conversation with the janitor, I presume,
about this matter?

A. No, I hadn't.

Q Who had, your wife?

A. Yes, sir, my wife.

Q You are testifying from information received from your
wife?

A. No, I am testifying from informa-
tion that I know.

Q What did you do afterwards with respect to these clothes,
there is a seal-skin sack and an ulster?

A. I was away at the time the robbery took place.

Q You returned after some time?

A. I was home the following Sunday.

Q Only for one day?

A. My business called me
away again.

Q I presume your wife informed you of the loss of the clothes?

A. I was informed of the loss when I was on the road,
through a letter from my wife.

Q After you returned, what steps did you take?

A. The city had charge of the case, as I understand it.

Q You are accustomed to be away for some time, a period of
time, upon the road?

A. About seven months in
the year; that is all.

By the Court:

Q On business?

A. Yes, your Honor, on business.

By Mr. Kane:

Q You are away at what periods of time, varying how long?

A. Two or three or four weeks.

Q You don't know what happens at home while you are away?

(No answer)

By Mr. Macdona:

Q While you are away during the seven months, you provide

your wife with money?

The Court: Don't answer.

Mr. Macdona: I know what the defence
will be. That is the case for the People.

The Court: What ward is that in?

Mr. Macdona: The twelfth. Do you admit
the ward?

Mr. Kane: Yes.

THE CASE FOR THE DEFENCE.

ROBERT H. ETEAU, THE DEFENDANT, sworn and examined, testified:

By Mr. Kane:

Q Where do you live?

A. I live at 203 East 97th street, with my mother and two brothers; my father is dead.

Q How long have you lived in this city?

A. I have lived in this city all my life, except the time I was away in the South, at college. I was born at Roslyn, Long Island, this State.

Q What has been your occupation for the last few years?

A. For the last few years -- I have been two and a half years of my life a valet to a gentleman now dead.

Q You were employed at 510 Manhattan avenue?

A. I was employed at 510 Manhattan avenue.

Q And how long were you employed there?

A. Thirteen months.

Q There are a number of tenants in those premises?

A. There are, when the flats are full, twenty-nine ten-

ants; all are full except one.

Q Do you remember the 9th and 10 th of October, this year?

A. Yes, sir.

Q You know Mrs. Thompson, of course? A. I have known her since she moved in the flats, yes.

Q She moved in August? A. Yes, sir, in August.

Q Do you know her husband, the gentleman who was just on the stand? A. I know him to be an estimable gentleman.

Q Since the time Mrs. Thompson moved in that flat, she required your services on different occasions?

A. On different occasions.

Q She has testified here that, on those different occasions, you never entered her flat, that you simply remained in the private hallway while she conversed with you; is that so?

A. Not altogether so, no.

Q Do you know the habits of Mrs. Thompson?

A. I can say that I do know them -- I know them, more or less, when she calls me to her rooms; I find them out.

Q Do you remember this night, when you were arrested, with this bundle under your arm?

A. I remember it perfectly well.

Q How long before that had you seen Mrs. Thompson?

A. I seen Mrs. Thompson that day first, about half-past 9 in the morning, and then three or four times until about half-past 12, the last time that I seen her that day.

Q She couldn't have been in Brooklyn; could she?

A. Yes, I think she might have been in Brooklyn.

Q I mean, the day before; when did you see her?

A. The day before she was home all the day.

Q She was at home all the day?

A. All the day before.

Q Then you saw her at 9 and 12 o'clock; do I understand you correctly?

A. No; any time after half-past 8 or 9 until 12.

Q State to this jury just exactly what conversation you had with Mrs. Thompson, on the day when-----

By the Court:

Q Did she give you that bundle of clothing the officer found with you?

A. Yes, sir; she gave me that bundle.

By Mr. Kane:

Q Tell the jury all about it?

A. On the day in question, October 9th, I went, as usual, to my work about half-past 7. My duties make it necessary for me to remain there twelve hours, leaving about the same time at night that I go in the morning. About half-past 9 o'clock, according to my usual mode of doing business, I was sweeping the lower hall of 510 Manhattan avenue. After I swept the corner house, she came down stairs to get a letter from the box; she spoke to me, "Good morning, Robert;" "Good morning, Mrs. Thompson." She went up stairs again. About half-past 10 she put her head out of the kitchen window, and called through the fire-escape, "Robert," four or five times. The janitress heard her; I didn't answer directly, immediately. When I went back to the janitor's rooms, to get my brushes, where the janitor always kept them, I didn't have no place to keep them -- the janitor told me to go and see what Mrs. Thompson wanted, she had called me four or five times; I went to

Mrs. Thompson's room; she called me inside, as she done a number of times before, she called me into her parlor across the private hall. She says, "Robert, I am going away to-day, and I want you to take my dog, which I am going to leave with the janitor, out in the street two or three times, so that it won't make no muss in the janitor's apartments. At that time she told me that she wanted me to take a bundle there that she had already done up, and while she was away to dispose of it for her.

By the Court:

Q Dispose of it in what way?

A. Pawn it; she told me to get, realise, if possible, \$75. I took the bundle down stairs and placed it into an empty cellar, where, as nobody had used it, I was in the habit of hanging my good clothes. When I went there, I always took off my clothes and put on my working clothes. That night, when I left, knowing that the janitor always closes those flats at 10 o'clock and it would be impossible for me to get in there later than that, and having an engagement to call on a friend of mine in 146th street, I took the bundle, and called on this lady.

Q What lady?

A. Miss Hattie Clark, 267 West 146th street. I remained until half-past 10. I walked leisurely down and left her house, walking leisurely down Eighth avenue, looking in the numerous store windows. In point of fact, I stopped in Eighth avenue and had my supper. I walked down Eighth avenue to 121 st street and so one down to St. Nicholas avenue, to 114th street, through 114th street, down Fifth avenue to 109th street; then I came across on Park avenue,

on the westside of Park avenue. I went down Park avenue to the first bridge, 98th street. I started across this bridge and I heard people talking; it was a still night, late at night, and consequently the voices were carried a considerable distance, and I stopped and listened. I must have stood on that bridge nearly half an hour. I left the bridge, on the westside of the bridge, and stepped into the street, and started diagonally across to the sidewalk. I didn't go right down the path, because I had to go to 97th street. I started diagonally across 97th street, across to the sidewalk. I guess I may have taken fifteen or twenty steps when the policeman, Officer McDonough, the gentleman who has here testified, stopped me, and he says, drawing his club at the same time and wrapping it around his hand and wrist, "What have you got in that bundle? Come, tell me." He spoke to me in a threatening manner and told me to come right up to that lamp-post corner of 97th street, the nearest lamp that there is there, and open it. I told him that he was an officer of the law, and I recognized his right to know what I had in the bundle; if he wished to see, come to the lamp and I would let him open it. He says, "Come, I know my business too well for that." He walked up to the lamp and he says to me, "Are you going to open that bundle?" I says, "I give you the privilege to open it." He said, "If you don't open it, I will take you to the station house." I said, "That is my request; take me to the station house, if you desire." He took me to the station house. On my way there he spoke, talked a great deal about the case and the bundle that I had, where I lived, and my occupation. I told him I lived at 203 97th street, where

I do live, and I told him at the time that if he wanted to there he could have found out what was in the bundle, I could have opened it at that time and place. He says, "No, I will take you to the station house." I was taken to the station house. The sergeant asked me what my name was; he asked me where I lived and numerous other questions, among which he asked me to open the bundle. I told him the officer had arrested me, and the bundle was in the officer's charge, and the officer could open it. He says, "No, you open the bundle." I says, "The officer is here; he can open the bundle." He was not satisfied with that. He took me and locked me up. I was locked in my cell there from the time that I was arrested, about half-past 1 on Tuesday, October 10, in the morning, until I was taken to court that day. I was remanded. The officer didn't know my name. He had me remanded, if I remember right, under the name of John Doe.

By Mr. Kane:

Q At the time the officer had you remanded, did he state to the Justice that he had the complainant?

A. No, he did not.

Q Did he state what the name of the complainant was?

A. No, he didn't state nothing.

Q Go on?

A. He said my name was John Doe, and I was remanded under the name of John Doe, in the custody of the officer. I was taken back to 104th street jail, and placed in my cell, and I remained there until I was taken to court the next day, Wednesday. During that time--maybe it is the rules, I don't know--I had one meal. On Tuesday morning, the 10th, the

morning that I was arrested, before he took me to court, I sat waiting in a room with himself and a number of other officers. While sitting there -- as you see, gentlemen, my eyes are weak--I attempted to remove my handkerchief and wipe my eyes; it is a habit, and it is necessary. He objected to me placing my hands in my pockets, and I requested-----

Q Never mind about that?

A. While sitting there, for fear that I would put my hand in my pocket again, he took hold of my right hand, and another officer sat on the other side and took my left hand, and the third officer went suddenly behind me and hit me across the head with his club. It hurt me considerable. I turned to him, because I didn't wish him to know that he had hurt me, and I asked him didn't he think he had hurt his stick more than he did my head. I was taken to court. I told them I had nothing to say whatever at present. My reason for doing this-----

(Objected to)

Q Tell us what happened?

A. I was remanded again. And while in my cell another gentleman came to me and he asked me concerning my case. I told them I didn't have nothing whatever to say, and lay down on my bunk. I was lying there about half an hour, and he came back again. I didn't get up off the seat. I asked him if those fellows couldn't leave me alone and let me sleep. He said, "Look here, I have something for you." He turned the hose on me, and wet me considerable.

By the Court:

Q Who was the gentleman who said that?

A. I don't know the name; I am not familiar with the names.

By Mr. Kane:

Q Was he in uniform?

(No answer)

By the Court:

Q Go on?

A. I was taken to court Wednesday; the complainant was there and swore out her affidavit, and I was questioned and gave my name, address, residence, birth and age and waived examination and was brought to the Tombs. That comprises the case.

By Mr. Kane:

Q There have been different exhibits offered here in evidence, and they say that when you were searched in the station house various pawn-tickets were found upon you; how about those?

A. I had a pocket-book, and in that pocket-book there was a photograph of a cousin of mine and the pawn-tickets; that is all.

By the Court:

Q Where did you get those clothes; that is what we want to get at?

A. Those clothes were given to me-- at least two parcels of those clothes was given to me by the lady.

By Mr. Kane:

Q By Mrs. Thompson?

A. By Mrs. Thompson.

By the Court:

Q For what purpose?

A. To pawn for her, at different times.

Q Didn't you give her the pawn-tickets?

A. I did give her the first ticket, when I pawned the first goods, a coat and vest; she gave the tickets to me with the intention of getting out the things before the 15th of the month. I have done it times before, pawned her things.

Q. What did that ticket represent?

A. A Prince Albert coat and vest and a pair of pants -- they are here to-day.

Q. The second time you went to the pawn-shop what did you pawn for her?

A. A coat and vest.

Q. Did you retain the ticket?

A. At her instruction, I retained the tickets.

Q. What did you do with the money that you got for pawning them?

A. I gave the money to her, and she told me to keep the tickets.

By Mr. Kane;

Q. When was the first time that you pawned any article for Mrs. Thompson?

A. It was in the first part of September; the goods were given to me on Saturday, the 2nd, and it was too late then for me to pawn it, when it was given to me. Sunday I didn't pawn it, and Monday I didn't have time; I think it was pawned Tuesday, September 5th.

Q. Now, Mrs. Thompson states here, under oath, that she is a lady of sober habits, and that she never allowed you to enter her flat except so far as to have a conversation with you in the private hallway; is that a fact?

A. It is not.

Q. Were you ever in her flat?

A. I was often in her flat.

Q Did you have access to her bureaus, &c?

A. I had no access to her bureaus.

Q Did you ever go into her apartments when she was not there?

A. Never.

Q She states that she locked her door by means of a Yale lock on the outside, and another lock; is that so?

A. All the doors of those flats are locked in that way.

Q Is there any means by which you could obtain entrance to her apartments by means of the fire-escape?

A. There is means by which I could have obtained entrance through a vacant flat, into her apartments, through the kitchen window.

Q Who had the keys of that apartment?

A. The janitor.

Q Did you ever have a key to any flat?

A. No one had keys except when the tenants went out.

Q Do you know a skeleton key?

A. I never seen any.

Q Do you remember when you were arrested, in the Police Court, on this charge?

A. Yes, sir, I remember.

Q Do you remember Mrs. Thompson charging you with having a skeleton key in your possession?

A. I remember it perfectly well.

Q And that you entered her apartments by that means?

A. Exactly; that is what she said.

Q That was October 9?

A. October 10.

Q Did she make any complaint to the janitor?

A. I can't say.

Q Was there any complaint ever made to the janitor, about you, that you know of, during the thirteen months that you were

there?

A. Not that I know of.

Q Have you ever been arrested before?

A. Never been , and never been convicted of any crime.

C R O S S E X A M I N A T I O N .

By Mr. Macdona:

Q Never convicted of any crime before?

A. Never convicted of any crime before.

Q Do you know Charles H. Taylor?

A. I used to have aschool-mateCharles H. Taylor.

Q Do you know Charles H. Taylor, who lives in the State of New Jersey?

A. No, I do not.

Q You are not the Robert H. Eteau who, on hischarge was locked in the State Penitentiary in New Jersey, for breaking and entering; are you?

A. I was never in New Jersey, only to Weehawken, where I went to play ball.

Q You don'tknow Robert H. Eteau, who was born in Roslyn, Long Island, who was employed by Mr. Charles H. Taylor, who was sent to the Jersey State Prison on October 8, 1888, for three years, on a charge of breaking and entering in the county of Essex, New Jersey, and who got an allowance of 216 days for good behavior -- you don't know that Robert H. Eteau;do you?

A. Who?

Q Robert H. Eteau?

A. I only know Robert H. Eteau -- there was two of us, in point of fact, my cousin and myself.

Q How old was Robert H.?

A. What RobertH.?

Q Your sousin?

A. If I remenber right, he is some

eighteen months older than I.

Q You are how old? A. I am now very nearly
twenty-two; I will be twenty-two in December.

Q So your ages are very much alike?

A. Probably, yes, sir.

Q Have you got a mark, a scar, under your right eye? Will
you turn and show the jury? Have you got a scar under your
eye and another one under your left cheek?

A. I have a scar under my right eye, but no mark that I
know of on my left cheek. My height, I think, is very
nearly five feet nine -- five, seven and a half -- no,
five, eight and a half.

Q Stand up and let the jury look at you?

(The witness did so)

Q Do you know where this cousin of yours, Robert H. Eteau,
who has all of these marks of identify similar to yours,
has been in the jail in the county of Essex, in the State
of New Jersey?

A. I haven't seen my cousin for
nearly four years; I know him.

Q What is your real name?

A. My real name is Robert H. Eteau.

Q Your name is not Brown; is it?

A. My name is not Brown.

Q I hand you a pawn ticket, , 31,348, on the Mount Morris
Loan Office, and ask you to look at that ticket. You got
that ticket from that place?

A. I got that.

Q You gave the name of Brown?

A. I gave the name of Brown.

Q You also had this pawn-ticket; didn't you pawn it?

A. Yes, sir.

Q That is represented by ticket 70,110, Goldstein, 2,108 Third avenue?

A. Yes, sir.

Q You pawned that pin on September 18th, under the name of Johnson; is that right?

A. Yes, sir, the name is right; I don't know about the date.

Q Explain to us why it was, if there is nothing wrong about these things, that you pawned them in this name?

A. The reason why I didn't pawn that first ticket in my own name was because I was not pawning my own goods; I was not pawning them for myself.

Q You were not pawning them for yourself?

A. No.

By the Court:

Q You were pawning them for Mrs. Thompson?

A. For Mrs. Thompson.

Q Why didn't you pawn them in her name?

A. I didn't have no instructions.

Q Did you have any instruction to pawn them in the name of Brown?

A. No, sir, no instructions; that was the first name came in my head.

By Mr. Macdona:

Q There is a ticket, 74,553. You pawned that coat and vest belonging to Mr. Thompson in the name of Eteau?

A. Yes, sir.

Q Will you explain that?
name that came in my head.

A. Yes, that is the first

BY MR. KANE:

Q Eteau, this cousin of yours that bears a name similar and is about the same height, you say you didn't see him since four years ago?

A. I haven't seen him in four

years.

Q And when you pawned these goods, under the different names that you have given on the tickets, you did it simply as other people, for the purpose -- any name will do?

A. Any name will do; the first name came in my head.

MOSES BARNETT, sworn and examined, testified:

By Mr. Kane:

Q Now, Mr. Barnett, your business is what?

A. Real estate.

Q You keep your place of business where?

A. No. 9 East 125th street.

Q Do you remember about the 10th day of October?

A. Yes, sir, the 11th of October -- the 10th and the 11th.

Q You only remember about the 11th?

A. I remember on the morning that I called there to meet the officer there.

Q You called with whom? A. I called there at the office, on my usual way of business, collecting.

Q You transact a good deal of real estate business, and it is your custom to go around to collect rents, &c?

A. Yes, sir.

Q In accordance with your custom you went to this place, 510 Manhattan avenue?

A. Yes, sir.

Q Who accompanied you, if anybody?

A. Nobody; I drove there in my carriage.

Q When Mrs. Thompson states you went there with her and a lady friend of hers, she was mistaken?

A. No, sir; I went there in the morning, on my usual way,

collecting.

Q What time?

A. About 10 o'clock, I should judge. I went into the drug store, and the clerk told me there was a detective, policeman, said there had been a burglary there. I went out and I saw the policeman, and he wanted to know of any of our tenants lost a seal-skin sack. I told him I didn't know, but we would go there and find out. We went through and discovered that nobody had lost a seal-skin sack, except Mrs. Thompson was out.

By the Court:

Q You discovered from the people in the house at the time, that they had not lost a seal-skin sack?

A. Yes, sir.

Q You also discovered that Mrs. Thompson was not there?

A. Yes, sir.

By Mr. Kane:

Q It has been testified to here to-day, Mr. Barnett, that some time on the 10th day of October, Mrs. Thompson, accompanied by a lady friend, called at your office; is that so?

A. Yes, sir.

Q What time was that?

A. I should judge about half past 1 or 2 o'clock, in the afternoon.

Q That was after you discovered this alleged burglary?

A. Yes, sir.

Q Did you accompany them to the flat?

A. Yes, sir; I walked through 125th street to the flat.

Q After you got to the flat, what did you do?

A. Mrs. Thompson went in her apartments and looked over her drawer and discovered the sack was gone and different things.

Q At the time that Mrs. Thompson called at your office, when you accompanied her to the flat, you didn't know of any burglary having been committed?

A. Yes, sir, I knew it in the morning; the seal-skin sack and other things were gone.

Q Who informed you?

A. The officer.

Q What was the reason, will you tell me, Mr. Barnett, after you had accompanied Mrs. Thompson to her flat and she had discovered-----

A. I went through prior to that, in the morning.

Q Mrs. Thompson testifies that the three of you went there together, two ladies and yourself, and that they remained in Mrs. Thompson's rooms while you went down to see the officer; is that so?

A. The officer had made an appointment to meet me in the afternoon; so I went down stairs to see if the officer arrived, after leaving Mrs. Thompson.

By the Court:

Q Did you meet the officer?

A. I met him coming from 121st street, yes, sir; he took me back to the flat; we went into the flat together.

By Mr. Kane:

Q When you reached the apartment in the morning, did you try her door?

A. We knocked there.

Q No answer coming, you went away I presume?

A. I went away; I understood that she was away.

Q When you returned later in the day you tried the door; did you open it?

A. No, I went over with her; Mrs. Thompson herself opened it.

Q What was the condition of the rooms?

A. I didn't notice anything particular; she opened her drawers, and found that they had been ransacked.

Q Mrs. Thompson had quite a nice flat?

A. Yes, sir.

Q Various valuable articles in the flat?

A. That I don't know.

C R O S S E X M M I N A T I O N .

By Mr. Macdonald:

Q Do you know anything about the duties of this boy as sub-janitor there in that place?

A. No, sir; we hired him for a hall-boy.

Q Do you know whether he had any right to go into the building adjoining, where there was a vacant flat; is that any part of his duty?

A. No, sir; it is the janitor's duty.

Q Did you employ this man, or the janitor, this defendant?

A. He was there before I took charge of the building.

Q Do you know anything of his previous history or what recommendations he had?

A. None whatever.

Q You know nothing of his going, except you have seen him in the building?

A. Yes, sir; to see him in the building; that is all.

BY MR. KANE:

Q He has visited your house; hasn't he? A. Yes, sir.

Q And he has been present where he could place his hand on large sums of money? A. Yes, sir; he has been up in the office; in the pay-room.

51 Q You never knew him to be dishonest or to take any money?

A. Not that I know of.

By the Court:

Q There were other people in your place, I suppose?

A. We generally have the counting room on the second floor.

Q You don't lay your money loose around? A. No, sir.

Q There is somebody in your place?

A. Yes, sir; book-keepers are there.

By a Juror:

Q Weere there any complaints against his character?

A. Not that I know of, except that we have been robbed several times, and we never could find out who done it. I notified William about it, and I notified the engineer about these robberies.

Q No dereliction in any way? A. Nope whatever.

By Mr. Macdona:

Q Any robberies since he was locked up?

The Court: What has that got to do with it -- nothing whatever.

Mr. Kane: That is the case for the defendam t.

THE JURY DISAGREED.

POOR QUALITY
ORIGINAL

0649

General Session
Part 7

The People

no.

about H. Stearns

Stenographer's Transcript.

1893

Filed
Oct. 11/93

26 pages

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

The People vs

Robert H. Eteau

City & County of New York ss:

J. Oliver Keane
an Attorney & Counsellor at Law
being duly sworn deposes and
says:

That he has been retained
by the above named defendant
as his attorney. That he was
so retained on October 19, 1893.

That he has not been able
to prepare the case as it should
be on account of the shortness
of time elapsing between the
time he was so retained and
the time such case was
moved for Trial viz Oct 20
1893.

That from deponents statement
ent to deponent there are some
material witnesses who have
not been notified to be at
Court, who if present would

testify to facts that would
absolve the defendant from
all blame.

Defendant therefore prays
for a continuance until some
later day.

Sworn before me
this 20th day of October 1893 } J. Oliver Kane
Jared H. Deaneport
Deputy Clerk Gen. Sessions

Court of General Sessions
New York County

The People

vs

Robert H. Egan

Affidavit

Received filed Oct 12/93

Police Court— District.

City and County } ss.:
of New York,

of No. 510 Manhattan Avenue Street, aged 30 years,
occupation 70 rep- house being duly sworn

deposes and says, that the premises No. 510 Manhattan Avenue Street, 12 Ward
in the City and County aforesaid the said being a five story brick
house

and which was occupied by ^{in part} deponent as a dwelling
~~and in which there was at the time a tenant being, by name~~

were BURGLARIOUSLY entered by means of forcibly unlocking
the door; with a false or skeleton
key

on the 10 day of October 1883 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

One seal-skin coat; one wr. coat-
and one blanket; all together
valued at about three-hundred
and fifty-dollars

97-98-4-
the property of H. E. Rment.
and deponent further says, that she has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Robert H. Etean.

for the reasons following, to wit: That at the hour of 1³⁰ P.M.
on said date, deponent securely locked
and fastened the said premises; Officer
M. W. Mough of the 28th Precinct Police
subsequently arrested the said defendant-
on suspicion of having stolen the said
property; which property deponent identifies
as that which was taken stolen and
carried away from her apartment.

wherefor dependent charges this defendant-
with-burglariously entering the said premises
and stealing said property; and prays
that he may be held to answer.

Sworn to before me } M. H. Thompson
this 11th day of October 1893 }

John H. Thompson
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 1893
Police Justice.

I have admitted the above named
to bail to answer by the undertaking here to answer.
Dated 1893
Police Justice.

There being no sufficient cause to believe the within named
guilty of the offence therein mentioned, I order he to be discharged.
Dated 1893
Police Justice.

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

ss.

1
2
3
4

Offence—BURGLARY.

Dated 1893

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street.

No. Street.

No. Street.

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0654

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Michael M. Donough
aged _____ years, occupation *Police Officer* of No. *28th Precinct Police*
Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *Maria Thompson*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this

day of

1893

Michael M. Donough

Asst. Justice

Police Justice.

POOR QUALITY
ORIGINAL

0655

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Robert H. Stearn being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is h 5 right to
make a statement in relation to the charge against h in; that the statement is designed to
enable h in if he see fit to answer the charge and explain the facts alleged against h in,
that he is at liberty to waive making a statement, and that h 5 waiver cannot be used
against h in on the trial.

Question. What is your name?

Answer.

Robert H. Stearn (B)

Question. How old are you?

Answer.

21 years old

Question. Where were you born?

Answer.

Roslyn L.I. New York

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

Answer.

203 E. 97th St 5 years

Question. What is your business or profession?

Answer.

Jeweler

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 have nothing to say at present
and waive examination.

Robert H. Stearn

Taken before me this

day of

1893

Police Justice.

POOR QUALITY
ORIGINAL

0656

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

Police Court, 5 District, 1090

THE PEOPLE, vs.,
ON THE COMPLAINT OF

Maria Thompson
570 Macdulla Ave,
West 4. St. East

Offense, Burglary.

Dated, Oct. 11 1893

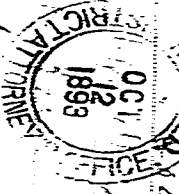
Justice
Nichols
Magistrate,
Officer,
288

Witnesses _____
Street _____

No. _____
Street _____

No. 125
Street _____

No. 150
Street _____



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

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

Dated, Oct 11 1893 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Robert N. Etean

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

Robert N. Etean

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

The said

Robert N. Etean

late of the 12th Ward of the City of New York, in the County of New York aforesaid, on the
tenth day of October, in the year of our Lord one
thousand eight hundred and ninety-three, with force and arms, in the night-time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Maria W. A. Thompson

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 Maria
W. A. Thompson 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

Robert H. Egan

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

The said

Robert H. Egan

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 seal skin coat of the
value of three hundred dollars,
one overcoat of the value of
fifty dollars and one blanket
of the value of ten dollars*

of the goods, chattels and personal property of one

W.A. Thompson
Marcia Thompson

in the dwelling house of the said

W.A. Thompson
Marcia Thompson

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

THIRD COUNT:

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

Robert N. Egan

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

The said

Robert N. Egan

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 seal skin coat of the value
of three hundred dollars,
one overcoat of the value of
forty dollars and one blanket
of the value of ten dollars*

of the goods, chattels and personal property of

Maria W. A. Thompson

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

Maria W. A. Thompson

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

Robert N. Egan

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.