

1129
August Wagner

Counsel,
Filed 14 day of June 1891
Pleas Not guilty

THE PEOPLE
vs.
Frederick Schaefer
Barthley in the Third degree
Grand Jurors
Section 498, 506, 517, 531, 537, 538

DE LANGLY NICOLL,
JOHN R. FELLOWS,
District Attorney.
Jan 21st 1891, W.M.D.
Jan 27th 1891, W.M.D.
Jan 27th 1891, W.M.D. Part 3.
A True Bill.

Frederick Schaefer
Foreman
D.W. June 30, 1891
discharged on his
verbal recognizance.
J.F.

Witnesses

When reading
the Complaint
withdrawn on
which he says
a small amount
promises guilty
and in a paper
out of the part
charges. I fear
that the Republic
discharge on his own
guarantee 9-8-91
J.F.

0344

Court of Gen. Sessions
County of New York

The People vs. }
Ondreisk Schaefer }

City of } County of New York vs. Henry Kenschel being
duly sworn says, that he resides at 121
Nester Street in the City of New York. That he
is a painter by trade. I have known the
above named defendant about eight years
and during those eight years, I have never
known him to do anything wrong, have
always known him to have a good
character. I have had him work for
me at different times for about five
years in all; in all that time I
have found him to be faithful and
honest, I have always trusted him.
While in my employ he has been
doing work for me in all kinds of
houses and places. I would employ &
trust him as usual, now should be
be discharged from imprisonment, as I
have always been perfectly satisfied
with him, should I need a man.
I know that the defendant has five
or six children and that they are in

0345

destitute circumstances, and should the
defendant be imprisoned for any
length of time his family would become
a burden upon the County.

Sworn to before me this

16 day of January 1891

Henry Henschel
Notary Public
N.Y. Co.

Court of General Sessions
City and County of New York
The People etc.,

- against -
Frederick Schaeffer

City and County of New York, SS.

Philly Steinman being duly sworn, says: I have known the defendant Frederick Schaeffer, for the last four years, he has worked for me several times since I have known him:

I have ^{never} heard anything against the defendant's character and I have always found him an honest, industrious hardworking man: I have left hundreds of dollars worth of property in his charge and have always found everything accounted for: when he could have taken the same had he been dishonest.

And deponent says that he has work which he would give to the defendant at the present time if he was at liberty.

Sworn to before me this } Philly Steinman
26th day of Dec^r 1891 }
N.Y. Co. } Shepard & Totten

0347

Court of General Sessions
City and County of New York
The People etc
against
Frederick Schaeffer

City and County of New York, ss,

Mayer Hoffman, being duly sworn, says: I know the defendant Frederick Schaeffer; I have known him for about three years last past; he, the defendant has worked for me a number of times since I have known him; and I have always found him to be an honest, industrious, hard working man. I would employ him now if he was at liberty as I have work in his line to be done (the defendant is a Printer)

And deponent further says that he has never heard anything against the character of the defendant.

Sworn to before me

this 26th day of Jan. 1891

J. H. Shepard

Mayer Hoffman

Notary Public N.Y.C.

0348

Court of General Sessions
City and County of New York
The People etc.,
against
Frederick Schaeffer

City and County of New York, S.S.:

William Hosman, being duly sworn, says: that he has known the defendant for about three years last past: that the defendant has worked for deponent at two different times and that deponent has always found him to be an honest hard working + industrious man.

Deponent further says that he is acquainted with defendant's family and that they are in very poor circumstances.
Sworn to before me
This 26th day of Jan 1891

W. H. Armstrong
J. H. Shepley
Notary Public
N. Y. Co.

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Frederick Schaeffer.

Cis -> *Comis oprew Jim for*

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. My reasons are the following: the defendant has a wife and five children, one of whom is very sick; the eldest child being only eight years of age & sickly. The defendant has not been arrested before & has been in prison since January 8, 1891 and I think has been sufficiently punished. Defendant claims to have received the goods stolen from some unknown man; there being some doubts as to his guilt. I request to be permitted to recommend his discharge.

Dated my January 23, 1891.

Seen to before me this
23 day of January 1891

Henry Brown,

Jed. O. Sloan
Commd of Deeds
NYC

0350

Police Court— 3rd District.

City and County } ss.:
of New York,

of No. 24 Oliver Henry Brown Street, aged 25 years,
occupation Painter being duly sworn

deposes and says, that the premises No 24 Oliver Street, 4th Ward
in the City and County aforesaid the said being a dwelling house

and which was occupied by deponent as a paint store & dwelling place
and in which there was at the time ~~no~~ human being, by name

were **BURGLARIOUSLY** entered by means of forcibly breaking the
panel of the front store door, leading
to deponent's store

on the 8th day of January 1899 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of wearing
apparel, of the value of
Fifty Dollars

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

for the reasons following, to wit: Deponent says— at about five P.M.,
of said date, he left said premises securely
locking the door and fastening the windows
on leaving, and when he returned at about
7 P.M., he ascertained that his store had
been forcibly entered as aforesaid and on
investigation elicited that said property was
missing therefrom. Deponent further
says, — he is informed by officer Keefe of

0351

the 7th Precinct, that he arrested defendant on
 Market Street at about 7:30 P.M., said date
 defendant having said property in his possession
 and also a rule and brass key, all of which
 deponent identified in the presence of said
 officer as being the missing property, and
 identified defendant as being an employee.
 Wherefore, deponent charges defendant
 with burglariously entering said premises
 and taking stealing and carrying away
 said property from possession of deponent.
 Sworn to before me by Henry Brown
 this 9th day of January 1891

W. M. ...

Police Justice.

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

Police Court, District, Office—BURGLARY.

THE PEOPLE, &c.,
 on the complaint of

1
 2
 3
 4

Dated 1888
 Magistrate.
 Officer.
 Clerk.

Witnesses,
 No. Street,
 No. Street,
 No. Street,
 § to answer General Sessions.

0352

CITY AND COUNTY }
OF NEW YORK, } ss.

Edmund H. Keefe
Officer

aged _____ years, occupation _____ of No. _____

7th Precinct

Street, being duly sworn deposes and

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

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

Sworn to before me, this

9th
July 18*91*

Edmund H. Keefe

W. Meads

Police Justice.

0353

Sec. 198-200.

3

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

Medevis Schaefer 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. *Medevis Schaefer*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *89 Lewis St - 2 mos*

Question. What is your business or profession?

Answer. *Penciller*

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.*

Medevis Schaefer

Taken before me this

9th

day of *May* 1891

W. J. [Signature]

Police Justice

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

Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Twenty* 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 *July 9th* 18 *91* *W. W. W.* 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.

0355

40

Police Court--- 3 --- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Brown
vs. *Frederick Scharfer*

24 Oliver St.

Henry Cary
Officer

2
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4

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *January 9th* 18*91*
Meade Magistrate.

Keefe Officer.
7th Precinct.

Witnesses *said officer*

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1.500* to answer *9.00*



Chm
9.00
33
Recd

0356

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frederick Schaefer

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

Frederick Schaefer

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

The said *Frederick Schaefer*

late of the *Fourth* Ward of the City of New York, in the County of New York
aforesaid, on the *eighth* day of *January* in the year of our Lord one
thousand eight hundred and *ninety-one*, with force and arms, in the
night time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *Henry Brown*

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 *Henry Brown*

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

Frederick Schaefer

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

The said

Frederick Schaefer

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,

divers articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of fifty dollars, one rule of the value of ten cents and one key of the value of ten cents

of the goods, chattels and personal property of one

Henry Brown

in the dwelling house of the said

Henry Brown

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

THIRD COUNT—

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

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

The said *Frederick Schaefer*

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,

divers articles of clothing and wearing apparel of a number and description to the Grand Jury aforesaid unknown, of the value of fifty dollars, one \$ rule of the value of ten cents and one key of the value of ten cents

of the goods, chattels and personal property of *Henry Brown*

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

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

Frederick Schaefer

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 Rancey Nicoll
~~JOHN R. FELLOWS~~
District Attorney.

0359

BOX:

425

FOLDER:

3922

DESCRIPTION:

Schaffer, Charles

DATE:

01/28/91



3922

0361

Police Court— 1st District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Maria Freeman

of No. 437 West 34th Street, aged 48 years,

occupation Housew. being duly sworn

deposes and says, that on the 22nd day of February 1890 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:

A quantity of mens. Clothing of the value of Ninety-dollars.

1 overcoat 25. & other articles worth
1 hat 13.
in gloves 2.
handkerchiefs 1.

the property of in the care and charge of deponent

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

From the fact that on the 21st day of February 1890 the said Schaffer came to deponent, in premises no. 142 East 93rd Street and admitted or furnished a room from deponent, that on the 22nd day of February 1890 the said Schaffer left said premises, and failed to return. Deponent after the said Schaffer left said premises no. 142 East 93rd Street. Missed said property from said premises
Maria Freeman.

Sworn to before me, this 9th day of February 1890
Police Justice.

0362

Police
Sec. 151.

Police Court 11 District.

CITY AND COUNTY }
OF NEW YORK. } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or 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 Marion M. Schaffer of No. 437 West 127 Street, that on the 9 day of October 1887 of the City of New York, in the County of New York, the following article to wit:

A quantity of mens. clothing
of the value of Twenty Dollars,
the property of in the care and charge of complainant
was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Charles Schaffer.

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 11 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 9 day of October 1887
W. Mead POLICE JUSTICE

0363

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 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.

0364

232

Police Court, 11 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Minnie Freeman
437 West 24th St
Charles Schuyler

Offense *Lawrence*

2
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4

Dated, 189

Magistrate.

Officer.

Precinct.

Witnesses *Minnie Freeman*

No. *437 West 24th* Street.

Edwin Freeman

No. *437 West 24th* Street.

No. Street.

\$ to answer

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0365

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Schaffer

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

Charles Schaffer
of the CRIME OF GRAND LARCENY in the *second* degree committed as follows:

The said

Charles Schaffer

late of the ~~City~~ of New York, in the County of New York aforesaid, on the *twenty second* day of *February* in the year of our Lord one thousand eight hundred and *ninety*, in the ~~day~~ *time* of the said day, at the City and County aforesaid, with force and arms,

one overcoat of the value of twenty-five dollars, one pair of trousers of the value of thirteen dollars, one pair of gloves of the value of two dollars, one handkerchief of the value of one dollar, and divers other goods, chattels and personal property (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of fifty dollars

of the goods, chattels and personal property of one *Marica Freeman* ~~then and there being found~~
on the person of the said ~~then and there being found, from the person of the said~~

~~then and there being found, from the person of the said~~
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.

DeLancy Ricoll,
District Attorney

0366

BOX:

425

FOLDER:

3922

DESCRIPTION:

Schmidt, Charles (Joseph)

DATE:

01/07/91



3922

0367

BOX:

425

FOLDER:

3922

DESCRIPTION:

Roman, Joseph

DATE:

01/07/91



3922

0369

Police Court - 3 District.

CITY AND COUNTY }
OF NEW YORK, } SS

Mathias Berosowitz
of No. 209 North 2nd Street, Aged 24th Years
Occupation Watch Maker being duly sworn, deposes and says, that on the
24th day of Decemb^r 188^w, at the 10th Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

Two Thousand Roubles (Russian)
one gold watch, one silver watch,
Three gold chains and twenty three
dollars in gold and lawful money
of the United States the whole value
at seventeen hundred and eighty seven
dollars

\$1787 ⁰⁰/₁₀₀

of the value of Seventeen Hundred and Eighty Seven 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 force and violence as aforesaid by

Joseph Schmitt and Joseph Roman
in the following manner, to wit:
Deponent went in company with the
defendants to a Saloon on Hester Street.
When deponent went into said Saloon he
had property in his possession, that
deponent called for drinks and that
deponents took a five dollar note
from his pocket and placed said note
on the bar in payment for said
drinks, that defendant Roman took
said note and left said Saloon, that
deponent followed after said Roman

Subscribed and sworn to before me this

Police Justice

0370

that when defendant was on the street he was taken hold of by the defendants and was taken to some place unknown to defendant. That defendant Schmidt struck defendant on the head and did knock him down. That both defendants did by force and violence take said property from defendant.

Deponent therefore accuses the defendant with Robbery in violation of section 224 of the Penal Code and prays that they be held to answer. Deponent further says that he is informed by Officer Sullivan that he arrested the defendants and that he found one watch and two chains in the possession of defendant Schmidt which property defendant identifies as part of the property stolen from defendant Marcini Marosevitz.

Sworn to before me this 27th day of December 1890

[Signature]
Police Justice

[Signature]
188
Police Justice

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

Dated 188

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

Dated 188

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

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

Police Court, District, _____

THE PEOPLE, &c.,
on the complaint of _____

vs.

1 _____
2 _____
3 _____
4 _____

Defendant, 188 _____
Magistrate, _____
Officer, _____
Clerk, _____

Witnesses,
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____
to answer General Sessions.

Offence—ROBBERY.

0371

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 47 years, occupation Police Officer of No. 12th
Pracian Street, being duly sworn deposes and

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

Sworn to before me, this 27th day of December 1888 } Richard Sullivan

[Signature]
Police Justice.

0372

Sec. 198-200

3 District Police Court

CITY AND COUNTY OF NEW YORK, ss.

Charles Schmidt 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. *Charles Schmidt*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *Bay Harbor New York*

Question. What is your business or profession?

Answer. *Labour*

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

Answer. *I am not guilty*

Charles Schmidt
mark

Taken before me this
day of Dec 27

188

[Signature]

0373

Sec. 198-200

3 District Police Court

CITY AND COUNTY }
OF NEW YORK } ss.

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

Question. What is your name?

Answer. *Joseph Roman*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *191 Cherry St. 8 weeks*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty*

Joseph Roman

Taken before me this
day of Dec

189

George J. S. H. Co.

0374

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

Defendant

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

Dated Dec 24 1890 [Signature] Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated.....18..... Police Justice.

There being no sufficient cause to believe the within named

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

Dated.....18..... Police Justice.

0375

Police Court-- 3 District. 1896

THE PEOPLE &c.
ON THE COMPLAINT OF

Mathias Perosovitz
vs.
Joseph Roman

Office

BAILLED

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *DEC 27* 189*6*
Hogan Magistrate

J. Sullivan Officer
12 Precinct

Witnesses *Richard Sullivan*
No. *12* Precinct Street.

No. _____ Street.

No. _____ Street.

2000 to answer _____



J. J. Cunn

COURT OF GENERAL SESSIONS OF THE PEACE

In and for the City and County of New York.

.....

The People)

against)

CHARLES SCHMIDT,
jointly indicted with
Joseph Roman.)

) Before

) HON. FREDERICK SMYTH,

) and a Jury.
.....

Tried, February 2nd, 1891.

Indicted for Robbery in the First Degree.

Indictment filed, January 7th, 1891.

APPEARANCES:

Attendant District Attorney Weeks, for The People.

Jacob Berlinger, Esq., for The Defense.

MATTHIAS BARASOWITZ, the complainant, testified that he lived in Sag Harbor, Long Island, before December 24th, 1890, when he came to New York. He worked in a watchmaking factory at Sag Harbor. He knew the defendant, Charles Schmidt, for about three months, in the factory, as a workman there. They came together to New York. They met Roman, who was jointly indicted with Schmidt, on the second day after they arrived in this City. Roman was not

0377

2

employed in the factory in Sag Harbor. He met Roman in a saloon kept by a man named Ebrites. He did not know the name of the street in which the saloon was situated, because he was a stranger in the City. On the 24th of December, 1890, he had a drink with Roman and Schmidt in the saloon. He, the complainant, had in his possession, at that time, 2,000 roubles---Russian money. The roubles were in bills. He also had a gold watch and a silver watch and three chains. One of the chains was gold, and two were plated chains. He also had in a small pocket book \$23 in United States currency, and, in another pocket, some small change. He treated several times to drinks, and took out his pocket book containing the American bills, and put down a \$5-bill to pay for the drinks. Roman seized the bill and ran out of the saloon. Just before that the three of them were standing at the bar close together. He, the complainant, pursued Roman, and overtook him about twenty paces from the saloon. While he was holding Roman, Schmidt ran up, and both Roman and Schmidt seized him and began to beat him. He, the complainant, made an outcry, and Schmidt and Roman held him, and Schmidt took his watch and chains, and the change in American money out of his trousers pocket, and they tore the pocket in getting the money out. They also stole the 2,000 roubles from his inside pocket. Roman was arrested on the following day, about 4 o'clock in the afternoon. He was asleep

0378

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in his rooms. None of the stolen property was found in his possession. When Schmidt was arrested, the gold watch and two chains were found upon him. The two chains were the brass chains. When he was robbed, he was thrown upon the sidewalk and held down and beaten. He could not say whether Roman or Schmidt stole the roubles. After he was robbed he remembered that a friend a Lithuanian named Schimkus, lived near there and a man who was passing showed him where he could find Schimkus. He, the complainant, could not speak English. On the following morning Schimkus got a countryman who could speak English, and they went to the police station and made a complaint. Under

CROSS-EXAMINATION, the complainant testified that he bought the gold watch after his arrival in this City, and he lent his silver watch to Schmidt to wear until they got home to Sag Harbor, but Schmidt borrowed some money from him, and then he took the watch back. Schmidt borrowed \$4.00 from him about 2 o'clock that afternoon, and then he, the complainant, took the watch back. They were in different saloons during the day and the day before. Schmidt only had \$6.00 in his possession when he left Sag Harbor, and after he had spent it he borrowed money from him, the complainant. They came by boat from Sag Harbor, and Schmidt paid his own fare. He wore the gold watch in his left vest pocket, and the chain was attached to his vest. In his upper vestpocket he had

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the silver watch, and one of the brass chains. In his inside overcoat pocket he carried the other brass chain. The roubles were in his inside vest pocket, on the right side. In the same pocket he had \$23.00 in American money, in a pocket book. He had been in the United States about seven months, having come from Russia. He brought 2,000 roubles with him. He bought the watch at an auction room. He was told that it was worth \$60.00, but he paid only \$14.75 for it. The silver watch was worth about \$7.00, and the gold chain about \$8.00, and the plated chains about \$1.00 apiece. He changed a \$100. rouble bill, receiving \$55. in American money on that money. Schmidt went with him to a money changer and got the money exchanged.

OFFICER RICHARD SULLIVAN, testified that he was a special officer attached to the 12th Precinct. The defendant was arrested in the 7th Precinct, and the officer in command of that Precinct notified his, the witness's, Precinct, because the robbery occurred in his Precinct. When he searched the defendant at the 12th Precinct Station House he found upon his person a silver watch and two chains---plated chains. The watch and one of the chains was attached to his vest, and the defendant said that the complainant gave him the watch and chain, but the complainant denied that he had done so. The other chain was in the hip pocket of his trousers. The complainant identified the chains and the watch, and

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said that they were part of the property that was taken from him at the time of the robbery. He, the witness, arrested Roman in Cherry Street, near Pike. Roman was in a store, and when he saw him, the witness, coming, he ran out and ran upstairs, and he, the witness, found him on a fire escape on the second story. He, the witness, had been unable to discover the saloon in which the complainant and Roman and Schmidt were drinking just before the robbery. The complainant had been unable to tell where the saloon was. He, the witness, took the complainant through all of the saloons in the neighborhood of where he believed the robbery took place, but the complainant could not point out the saloon. The complainant said that the saloon was somewhere near the water and the 12th Precinct extended to the river front,---from Corlears Hook to Rivington Street on the East River.

FOR THE DEFENSE,

CHARLES SCHMIDT, the defendant, testified that his name was Joseph Schmidt, but at the Police Court they put his name down as Charles, instead of Joseph. He had been in the United States about four years. He worked in the watch factory at Sag Harbor. When he was arrested, he was stopping at 284 East Broadway, in a house kept by William Brand. He and the complainant had been in town two days, and had put up the night before in Brand's saloon house. He had never stolen anything from the complainant. The

complainant gave him the watch and two chains to wear when he bought the new watch and chain. They visited four or five saloons. He could not tell where the last saloon was. Roman called for drinks and paid for them, and he, the defendant, also called for drinks and paid for them. He, the complainant, had about \$12. in his pocket. He had got down to his last \$10. bill, and, not wishing to change it, he asked the complainant to lend him \$1. and the complainant lent him \$2.---not \$4, as he had said. So, he had \$12. in his pocket when he entered the saloon. When he was arrested he still had \$9. in his possession. He, the defendant, saw Roman snatch up the \$5. from the bar and run out. He, the defedant, remained in the saloon for about half an hour, and then he started out to go to Cherry Street; and he could not see, when he got out on the street, where the complainant and Roman were. Then he, the defendant, went to Cherry Street, to visit a friend, and remained over night there. Then he went to Ebrites saloon in East Broadway, and had some drinks; and he was sitting in the saloon when the police officer entered. He did not run upstairs and conceal himself on the fire escape. He, the defendant, did not rob the complainant, nor did he see Roman do so. He, the defendant, had never been arrested before in his life.

Under

CROSS-EXAMINATION, he said that he did not understand

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what Roman meant when he snatched the \$5. bill belonging to the complainant. He did not know whether the complainant had given Roman the \$5. or not, and he was surprised when he saw Roman run out. He did not see Roman again until the next day, when he saw him under arrest. The name of his friend in Cherry Street was Matthias Boyovoydos. He had never seen any Russian money in complainant's possession, and did not know that he had \$2,000 roubles in his possession.

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CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 8 DISTRICT.

Richard Sullivan
of No. 14th Precinct Street, aged 46 years,
occupation Police Officer being duly sworn deposes and says,
that on the 25th day of December 1889
at the City of New York, in the County of New York, he arrested

Joseph Smith and Joseph Roman
charged with Robbery by Matthew
Berushovitz. Deponent says that
the complainant has no place of residence
in this City and that he is a material
witness for the people deponent therefore
prays that said Berushovitz be committed
to the house of detention
Richard Sullivan

Sworn to before me, this

of December

1889

26 day

Police Justice

[Signature]

0384

49 3 District.
Police Court, _____ District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Richard Fullin
vs.
Mathew Bershowitz

AFFIDAVIT.

Dated *December 26* 18*80*

Hagan Magistrate.

Fullin Officer.

12th floor

Witness, _____

Disposition, *Committed*
to House of Detention

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Schmidt
and Joseph Roman

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

Charles Schmidt and Joseph Roman

of the CRIME OF ROBBERY in the 2nd degree, committed as follows:

The said Charles Schmidt and Joseph Roman, both —

late of the City of New York, in the County of New York aforesaid, on the 4th day of December, in the year of our Lord one thousand eight hundred and eighty ~~eight~~ ^{nine}, in the time of the said day, at the City and County aforesaid, with force and arms, in and upon one Mathias Beresowitz, in the peace of the said People, then and there being, feloniously did make an assault, and

the sum of two thousand dollars in lawful money of the Kingdom of Russia, (a more particular description thereof is to be found in the indictment) of the value of one thousand dollars, one watch of the value of one hundred dollars, one other watch of the value of fifty dollars, three chains of the value of forty dollars each, and the sum of twenty three dollars in money lawful money of the United States of America, and of the value of twenty three dollars,

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

Charles Schmidt and Joseph Roman, and each of them, being then and there aided by an accomplice actually present to wit: each by the other. —

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.

Shawcross
Attorney

0386

BOX:

425

FOLDER:

3922

DESCRIPTION:

Schmidt, Herman

DATE:

01/14/91



3922

0387

126,

Kane (a)

Counsel,

Filed 17th day of Jan 1891

Pleas, *Admiralty*

THE PEOPLE

vs.

I

Therman Schmidt

W. C. 6-21-91

Burglary in the first degree, Grand Jurors, first degree, and Robbery, Section 406, 506, 528, 530 & 531.

DE LANCEY NICOLL,
JOHN R. FELLOWS

District Attorney.

Jan 21 1891 W.D.
Jan 22 1891 W.D.

A True Bill.

Franklin Edson
Foreman.

Jan 22 1891

Spencer Comstock W.D.
107 West 4th St. N.Y.C.
Jan 22 1891

Witnesses;

THE PEOPLE
 vs.
 HERMAN SCHMIDT.

COURT OF GENERAL SESSIONS, PART I.
 BEFORE RECORDER SMYTH.

Thursday, January 22, 1891.

Indictment for burglary in the first degree, grand larceny in the first degree and receiving stolen goods.

BERNARD NARDELER sworn and examined by Mr. Macdonna through the Interpreter.

Q. Where do you live? A. No. 152 Delancy Street.

Q. And did you live there on the 10th of January last?

A. Yes sir.

Q. On what floor of the house 152 Delancy Street do you live?

A. One step up in the rear.

Q. That is the first floor? A. On the ground floor.

Q. Do you live there alone, who lives with you?

A. I live there alone.

Q. Were you aloje in those rooms on the night of the 10th of January last? A. My brother-in-law and a cousin of mine were in the rooms at the same time.

Q. Asleep? A. Yes sir.

Q. What time did you retire that night?

By the Court. Q. Is he married or single, this man?

A. He is a married man.

Q. Wasn't his wife there too? A. His wife was there also

Q. Has he got any children? A. Yes sir.

Q. How many? A. Three children.

Q. Were they there? A. They were all there.

By Mr. Macdonna. Q. What time did you retire that night?

A. About eight o'clock.

Q. Did you lock up the rooms? A. Yes sir.

Q. When were you awakened that night, what time ?

A. I got awakened about half past three.

Q. What wakened you at half past three?

A. My cousin he felt cold, he woke up and felt cold, he was sleeping right opposite the door, he woke me up and says, "Nardeler, get up, we have been robbed."

Q. Did he get up?

A. I got up and I found out that the door was open, the lock was broken and the key which was in the inside I found on the outside of the door.

Q. Did you make any examination to see if you had been robbed or if anything was taken away from you?

A. I looked and I found there was two overcoats and one jersey missing, a pocketbook with a dollar of money in it and a laundry ticket; three pairs of pants and one shirt we found out in the hallway.

Q. To whom did the overcoats belong?

A. The overcoat belonged to my brother-in-law and the other coat, the jersey, belonged to my cousin.

Q. Did any of that property belong to you?

A. There was nothing of my own with it.

Q. Do you know the value of those clothes?

A. About thirty-five dollars.

Q. Now Scheyer and the other man, they were guests of yours in that house?

A. Yes sir, they lodged there with me.

By the Court. Q. Were they boarders of his?

A. No, they only slept there.

Q. Did they pay for the use of the room?

A. No, they did not pay anything.

Q. Ask him what kind of a house that 152 Delancy Street is,

whether it is a dwelling house or what? A. A tenement house.

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- Q. A tenement house? A. Yes sir.
- Q. And how many stories high is it? A. Four stories high.
- Q. How many rooms did he have? A. A room and bed room.
- Q. Was it in the front or in the back of 152? A. The front.
- Q. Is there any store or basement under this house?
A. It is a rear house.
- Q. This was in the rear, there are two houses?
A. Two houses --- in the rear house.
- Q. How can you get from the street to the rear house where he lives, is there an alleyway? A. An alleyway, yes sir, from the front to the rear.
- Q. Is that right? A. Yes sir.
- Q. Is that alleyway on the side of the house or where?
A. On the side of the house.
- Q. And his rooms, as I understand it, are one step up on the ground floor? A. No, just even in from the yard.
- Q. Does the door of his rooms open out into the yard or where does it open? A. There is a hallway, it opens into the hallway.
- Q. Then there is a hallway leading into that house from the yard? A. Yes sir, there is a hallway.
- Q. And his door opens out into the hallway, is that right?
A. Opens into it, into the hallway.
- Q. Is there a door on each room or only one door?
A. Only one entrance to, my rooms from the hall.
- Q. What kind of a lock was it on that door?, was it a stop lock or what? A. Only an ordinary lock.
- Q. One of those locks, not a padlock? A. Not a padlock, no sir.
- Q. Was there any bolt on the door? A. There was no bolt,

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I only moved in two days before.

Q. Did he lock that door before he went to bed?

A. Yes sir, I locked it.

Q. Did he leave the key in the door, is that what he says?

A. The key was in the door on the inside and when he was woke up by his brother-in-law he found that this door was open; I found that the lock was broke and the key was inside the lock.

Q. The door was open when he saw it? A. Yes sir, the door was open.

Q. How does he hire that house, by the month or how?

A. By the month.

Q. He was just in there two days? A. Only two days I had lived there.

Q. Does he know what Ward that house is in? A. I do not know what Ward it is.

JOHN J. BOWE sworn and examined .

By Mr. Macdonna. Q. Officer Bowe, you are attached to the 12th precinct, are you? A. Yes sir.

Q. Did you arrest this defendant Herman Schmidt on the night of January 10? A. On the morning.

Q. Whereabouts did you arrest him? A. On Delancy Street.

Q. Whereabouts on Delancy Street? A. In front of 152, coming out.

Q. At what hour? A. At 4.30 in the morning.

Q. Do you know what ward in this city 152 Delancy Street is in? A. The 13th Ward, 12th precinct.

Q. You arrested this man in front of what number?

A. In front of 152.

Q. In the immediate neighborhood of the residence of the last witness?

A. As he was coming out of the alley of 152.

Q. How far away from the entrance to this man's premises was it?

A. Coming right out of the alley.

Q. How far is that alley from the house of the complainant?

A. I should judge about forty feet from the rear house to the sidewalk, or forty-five feet.

Q. This man the complainant lives in the rear house?

A. The rear house.

Q. At 152?

A. Yes sir.

Q. You met this prisoner just coming out into the street through the alleyway forty feet away from the place where this man lives, do I understand you rightly?

A. Yes sir.

Q. Was he alone?

A. He was in company with another man.

Q. What became of the other man?

A. As I came along I noticed two of them coming out, I stepped over to them, I says, "where are you going with that coat." As I said that they turned around, I put my hand --- the other man did not wait for an answer, he ran away.

Q. Officer, were these men talking together when you saw them first?

A. They did not have time to talk.

Q. Were they walking one after the other or together?

A. As they came out of the alleyway the two walked side by side in a westerly direction toward Suffolk Street.

Q. And when you said, "where are you going with that coat", one of them ran?

A. Yes sir.

Q. You grabbed this man? A. Yes sir, he had a coat on his arm.

Q. What did he say? A. He says, "the other man gave me this coat, let me go."

Q. He speaks pretty fair English don't he? A. Yes sir.

Q. You took the coat, did you? A. I took the coat and I brought him to the station house.

Q. Did you examine him? A. I examined him at the station house and found another coat around his waist.

Q. Inside the coat he had on? A. Inside the coat buttoned up.

Q. Did he have anything else? A. He had the complainant's suspenders in his pocket which was identified by the complainant.

Q. Was that coat that you took off that was buttoned up on the inside and the suspenders shown to the complainant? and did he identify them? A. Yes sir.

Q. Were they shown to the other man? A. Yes sir.

Q. Tell us which portion he identified as his (Scheyer).

A. He identified the overcoat.

Q. And the other things, the under coat and the suspenders?

A. This other young man identified them, at least the other coat; the jersey I found in the alley; there was three pieces, two coats and a jersey.

By the Court Q. You got one coat on his arm? A. Yes sir.

Q. Who identified that coat? A. Scheyer.

Q. You got a coat buttoned up inside his own coat?

A. Yes sir.

Q. Who identified that? A. Scheyer identified that.

Q. The buttoned up coat? A. Yes sir.

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Q. And the pair of suspenders that you found on him, who identified them? A. I believe it was the other man, I do not know his name.

Q. That was asleep in that house? A. Yes sir, there is two more.

Q. Did you have any conversation with this man when you brought him to Court in the morning? A. No sir.

Q. And have not had any since? A. No sir.

Counsel: No questions, Officer.

By the Court. Q. Did you go back to the rooms, Officer?

A. Yes sir, immediately after, and I found the door was burst open.

Q. Right after leaving your prisoner at the station house?

A. Yes sir, it is only a block and a half away.

Q. In what condition did you find the door?

A. I found that the door was forced open and the lock was hanging off by the screws.

SOLOMON SHEUER sworn and examined through the Interpreter.

By Mr. Macdonna. Q. Where do you live? A. 152 Delancy St.

Q. Did you live there on the 10th of January? or were you stopping there on the 10th of January? A. Yes sir.

Q. With Mr. Bernard Nardeler? A. Yes sir.

Q. Do you remember waking up on that night and calling Mr. Nardeler? A. NO.

By the Court. Q. Ask him if he went to bed that night, this fellow?

A. Yes sir.

6/17/66

Q. What time did he go to bed? A. About ten o'clock or a little after.

Q. Was he the owner of an overcoat? A. Yes sir.

Q. When did he wake up? A. When I got up myself I felt cold.

Q. What time was it when he got up? A. About half past three.

Q. What did he find when he got up? A. I found the door open.

Q. What else did he find, did he see the lock?

A. The lock was completely broke off and the key was lying outside.

Q. Did you have an overcoat when you went to sleep in that room that night? A. Yes sir.

Q. When you woke up was it in the room, yes or no?

A. NO.

Q. Did you have an under coat, a jersey coat?

A. A jersey coat and an overcoat.

Q. Was that in the room when you woke up? A. No, it was not there.

Q. Where did you next see that overcoat and the jersey coat?

By the Court. Q. Did he see it at the Station House?

A. Yes sir, in the station house.

By Mr. Macdonna. Q. With this officer? A. Yes sir.

Counsel: No questions.

Mr Macdonna: That is the case.

HERMAN SCHMIDT sworn and examined in his own behalf.

By Counsel. Q. Where do you reside, Mr. Schmidt?

A. I used to reside in New York.

By the Court. Q. Where did you live, what number?

A. No. 245 Fifteenth Street.

By Counsel. Q. How long have you lived there at this place, how long had you been in the city of New York?

A. I have been in New York since last Friday week.

Q. Explain to the jury in your own way the occurrences of that night, the night of your arrest.

By the Court. Q. Do you recollect being arrested? A. Yes sir.

Q. Where were you when you were arrested? A. I was in Delancy Street.

Q. Go on and tell these gentlemen here how you came to be arrested? A. I came Friday of last week from Baltimore, I was in Atlantic Garden and I met a fellow, I know him two years in New York, named Ernest Stein, he used to live that time in Brooklyn.

Counsel: We can get along a great deal better with the Interpreter.

By the Court. Q. He met a fellow, what name? A. Ernest Stein.

Q. Go on and tell him to talk German to you. (Addressing (The Interpreter-Interpreter.)

Witness: He asked me why I came to New York for there was no work here; I told him I was going to Newport in the morning to an ice man to cut ice; he told me that he would like to go along. I have lived in Delancy Street and I owe the landlady two weeks board, Stein said so. He said, "Wont you come along to help me to carry my trunk " We left

the Atlantic Garden at twelve o'clock and went to Houston Street to a coffee saloon; we played a game of pinnicle, a game of cards, it was about four o'clock when we left there.

Q. Four o'clock when you left Atlantic Garden? A. The coffee saloon in Houston Street, and we went to Delaney Street into an alleyway; he says, that is where he lives. Before I went to the alleyway I seen the policeman standing at the corner; I went into the yard with him and there I stayed; the house door was open and he went in there; he came out with an armful of clothing; he asked me if I had a trunk in here; he said he was afraid the landlady would wake up; he gave me a pair of pants, I took off the suspenders and I put them in my pocket and he told me to put on those clothes.

Q. What clothes did you put on? A. A coat or an overcoat whatever it was, I could not tell exactly, I tried it and it would not go and I put it under my clothes and the other stuff he hung on my arm.

Q. What was the other stuff? A. An overcoat and a pair of pants, and he went out first; when we got out of the alleyway he put those clothes on my arm; when we came out the policeman stood there, I did not think anything, he run away, I stood there and was arrested.

Mr. Macdonna: I have no cross-examination.

By the Court. Q. Ask him how old he is? A. Thirty-four years.

Q. Ask him how long he knew Ernest Stein? A. About two years.

Q. Ask this man what he works at? A. He is a cooper.

- Q. Did he ever live in New York? A. Yes sir.
- Q. How long has he lived in New York, and neighborhood I have worked about three years. A. Around New York
- Q. And he is how old? A. Thirty-four.
- Q. And he met this man in the street what time? A. Met him in the Atlantic Garden.
- Q. And they stayed at the Atlantic Garden how long? A. About twelve o'clock, till they closed up.
- Q. And then went where? A. To Houston Street to a coffee saloon.
- Q. To what place? A. In Houston between Allen and Eldridge Street.
- Q. And he stayed there till four o'clock in the morning? A. We played cards there till four o'clock.
- Q. Those two men walked over to Delancy Street? A. Yes sir.
- Q. Was the door shut? A. No sir, the door was open.
- Q. Wide open? A. No sir, the door was shut, you turned the knob and go right in.
- Q. And he went in there to get a drink at half past four in the morning? A. Yes sir.
- Q. And told you he was afraid he would wake up the landlady and took the things out? A. He told me he owed the landlady two weeks board for rent.

Counsel: That is our case, I submit it on your Honor's charge.

The Court: No, I do not propose to do your duty; if you have anything to say about this case say it to the Jury.

Mr. Madonna: I have not anything to say.

The Jury rendered a verdict of guilty of robbery in the first degree.

IT THE FIRST PLACE.

THE FIRST PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE SECOND PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE THIRD PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE FOURTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE FIFTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE SIXTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE SEVENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE EIGHTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE NINTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE ELEVENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWELFTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE THIRTEENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE FOURTEENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE FIFTEENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE SIXTEENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE SEVENTEENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE EIGHTEENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE NINETEENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWENTIETH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWENTY-FIRST PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWENTY-SECOND PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWENTY-THIRD PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWENTY-FOURTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWENTY-FIFTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWENTY-SIXTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWENTY-SEVENTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

THE TWENTY-EIGHTH PLACE IS A MEMBER OF THE... IN THE... I HAVE NOT... AS...

Testimony in the case of Herman Schmitt filed Jan. 1891

1891

0400

Police Court 3rd District.

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

of No. 157 Delancey Street, aged 30 years,
occupation Varnisher being duly sworn

deposes and says, that the premises No 152 Delancey Street, 13th Ward
in the City and County aforesaid the said being a tenement building

and which was occupied by deponent as a dwelling apartment

and in which there was at the time human beings by names Bernard Noddy (deponent)
his wife and three children, and Samuel Scher
and Overder Bear

were **BURGLARIOUSLY** entered by means of forcibly opening the
lock of a door leading to said
apartment

on the 10th day of January 1899 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of wearing
apparel, of the value of about
Thirty five Dollars

the property of Samuel Scher, 152 Delancey Street, in care of deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Bernard Schmidt (now here) and
another not yet arrested, who acted in concert
for the reasons following, to wit: Deponent says - at about 4³⁰

A.M. of said date, he was awakened by feeling
said Samuel Scher, who having felt a draught
of air, awoke, and seeing said door opened,
aroused deponent, who missed said property,
and on investigation discovered a partition
thrown in the yard in the rear of said premises.

Deponent further says - a few minutes
expired, and Officer Boyle appeared, and

informed deponent that he has seen Defendant and another not arrested, departing from an alley annexing 152 Delaney Street, at about 4:30 am of said date and arrested defendant with a partner some wearing apparel in his possession, the other escaping, and deponent going to the 12th Precinct Station house, there identified the property found in the possession of defendant, as being a portion or balance of the missing wearing apparel, in the presence of said Officer and said Samuel Heber.

wherefore, deponent charges defendant, with a design concert with another not arrested, and burglariously entering said premises, and taking, stealing, and carrying away said property from his custody and possession.

Subscribed before me }
this 10th day of July 1884 } Bernard H. Parker

[Signature]
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1884
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 1884
Police Justice

Police Court, District, _____
THE PEOPLE, &c.,
on the complaint of _____
vs. _____
Offence—BURGLARY.
Dated _____ 1884
Magistrate _____
Officer _____
Clerk _____
Witness, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____
§ _____ to answer General Sessions.

0402

CITY AND COUNTY }
OF NEW YORK, } ss.

Wm J. Bowe
Officer of No

aged _____ years, occupation _____

12th Avenue

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Bernard Nardella

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

Sworn to before me, this

10

day of

July

18*97*

John J. Bowe

Commander

Police Justice.

0403

CITY AND COUNTY }
OF NEW YORK, } ss.

Samuel Scher

aged *24* years, occupation *Barber* of No.

152 Delancey Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Bernard Kardeler*

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

Sworn to before me, this *10* day of *July* 18*99* } *Samuel Scher*

W. Meade
Police Justice.

0404

Sec. 198-200.

3

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

Herman Schmidt 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.

Herman Schmidt

Question. How old are you?

Answer.

34 years

Question. Where were you born?

Answer.

Germany

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

Answer.

Baltimore Md 2 mos

Question. What is your business or profession?

Answer.

Cooper

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, and demand examination.

Herman Schmidt

Taken before me this

10

day of *July* 188*7*

[Signature]

District Court

0405

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 *June 11* 18 *91* *W. H. Mead* *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.*

0406

81 3- District. 39
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Bernard Nordler
152 vs. *Delaney*
Werman Schmidt

Murphy
Offence

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *July 10* 1891

Meade Magistrate.

John J. Power Officer.

12 Precinct.

Witnesses *Freid Speer*

No. _____ Street.

Samuel Acher

No. *152* *Delaney* Street.

No. _____ Street.

\$ *1000* to answer *9d.*

**1,000 bail for ex*

G. O'Connell am Jan 11th

MM



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Herman Schmidt

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

Herman Schmidt

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

The said Herman Schmidt,

late of the ... Ward of the City of New York, in the County of New York aforesaid, on the ... day of ... in the year of our Lord one thousand eight hundred and eighty-nine, with force and arms, about the hour of ... o'clock in the ... time of the same day, at the Ward, City and County aforesaid, the dwelling house of one ...

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: ...

within the said dwelling house, with intent to commit some crime therein, to wit: the goods chattels and personal property of the said ...

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away; ...

... and there assisted by a ... whose name is to the Grand Jury aforesaid as yet unknown.

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

SECOND COUNT—

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

— *Herman Schmidt* —

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

The said *Herman Schmidt*,

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 *mid* time of the said day, with force and arms,

several articles of clothing and wearing apparel, of a quantity and description to the Grand Jury aforesaid unknown, of the value of thirty five dollars,

of the goods, chattels and personal property of one *Bernard Vander*,

in the dwelling house of the said *Bernard Vander*,

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

THIRD COUNT—

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

— Herman Schmidt —

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

The said *Herman Schmidt,*

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, with force and arms,

since which

of certain and meaning apparel, of a quantity

and description to the Grand Jury

aforesaid unknown, of the value of

Twenty five dollars,

of the goods, chattels and personal property of one *Bernard Tardier,*

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

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

— Herman Schmidt, —

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

DE LANCEY NICOLL,

~~JOHN R. FELLOWS,~~

District Attorney.

04 10

BOX:

425

FOLDER:

3922

DESCRIPTION:

Schroder, Frederick

DATE:

01/28/91



3922

324

Witnesses

Counsel,

Filed, 28 day of Jan 1891

Pleeds, *M. G. Kelly* 29

THE PEOPLE,

vs.

29
637-1st ave
appt. *R*

Fredrick Schroeder

ADULTERATED MILK.

(Chap. 183, Laws of 1857, Section 1, as amended by Chap. 577, Laws of 1880, Section 1; Section 186, Sanitary Code, and Section 575 of the N. Y. City Consolidation Act of 1882.)

DE LANCEY NICOLL,

~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Harold E. Green

Part II February 11/91 - Foreman.

Pleads Guilty

John J. Kelly

John J. Kelly

John J. Kelly

0412

City and County of New York, ss.

Wm Vermilye

Assistant Sanitary Inspector of said city, being duly sworn, deposes and says, that on the
12th day of *August* in the year 1870

at premises number *637-1st Ave* in the City of New York, the said premises being a place then and there where Milk was kept for sale, one *Fredrick Schroeder* unlawfully did then and there keep, have and offer for sale three quarts of impure and unwholesome Milk, which had been and was then and there watered, adulterated, reduced and changed by the addition of water or other substance, or by the removal of cream therefrom, and that such impure, unwholesome, watered, adulterated or reduced and changed Milk was then and there, by the said *Fredrick Schroeder*, unlawfully held, kept and offered for sale against and in violation of the provisions of the Sanitary Code, and of such Sanitary Code then and there, and at all times thereafter in force and operation, and especially against and in violation of the provisions of a section and ordinance of such Sanitary Code which was duly passed and adopted by the Board of Health of the Health Department of the said City of New York, and by said Health Department at a meeting thereof, duly held in said city, on the twenty-third day of February, 1876, in the manner and language following, to wit:

"Resolved, That under the power conferred by law upon the Health Department, the following additional section to the Sanitary Code, for the security of life and health be, and the same is hereby, adopted and declared to form a portion of the Sanitary Code.

"No Milk which has been watered, adulterated, reduced or changed in any respect by the addition of water or other substance, or by the removal of cream, shall be brought into, held, kept or offered for sale at any place in the City of New York, nor shall any one keep, have or offer for sale in the said city any such Milk."

That said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in said city, to wit, in the issues of such newspaper of the 24th day of February, 1876, and also of the 2d day of March, 1876, and that said ordinance was, at all times alleged herein, in full force and operation in said city and county.

Sworn to before me the *18th* day } *Wm Vermilye*
of *August* 1870 }
Charles W. Trinitor
Police Justice.

0413

Police Court, 4th District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

W. H. Vermilyea

v.s.

Fredrick Schureder

Affiant

Dated 188

Justice.

Officer.

William G. Berry

& M. Carroll

Daily sale 50¢
Skimmed 14%

0414

Sec. 198-200.

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

Fredrick Schroeder 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. *Fredrick Schroeder*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *No 63rd, 1st Ave 5 years*

Question. What is your business or profession?

Answer. *Grocer*

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 and if held I demand a trial by Jury
Fredrick Schroeder*

Taken before me this

Shallie Stewart
day of *August* 19*19*
Police Justice

0415

Sec. 151.

Police Court 4th District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Wm H. Vermilyea
of No. 301 West Street, that on the 12th day of August

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

Frederick Schroeder did no 637-1st Ave did have hold & offer for sale milk that was changed by the removal of cream

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 4th 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 18th day of August, 1890

Charles McTear POLICE JUSTICE.

0416

POLICE COURT 4th DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm Vermilye

vs.

Frederick Schroeder

Warrant-General.

Dated 188

Magistrate.

Leez Officer.

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

Officer.

Dated August 19 1889

This Warrant may be executed on Sunday or at
night.

Police Justice.

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

Dated 188

Police Justice.

Age 28. German. Res 687. 1. Ave

The within named

0417

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

defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Two* 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 *Aug 19* 18*90* *Charles W. Linter* Police Justice.

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

Dated *Aug 19* 18*90* *Charles W. Linter* 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.

0418

W ✓ 1287
Police Court--- District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

301

vs. Mott St

Frank Schroeder

2

3

4

Offence

Mia Adams Cook

BAILED

No. 1, by Peter Block
Residence 1028 ave a Street

No. 2, by
Residence Street

No. 3, by
Residence Street

No. 4, by
Residence Street

Dated Aug 19 1890
Magistrate

Officer
Precinct

Witnesses

No. Street

No. Street

No. Street

\$ 200 to answer



Called
Amel Mela

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Frederick Schroder

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

Frederick Schroder

(Chap. 188, Laws of 1886, § 1, as amended by Chap. 577, Laws of 1888, § 1.)

The said

Frederick Schroder

late of the City of New York, in the County of New York aforesaid, on the *twelfth* day of *August* in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety*, at the City and County aforesaid, did unlawfully expose for sale three quarts of unclean, impure, unhealthy, adulterated and unwholesome milk (the same not being skimmed milk produced in the said County), 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:

§ 166, Sanitary Code

And the Grand Jury aforesaid, by this indictment, further accuse the said
Frederick Schroder
of the CRIME OF VIOLATING THE SANITARY CODE OF THE BOARD OF HEALTH OF THE
HEALTH DEPARTMENT OF THE CITY OF NEW YORK, committed as follows:

The said *Frederick Schroder*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully keep, have and offer for sale, three quarts of milk which had been and was then and there watered, adulterated, reduced and changed by the addition of water and other substances to the Grand Jury aforesaid unknown, and by the removal of cream, against and in violation of the Sanitary Code of the Board of Health of the Health Department of the City of New York, duly adopted and declared as such at a meeting of the said Board of Health, held in said city on the second day of June, 1873, as amended in accordance with law, and particularly in violation of a certain ordinance thereof, to wit: the one hundred and eighty-sixth section of said code, which is as follows, that is to say:

“No milk which has been watered, adulterated, reduced or changed in any respect by the addition of water or other substance, or by the removal of cream, shall be brought into, held, kept, or offered for sale at any place in the City of New York; nor shall any one keep, have or offer for sale in the said city any such milk.”

Which said section and ordinance above set forth was, by a certain resolution, duly passed and adopted by the said Board of Health and by said Health Department, at a meeting thereof duly held in said city on the twenty-third day of February, 1876, added to and made a part of the said Sanitary Code aforesaid, and adopted and declared to form a portion thereof, pursuant to the authority and power conferred by law upon the said Board, and which said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in the said city, to wit: in the issues of such newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876, and which said Sanitary Code so amended and altered was then and there, at the time of the committing of the offense hereinabove alleged, in full force and operation, and was by law declared to be binding and in force in said city, and which said section and ordinance above set forth was then and there in full force and virtue, having been in nowise altered, amended or annulled by said Board of Health, 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,
~~JOHN R. FELLOWS,~~
District Attorney.

0421

BOX:

425

FOLDER:

3922

DESCRIPTION:

Schultzer, Oscar

DATE:

01/13/91



3922

0423

Police Court District.

City and County of New York, ss.:

Parvosa Kaiser

of No. 171 Eldridge Street, aged 18 years, occupation Domestic being duly sworn

deposes and says, that the premises No. aforesaid Street, 10th Ward in the City and County aforesaid the said being a dwelling place, five story brick building and which was occupied by deponent as a dwelling place and in which there was at the time a human being by name

were BURGLARIOUSLY entered by means of forcibly opening a door leading from the hall to a front room which had been occupied as a Lager Beer Saloon and entering a sitting room in the rear with intent to commit a felony on the 20 day of August 1890 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

One Trunk containing a quantity of ladies under clothing, a watch and a Bible together of the value of about sixty dollars \$60⁰⁰/₁₀₀

the property of deponent and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by Oscar Schutzen alias Oscar Stahl (nomine)

for the reasons following, to wit: From the fact that deponent is informed by Albert Zimmerman of No. 171 Eldridge Street that at about 8 o'clock P.M. of above date he securely locked and fastened the doors and windows leading into the basement or ground floor of above mentioned premises. That at about 9 o'clock a.m. the

0424

Following running defendant discovered that said door had been broken open and missed said property. Defendant is informed by Dana Mornay of No 187 Chrystie Street New York that on or about said date she was in said defendants room at No 181 Eldridge Street when he gave her a bundle containing a quantity of ladies underwear also a satchel and a bible which defendant has since seen and fully and positively identifies as a portion of the property contained in said bundle. Defendant is informed by Officer John S. McHenry of the 9th Precinct that he found in the room now occupied by defendant No 219 Chrystie Street a press of Gents which defendant has since seen and identifies as her property.

Sworn to before me
 5th day of January 1891
 Police Justice
 Police Justice
 Police Justice

I have admitted the above named
 to bail to answer by the undertaking hereto annexed.
 Dated 1891
 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 1891
 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 1891
 Police Justice

Police Court, District.

Office—BURGLARY.

THE PEOPLE, &c.,
 on the complaint of

vs.

1. _____
 2. _____
 3. _____
 4. _____
 5. _____

Dated _____ 1891

Magistrate.

Officer.

Clerk.

Witnesses.

No. _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____

to answer General Sessions.

0425

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 23 years, occupation Stephener of No.

184 Chrystie Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Barbara Kassis

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

Sworn to before me, this

day of

5
Jan 1887 Dora Mooney

W Mead

Police Justice.

0426

CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation John T. McCarty
Police Officer of No. _____
St. Francis Street

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

Sworn to before me, this 5
day of July 1888 John T. McCarty
Commins
Police Justice.

0427

Sec. 198-200

District Police Court

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *Oscar Schutzen*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *No 219 Chrystie St. 4 weeks*

Question. What is your business or profession?

Answer. *Chemist*

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*

Oscar Schutzen

Taken before me this
day of *January*
1918
John J. [Signature]
Police Justice

0428

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifty 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 Jan 5 1871 C. M. Mead 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.

0429

Police Court---

27 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Bartram Kaiser
17th - Eldridge
Chas. Schutzen
Alia
Oscar Stoll

Magellan
Office

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Jan 5 1891*

Magellan Magistrate.

W. County Officer.

11 Precinct.

Witnesses *Donna Manner*

No. *187 Eldridge*

160 Eldridge

Call for

No. _____ Street.

No. *178* Street.

\$ *1500* to answer *Yes*

C. M.



COURT OF GENERAL SESSIONS, PART III.

----- x
 :
 The People of the State of New York, :
 :
 against : Before
 : Randolph E. Martine,
 : and a Jury.
 Oscar Schnetzer. :
 :
 ----- x

Indictment filed January 13, 1891.

Indicted for burglary in the third degree.

New York, February 12, 1891.

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

For the People,

Asst. District-Atty. Henry E.E. Stapler;

For the Defendant,

J. Hooper, Esq.

BARBARA KEISER, a witness for the People, sworn, testified:

I am a servant girl living at No. 171 Eldridge Street in this city. On the 20th. of August 1890 I was employed in that house. On that evening I went out at about eight o'clock in company with the proprietor of the place. We locked the door and securely fastened several entrances to the store. We went to a concert-hall on the Bowery. When we returned on that evening we found some of our goods missing. Before we went to the Concert Garden on the Bowery we went into a restaurant between DeLancey and Rivington Street. While in that restaurant the defendant came in in company with a man named George Winter. I had known them both before. George

Winter spoke to Mr. Zimmerman who was in my company. It was twelve o'clock in the night when we returned back to 171 Eldridge Street. I went in the house and looked all around for a trunk of mine which I had left in the kitchen. I could not find it any place. I told the proprietor that my trunk was gone and that I could not find it. We then went to the Station House and made complaint that the trunk had been stolen. I afterwards saw the trunk in the Station House and identified its contents as my property. I went, in company with Officer McCarty, to the premises of the defendant. The officer searched his room and there found my trunk. The defendant said that he had bought a trunk and that when he bought it it was empty. I identified it by the picture on the cover and articles of wearing apparel of mine which were in it. I am positive that the trunk, which is now shown me containing the articles that it does, is my property.

CROSS-EXAMINATION:

- Q Of your own knowledge you don't know anything about what time the trunk was taken? A No, sir.
- Q You were not in the room from the time you left the house early in the evening until between seven and eight o'clock the next morning? A No, sir.
- Q You know that that house was pulled on that night, don't you? A No, sir. A couple of days before.
- Q Did the defendant ever live there? A No, sir. He lived at No. 181 Eldridge Street.

Q Did he complain about the house and have it pulled ? A I don't know whether he did or not.

Q By what other name was the defendant known when he visited your premises ? A By the name of Dr. Stahl.

Q Where did you leave this trunk when you went out ? A I left it in the kitchen, or a room adjoining the kitchen which is used as a laundry. It was not in that room nor in the house when I returned on that evening.

ALBERT ZIMMERMAN, a witness for the People, sworn, testified:

I live at No. 171 Eldridge Street. The last witness is my servant girl. On the 20th. of August last in her company I left the house in the early part of the evening and went to Vokes Garden on the Bowery. Previous to going to Vokes' Garden I went, in her company, to a restaurant and had supper. While in that restaurant the defendant, in company with one George Winter, came in. I knew the defendant before that by his coming into my place. At that time I knew him by the name of Dr. Stahl. The defendant said to me: "Helloa, Zimmerman: Where are you going?". I told him I was going to the Vokes Garden and that is all the talk I had with him. Before leaving my house I securely locked all the doors that gave entrance to it. We returned to the house at about 12 o'clock. Very shortly after we got in the girl told me that her trunk was gone. I went to the Station House and made complaint of the loss of the trunk. I had a conversation with the defendant in my store on one occasion.

I had lost a box of cigars. He came to me and told me that he could tell who stole the cigars. He said it was Paul Stein. He also said to me that the same party that stole the cigars stole the trunk too. I went, in company with Officer McCarty, to the home of the defendant. The officer searched the room and there found the trunk of this girl which she identified. The officer said to the defendant: "You stole that trunk", and the defendant said no, that he had bought it from Paul Stein. There was nothing else said in that room. The defendant called me aside and he said to me: "You won't make any charge against me" and I said: "I have nothing to do with it; it is this woman's trunk and she will make the charge". He said: "I will give you everything you want for this trunk, any sum of money, and I will make it all right with you." I made him no answer but left the premises. I afterwards saw him and he said: "Zimmerman, make no trouble for me. Make no charge against me and I will bring you everything that was in the trunk".

CROSS-EXAMINATION:

Q You owned the house from which this trunk was taken?

A Yes, sir; I had a lease of the store.

Q Was it closed up by the Police? A Yes, sir; it was.

Q How long had you been in those premises? A Since July 1890.

Q What was the character of that house? A I kept a respectable saloon.

Q The defendant asked you to make no charge against him and said that he bought the trunk from Stein? A Yes, sir.

ANNIE COULTER, a witness for the People, sworn, testified:

I am a housekeeper of No. 171 Eldridge Street. That is a five story tenement house. I remember the evening of the 20th. of August last. I saw Mr. Zimmerman close up his place on that evening and leave the premises. I am certain that the place was thoroughly closed when Mr. Zimmerman and Mrs. Keiser and Miss Keiser passed out.

GUSSIE SCHWERIN, a witness for the People, sworn, testified:

I live at No. 181 Eldridge Street. I have been living there six years. I know the defendant. He lived in my house for two weeks. When he took a room at my house he told me that he was a doctor. I asked him why he didn't hang out a sign, and he said that he didn't need any sign. He remained in my place for two weeks when I told him that he must leave.

JOHN T. McCARTY, a witness for the People, sworn, testified:

I am a Police Officer attached to the 11th. Precinct. The premises No. 171 Eldridge Street are in the 10th. Ward. In company with Barbara Keiser, Mr. Zimmerman and a man named Eichwald I went to the rooms of this defendant on the morning of the 5th. of January. I told the defendant I was an officer and that I was informed he had some stolen property belonging to Barbara Keiser. I asked Miss Keiser if she saw anything that

0435

6.

belonged to her and she at once said: "That is my trunk", pointing to a trunk in the room. I asked the defendant how he came by the trunk and he said he bought it from a man. I asked him when he bought it and he didn't say. I asked him wasn't there anything in the trunk when he bought it, and he said it was empty. I asked Miss Keiser to examine the articles in the trunk and when she did so she identified several articles of wearing apparel and a piece of lace which was in the trunk. I took the defendant then into custody and brought him to the Station House.

LOUIS EICHWALD, a witness for the People, sworn, testified:

I am a photographer and a singer by occupation. I sing in concert saloons on the Bowery. I have known the defendant about a year and a half. When I first met him he was living at No. 40 Division Street. I went, in company with Officer McCarty and the others, to the defendant's rooms on the morning of the 5th. of January. I can corroborate the testimony of the officer as to what took place on that occasion. The witness Keiser identified the trunk by a picture which was inside the cover. She also identified a piece of lace and a pair of stockings which were found in the trunk. On the way to the Station House I had a conversation with the defendant. I told him in German "It looks kind of serious Mr. Schnetzer; these things were found in your possession". He said: "I didn't take the trunk. George took the trunk

and I have got to suffer for it now". At the Station House he said ^{to} Mr. Zimmerman : "If you do not make the charge I will be willing to pay anything you ask; I will be willing to give you all you lost". Mr. Zimmerman did not make any answer to him. The defendant sent the following letter to Mrs. Mooney: "When you come to the Grand Jury Room tell them that you did not get the clothing from me, that you got it from Paul Stein and come and see me at once". He also sent her this letter: "For God's sake when you come to the Grand Jury Room do not say that you got the goods from me, but say that you got the goods from Paul Stein".

CROSS-EXAMINATION:

I am a photographer. I took the picture which is now shown me. This is a picture of the defendant, a man named George and a man by the name of Paul Stein.

Q Where is Paul Stein now ? A I believe he is in the Penitentiary in New Jersey.

Q Are you in correspondence with him ? A I have heard from him once or twice.

Q Who introduced you to the defendant ? A Paul Stein.

Q Were you not frequently in company with Paul Stein ?

A No, sir.

Q You and Stein were not enemies were you? A No, sir /

Q You were friends? A Not as much as I know.

Q He was friendly enough to send you letters from State's

Prison? A Yes, sir.

- Q Have you become an enemy of this man? A I have.
- Q Didn't Paul Stein write to you in a letter something about this trunk? A Yes, sir..
- Q And that was the beginning of the trouble between you and this man? A Yes, sir.
- Q You are now his enemy? A I am.
- Q Where are you employed now? A I am working for myself. I sing at concerts on the East side in the evening.
- Q You went to the Tombs to see this defendant? A Yes, sir.
- Q And he gave you those letters to Mrs. Mooney? A Yes, sir.
- Q You represented yourself to him as his friend? A Yes, sir.
- Q You lied when you did that? A Yes, sir.
- Q You would like to see him sent to State's Prison? A He is guilty and I would.
- Q You feel pretty bitter against this man? A I do.

DEFENSE:

CHARLES F. RISLEY, a witness for the Defendant, sworn, testified:

I am a manufacturer of proprietary medicines at No. 62 Courtlandt Street. The defendant has sold goods for me. I believe him to be a man of good character.

OSCAR SCHNETZER, the defendant, sworn, testified:

I am the defendant in this case. I have lived

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in the City of New York for four years. In the month of August last I was living at 181 Eldridge Street in the same room with Paul Stein. We shared one room together. On the morning of the 21st. of August I got up at about eight o'clock and I found a trunk in our room. I asked him whose trunk it was and he told me he bought it in an auction room.. I didn't know what was in the trunk at that time. Paul Stein and I remained as occupants of that room for three weeks together. The trunk was taken from there to Houston Street. In Houston Street I paid four weeks' rent for Paul Stein and he owed me altogether three dollars and a half. He told me he had no money, but he would let me have this trunk in payment for what he owed me. He left the trunk with me and when I moved I took it with me. Paul Stein left and went to Philadelphia and other places, and I didn't see him again. I was arrested on the 5th. of January and this trunk was found in my room. I have been asked to plead guilty to this charge, but I would not because I came by the trunk honestly. I didn't know that it had been stolen by Paul Stein, nor was I aware of the fact that it was not his property. I never examined the articles that were in the trunk. I believed it to be empty at the time I bought it. I didn't have a conversation with Mr. Zimmerman in which I stated to him that I would give him anything he wished if he would withdraw the charge. There were a number of pawn tickets found in my room, but the

majority of them were made out in the name of Paul Stein. They were his property. I had no knowledge that Paul Stein was a thief during the time I was living with him.

CROSS-EXAMINATION:

- Q Have you ever been in the Penitentiary? A Yes, sir; once.
- Q What was that conviction for? A Petty larceny.
- Q You were sentenced for how long? A Six months.
- Q When did you come to this country? A I came to this country in February 1889.
- Q Were you ever arrested in Philadelphia? A I never was arrested in Philadelphia. I lived in Mr. Eichwald's house after I came from the Penitentiary. I made the acquaintance of Paul Stein in the Penitentiary. He was up there for a month and when we came out we went to live in the same room together.
- Q You knew that he had been in the Penitentiary at the time you went to live with him? A Yes, sir.
- Q You lived with him in Houston Street? A Yes, sir.
- Q And it was while you were living in Houston Street that Stein was arrested in New Jersey? A Yes, sir.
- Q Did you know what Paul Stein was doing for a living? A He told me he was an actor in a Grand Street museum.
- Q Did you ever hear him perform on any musical instrument? A No, sir.
- Q Did you see the trunk while it was in the room? A Yes, sir; but I never saw him open it. I live at Mrs. Moon-ey's house at No. 181 Eldridge Street. I sent her the

letters that the witness Eichwald has read here. I thought that by doing so I might get out of this trouble. I never said to the detective or any one else that I bought this trunk from Stein. He gave it to me for what he owed me for rent.

Indigement filed 1st 12-1881

JACOB VONDERICHTEN, a witness for the defendant, sworn, testified: He is a member of Inspector Byrne's Detectives. The defendant gave me information of burglaries committed in Newark which led to the arrest and conviction of the man called Paul Stein.

MAURICE STRAUSS testified to the good character of the defendant.

DORA MOONEY testified to the receipt of the letter from the defendant which has been given above.

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

defendant which has been given above.
The jury returned a verdict of "guilty of
to violate" a demand of "guilty of

DOBA MOONEY testified to the receipt of the letter from the
suit.

Indictment filed Jan. 13-1891

COURT OF GENERAL SESSIONS

Part III

MURKIN testified to the good character of the defend-
ant.
The defendant gave me information of purchases committed in
against the person of Inspector Byrne a Detective. The
Abstract of testimony on
trial New York Feb. 12th
1891.

He owed me for rent.
I bought this trunk from Stein. He gave it to me for what
I never said to the detective or any one else that I
thought that by doing so I might get out of this trouble.
letters that the witness Edwards has read here. I

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Oscar Schutze

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

Oscar Schutze

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

The said *Oscar Schutze*,

late of the *Fifth* Ward of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *August*, in the year of our Lord one thousand eight hundred and eighty *nine*, with force and arms, about the hour of *twelve* o'clock in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Barbara Kaiser*,

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, ~~to-wit:~~

within the said dwelling house, with intent to commit some crime therein, to wit: the goods chattels and personal property of the said *Barbara Kaiser*,

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

Oscar Schultze

of the CRIME OF *Grand* LARCENY in the *2nd* degree, committed as follows:

The said *Oscar Schultze*,

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 *mid* time of the said day, with force and arms,

one bundle of the value of ten dollars,
one article of the value of five dollars,
one printed book entitled "The Holy Bible"
of the value of five dollars, and divers
articles of female underclothes, a more
particular description whereof is to be
found in the indictment annexed, of the
value of forty dollars,

of the goods, chattels and personal property of one *Barbara Kaiser*,

in the dwelling house of the said *Barbara Kaiser*,

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

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THIRD COUNT—

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

Oscar Schultze

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

The said *Oscar Schultze*,

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, with force and arms,

*one bundle of the value of ten dollars, one
package of the value of five dollars, one
printed book entitled "The Holy Bible" of the
value of five dollars, and divers articles of
female underclothes, a more particular
description whereof is to the Grand Jury
aforesaid unknown, of the value of twenty
dollars,*

of the goods, chattels and personal property of one *Barbara Kaiser*,

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

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

Oscar Schultze

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

DE LANCEY NICOLL,
JOHN R. FELLOWS,
District Attorney.

0445

BOX:

425

FOLDER:

3922

DESCRIPTION:

Scully, Louis

DATE:

01/19/91



3922

0446

BOX:

425

FOLDER:

3922

DESCRIPTION:

Hamilton, John L.

DATE:

01/19/91



3922

0447

1624 - class in

Counsel,
Filed 19th day of Jan'y 1891
Pleaded

W. H. DeLancey

THE PEOPLE

vs.
Louis Scully

and

John L. Hamilton

W. H. DeLancey

DE-LANCEY NICOLL
~~JOHN L. FELLOWS~~

District Attorney.

[Sections 528, 58/637 Penal Code]

Grand Larceny Second degree

A True Bill.

Franklin Eason
Foreman.

John DeLoach

James H. DeLoach
by
J. P. DeLoach
Deputy 28/91

DeLoach

If witnesses;

DeLoach

DeLoach

DeLoach

0448

Police Court X District.

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

Louis L. Deeds

of No. 44 East 57 Street, aged 27 years,

occupation Electrical being duly sworn

deposes and says, that the premises No. 44 East 57 Street, 19 Ward
in the City and County aforesaid the said being a Apartment House

and which was occupied by deponent as a Straw
and in which there was at the time a lounge being, by name

were BURGLARIOUSLY entered by means of force opening
the door of the said lounge
in the basement of said premises
with a key and breaking open a trunk

on the 12 day of January 1899 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of
clothing and also
Jewelry all of the value
two hundred dollars
\$ 200.⁰⁰/₁₀₀

the property of deponent's mother (deceased) and sister
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Louis Scully and
John L. Hamilton

for the reasons following, to wit: that deponent was
informed by Officer Joseph Mann
of the 33 Precinct Police that
he arrested the said Scully
and Hamilton in the premises
at 56 & 10 Avenue and found
a quantity of clothing and jewelry
in their possession and deponent
is further informed by said Mann

0449

that they ~~the~~ defendant admitted to
know that they had taken the said
property from the said premises and
Deponents Sister ^{of} ~~and~~ Amelia ^{of} ~~and~~ ³¹ ~~32~~ ^{East 57 St}
since seen the said property and
fully and positively identifies it as the
property taken stolen and carried away
from Deponents possession under the
following circumstances. The said property was
in a trunk in a storeroom in the basement
of the said premises 44 East 57 Street
the door of said Room being locked then
the said defendant opened the said
door with a key and broke open the
said trunk and took, stole, and carried
away the said property.

Sworn to before me this }
13th day of August 1888 } Loring L. Leeds
John J. Ryan }
Police Justice

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

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

Police Court, District, Offence—BURGLARY
THE PEOPLE, dc.,
on the complaint of
vs.
1
2
3
4
Dated 1888
Magistrate.
Officer.
Clerk.
Witnesses,
No. Street,
No. Street,
No. Street,
No. Street,
to answer General Sessions.

0450

Sec. 198-200.

4 District Police Court

CITY AND COUNTY OF NEW YORK ss.

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

Question. What is your name?

Answer.

John L. Hamilton

Question. How old are you?

Answer.

17 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

North West Corner 3rd St & 7th Ave one month

Question. What is your business or profession?

Answer.

Trimmer

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

John L Hamilton

Taken before me this 19th day of *August* 1911
John H. Ryan
Police Justice

0451

Sec. 188-200.

CITY AND COUNTY OF NEW YORK, ss.

4 District Police Court

Louis Scully 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.

Louis Scully

Question. How old are you?

Answer.

18 years old

Question. Where were you born?

Answer.

St Louis Mo

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

Answer.

North Water 3rd St 7 years 4 months

Question. What is your business or profession?

Answer.

Paper factory

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 Scully

Taken before me this

day of

James H. [Signature]

Police Justice

0452

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty 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 Jan'y 13' 1891 John H. Ryan 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.

0453

1624 61
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis L. Leads
44 1/2 South 87 St

Louis Scully
John L. Hamilton

Officer
Angela

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *Jan 13 1891*

J. Ryan Magistrate.

J. Morrison Officer.

22 Precinct.

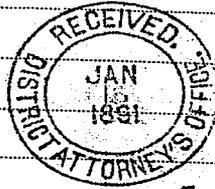
Witnesses _____

No. _____ Street.

No. _____ Street.

No. *1500* Street.

\$ _____ to _____



Ang 3
9 1/2 2
Ang

0454

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Morrison
aged 34 years, occupation Police Officer of No. 22 Precinct Police Street, being duly sworn deposes and

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

Sworn to before me, this 13 day of January 1891 *Joseph Morrison*

John Ryan
Police Justice.

0455

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 Scully
aged
John L. Hamilton

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

Louis Scully and John L. Hamilton

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

The said *Louis Scully and John L. Hamilton, both*

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

divers articles of clothing and wearing apparel, of a number and description, to the Grand Jury aforesaid unknown, of the value of one hundred and fifty dollars and divers articles of jewelry of a number and description to the Grand Jury aforesaid unknown, of the value of fifty dollars

of the goods, chattels and personal property of one *Horace L. Leeds*

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.

0456

SECOND COUNT—

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

Louis Scully and John L. Hamilton
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *Louis Scully and John L. Hamilton, both*

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

the same goods, chattels and personal property described in the first count of this indictment

of the goods, chattels and personal property of one

Loring Leeds

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

Loring Leeds

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

Louis

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

DeWaney Nicoll
~~JOHN R. FELLOWS,~~
District Attorney.

0457

BOX:

425

FOLDER:

3922

DESCRIPTION:

Settokowsky, David

DATE:

01/21/91



3922

0458

W. H. ...

Counsel,
Filed *21* day of *May* 1891
Plead, *McGee*

THE PEOPLE
vs.
R
David Settkowich
[Section 408, (26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)]
Burglary in the Third degree
[Section 408, (26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)]

W. H. ...
DE LANCEY NICOLL
~~...~~
District Attorney.

A TRUE BILL

Franklin ...
Foreman.
James ...
James ...
James ...
James ...
James ...

46

The People
vs.

David Setzkowsky

Court of General Sessions Part I
 Before Recorder Smyth January 26th 1891
 Indictment for burglary in the
 third degree, grand larceny in the second degree
 and receiving stolen goods.

Meyer Yarmenulowsky, sworn and examined through the Interpreter testified:

What is your business? Tailor, cloakmaker

Do you remember the 16th of January 1891? Yes

Where was your place of business then?

No. 264 Broome Street. What were those premises

used for at that time by you? Cloaks. You

made them? Yes sir; it was my workshop.

What did you do that evening when you

you left the shop, did you lock up the stores?

At 8 o'clock that evening I locked up my

shop. What did you leave in the shop?

Jackets, this coat was there, and a box

of trimmings and a thimble was in a

box. What floor is your shop on? It is

four flights up. How many rooms do

you occupy? One big room. How is that

room fastened? There is only one door

to enter that room and there are win-

dows looking into the yard in the rear.

The lock is stationary and is screwed

to the door. Did you lock up and take

the key of the place with you? Yes sir

and then I went to No. 78 1/2 Delancey St.

0460

where I live in the first floor. When did you hear your place was broken? About ten o'clock that night a man who sleeps in the shop came - he was not in the shop, he was out, but he sleeps there - and he notified me that the shop was broken open. Did you go down to the shop? Yes sir; the door was broken and that piece of iron was lying close to the door and it was broken off the nozzle. There were marks on the door; it must have been opened with that piece of iron. When you got in there and found that the door had been opened did you miss any goods? Yes, a box with the trimmings, six unfinished jackets, my own coat, and a thimble which was in the box of trimmings. In the morning people who make this kind of goods and who made this coat notified me that some one was going around offering the coat for sale. I went to a pawn shop with Officer Selig and saw my coat; the pawn shop was in Division st. I don't know the name of the man, but the officer does. When did you see the other things? The other things I never saw; the prisoner had the thimble in his pocket. What was the value of those six saques that all the things that were stolen? About fifty or

Fifty five dollars the whole amount.
 Cross Examined How much would those sacques
 sell for each? I could not give in detail,
 but I know altogether it is about fifty dollars;
 they were partially made up and were nearly
 finished. When those sacques were finished
 what would they be worth each? About four
 or five dollars a piece. How much work
 was to be done on them to finish them?
 About an hour and a half's work to finish
 the whole of them and that would be worth
 one dollar. The coat now shown me is my
 own, it was not even a day in the shop,
 the tailor just brought it in, it was new
 and worth about nine dollars. The trim-
 mings that was in the box were worth
 nine dollars; there was a pound of sewing
 silk which was worth \$3.50, two boxes of mach-
 ine cotton worth four dollars, machine
 needles worth \$1.50 and sewing thread, the
 value of which I cannot exactly give. Did
 you know this boy? I never saw him before.
 Did he have any business in that shop?
 No. I don't know what Ward the shop is in
 Louis Selig, sworn and examined, tes-
 tified, I arrested the defendant on the 5th
 of January in the morning when I came
 on post at 8 o'clock I saw this boy in Ludlow
 St in front of 24 with this coat (the

0462

complaint) on his arm; trying to sell it. I was on the other side of the street and I went to go over and see what he was selling. He disappeared, I could not see him any more. I went around Essex, Hester and Norfolk streets, and half or three quarters of an hour later a lady came to me saying, "Officer, they want you in Ludlow street, they have got a burglar." I went around and I seen this complainant had the boy in front of 14 Ludlow street. I asked what was the matter? He said, "That boy stole my clothes and broke in last night." I said I saw the boy with the coat on his arm, and I asked him, "What did you do with the coat?" He said, "It is pawned in Divison St." I took him to the station house; his pedigree was taken. I locked him up, and upon searching him I found that thimble and a key in his pocket. I say, "Whereabout in Divison St.?" He would not give me any satisfaction. I went to No. 112 Divison St. but I could not get it and went to No. 67 Divison St. I went to two different pawnshops, and finally the complainant and myself went there and found the coat pawned for two dollars, and the complainant paid five

0463

dollars for it and took it out. In whose pawnshop did you find the coat? No. 67 Division St. Have you got the ticket there?

Yes sir, he did not give me the genuine, but he gave me a copy of it. What did the boy say in reference to the coat? The boy says he got it from some other boy. What did he say with reference to having pawned it? He said he did not pawn it there, but he knew where it was though, he would not give in to anything; he said he did not pawn it, he did not steal it, he did not do anything, but I found that trimble in the coat. The coat now shown me is the coat which I saw on the boy's arm half an hour before I arrested him and which had been pawned. He said some boy gave him the trimble.

The complainant's place is in the South ward
Cross Examined: What street was it you first saw the boy on? Ludlow near West street in front of No. 29. I was on the opposite side of the street, I was in front of No. 26 and he was in front of No. 29 on the opposite side of the street. I was on the east and he was on the west side. How far were you away from him? About seventy five feet or more than fifty; I was not directly opposite. He saw me coming and he

disappeared. In that short distance the boy disappeared from sight as quick as that.
 Yes sir. The house is five stories high; any body that comes in do not get out very soon. I saw the coat on his arm. I am positive that is the coat by the lining.
 You could not be mistaken? No sir.

Jacob Glazier, sworn and examined, through the Interpreter. Do you remember seeing this defendant on the 15th of January, 1891?

Yes sir. Where did you see him? In Hester street about nine or ten o'clock in the morning. Did you see this coat at the same time (coat shown to the witness)?

Yes sir. In whose possession did you see the coat? The boy held that coat (the defendant).

What did he say to you? He offered that coat for sale, he asked three dollars for it.

What did you say to that? I said I did not need any coat. I did not enter into any bargain with him.

Cross Examined. Where did you see this boy trying to sell that coat? In Hester street. How many places did you see him go to try to sell the coat? For about five minutes I observed the boy. Was the coat on his arm, so that you could see it plainly? Yes, he had it on his arm. It was not wrapped up?

0465

No, open. Did you see any other boy around with him? Not with him; there was no boy near him when he offered me the coat for sale. At the time when he tried to sell the coat to you was there not another boy with him then? There were many persons around there. Was there not a boy with him when he offered to sell the coat? No, there was no boy with him.

David Settkowsky, sworn and examined. Do you know Officer Selig? Yes, I know him. I used to see him around, I live around there, on Essex St. I used to see him. He found a coat which had been in your possession on the morning of the 13th of January. How did you get possession of that coat? I met a boy when I went to work, the boy's name is Simon Traskley. I met him around Essex St. What did Simon say to you? He said to me, "I have a coat to sell. I asked him for five cents to get a cigarette. He says he aint got a cent, he has got a coat to sell, he gave me the coat. I was trying to sell it; he told me to get three dollars on it. I could not get it. I gave him his coat back again and he told me he pawned it and I told the officer where he pawned it. Where did you get the thimble you had in your pocket?"

0466

The boy gave it to me. I am a tailor, I could use the thimble; he threw it down and I picked it up. Is that the thimble you picked up (thimble shown) Yes sir. Did you on the night before this or any other time break into the store of the complainant and steal anything out of it? I did not steal anything in my life. Did you break into his place? No. When you had this coat in your possession how many places did you try to sell it? Only through Essex St. I was in a saloon around Nester street, Sam Albert, I think his name is. Do you remember being in Ludlow St. that morning? I passed Ludlow St. The officer says you disappeared all at once, did you run away? I did not see the officer at all, I seen a man he buys everything cheap, I did not want to sell it to him. You did not run away or try to avoid the officer? No sir. I used to work with that other boy. I dont know where he is now; the boy who gave me the coat was with me when I offered to sell it to Mr. Michael Henshell sworn. I am a tailor and work for Morris Steets, 260 Canal street. The defendant worked there for two years up to three weeks ago, he left work because he was sick. The jury rendered a verdict of guilty of receiving stolen goods.

0467

Testimony in the
case of
David Settlemore Ky
pled January
1891

0469

admitted to said Officer that he had received a coat from a boy, and had pawned the same in the Pawnshop of P. Ganley of 67 Division Street, and deponent and said Officer going to said pawnshop there identified the coat defendant had told said Officer he had pawned, as being a portion of the missing property. Deponent further says he is informed further by said Officer that he found a thumb nail in the possession of defendant which deponent identifies as being his property. Wherefore, deponent charges defendant, with burglariously entering said premises, and taking and carrying away said property from his possession.

Sworn to before me } Mayor & J. P. Maloney
this 16 day of May 1891 } Mayor

John J. Murphy
Police Justice

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

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

0470

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 47 years, occupation Louis Selig of No. 117

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

Sworn to before me, this 18 day of July 1888

Louis Selig
Ben Hurwitz
Police Justice.

0471

Sec. 198-200

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

David Settokowsky 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.

David Settokowsky

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer.

Russia

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

Answer.

912 Essex St 9 months

Question. What is your business or profession?

Answer.

Sewing Machine Operator

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

David Settokowsky

Taken before me this

day of *May* 1938

John J. Moran

Police Justice

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

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

Dated *July 16* 18*91* *J. M. Murney* 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.

0473

Police Court--- 3rd District. 73

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Meyer Yarnal
David Setton

Offence
Burglary

2
3
4

Dated *Jan 16* 1891

W. M. Bray Magistrate.

Selig Officer.

11 Precinct.

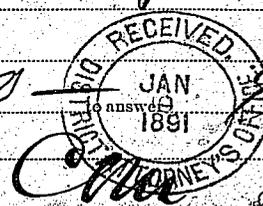
Witnesses *Said officer*

No. *Jacob Schindler* Street.

No. *Jacob Glasier* Street.
18 Rulphs Place

No. _____ Street.

\$ *1000* answered *9* 1891



Attorney's Office
Bray

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

\$1000 = Bail for
E. X. Aquino
97 W. M.

0474

Jary Salakofski
Born Russia
Occup Sailed
~~Married~~
Single
Residence 9¹/₂ Essex St
Parents living

0475

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

David Settokowsky

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

David Settokowsky

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

The said

David Settokowsky

late of the *Tenth* Ward of the City of New York, in the County of New York
aforesaid, on the *fourteenth* day of *January* in the year of our Lord one
thousand eight hundred and *ninety-one*, with force and arms, in the
night time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *a certain building to wit:*

the factory of one Meyer Yarmalowsky

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 *Meyer Yarmalowsky* in the said
factory 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

David Lettokowsky

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

The said

David Lettokowsky

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,

six saccues of the value of six dollars each, one coat of the value of ten dollars, a quantity of sewing silk (a more particular description whereof is to the Grand Jury aforesaid unknown, of the value of eight dollars, twenty needles of the value of four cents each and one thimble of the value of ten cents

of the goods, chattels and personal property of one

Meyer Yarmalowsky

in the ~~dwelling house~~ *factory* of the said

Meyer Yarmalowsky

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

THIRD COUNT—

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

David Settokowsky

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

The said *David Settokowsky*

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,

the same goods, chattels and personal property described in the second count of this indictment

of the goods, chattels and personal property of

Meyer Yarmalowsky

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

Meyer Yarmalowsky

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

David Settokowsky

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
~~JOHN R. FELLOWS~~

District Attorney.

0478

BOX:

425

FOLDER:

3922

DESCRIPTION:

Shaeffer, John

DATE:

01/28/91



3922

318.
Lundy v. [unclear]

Counsel,

Filed 28 day of June 1891

Pleas, [unclear]

THE PEOPLE

vs.

John Shaeffer

~~accused~~
Grand Larceny, 1st Degree.
(From the Person.)
[Sections 528, 580 — Pennl Code]

DE LANCEY NICOLL

JOHN K. FELLOWS,

District Attorney.

A True Bill.

Franklin [unclear]
Foreman.

John [unclear] 1/91

Spies & Connected

Francis R. [unclear]

The People
 John Schaeffer
 Indictment for attempt at grand larceny in first degree
 Rosie Greenhouse, sworn and examined, testified. I can speak no English, I can speak German better. Where do you live? No. 26 Suffolk street in this city. Do you remember where you were on the 21st of January 1891? I was walking with my husband and five or six other people in company from the Jewish theatre. He (the defendant) picked the jacket up and my husband was watching him and my brother-in-law, and then when he was looking in front of my dress he put his hand in my pocket, in my dress pocket. What was in that pocket? Only a pocket book and a dollar change. Did he manage to get that pocket book up to the mouth of the pocket, or did you catch him in the act of removing it? In the pocket we caught him. Did he have the pocket book in his hand? I could not tell you that you caught him with his hand in your dress? Yes. Look at that boy well, do you see him, is he the boy that on the 21st of January at midnight, you felt some hand in the pocket, you turned around and he was the one? Yes. I am sure. That was between twelve and one o'clock and he got arrested half past twelve. Were you present when he was arrested?

Yes, certainly I was there. After he took his hand out of your pocket what did he do? My husband went and he caught him just by the sidewalk, and he said, "What do you want?" He said, "nothing." He took his hand out and then they let him go. He went half a block from there; he came with two or three other fellows and wanted to fight there. So we got him arrested. My husband and brother-in-law caught him. My husband is not in Court, he is home. It was my money and my pocket book.

Cross Examined. We were at the Harmonia opera house. I did not notice the defendant at the theatre. I just felt the pressure of his hand in the entry, in the hall of the theatre; we went down the steps from the theatre; he (the defendant) lifted first the jacket up and then he put his hand in my pocket. You were walking out with your face to the open theatre going out on the street? Yes sir. There was quite a crowd all around, the people went out at that time. Which side of the way was this? That is on the right side of the Bowery between Hester and Grand st. How could you see him? I did not see that, I only felt that he had his hands in my pocket; my husband saw it, and he went after him.

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7

You felt his hand in your pocket? Yes sir.
I was looking round, I seen him too, my
husband just caught him by the hands. Then
I felt somebody put the hand in my pocket,
I then looked around and I saw him. He
did not put his hand in my pocket twice,
only once. My husband watched him, he
saw he wanted to go to the pocket. You are
positive you felt a pressure on your pocket,
you turned around and grabbed this def-
endant? Yes sir, that man was near
my pocket, my husband kept him. Are you
positive that this man had his hand
in your pocket, did you see his hand in
your pocket? Yes sir. I felt when he put
the hand and I was looking around, my
husband was near me. You were coming
out and he was behind you? Yes sir.
There was a crowd all around you? Yes sir.
Do you mean to say you felt a hand on
your side? Yes sir. You turned around,
his hand was not in your pocket? Then
I turned around he was near me. I have
four or five witnesses, when you turned
around his hand was not in your pocket?
Yes sir, it was your husband did not
arrest him at that time? No sir. Did he
cuff or hit or slap him? No, he did
not, he only pushed him away, he asked

0483

him what he wanted to do? It was after we got out on the sidewalk that my husband struck the defendant, just near the steps of the theatre; the defendant went after us down to Suffolk st. and when we got to Eldridge st. my husband had him arrested.

Barry Muscott, sworn and examined. I live at 302 Cherry st. in this city. I was on the Bowery about midnight on January 21st. I saw Mrs. Greenhouse ^{and her husband} and the defendant. Mrs. Greenhouse and my wife went out of the theatre first and I went with her husband behind and I seen the way this young man (the defendant) shoved his hand in her pocket. I said to her husband, "See that, ^{what he is doing}" I caught hold of him by the hand having it in her pocket. I caught hold of him by the arm. I said to her, "Have you got anything missing out of your pocket?" She looked at her pocket and there was nothing missing. I told the young man to go away and he went away as far as the theatre on Grand st. He followed us right above. I say to him, "What do you want?" He says, he wants to follow us up. I said, "you had better go away as soon as you have got a chance." I could not see an officer at the same time. He went down as far as

0484

~~22~~ A Eldridge st. and I seen this officer and
~~22~~ I told him to take him in, and he took him in.
Cross Examined Where do you reside? No. 302 Cherry
st. and have resided there for the last
ten years. My business is operator, ^{in cigars} but when
I am not working I am peddling. I have been
over in your (counsel's) office in the
Stewart building lots of times. I peddle matches
or anything. You went to the theatre with
these ladies? Yes, we all went there together. The
husband of the complainant and myself went
out of the theatre first and were followed by the
complainant and my wife. The first thing
that attracted my attention to the defendant
was seeing him put his hand in her pocket.
I did not stop him right away till I
seen him have it right in her pocket. I
just got hold of him by the arm. The defend-
ant was the only one between us, but there
was lots of people around. I believe it was
his right hand that he had in her pocket.
The husband shoved him away a little, he
did not hit him hard. I did not cuff him.
Then we all walked toward Grand st. and
we met him again. He called a policeman
to arrest him in the corner of Eldridge St.
I did not want to have him arrested as
long as there was not anything missing.

John Schaffer, sworn and examined in his own behalf testified. I reside at 49 Eldridge St. and have been living there since I have been in the city three months. I came from Philadelphia with my father; my mother is dead. My father is at the present time in Fort Worth, Texas; he is a merchant tailor, and a friend of his got him a job there a few weeks ago; my father left me there. I have never been arrested before charged with any offence. I did not try to get the complainant's pocketbook. I did not put my hand in her pocket. I was coming out of the theatre. I saw it was 20 minutes past twelve o'clock by the clock in the hallway of the theatre; there was a crush. I seen the lady coming down stairs from the orchestral circle. I was in the gallery; we met, she was halfway out in the hallway. I did not see the lady near me when I was coming out. Finally I came out on the sidewalk and her husband came over to me and says, "What did you try to touch this lady's pocketbook for?" I also saw the witness there. I think he is his friend or brother-in-law. I said to the husband of the complainant, "I could not well be alongside of you coming out of the theatre and be behind your wife at the

0486

same time. He did not say anything; he let me go, he did not get hold of me na nothing, he only just stopped and spoke to me. I was standing near the gutter side and he was standing in side on the sidewalk. I walked away ahead of them. I was all alone in the theatre and I walked away. I was walking down slowly Grand towards Eldridge St. where my home is between Christie and Forsythe Sts. on the side of Lord and Taylor's store. I felt some one come over behind me and get hold of me in the back and slapped me in the jaw. I looked around and I seen it was this lady's husband. He did not say nothing. I said, "What did you hit me for?" He did not answer me, he walked away on the sidewalk, and I walked close to the stores. I walked ahead of him. I was near the corner of Eldridge and Grand Sts. and when I was turning into the corner toward Hester St. some one came over and caught hold of me. I looked around, and it was this young man sitting on the witness chair before me. There was an officer at the corner, he called him over and made a charge of my attempting to take her pocket book. He said, I was walking with other young men trying to raise a

fight I was walking alone; there was nobody with me. There was nobody with me in the theatre. Neither the complainant nor her husband took hold of me in the passageway.

Cross Examined. I believe perjury is swearing false and if one commits it he will be punished. It is not true what the complainant says that she felt my hand in her pocket. I never had my hand in her pocket. It is not true what the witness Muscott said that he was behind me and the lady and that he saw me shove my hand in her pocket and that he caught me by the arm. The husband of the complainant came over and spoke to me; he did not take hold of me. I am telling the truth as far as I know. I was coming out of the theatre with the crowd; I am positive that no one seized me in the passageway going out of the theatre. Before I came to New York I was working in Philadelphia for Mr. Meyers, who kept a pedlar's supply store 118 North Third St. for seventeen months. I went to school before that. My father came to New York and I came with him. The jury rendered a verdict of guilty of an attempt at grand larceny in the first degree with a recommendation to mercy. The defendant was sent to the Elmira Reformatory.

0488

Testimony in the
case of
John Schaeffer

filed Jan.
1891.

0489

Police Court— 3 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 26 Suffolk Rose Greenhouse Street, aged 28 years,
occupation Keep house being duly sworn

deposes and says, that on the 21st day of January 1891 at the City of New
York, in the County of New York, attempted to be feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property, viz:

One pocketbook containing
good and lawful moneys of
the United States to the amount
and of the value of one dollar.

the property of Deprunt

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

from the fact that at about
the hour of 12 o'clock midnight
Deprunt and her husband were
walking together in the Bowery
between Grand and Hester streets. When
this deponent came up beside
deprunt and placing his hand
into deprunt's dress pocket where
said pocket-book was. he the said
deponent feloniously attempted
to take and carry away
said pocketbook from said
pocket.

Rose Greenhouse
Deponent

Sworn to before me, this
24 day
of Jan
1891

John Schaper
Police Justice.

0490

Sec. 198-200.

13 District Police Court.

CITY AND COUNTY OF NEW YORK.

John Schafen

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 Schafen

Question. How old are you?

Answer.

19 years old

Question. Where were you born?

Answer.

New York

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

Answer.

49 Eldridge St. 2 years

Question. What is your business or profession?

Answer.

Redder

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

John Schaffer

Taken before me this

22

day of

John Schafen

1891

Police Justice

0491

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

defendant

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

Dated: *July 22* 18 *91* *[Signature]* Police Justice.

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

Dated..... 18 Police Justice.

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

Dated..... 18 Police Justice.

0492

101

Police Court--- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Rosie Greenhymus
76 Suffolk St.
John Schaper

Attended
by
Accuracy from de
Perrin

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated June 2, 91 1891
Murray Magistrate.
Louis F. Beyer Officer.
11 Precinct.

Witnesses Harry Moser
No. 302 Cherry Street.

Matthew Greenhymus
No. 26 _____ Street.

No. _____ Street.
\$ 300 to answer &c.



Committed

0493

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 Shaeffer

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

John Shaeffer of the CRIME OF GRAND LARCENY in the first degree committed as follows:

The said John Shaeffer

late of the City of New York, in the County of New York aforesaid, on the 21st day of January in the year of our Lord one thousand eight hundred and ninety-one, in the night time of the said day, at the City and County aforesaid, with force and arms,

one pocketbook of the value of twenty-five cents and

one promissory note for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of one dollar; one promissory note for the payment of money of the kind commonly called Bank Notes, of the denomination and value of one dollar; one United States Gold Certificate of the denomination and value of one dollar; one United States Silver Certificate, of the denomination and value of one dollar;

and divers coins of a number, kind and denomination, to the Grand Jury aforesaid unknown, of the value of one dollar

of the goods, chattels and personal property of one Rosie Greenhouse on the person of the said Rosie Greenhouse then and there being found, from the person of the said Rosie Greenhouse 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 Lancy Nicoll, District Attorney

0494

BOX:

425

FOLDER:

3922

DESCRIPTION:

Shay, John

DATE:

01/28/91



3922

0495

323.

Counsel,

Filed

2nd day of Jan 1891

Pleads,

THE PEOPLE

vs.

John Shay

Grand Larceny, *First Degree.*
(From the Person.)
[Sections 528, 580, Pennl Code].

DE LANCEY NIGGILL,
JOHN R. FELLOWS,

District Attorney.

A True Bill.

Franklin Selver

January 29th 1891 Foreman.

Franklin Selver
John R. Fellows
John R. Fellows

Witnesses;

0496

Police Court - 1 - District.

Affidavit - Larceny.

City and County }
of New York, } ss.

of No. 30 Vesey William Belg Street, aged 15 years,
occupation Bookbinder being duly sworn

deposes and says, that on the 21 day of January 1911 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
and person of deponent, in the night time, the following property, viz:

A Silver Watch of the value
of Five dollars
(\$ 5 ⁰⁰/₁₀₀)

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by John Shea (now here) from the following facts to wit: That on the aforesaid date about the hour of 12.30 A.M. deponent was standing in the Corridor of the United States Post Office, when the defendant came up to where the deponent was standing, and inserted his hand into a pocket of a seat then and there worn on deponents person, and forcibly and feloniously took, stole and carried away said property, ^{which} was in said seat.

And deponent says that he is informed by Officer Cornelius J. Sullivan of the 4th Precinct Police, that he found the aforesaid

of
Subscribed and sworn to before me, this
19
day

Deputy Justice

property in the possession of the defendant
at Park Row and Spruce Street on the
aforesaid date about the hour of 12.35 A.M.

Deponent therefore charges the defendant
with having committed a Larceny and
asks that he may be held and dealt
with as the Law may direct —

Sworn to before me

William Belz.

this 21 day of January 1891

Charles W. Taintor
Justice

0498

CITY AND COUNTY }
OF NEW YORK, } ss.

Cornelius J. Sullivan
aged _____ years, occupation *Police Officer* of No. _____

Fourth Police Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *William Bely*

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

Sworn to before me, this *21* day of *January*, 188*9*

Cornelius J. Sullivan
Charles A. Linton
Police Justice.

0499

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

John Shea 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 Shea*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York State*

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

Answer. *190 Park Row. 1 year*

Question. What is your business or profession?

Answer. *Deck Hand*

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

Answer.

I am guilty

John Shea

Taken before me this

May 9 1891

Charles W. Turner
Police Justice

0500

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

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 January 21 1891 Charles N. Smith 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.

0501

108

Police Court--- District.

THE PEOPLE, &...
ON THE COMPLAINT OF

William Beck
30 West 10th St
John Shea

James
John W. Deane
Officer

2 _____
3 _____
4 _____

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *January 21* 189*1*

Sgt. Sullivan Magistrate.

24th Officer.

Precinct.

Witnesses _____

No. *Call Officer* Street.

No. _____ Street.

No. _____ Street.

\$ *5.00* to answer _____

Casey



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 Shay

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

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

The said

John Shay

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

one watch of the value of five dollars

of the goods, chattels and personal property of one *William Bely* - on the person of the said *William Bely* then and there being found, from the person of the said *William Bely* 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

0503

BOX:

425

FOLDER:

3922

DESCRIPTION:

Sheilds, Harry C.

DATE:

01/14/91



3922

0504

BOX:

425

FOLDER:

3922

DESCRIPTION:

Donigan, Joseph C.

DATE:

01/14/91



3922

0505

POOR QUALITY ORIGINAL

Witnesses:

Counsel

Filed 14th day of Jan 1891

Pleads, *Guilty*

THE PEOPLE

vs.

Henry S. Shields

Joseph C. Donigan

DE LANCEY NICOLL,
JOHN R. FELLOWS

District Attorney.

Robbery in the first degree
(MONEY)
[Sections 224 and 225, Penal Code]

A True Bill.

Franklin Edison
P 3 Jan 29, 1891
Foreman.
Both tried and acquitted

0506

POOR QUALITY ORIGINAL

Witnesses ;

Counsel

Filed

14th day of Jan 1891

Pleads,

Guilty

THE PEOPLE

vs.

Henry S. Shields

Joseph C. Donigan

DE LANCEY NICOLL,
JOHN R. FELLOWS

District Attorney.

Robbery in the 1st degree.
(Sections 224 and 225, Penal Code)

A True Bill.

Franklin Edison

P 3 Jan 29, 1891 Foreman.

Both tried and acquitted

0507

Court of General Sessions,

Part III

Trial Jan'y 23rd 1911

The People vs.

Harry P. Shields and
Joseph C. Donigan

Witnesses for the prosecution :-

John Collins . 13 St. Luke's Place
Thomas Keane . 62 Morton St.
Michael Keavey . 339 Hudson St.
Thomas Brennan . 626 Greenwich St.

Subpoena these
witnesses for Jan'y 23rd
& then place this
Memorandum with the
papers in above case -
G.S.B.

0508

Paul S.

Pauline

A

Mary E. Daniels

and

Joseph L. Danzani

Jan 23/91

At a special term of the Supreme Court of the County of New York, held at the Chambers thereof, in the County Court House in said City, on the 7th day of January, 1891,

PRESIDENT:

Hon. Edward Patterson,
Justice.

-----X
The People &c. on the relation
of Stephen B. Denihan

Against

Joseph Danigan
-----X

The arguments upon the writs of habeas corpus and certioria ^{or} of date December 31st 1890 coming on duly to be heard, wherein the defendant amongst other things, prayed for a reduction of bail herein under the sum of twenty-five hundred dollars, upon the grounds stated in the petition filed in the office of the Clerk of the City and County of New York, and the date of the hearing upon said writs having been adjourned until this day, and the ^{or} proper return having been made thereto, and after hearing Ambrose H. Purdy, Esquire, of counsel for the defendant Danigan, for the motion, and Delancey Nicoll, Esquire, District Attorney, for the People, opposed, after due deliberation being had

It is on motion of the District Attorney

ORDERED that the application founded upon the writs aforesaid praying for a reduction of the bail herein be and the same is in all things denied, and that the defendant Danigan be remanded to the care and custody of the proper

05 10

officer.

And it is further ordered that the record of the testimony taken before the committing magistrate Hon. Daniel O'Reilly, in this proceeding be returned to the files of the Clerk of the office of the District Attorney of the County aforesaid.

Edw. J. Patterson
E. J. P.

0511

THE PEOPLE OF THE STATE OF NEW YORK

in the relation of
Arthur B. Dember

against
Joseph Dember

Order assigning
Wrote & Co.

John P. Mallon
JOHN P. MALLON
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY

Service of a copy of
this subpoena and return
made of the entire
amount admitted.
January 9/95
John P. Mallon

05 12

2 DISTRICT POLICE COURT.

THE PEOPLE,
IN COMPLAINT OF
Stephen B. Semhan
vs.
Henry F. Shields
Joseph Donagan

Examination had Dec 27 - 29 1880
Before James O'Rully Police Justice.

I, W. J. Omsby Stenographer of the 2 District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of Henry F. Shields,
Richard R. Connor, James J. Wades et al
as taken by me on the above examination before said Justice.

Dated Dec 31 1880 W. J. Omsby
Stenographer.

James O'Rully
Police Justice.

A Yes: he was all covered with mud

2 What was done to him?

A I saw him standing at the end of the bar. Mr Shulds was with him at the time. Mr Shulds asked me to clean off his coat. I told Shulds to hang it up and let it dry and it would clean quicker. Then I went around fixing up the place when I went back I saw Dembar sitting in a chair asleep. Mr Wark spoke to Mr Shulds about it. There was a boy came after Dembar a boy named Walsh.

2 The boy that was in there?

A Yes. I did not know him before. He said "Steve come home." as he said that I walked in and staid there.

2 You did not see him again?

A No Sir

2 If he had been back you would have seen him?

A Yes Sir

Cross by Mr Abbott

65 2 You was there?

0514

- A: From there to 10 o'clock
when they closed up.
- Q He did not come back?
- A No sir
- Q You were there when Dembar
came?
- A Yes
- Q Who was with him?
- A Shields came in after - Dembar
came in first. ~~He~~ Shields
did not come in until 5
minutes after.

Richard Gardner being duly sworn
and examined as a witness for the
defendant depose and say: I live
at 53 King St. I am 27
years old. I am a longshore-
man.

- Q What do you know about this?
- A I was in 224 West St the
following day see (2) Dembar
came in. I heard him speaking
to Wart and telling him his
loss and that he intended to
set that stud no matter what it

cost him. Mr Mark said that
he would do the best he could
to aid him in his endeavor
that was all I overheard.

Now examined by Mr Abbott

- Q Where do you work
- A I have been out of work 3 weeks.
- Q Do you expect to go to work for
Mr Shedd
- A I have been expecting to as soon
as a place is open
- Q How have you talked to about
this?
- A Nobody until I spoke about it
to Mr Shedd, father

Sworn to before me this 27th day
of December 1890

[Signature]
Notary Public

Defendant held to answer \$2,500 bail.

05 16

Sec. 192.

2 District Police Court:

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.
OF NEW YORK,

An information having been laid before Daniel O'Reilly Esq a Police Justice of the City of New York, charging Harry F Shields Defendant with the offence of Robbery

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

We, Harry F Shields Defendant of No. 306
West 129th Street; by occupation a none
and James Holmes of No. 679 Greenwich
Street, by occupation a Liquors Surety, hereby jointly and severally undertake that the above named Harry F Shields Defendant

shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Twenty five Hundred Dollars.

Taken and acknowledged before me, this 27
day of December 1890

Harry F Shields
James Holmes

Daniel O'Reilly POLICE JUSTICE.

0517

CITY AND COUNTY }
OF NEW YORK, } ss.

Sworn to before me, this 27 day of Dec 1890
James H. [Signature]
District Police Justice

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

of land situated at 515 Hudson Street and worth Fifteen thousand Dollars over all debts and liabilities

James Holmes

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear during the Examination.

vs.

Taken the day of 18

Justice.

0518

Police Court-- 2 District.

CITY AND COUNTY }
OF NEW YORK, } ss

Stephen B. DeRohan
of No. 133 Chartton Street, Aged 38 Years

Occupation Horse shoer being duly sworn, deposes and says, that on the 11th day of December 1890, at the 2^d Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

One Diamond Stud of the value of One hundred and thirty dollars, and Gold and lawful money of the United States of the amount of Sixty Dollars, all amounting to the amount and value of One hundred and ninety five Dollars

($\$195 \frac{00}{100}$)

of the value of One hundred and ninety five (195) 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 force and violence as aforesaid by

Henry F Shields and Joseph Donegan (both now here) while acting in concert with each other, from the following facts to wit: that on the aforesaid date deponent was in the liquor store No 330 West Street in company with the said defendants, and that about the hour of 5 o'clock P.M. left the said store in company with the said defendants, and that the said defendant Shields asked and requested a loan of ten dollars from deponent and that on deponent's refusal to give him the same, the said defendant Donegan

day of 1890
Sworn to before me, this

Police Justice

0519

tripped deponent with his foot, throwing him down on the sidewalk, and that while deponent was down, said Diamond Stud which was attached to the shirt then and there worn on the person of deponent was forcibly and feloniously taken from deponents person, and that the said money which was in the pocket of the pants then and there worn on deponents person was missing - and that the said defendants immediately ran away and that deponent immediately missed the said property. J. S. B. Dumban

December 26 1880
J. S. B. Dumban

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 1880
Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1880
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 1880
Police Justice.

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

vs.

2
8
4

Dated 1880

Magistrate.

Officer.

Clerk.

Witness, Street, No.

Street, No.

Street, No.

Street, No.

to answer General Sessions.

0520

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Harry T. Shields

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. *Harry T. Shields.*

Question. How old are you?

Answer. *26 years.*

Question. Where were you born?

Answer. *New York*

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

Answer. *906 West 129 Street.*

Question. What is your business or profession?

Answer. *None*

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*

Harry T. Shields

Taken before me this

day of

Dec

26

189

Police Justice

0521

Sec. 199-200

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Joseph C Dunigan*

Question. How old are you?

Answer. *35 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *68 Vandam St 10 Years*

Question. What is your business or profession?

Answer. *Merchandise*

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

Answer. *I Am not guilty*

Joseph C. Dunigan

Taken before me this

26

day of *Dec* 18*90*

Police Justice

0522

On *reappearing* 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 *they* be held to answer the same and *he* be admitted to bail in the sum of *Twenty five* Hundred Dollars, *Each* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until *they* give such bail.

Dated *Dec 2* 18*90* *Do J. C. Bull* Police Justice.

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

Dated *Dec 29* 18*90* *Do J. C. Bull* Police Justice.

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

Dated _____ 18 _____ Police Justice.

0523

POOR QUALITY ORIGINAL

2500 Bail each for
Examination, Dec 27. 9.30 a.m.
" " 29-10-11

Police Court--- 20915 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Stephen C. Donohue
133-Charleston St.
Henry F. Shields
Joseph Donagan

592

Offence: Robbery

FILED.

No. 1, by Wm Farrell

Residence: Wm Barrow Street

No. 2, by

Residence Street

No. 3, by

Residence Street

Dated Dec 26 1890

Magistrate
Lawrence & Brewster
Precinct

Witnesses

No. Street

No. Street

No. Street



\$2500.00

0524

POLICE COURT,
SECOND DISTRICT,
W. L. ORMSBY, JR.
STENOGRAPHER.

The People vs
Stephen B. Senichan

²
Henry J. Shields
Joseph Donegan

Examination Before Justice O'Reilly
Dec 27 1890

For the People - Mr Abbott
" " " Mr Keller
" " " Mr Stiner

Stephen B. Senichan being cross
examined on his affidavit deposes
and says:

By Mr Keller

Q - How long have you known Henry
J. Shields?

A - About five years.

Q - How long have you known
Joseph Donegan

Not over a month year or so

Q - Have you been friendly with
Shields?

A - Yes Sir.

Q - Have you been friendly with
Donegan?

A I have not.

Q Were you drinking in their company that night?

A Yes Sir

Q Did you ever drink with Shultz before?

A Yes.

Q Frequently in his place?

A Time and again

Q Were you intoxicated at that time that night?

A No not at that time.

Q What time was it?

A Five o'clock

Q Had you not been drinking on town and a half in Barns's place?

A Yes Sir

Q And you were drinking on town and a half and were not intoxicated?

A I was not drinking on town and a half.

Q Will you swear that you were not on town and a half or two towns steadily drinking before the time when you say you stood and

0526

- money were taken?
- A I was sitting there but I was not drinking all the time. I went in to get a check cashed.
- Q You did not drink there?
- A I did sir.
- Q How many times?
- A I had not been drunk.
- Q How many times?
- A I could not say - five or six drinks.
- Q Will you swear it was not twenty?
- A I will.
- Q You were around with friends of yours?
- A Yes sir. I could not say how many.
- Q Do you know James Walsh now here?
- A Yes sir.
- Q What does he do?
- A I do not know whether he does or not anything or not. I have known him about two years.
- Q You have known him two years and do not know what

0527

Le does

- A No Sir, I do not
- Q Did not your wife send Mr Walsh for you on account of the condition you were in.
- A No Sir
- Q Did you see James Walsh that night?
- A I did Sir
- Q In Mr Shields father's place
- Q Did you see him outside on the street?
- A Yes
- Q Was he not sent to take you home?
- A No; he was not
- Q Did he see you home?
- A He was not sent for me.
- Q Did he?
- ✓ A I say he did.
- Q Do you know O Shea?
- A Where did you see him?
- A I went up - Shields had left the place. He has no claim on the place.
- Q Did you drink with O Shea that night?
- A I did Sir

0528

Q What time?

A About 11 o'clock

Q Did you tell him about the
loss of your diamond stud
and money?

A I did not tell how it was
done

Q Did you tell him that you had
no idea who robbed you?

A No sir.

Q You swear that someone
bumped you and threw you to
the sidewalk ^{at - yes sir} and that the
shells' and ^{your} clothes were
covered with mud.

and that when they took
I ran away. ^{A - I did not say}
that they ran away.

Q Will you swear that you did
not say what you have sworn
to here?

A I swear they went away
I do not say they ran.

Q Then the clerk who drew this
affidavit which you signed
made a mistake?

A Yes sir.

Q Do you or not swear
that they ran away?

The affiant
says so

3

A They went away.

Q Then it is not true that they ran away?

A They disappeared - I could not say they ran away - they disappeared.

Q Will you swear that you went directly home after being tripped down and losing your stud and money?

A I will swear.

Q You went directly home,

A I went right home

Q Where did this robbery take place?

A Right outside the place between Charlton & King Street

Q Outside of Barnes's Saloon?

A Yes sir at 330 West St

Q You were covered with mud at the time?

A I was sir.

Q Is it not a fact that after that you went to the Shields Place - the old gentleman's place, the father of defendant, and that you were attended to and cleaned off, and

0530

✓ that you slept off your drunken
fit in the place?

A I deny that sir

Q That is not true?

A No

Q Were you not in the Shields
place?

A I went after Mr Shields and Mr
Doneyan. I went to look
for them. I took off my
clothes to get the mud off.
I went some first, and when
I found my shirt and
money were gone I went after
Shields and Doneyan.

Q Did you go around that night
or the next day threatening
to shoot dependent shields?

Objection &

Objection Sustained.

Q Do you know Mr Knoud?

A Yes - a tenant of Shields father.

Q a friend of yours?

A There is nothing friendly
between us.

Q He is a wheelwright and a
respectable man?

A Yes.

Q Did you ever drink with him here

7

0531

A Yes.

Q Did you see Defendant Shields in the presence of Mr Knoud the next day?

A Yes Sir.

Q Did Mr Shields say to you in the presence of Mr Knoud "I understand you were accusing me of taking your stud and money and you are threatening to shoot me"

Q Did Shields say that to (Complainant) you in the presence of Mr Knoud?

A Yes Sir.

Q And what did you reply?

A I told him I wanted my money and my gun, and that I did not want anything else.

Q And did you and Mr Knoud and Mr Shields all drink together then?

A Yes Sir.

Q Did you state to any one that you had lost \$200?

A No I did not.

Q Did you state that at any time to any one?

0532

A - No; I did not

Q Is that as true as anything else you have stated in this case?

A Yes sir - I said \$65 - and my pen - that is what I said I wanted and nothing else.

Q You have frequently been in Mr. Shields' presence since then?

A No sir.

Q How many times have you been in his company?

A Mr. Shields - no.

Q You mean you did not see him.

A Yes - not that night.

Q Do you know Mr. Connor - Thomas O. Connor?

A Yes sir

Q Did you on the same night after you went away Mr. Shields and Mr. Donagan look you over and money - did you drink in Mr. Shields' place?

A Yes sir - I went to find them; I told you that before.

0533

Q Did you drink with Shields?
A That night no sir.
Q and did you fall asleep
there?
A No sir.

By the court

Q You say you drank in
Mr Shields place?
A Yes.
Q What do you mean by
Mr Shields place?
A This place he had
Q Next Shields formerly had?
A Yes.
Q You went to look for
dependent Shields?
A Yes.
Q In the saloon that his
father formerly kept?
A Yes.

Re-direct:

Q You say that after this
occurrence of the loss of your
pin and money you went
directly home.
A Right home sir.
Q Whom did you see when
you got home?

0534

A My wife and two other parties -

Q Can you name any of them?

A Connor was one

Q You saw him?

A Yes.

Q at that time?

A Yes Sir

Q but you completely clear yourself then?

A - No Sir I could not

Q When you went up to Shields old Saloon did you see defendant Shields there?

A No.

Q You drank in Shields place?

A Yes.

Q Did you drink pretty liberally?

A I could not say how many drinks.

Q You drank considerably?

A Yes.

Q Under the influence of liquor at Shields?

A Yes.

Q Then you went home?

0535

- A No. I met at this place
Q who kept the place?
A Mc Carthy's place.
Q Where did you meet O Shea?
A In that saloon drinking
Cross examined by Mr Kelly
Q You say that ~~our witness~~
this happened outside the place
A Yes sir - outside. It was
not inside.
Q You say you here in your
affidavit that Shields asked
you to lend him \$10 - that
on your refusal to give it
to him that someone trapped
you up - you now say that
it was on the outside of the
place?
A That was inside that he
first asked me for it. We
were chucking dice
Q That was inside the place?
A He asked me for money
inside. I refused ~~to~~
Q Did you not ask Judge
O. Reilly yesterday that
Shields asked you for \$25
A That was what I said

0536

#25.

Q Then this was another mistake of the clerk

A Yes sir.

Mr Abbott - I ask that the correction be made

Obedient to

Q Do you know Mr Ward?

A His name is familiar.

By Mr Kelle

Q Did you see him?

A Yes.

Q Do you know Mr Hurre?

A No sir I do not know

Q Did you see him in there?

A I could not say - He is a stranger to me.

Subscribed before me this 28th day of December 1890

[Signature]
Police Justice.

Richard O'Connor being duly sworn as a witness for the people deposes and says -
I am 30 years old. I live at 133 Chantler St. I am a dock laborer. I know

13

- the complainant.
- Q on the 14th of December did you see him?
- A Yes; I was in his house.
- Q about what time?
- A about 5 o'clock.
- Q What condition was he in?
- A His coat was dirty.
- Q What did he say?
- Objected to
Objection overruled
Exception
- A He did not say anything.
- Q Did you hear him speak of the man that took his diamond pin?
- Objected to
Objection sustained
- Q Was he able to take care of himself?
- A He was able to care for himself.
- Q Able enough to know what he was doing?
- A Yes; same as he looks now.
- Q Was there any conversation passed between you?
- A Not a word passed between us.

0538

no - I left about five
minutes after and went to
my own room

Q You did not go out with
him again?

A No.

Q You do not know whether
he left again to go out
himself?

A I could not say;

By the Court

Q About how long did he
stay?

A Ten or 15 minutes.

Q Did he talk with any one?

A Certainly.

Q You do not know what they
were talking about?

A I heard some of the words.
It was none of my business
to listen

Sworn to before me this
of December 1890

John J. Kelley
Justice

William J. Knoud being duly
sworn and examined as a
witness for the people deposes
and says: I am 43 years

- old. I live at 16 22 Marlboro
Avenue I am a wheelwright; my
place of business is at 322 West St
Q where is Donegan's place of
business?
A at 133 Chautau St, around
the corner - on the same
block.
Q You know him?
A I do not
Q In a business way, and
socially?
A Yes Sir
Q On the afternoon of Dec 11
were you in Barnes' Solow
in West St.?
A Yes.
Q Do you know Defendant
Donegan?
A Yes.
Q Did you drink with him
there?
A Yes.
Q Were Defendant Shields
and Donegan there when
you left?
A No Sir
Q What time did you leave?

0540

A Between 4 and 5-0 clock

Q In what condition was
Derihan when you left?

A As well as I am now

Q Did you notice the man
in his shirt.

A Yes sir.

Q While you were there did
you notice whether he had
any money?

A Yes sir, I saw him pull
out a bundle of bills. He had
a bundle of bills.

Q Where was he when you left
him?

A In the office - in a private
room.

Q You had been there?

A Yes.

Q Not outside?

A Not outside.

Q Who were there?

A Mr. Lapine, Mr. S. B. Denahan,
and W. Beckers, and
myself.

Q You were in the private room?

A Yes.

Q You were drinking together?

A Yes.

0541

- Q When did you next see Denihan
A The following morning
Q Where?
A - Coming away from the shop.
Q When did you next see
him after the evening of
Dec 11 when Mr Shields
was present.
A Some days after
Q Where?
A Some days some place
exactly
Q In the office of Barnes's
saloon?
A Yes. He came inside
Q You asked him to come in?
A Yes
Q Mr Shields was present?
A Mr Shields was there.
Q State the conversation?
A Substantially it was the
same conversation that has
already been given
Q You go on and state the
conversation?
A Mr Denihan said "I want
my pin! I want my pin"
Then Shields said "I do not

Know anything about your pin. Ney Dembar said "I want that pin, I want to get that pin." He said it was given to him. He said "If you give back my pin I won't any other trouble about it."

Q Did Dembar say why he particularly valued the diamond stud?

A He said it was a present from his wife.

Q And that was the reason he wanted it back?

A Yes; it was a present from his wife and he valued it.

Q He spoke about his money as well as the pin.

A Yes; he said he did not care about that - he valued the pin.

Q When Shields asked him if he accused him of taking the pin did he say he did not?

A He said why you were outside when you fell?

✓ Ken Demihan acknowledged that he was drunk, and Shields said "I was as drunk as you were and my clothes were as dirty as yours."

Q They fell together.

A They fell together - which was the under one I would not say.

Q That was in front of Barnes's?

A Yes.

Q Were you all sober at the time?

A Perfectly sober.

Q Did he say anything about which was under or which was over?

A I cannot tell - no sir.

Q Was anything then said by one or the other?

A Not that I recollect.

Q Go on and tell the conversation.

A Shields said that he was drunk and fell and got dirty as well as Demihan, that he did not remember what

0544

occurred. He said "I was
as drunk as you"

By the Court

Q Did Demihan say anything?
A Shields made that remark.

By the Abbott

Q Where do you reside?

A At 167 Amsterdam St.

Q The property is owned by
Shields father?

A Yes Sir

Q You have no equity for
Shields?

A Oh certainly none.

By the Keller

Q You are friendly to Demihan?

A Yes Sir

Q You do not know what
they were drinking before
you went home there?

A No Sir.

Q Did Demihan deny in that
conversation which was held
between Shields and himself in
your presence - did Demihan
deny that he was drunk
that night?

A No Sir. he did not

By the Court

0545

2 — When you left him on the 11th in the afternoon he was sober;

A He was sober, I do not know what he drank when I went away;

By Mr Keller

2 — Did he get a check cashed there;

A I do not know

The Complainant — I went in another store to get the check cashed,

SWORN TO BEFORE ME

THIS 27 DAY OF December 1920

POLICE JUSTICE.

Examination Continued Dec 29

Appearances as before

W. J. Knoud recalled by Mr Keller

2 — In your conversation with Mr Denihan in the presence of Mr Shields did he make any accusation against you about his money and pin?

Objected to
Objection sustained

0546

Q - what did he say

A He asked me if I took any money from him. I said yes. He wanted to know how much. I said 25 cents that was a quarter he gave me.

Q Did he in that conversation say he did not know where he lost his money

A No sir but he said I lost my money and my pin that night.

Q Did he at that time make any accusation against anybody?

A No sir. *Objection to.*

Bartholomew - ensure that complaint was submitted

Sworn to before me this 29 day of December 1896

[Signature]
Police Justice

Daniel J Wade being duly sworn and examined as a witness for the people before me and says: I am 24 years old. I live at 57 Charlton St. I am a bar tender. On Dec 11 I was in

0547

11
1230 West St. the saloon
kept by Mr Behrens

Q do you remember Mr Denihan
being in the saloon?

A Yes sir.

Q What time did he leave?

A As near as I can judge
about quarter past four or
half past four.

Q Were they in the bar or the
office?

A In the office

Q Who was in the office?

A Mr Lapine, Mr Knoud, Mr
Denihan and some gentlemen
I do not remember

Q Did you see Mr Shields and
Mr Donegan there?

A Yes sir they came in after
these other gentlemen had
left. They went to the office
where Denihan was sitting

Q Were you called upon to serve
drinks for anybody in the
office?

A Yes sir. I could not say
for whom.

Q Did Denihan order?

A I think Mr Shields did, I think Mr Demhan paid for it or Mr Knoud - I would not be certain

Q What was the condition of Demhan when he came to the saloon.

A He was sober

Q Did Demhan leave before Shields?

A Mr Demhan left before Shields.

Q How long before?

A A short time, shortly after

Q Did you see any money in the possession of Demhan?

A Yes - in the office.

Q Did you see a roll of bills? What did you see?

A I really could not say. He had some bills.

Q Did you see a diamond stud in his shirt?

A Yes sir.

Q Did you overhear anything about a loan Mr Shields wanted to make?

A No sir.

25 Q That is all you know?

0549

- A That is all I know.
- Q Mr Keller
- Q What time was this?
- A Between quarter and half past four.
- Q How long had I been there drinking?
- A About an hour I should judge or an hour and a half.
- Q You say that about five minutes afterwards Shields went out?
- A No Sir - about two minutes or a minute.
- Q They did not go out together?
- A No Sir.
- Q and Mr Donegan?
- A He went out a few minutes after Shields.
- Q after Shields?
- A Yes Sir.
- Q How far is this place from Shields?
- A About a block.
- Q Did Donegan return to this place that day?
- A He returned in the night time about 11 o'clock as near as I can remember.

0550

Q Shields and Donegan were not
in the office with ~~Douglas~~
Donegan?

A Shields was. After they got
through they came out to the
bar and they commenced on
dice

Q You are quite sure that
Shields was in the office?

A Yes Sir

Q And Donegan?

A I am not positive about
Donegan.

Q Are you sure that Shields
was in the office Thursday?

A The same day of the
occurrence.

Q Did you see him there on
Saturday evening?

A I could not say for
certain.

Q Do you remember seeing
Shields Saturday afternoon in
your place?

A No Sir - yes Sir.

Q Did you have any conversation
with Shields there?

A Objected to

27

Q Did Shields ask you whether

Q You had seen Denihan?

A Yes.

Q Had you seen him since?

A Not since the evening of the occurrence.

Q Did Shields say to you that he had heard that Denihan had accused him of robbing him and he (Shields) had come around to see if you had seen him?

Objected to

objection sustained.

Q State what occurred:

A He asked me if I had seen Denihan, since and I said no. He said he had heard that Denihan was going around accusing him of having robbed him.

Q Shields said that?

A Yes.

Q Did you make any reply?

A I told him I had not seen him since the night of the occurrence.

By the Court

Q Did you make any such

remarks about not having heard any accusation against Mr. Shields.

A I did not hear Mr. Denihan make any such remark.

By Mr. Keller

Q Did you say to Mr. Shields when Mr. Shields told you that he had heard of Mr. Denihan's making such remark, that did you say that you had heard of no such accusation?

A No sir.

By Mr. Abbott

Q You had not seen Mr. Denihan since the occurrence?

A No sir.

Q Did you serve the drinks?

A Yes.

Q How many drinks did Denihan have?

A I could not remember.

Q Half a dozen?

A I should say so.

Q How many in that hour and a half?

A 8 or 10 drinks.

Q Was he perfectly sober when he left?

Q

0553

A Yes Sir,

By Mr Keller

Q Did you see Dembar the evening of the 11th about 11 o'clock?

A No Sir

Q You heard no accusation against him?

A No Sir,

Sworn to before me this 29 day
of December 1900

Pecko Justice.

George Burfield being duly sworn and examined as a witness for the defendant deposes and says - I am 25 years old, I live at 322 West St, I am a bar keeper

Q On the afternoon of Dec 4 did Mr Dembar complainant call upon you?

A Yes Sir

Q What did he say to you?

A He came in with a check and asked me to cash it.

Q Did he show you the check?

0554

A Yes.

Q What was the amount?

A 60 dollars a check of Phelps Dodge & Co. I could not cash it. He left. He was perfectly sober.

SWORN TO BEFORE ME

29 DAY OF

December 1920

[Signature]
POLICE JUSTICE.

The People Rest

John O. Savercool a witness for defendant being duly sworn deposes and says: I am an Officer of the 5th Precinct. I served the summons in the case. Mr. Shields came to the Station House and I served the summons. I did not know where to leave it. I went to his father's place and told him I had a summons for the defendant Shields.

Q Did you see Mr. Semler before that?

A I did

31 Q Did he tell you that he had

gone to Shields place that
he had been all covered
with mud, and drunk, and
that he slept there

Objected to

Objection sustained

2 Did Denihan tell you ^{that} on this
Thursday that he had gone
to Mr Shields place all
covered with mud, drunk
and fell asleep there?

Objected to

Objection sustained

Re court Do you know of your
own knowledge how he got
there?

A Only what Denihan said.

By the seller

2 Did you have any conversation
with the complainant in
which Mr Denihan said to
you that he was drunk that
day that he lost his stud, and
that he had been later around
to Shields place and
fell asleep there?

Objected to

Objection sustained

there brushed off and cleaned
 and that he went from there
 home. He did not say
 whether he went to Shields
 place before he went home.
 He said he went to Shields,
 I think.

By the court

Q Do you know

A I would not swear about
 that

By Mr Keller

Q To the best of your knowledge
 did he ~~not~~ say he was
 with Mr Shields the defendant
 in this case

A I think he did; but I am
 not positive

Q Did he say about what time
 it was?

A No, he did not. I asked
 about the time. I think he
 said about 5 o'clock in
 the afternoon.

By Mr Abbott

Q What is the locality of Perkins
 store?

A Between King & Charlton St

Q Where is Shields store?
 A Second building from the
 corner of King & West St hardly
 a block apart.

Q Where is Mr. Demihans residence?
 A Around the corner in Charlton
 St.

Q About a minutes walk?
 A Very short walk

By Mr. Keller

Q Did Demihans give you
 an account of his falling
 asleep in Mr. Shields place?

A He did not

SWORN TO BEFORE ME

THIS 27 DAY OF

December 1890

So *[Signature]*
 POLICE JUSTICE.

Thomas Wark being duly sworn
 and examined as a witness for
 Defendant before and says,
 I am 36 years old, I live at
 374 West St. I am hotel
 proprietor, a partner of Mr.
 Shields. I remember fairly
 the 11th of this month.

Q Did you see Demihans and
 Shields come in together?

35 A No Sir.

- Q Did you see Donihan there?
- A I did.
- Q What time?
- A About 6 o'clock.
- Q Was he intoxicated?
- A Yes sir.
- Q Did he fall asleep in the
place?
- A Yes sir on the end of the
bar.
- Q Was he shielded there then?
- A Yes sir.
- Q Was defendant Donegan?
- A Yes.
- Q Did you see the condition
of Donihan's clothes?
- A I did.
- Q What was that condition?
- A Same as shields - all covered
with mud.
- Q Both were cleaned off?
- A Yes sir.
- Q Did Donegan and Donihan
and shield break there
together?
- A They did.
- Q Very friendly?
- A Yes sir.

Q This was when?

A Before six o'clock

Q After he had slept would he be helped up?

A Yes

Q How long did he stay there?

A About three quarters of an hour

Q Did Denihan at that time make any accusation about Shields robbing him?

A No sir

Objection to
Objection sustained
The court states what you said!

Mr. Abbott - If Mr. Denihan was asleep he could not be considered as present

Q Did you hear any accusation against these men?

A No, not until night. The first I heard about the robbery Denihan came in about twelve half past 12 and 1 o'clock and asked me for Harry Shields - if he was there I said no. He said

I have been robbed of
 \$2.00 and a pin or stud.
 He said that either Harry Shields
 or Mr. Donegan had robbed
 him. I said I did not think
 Harry Shields would do it. He
 asked for a round of drinks,
 I told him he had had a
 round of drinks that he
 had not paid for. He
 asked how much it was and
 I told him 55 cents. He
 said "Give me a drink
 and take one yourself out
 I gave him a drink, and
 he handed me a dollar.
 He made a remark that he
 would not rest until he found
 Harry Shields and that he
 would shoot him if he did
 not get the money.

X. By Mr. Abbott

Q - You were not present when
 Donegan came in?

A - No Sir

Q - What time did you get there?

A - about 6 o'clock

Q - Donegan had been cleaned?

- A Mr. I said he slept and
 was cleaned up
 Q When you first came in was
 Denihan asleep on the bar?
 A No Sir, He knew me and
 I shook hands with him
 Q Was he drunk
 A He was not positively drunk
 He was in liquor standing
 at the bar.
 Q How many drinks did they
 have?
 A Two.
 Q Then he got asleep and
 rested on the bar?
 A Yes
 Q His coat and shields
 were in the same condition?
 A Yes - pretty

033 Mr. Kelly

- Q What time did Denihan leave?
 A About 7.0'clock

SWORN TO BEFORE ME

THIS 19 DAY OF Dec 1890

By *[Signature]*
 POLICE JUSTICE.

Bernard Keegan being duly sworn
 and examined a witness
 for the People Defendant

0563

deposer and says - I am
25 years old, I live at 544
Greenwich St., I am a longshore-
man, I work on the White
Star Dock, I was working
on Dec 11

Q about 6 o'clock in the
evening did you see Mr
Donihan?

A Yes sir

Q and these two defendants,

A Yes sir

Q - where?

A at 334 West St.

Q Did you notice their condition?

A Yes, Mr Shields was free
of mind -

Q Both?

A Yes. He was asleep on the bar
I heard Mr Shields tell him
and he fell down, and he
picked him up again, and
he fell on his head.

By Mr abbett

Q You say he was lying on the
bar?

A Yes

Q Was Donihan asleep at that
time?

A - I could not tell. He had his
Lead down

In Abbott - If he was asleep he could
not have heard what was said

The Court - Strike it out, on that dock

Q Are you working there now?

A Yes sir.

Q How long have you worked there?
I did not work Christmas week
I worked on Dec 11 and the
following day

Q Two days that week

A Yes

Q How was it in November

A The work is according as a
ship comes in. I worked in
November. I get about two or
three days work a week

Q Is it not a fact that you have
been doing almost nothing?

A Some weeks I have nothing to do.

Sworn to before me this 29 day

of Dec 1890

Dennis O. Shea

Deputy Justice.

Dennis O. Shea being duly sworn
and examined as a witness for the
defendant deposes and says: - I am
25 years old. I am a bar tender

I saw the complainant about 20 minutes to one o'clock on the morning of the 12th of December we took supper together

2 Did you have any conversation with Mr Denihan at that time and did he say anything about the loss of his diamond pin and money?

A Mr Denihan said that he had lost a diamond pin and \$200 He said the pin was a present from his wife worth \$300

2 Any other conversation?

A Nothing more Denihan dozed and fell asleep and Officer Baker and I helped him home. Officer Baker opened his door

2 Did Denihan at the supper say he did not know who had taken his property?

A He did not mention who had done it

2 Did not say any name?

A No.

Cross examined

2 Did Denihan ask you to take

0566

dinner with him]

A Yes.

Q Was he sober?

A He was under liquor

By the Court

Q Was he able to walk?

A Yes; he walked along

By the Keller

Q - He was not able to open the door

A No sir

Q - What time did he go home?

A Between 2 and 3 in the morning of Dec. 12.

Sworn to depose in Case 29 of December 1890

Stanley Lesbe Police Justice.

Stanley Lesbe being duly sworn as a witness for the people deposes and says: I am 23 years old. I live at 334 West St I am a bar tender for Mark and Shields. I remember the 11th of December

Q Did you see Benihan and Shields come in that evening?

A I did - between 5 and 6 o'clock.

43. Q Did they come in together?

- A I could not say - I saw them there all together
- Q In what condition was Denihan's clothing?
- A all over mud.
- Q Was Mr Denihan cleaned there?
- A No the pants were cleaned up.
- Q Shields and Denihan?
- A Yes.
- Q Was Denihan drunk?
- A He was under the influence of liquor.
- Q Did Denihan fall asleep there?
- A He called for drinks. I served drinks and he paid for them, for them. I assisted in cleaning them off.
- Q Who was the other man?
- A Mr Wark - then I went out of the store.
- Q At that time did you notice Mr Denihan's diamond stud?
- A Yes sir. I noticed it before this because he came up and leaned on the bar. Mr Shields cleaned himself afterwards.
- Cross examined by Mr Abbott

- Q You left live in the house of shields?
- A Right above stairs
- Q In his employ?
- A Yes sir
- Q How long?
- A About 5 or 6 months - since the house opened June 16. I own a bar tender. I worked for Blamjan from Sept. to Oct. I was out of employment 2 months when I was in the country, when Demihan learned his trade on the bar did he leave his hand up this way?
- A No; while his coat was cleaned off he came and learned on the bar.
- Q Was his coat open or closed?
- A Open. I could not swear - I did not pay very particular attention. I saw him come up to the bar
- Q How about shields?
- A All over mud.
- Q Are you still in the employ of defendant?
- A Not at present
- Q When did you leave there?

0569

46 A on Monday Morning last

X Henry J Shields the Defendant being duly sworn as a witness in his own behalf deposes and says.

Q Have you ever been arrested before for any offense?

A Never, except for violation of the Excise Law.

Q Go on and tell the Court your story from the moment you met Mr Deemhan on Dec 11 right straight through.

A on Thursday evening Dec 11 I went up Hudson St. I stopped in Mr Carthys place. I went along to Spring and Hudson and then I met defendant Donegan. I said "I am going down West St to take a walk" so we walked down and went into Bakers saloon. When I got in there drinking Mr Deemhan was standing at the bar. We were all friendly. He called for drinks and I called after

0570

the drinks he left the saloon
 and I left - it may have been
 a minute and a half or a
 minute, or half a minute after
 I do not recollect exactly - I
 followed him out - I did not
 follow him but I went out
 after him, when I got on the
 sidewalk I saw him by the
 corner of the truck. He was in
 the gutter. I thought he had
 been trying to urinate and fell.
 He did not see me and
 did not know me until I
 spoke. I tried to help him
 up. He is a heavy man. I could
 not get him up at first. Before
 I got him up he went on the
 sidewalk and laid on his
 face and hands. He was all
 covered with mud and so was
 I - my coat and shoes his
 too. Then we went to my
 father's place and he came up
 to the bar and we had some
 drinks - Mr. Sevilan and I
 called for drinks. He was there
 gray beard and thin
 then grabbed him and pumped

off and cleaned him. He said it did not amount to anything that he was all right. Then he went to sleep on the bar and he sat down on a chair and went to sleep. He went into the rear room where there was a chair and slept because I saw him. After a while Mark asked me to go and raise him up and I got Deribar by the arm and shook him. Then this young man came in and said he was looking for him to get the key to look up his shop. That he had got the key, so he got as far as the door and went off. I supposed he was going home and I did not see anything more of him that day. When I left him in the saloon there on Thursday he had a diamond stud and everything his jewelry and money that he had when in the office. On Friday I did not feel well. I had no business down town and did not come

0572

down. On Saturday I came down
and I saw Mr Warb. He called
me one side and said "Have
you seen Demihan?" I said
"No" He said "He accuses you of
robbing him?" I said it was
a monstrous story. Then I went
to see Demihan. I went to his
shop and he was not there
and they did not know where
he was. I left the shop and
went back to West street
and went back to Behrens
I asked him if he had seen
Demihan. I said "I want to see
him. He accuses me of robbing
him. I would like to see him. I
have been looking for him." I
went back to Demihan's shop again
about 5 o'clock. He had not
been there. I left word and
gave my name and told them
where I was going and that I
wanted to see Demihan. I said
I would go along West street
and would be at _____ or
my fathers place. Shortly after
6 o'clock I started back
again to see Demihan. I stopped

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at Belrens' while I was there
Denihan and Knoud and Deni-
han said "Come and have a
drink" I said I have a
drink, come inside. I went to the
bar and got my drink and I
went to Denihan and we had
a drink together. I said "What
is this you have been talking about
me, what do you want to say to
me?" He said "I have lost
my diamond pin and money"
I said "What have I got to do
with that?" He said "I thought you
might know something of it, that
may be you took them for safe
keeping" I said "I do not
know anything about it; you had
them all the evening; I do not
know any more about it." after
that we talked and I said "If
I wanted to take your things I could
have taken you watch and chain
and money. I have never been
accused of larceny in all my
life, why do you accuse me
of robbery?" He said "I was in your
company and I thought you might

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have taken it. I said "I don't want
you to talk that way of me but
if you think I have robbed you I
will go with you and get arrested.
He said "I do not accuse you of
robbery" He said his wife gave
him the diamond pin for keeping
her for a time and she accused
him of losing it in company with
women. I did not meet him
again until Saturday week. He
asked me who was the other
man I told him Donegan,
was in my company but that I
was nearer to him than Donegan.
I met him after that and he
said "I do not know anything
about it I was so drunk" I
did not meet him for a couple of
days after that not much before
Tuesday. He wanted me to go
and have a drink. I told him
no I was not drinking any. I
met him again as I was passing
the shop that day I was down
there. I drank with him in
Behrens saloon. I think he paid
the bill. On last Tuesday I think
it was when I came down and

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went to my father's place I learned that Samerevel was inquiring for me so I went to the station house to see him and was served with the summons there. When we came to court the next day Judge Ryan jailed me to come again and I came. Then Judge O. Rully heard the charge and directed a complaint to be taken for robbery. I have never been accused of crime before. I have no occasion to steal, or to ask for money. If I wanted money the Dehem or my father would give it. My father has money in trust for me. This false accusation is breaking my wife's heart.

By Mr. Stiner

Q Have you ever been arrested;

A Only for violation of the excise law

Q There was no necessity for you to steal;

A I have money in trust with my father. I do not need to steal or rob or borrow.

By Mr. Keller

Q - Have you any knowledge at all

about the matter:

A I have not

Q He was in the gutter and you helped him?

A - I helped him out of the gutter and I believe I saved his life. I met him the following Saturday if he wanted me arrested why did he not do it then? Why did he not then accuse me of robbing him?

Cross examined by Mr. Abbett

Q Mr. Semhan states that he was quite friendly with you?

A Semhan and I were no friends.

Q You heard his testimony?

A We were acquaintances, but not intimate friends.

Q Had you not seen him frequently before?

A I had seen him frequently and passed his shop probably every day. I never talked with him and never drank with him three times before.

Q What saloon room then you met him in?

A Behrens

- Q When was it you saw Donegan?
- A Donegan came in with me - I met him at Spruz & Hudson St. I know Donegan for years.
- Q Did you and Donihan leave the saloon together?
- A No Sir. I left first.
- Q Donegan remained there?
- A I left him there. I did not see him while afterwards.
- Q When you got out what was the first you seen of Donihan?
- A Lying down and I picked him up.
- Q You said you thought he was writing?
- A I thought that was his intention.
- Q Do you mean that he was lying down?
- A Yes he was lying down.
- Q Not standing up?
- A He was lying down. He had evidently fallen and I helped him up.
- Q Then you went away?
- A I accompanied Donihan to my father's place - we both went together.

- Q Was Donegan with you at all?
- A Donegan was not with me.
- Q How did he happen to go to the same place?
- A He knew where I was going.
- Q He came up?
- A Yes.
- Q Was he there when you got there?
- A No; he was not.
- Q When you got up to your father's saloon, Donihan drank?
- A He started it, I think he treated and I treated - twice.
- Q Then he fell asleep?
- A I am not sure he fell asleep. He leaned on the bar. Then he went to the rear of the saloon.
- Q He walked there?
- A Yes.
- Q How long did he remain there?
- A He was in the saloon an hour.
- Q Then somebody came for him?
- A A boy came for him and wanted the keys.
- Q Did he wake up and walk out and go home?
- A With my assistance.
- Q You kept him out?
- A Yes; along with the boy.

- Q Was the saloon pretty warm?
- A It was warm you see.
- Q He had been there an hour in this room?
- A I guess an hour.
- Q And taken 2 drinks after he left Beheun's?
- A He had two to my knowledge.
- Q After he had taken all these drinks and had put in that warm room an hour he could get up and walk home?
- A He drank gin and whiskey in Beheun's. In my father's place he drank lager.
- Q And besides that?
- A He ate some pickled pigs knuckles or pigs feet that were landed to him out of the ice box.
- Q And you think that sobered him up?
- A I do not know about that. He got up and walked off.
- Q When did you next meet him?
- A Saturday evening with Mr Knoud - the time we had the conversation in Beheun's saloon. Knoud and Demikan entered

the saloon together from the street.
 Mi Semihan invited me in

Q You spoke together?

A Yes.

Q You heard Knoud's testimony
 about that interview?

A I did.

Q And about the money?

A I do not remember that.

Q You remember he gave a conversation
 of 50 or 60 words?

A I remember the conversation.

Q How long was that Saturday
 conversation?

A Half an hour or more.

Q At least half an hour?

A At least.

Q And Knoud was listening to
 all the conversation?

A I would not say that — I
 only recollect that I said I
 had heard that I was accused
 and I wanted the questions
 explained. Knoud, after the
 discussion had gone on suggested
 that we should stop. He said in
 his own way that Semihan never
 accused me of robbing him.

57 Q Did Semihan ^{fract} ~~charge~~ you that

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afternoon on Thursday

- A Yes - one round of drinks
Q He paid?
A Yes
Q He was right about that?
A Certainly
Q You deny that you asked to borrow money?
A I certainly do
Q Did you pay at your father's saloon?
A No sir
Q Dennis had paid before?
A No.
Q It was testified that he paid a dollar
A That was afterwards to Mark when he owed 53 cents

Dennis Shields being duly sworn and examined as a witness for defendant before and says. I am 62 years old. I keep a liquor saloon at 334 West St. - The defendant Shields is my son.
Q Did you on the 22d inst. have any

Conversation with complainant Stephen
Demihari;

- A I did so - last Friday
 Q In relation to this case?
 A Yes sir
 Q Go on and state the conversation?
 A - On Friday afternoon between I and
 Q as near as I can get, this
 Complainant spoke to me. He
 came in to where I was in the
 Knouds wheelwright shop. I was
 speaking to the Knoud when he
 came in. I said "This is a
 dreadful accusation that you
 make against my son." He said
 I have no trouble about the loss
 of the money. To hell with the
 money. I want my pin." I said
 Has my son stolen your pin?" He
 said "I don't say he did it." I
 said "If he did punish him and
 I will help do it; if he has not
 I have got to punish you." That
 was all that passed between us.
 That was all that passed - I
 have not spoken to him since.

Subscribed and sworn to before me this 2nd day

of Dec 1880

J. C. [Signature]

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James Walsh being duly sworn and

examined as a witness for the defendant
 Deponer and says: I am 17 years
 old. I live at 257 Hudson St.
 I am a bachelor.

By Mr. Kelle

Q Did you see complainant on the
 11th of December?

A Yes Sir

Q Where?

A In Marks Saloon - between 6 and
 and 7 o'clock.

Q Had you been sent to get the
 Key?

A Yes Sir, by three of his workmen

Q What did you see?

A Mr Henry Shields came out - that
 was when I left him there.

Q Did you have any conversation
 with Shields?

A Yes

Q Did you ask him to go home?

A Yes.

Q What did he say?

A He would not go - He was
 talking so that I went around
 to the shop and told the men

Cross examined

Q Do you know the name of the

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man who sent you around there;

A Yes; I do not know his last name. It was Mike

Q Did he tell you where to go?

A No sir; he told me to look at in the Nallys and Bekram.

Q How did you happen to go to Shields?

A I went looking and I would not look any longer

Q How did you happen to go in?

A I heard Deimhan say - talk about "Steve" and when I went as far as the door I saw Deimhan

Q on the sidewalk;

A Yes.

By Mr Keller

Q They sent you to look among the saloons;

A Yes sir.

By the court

Q - You say Deimhan was talking to Shields on the sidewalk

Q I heard the word "Steve"

Q Then did you see him?

A I saw him when I got as far as the door.

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59

and then I heard

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him say "Walk on Steve"

Sworn to before me this 2nd day
of December 1950

Police Justice.

Thomas O'Connor being duly sworn and examined as a witness for the People, Defendant before and says. I am 25 years old - I live at 106 York St Jersey City. I am a bartender. I am acquainted with the Defendant the complainant. I saw him on Dec 12 in the evening.

Q Did you converse with him?

A Yes, at 334 West St

Q What conversation passed?

A He asked me when I saw Shields. I told him the night before, Dec 11 (He said "I lost \$200 and a stud worth \$300. He asked me did I know where Shields was. I told him no. He offered me \$50 to tell where he was. I told him I did not know. He offered me a position worth \$25 a week and said it was worth \$14 more - whatever it was. I told him I would see Harry the next day and tell him that Devinhan

wanted to see him - That was
all the conversation

Q Did you see Shields?

A I did the next day and told
him that Dembar wanted to
see him

Q about his recovery?

A Yes.

Q You said that Dembar accused
him?

A He did not accuse him He
said he was in his company

Q or the loss of the money?

A I said to Dembar "Is that all
the proof you have?" He said the
Shields was in his company.

Now examined by Mr Abbott

Q You work for Mr Shields father?

A I do not at present. I did.

Q Previous to that where did you
work?

A at 5 Exchange Place Jersey City

Q You did know where Mr Shields
lived when Dembar asked you?

A Not at that time - no sir. He
had moved 29

Sworn to before me this..... day

of..... December..... 1890

examined as a witness for Dependant
and deposes and says I am a police
man of the 8th precinct. I recollect
Dec 12. I know complainant
Denihan. I saw him come on the
morning of the 12th. It was
between half past one and two o'clock

Q state what was the condition of
Denihan:

A A little bit intoxicated. He could
walk but he was a little bit
stubborn. I took him home
to his house. I opened the door
and left him there.

Robert L. Hennessey being duly sworn
and examined as a witness for the
Dependant deposes and says: I am
22 years old. I live at 934
West St. I work for the Ward of
Ward & Shields. I recollect the
night that Denihan was in the
saloon. It was about half past
five o'clock

Q Do you recollect his condition?

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Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Harry S. Shilders
Joseph R. Donigan

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

Harry S. Shilders and Joseph R. Donigan

of the crime of ROBBERY IN THE *first* DEGREE, committed as follows:

The said *Harry S. Shilders and Joseph R. Donigan*, both —

late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *December*, in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninty* in the *day* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Stephen B. Davidson*, in the peace of the said People then and there being, feloniously did make an assault, and *three* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars *each*; *nix* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *three* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *five* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *seven* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *three* United States Silver Certificates of the denomination and value of twenty dollars *each*; *two* United States Silver Certificates of the denomination and value of ten dollars *each*; *seven* United States Silver Certificates of the denomination and value of five dollars *each*; *ten* United States Silver Certificates of the denomination and value of two dollars *each*; *ten* United States Silver Certificate of the denomination and value of one dollar *each*;

#65.00

Three United States Gold Certificates of the denomination and value of twenty dollars each; six United States Gold Certificates of the denomination and value of ten dollars each; twelve United States Gold Certificates of the denomination and value of five dollars each; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *five dollars, and one*
and of the value of one hundred
and thirty dollars,

of the goods, chattels and personal property of the said *Stephen B. Deidman*, from the person of the said *Stephen B. Deidman*, against the will, and by violence to the person of the said *Stephen B. Deidman*, then and there violently and feloniously did rob, steal, take and carry away, *the said*
Henry R. Shedd and Joseph D. Donigan,
and each of them, being then and there
aided by an accomplice actually present,
to wit: each by the other: —

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,
~~JOHN R. FELLOWS,~~

District Attorney.