

0623

BOX:

16

FOLDER:

203

DESCRIPTION:

Eckart, August

DATE:

07/20/80



203

0624

O. G.

Counsel,
Filed 20 day of July 1880
Reads *Wm. C. Smith*

THE PEOPLE
vs. *Wm. C. Smith*
INDICTMENT.
Larceny from the person.
August 2nd

BENJ. K. PHELPS,
District Attorney.

A TRUE BILL.
Wm. C. Smith
Foreman.
July 21. 1880.
James X. Bennett.
X. G. Smith
St. L. & G. Smith

0625

Form 112.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, ss:

Police Court—First District.

of No. 32 Greenwich Charles Miller
 and says, that on the 14 day of July 1880
 at the City of New York, in the County of New York, was feloniously taken, stolen, and carried
 away from the possession of deponent, aid from deponents
person
 the following property, viz: Good and lawful money
of the United States consisting of silver
coins in all

of the value of fifteen 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 August Ager

(now here) for the reason that while deponent
 was asleep in a bed in a room in the
 aforesaid premises with several other persons
~~and~~ deponent ~~was~~ awoke about four o'clock
~~on the morning of the aforesaid day and~~
 missed the aforesaid money from the pocket
 of the pantaloons then and there worn by
 deponent. Subsequently deponent was informed
 by August Ager that at or about the
 hour of 3 a.m. on said day he saw
 said Ager go to the bed which deponent
 was lying upon and laid along side of

Sworn to before me this

#

day

Police Justice

0626

deponent for about ten minutes and then got out of said bed and disappeared into the Public Street.

Wherefore deponent charges said August Lager with taking & stealing and carrying away the aforesaid property.

Sworn to before me this 15 day of July 1880

Emballer Miller

[Signature] Police Justice

City and County of New York } ss

Augusta Horn of 32 Greenwich Street being duly sworn says that she has heard read the foregoing affidavit and the statement therein contained on information is true to deponents own knowledge

Sworn to before me this 15 day of July 1880 by Augusta F Horn

[Signature] Police Justice

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Police Court—First District.

CITY AND COUNTY } ss.
OF NEW YORK.

August Ager being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was at
liberty to refuse to answer any question that may be put to him states as follows,
viz:

Question. What is your name?

Answer.

August Ager

Question. How old are you?

Answer,

38 years

Question. Where were you born?

Answer.

Germany

Question. Where do you live?

Answer

32 Greenwich St

Question. What is your occupation?

Answer.

Laborer

Question. Have you anything to say, and if so, what—relative to the charge
here preferred against you?

Answer.

I am not guilty
August Ager

Taken before me, this

Police Justice.

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COUNSEL FOR COMPLAINANT.

Name,

Address,

COUNSEL FOR DEFENDANT.

Name,

Address,

Police Court—First District

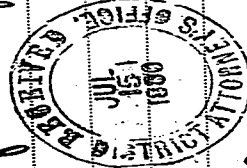
THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Miller
32 Greenwich Ave.

A Affidavit—Larceny.

August 1900



Dated 15 July 1899

Magistrate.

Officer.

Clerk.

Witness:

Augusta Storr

32 Greenwich Ave

\$ 5.00 to answer

at General Sessions

Case

Received at Dist. Att'y's office

BAILED:

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

7 20 1

The People } Court of General Sessions. Part F.
 August Eckart } Before Recorder Smythe. July 21. 1882.
 Indictment for petty larceny from the person.
 Charles Muller, sworn and examined, testified.
 I am the complainant. I remember the 14th of
 July. I came to New York from Staten Island
 on the last boat 9 o'clock and got to New York
 about 10. I went through Greenwich St. and the
 prisoner followed me and asked me if I wanted
 to stay over night? I told him, "yes;" he said he
 wanted to show me a good house. I went and
 looked at it. I said, "all right." He asked me,
 "Want you treat me?" I gave him a glass of
 beer and a cigar. I had sixteen silver dollars.
 I was tired. I worked the whole night pretty near.
 I went to sleep with my pants and every-
 thing on in bed. In the morning when I woke
 up my money was gone. I went to the house
 keepers, Mr. and Mrs. Horne, I did not want
 to make a noise. I did not know who stole the
 money. I did not get my money back.
 Cross Examined. I saw the money when I went
 to bed at 10 1/2 o'clock. I don't know who was
 in the room at the time; there were eight or
 ten beds in the room. I did not count them.
 I got a bed near the door. I did not see
 the prisoner in the room when I went to
 bed. This money was in my pocket in my

paritalorns, which were on me. I have another witness. I could prove by the people that the prisoner did not work for the last two years; he is a loafer. I guess I met the prisoner about ten o'clock. He drank with me in the same house in which I had the bed. He is a loafer and a thief, besides, he stole more. I never saw the prisoner before that night.

Augusta Horne, sworn and examined, testified. Do you know who keeps this place No 32 Greenwich St.? Mr. Horne. What kind of a place is it? A lodging house. Do you know the prisoner? Yes. Do you remember the night that Charles Miller was in the house? Yes sir. Did you see the prisoner that night? Yes sir. Tell us what it was that you saw? He got up three times out of his bed and went to the bedside of Charles Miller. Twice he was a ^{short} ~~time~~ time and the third time he stayed there ten minutes. What time was the last time that he went there? Between three and four o'clock in the morning. What did he do after he went there the last time? The last time he took the money she says. [The witness was partially examined through the interpreter.] Where did he go - did he go away? Then he went away. Was the prisoner had been sleeping there that night had he? Yes sir. He said to me that

Miller had plenty of money and where he stayed
 he would stay too. Cross Examined. Now ask
 her what day was this? I think it was Friday,
 I am not sure. Where was she at four o'clock
 this morning? I was in my bed. Ask her is
 her bed in the same room that this man
 and the other man slept in? It is all one
 room. Is there any partition in the room?
 It is not a partition, it is only a piece of a
 curtain which is around the bed. Does that
 go all around the bed? It is only on one
 side, so that the other people in the room
 cannot see where we sleep. Can she see
 out in the other room while she is lying
 in bed? Yes. Ask her if she was looking
 that morning and saw all this thing
 that happened? Yes sir. What time did the
 prisoner get up that morning? The third time
 he got up at 3 o'clock; he went through the
 room and went in the yard and when
 he came back he went to the bedside of
 this man; he just examined the man
 and saw where he had his money; the
 first time he only felt the man where
 he was in his bed, nothing else; the second
 time he went to the bed somebody was cough-
 ing and he (the prisoner) went back to his
 bed; the third time he went to his bed

and he stayed there ten minutes and then it was he took the money. I saw that. What did she do after she seen the man take the money? I did nothing. I laid still in bed because I had the fever and I was sweating. Her husband was there? Yes. Did she tell her husband about it? No. Ask her why she did not tell her husband of one of her lodgers being robbed? He goes to bed at one or half past one o'clock at night. I would not wake him as early as that in the morning. When did she first say anything about this thing? When this man Miller came to the bed and told us that he had been robbed. The prisoner did not pay anything for his lodging, she told him he could sleep there for nothing if he would get lodgers for her. Last winter he was in the house. Did you ever see him get up in the night before in your house? No sir. I did not see the prisoner get up at four o'clock every morning to go to market. I get up at 7 or 11/2 in the morning. Ask her if ~~there~~ she is awake every morning there? Yes sir. By the Court? Ask her if there was a light in that room that night? Yes sir in the front and in the rear. What kind, gas light or what? Kerosene oil lamps. Where was that Kerosene lamp? One in the front and one in the rear.

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August Eckart sworn in his own behalf testified that he was a butcher; he did not take anything from the complainant. I get up at 4 in the morning to go to the Market. I did not go to the complainant's bed; there were twelve men and two women slept in that room that night. I was never arrested before.

The jury rendered a verdict of guilty of petty larceny from the person. He was sent to the State prison for two years and six months.

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Testimony in the case of
August Eckardt
filed July 20

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CITY AND COUNTY }
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That

August Eckart

late of the First Ward of the City of New York, in the County of New York, aforesaid,

on the *fourteenth* day of *July* in the year of our Lord one
thousand eight hundred and eighty *—* at the Ward, City, and County aforesaid,
with force and arms,

gave some of a number and denomi-
-nation to the jurors aforesaid unknown
and a more accurate description of
which can not now be given of
the value of fifteen dollars.

of the goods, chattels, and personal property of one

on the person of the said *Charles Muller*

from the person of the said *Charles Muller*

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.

BENJ. K. PHELPS, District Attorney.