

0 169

**BOX:**

512

**FOLDER:**

4663

**DESCRIPTION:**

Edward, Robert

**DATE:**

02/09/93



4663

0170

**BOX:**

512

**FOLDER:**

4663

**DESCRIPTION:**

Donohue, Thomas

**DATE:**

02/09/93



4663

0171

Witnesses:

Off Farrell & Co

Richd Third

Ben McVP  
and Long

XX  
XX

Counsel,

Filed

Pleas,

day of July

1893

THE PEOPLE

vs.

Robert Edwards

and

Thomas Donahue

De LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

W. Rodgers  
Foreman.

July 10/93

Ben McVP

and Long

S.P. 5 yrs.

Section 49, 52 & 53 of the  
Criminal Code

Police Court— District.

City and County of New York, ss.:

Nicholas Thiel  
of No. 2754-3<sup>rd</sup> Avenue Street, aged 65 years,  
occupation Clothing dealer being duly sworn

deposes and says, that the premises No. 2754-3<sup>rd</sup> Avenue Street,

in the City and County aforesaid the said being a three story brick building

the store on the first floor of which

which was occupied by deponent as a sales room and bedroom

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

This deponent

were BURGLARIOUSLY entered by means of forcibly opening the fanlight over the front door of said store

on the 27 day of January 1883 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

Three coats - three vests and three pairs of pants all of the value of Twenty dollars (\$20<sup>00</sup>)

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

Robert Edwards and Thomas Donohue (both now here) acting in concert with each

for the reasons following, to wit: about half past nine o'clock P.M. on said date he securely locked and fastened the doors and windows of said place and the fanlight was intact and he went to bed in the rear of said store - deponent was awakened by a noise in the store and got up out of bed and saw heard the door close - he then discovered that the place had been entered and the said property had been taken - deponent is informed

by Officer Farrell of the 6<sup>th</sup> Precinct that he saw the defendants on Baxter Street trying to sell clothing which they had in their possession - Defendant has since seen the property found in the possession of defendants and fully identified it as his property that was stolen as aforesaid

Michael Thiel

Sworn to before me  
this 31<sup>st</sup> day of January 1893

*John Ryan*  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated \_\_\_\_\_ 1893  
Police Justice

I have admitted the above named  
to bail to answer by the undertaking hereunto annexed.  
Dated \_\_\_\_\_ 1893  
Police Justice

There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated \_\_\_\_\_ 1893  
Police Justice

Police Court, \_\_\_\_\_ District, \_\_\_\_\_

THE PEOPLE, etc.,  
on the complaint of

vs.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Offence—BURGLARY.

Dated \_\_\_\_\_ 1893

Magistrate.

Officer.

Clerk.

Witnesses, \_\_\_\_\_  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,

§ \_\_\_\_\_ to answer General Sessions.

0174

CITY AND COUNTY }  
OF NEW YORK, } ss.

1891

*Christopher Farrell*  
*Police Officer*

aged *67* years, occupation *Police Officer* of No. *67*

*Beeman* Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of *Nicholas Thiel*

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

Sworn to before me, this *31* day of *January* 189*3* } *Christopher Farrell*

*John Ryan* Police Justice.

0175

City and County of New York, ss;

*Robert Edwards*

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 a 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.

*Robert Edwards*

Question. How old are you?

Answer.

*24 years*

Question. Where were you born?

Answer.

*Illinois*

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

Answer.

*2260-3<sup>rd</sup> ave*

*1 year*

Question. What is your business or profession?

Answer.

*Gas fitter*

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

Answer.

*I am not guilty*

*Robert Edwards*

Taken before me this  
day of *March* 31  
1882

Police Justice.

0176

Sec. 198-200.

1882  
District Police Court.

City and County of New York, ss:

*Thomas Donohue* 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 a 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. *Thomas Donohue*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *2312 - 2<sup>nd</sup> ave* *7 months*

Question. What is your business or profession?

Answer. *Plasterer*

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*

*Thomas Donohue*

Taken before me this  
day of

*John W. [Signature]*  
1893

Police Justice.

0177

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

*Alfredaunt*

~~guilty~~ thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Fifteen* 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 31* 189*3* *J. M. Ryan* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

143

Police Court--- / --- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Nicholas Thiel  
273 1/2 3 Ave  
Robert Edwards  
Thomas Donohue

Offense *Barry*

3  
4

BAILED,

No. 1, by.....

Residence ..... Street.

No. 2, by.....

Residence ..... Street.

No. 3, by.....

Residence ..... Street.

No. 4, by.....

Residence ..... Street.

Dated, *Jan 31* 189*3*

*Ryan* Magistrate.

*Farell* Officer.

*6* Precinct.

Witnesses *Officer Farell*

No. *6 Precit* Street.

No. .... Street.

No. *1500* to answer *G.S.* Street.

*C*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against Robert Edwards and Thomas Donohue

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

Robert Edwards and Thomas Donohue

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

The said Robert Edwards and Thomas Donohue, both

late of the 23rd Ward of the City of New York, in the County of New York aforesaid, on the twenty-seventh day of January in the year of our Lord one thousand eight hundred and ninety-three, in the nighttime of the same day, at the Ward, City and County aforesaid, the dwelling house of one Nicholas Thiel

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to-wit: the goods, chattels and personal property of the said Nicholas Thiel

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, the said Robert Edwards and Thomas Donohue and, each of them being then and there assisted by a confederate 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.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said *Robert Edwards and Thomas Donohue* of the CRIME OF *Petit* LARCENY committed as follows:

The said *Robert Edwards and Thomas Donohue, both* late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *night*-time of the said day, with force and arms, *three coats of the value of four dollars each, three vests of the value of one dollar each, and three pairs of trousers of the value of two dollars each pair*

of the goods, chattels and personal property of one *Nicholas Thiel* in the dwelling house of the said *Nicholas Thiel*

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

*Robert Edwards and Thomas Donohue*

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

The said *Robert Edwards and Thomas Donohue, both*

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

*three coats of the value of four dollars each, three vests of the value of one dollar each and three pairs of trousers of the value of two dollars each pair*

of the goods, chattels and personal property of one

*Nicholas Thiel*

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

*Nicholas Thiel*

unlawfully and unjustly did feloniously receive and have; the said

*Robert Edwards and Thomas Donohue*

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

DE LANCEY NICOLL,

*District Attorney.*

0182

**BOX:**

512

**FOLDER:**

4663

**DESCRIPTION:**

Eitel, Emil

**DATE:**

02/09/93



4663

# 51

Witnesses:

off Jacob Brunner  
27 Brate

Counsel,

Filed, 9 day of July 1893

Pleads, Guilty 15

THE PEOPLE

vs.

B.

Emil Citel

May 16 93

VIOLETION OF THE EXCISE LAW.  
Selling, etc., on Sunday.  
[Chap. 401, Laws of 1892, § 92.]

DR LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Geo S. Edgell

Foreman.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Emil Eitel*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Emil Eitel*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said *Emil Eitel*

late of the City of New York, in the County of New York aforesaid, on the *twenty-second* day of *January* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*Emil Eitel*  
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Emil Eitel*

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

*Jacob Braun*  
and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*

0185

BOX:

512

FOLDER:

4663

DESCRIPTION:

Eldridge, Frank

DATE:

02/28/93



4663

Witnesses:

Alfred Black

27 to print

Henry Galatry

Counsel,

Filed

day of

1893

Pleads,

Wm. H. H. H. H.

THE PEOPLE

20  
191 Hamburg vs. Robert  
Hester.

Frank Elvage

Burglary in the Third Degree  
(Section 498, 502, 505, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000)

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

W. H. H. H.

Foreman.

Part 2 - Grand 6.1893.  
Heads Receiving Stolen Goods  
SP one up

0187

Police Court 5 District.

City and County } ss.:  
of New York,

of No. 1855 Third Avenue Henry Goldberg Street, aged 25 years,  
occupation Merchant Sailor being duly sworn

deposes and says, that the premises No. 1855 Third Avenue Street, 12 Ward  
in the City and County aforesaid the said being a five story brick building  
and which was occupied by deponent as a Tailor Store  
in part  
~~and in which there was at the time a barman being, by name~~

were **BURGLARIOUSLY** entered by means of forcibly prying off a  
padlock from the door leading into said store  
from the hall way and forcibly prying open  
a show case in said store

on the 29<sup>th</sup> day of January 1887 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Four Coats two vests six pairs of pantaloons  
Even yards of cloth altogether of the  
value of One hundred and fifteen  
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

Frank Edridge (nowhere) George Beckman  
and James Cotta not now arrested

for the reasons following, to wit: Deponent securely locked and  
fastened the doors and windows in said store  
at about the hour of one o'clock P.M. on said  
date and at about the hour of six o'clock A.M.  
on the following morning deponent discovered  
said store had been broken into and said  
property taken stolen and carried away

Deponent further says that George Beckman  
now serving an imprisonment in the house of

Refuge for being implicated in said burglary admitted and confessed in the Court of General Sessions was the defendant Frank Eldridge and John Coker not arrested committed said burglary and gave said Beckman a portion of the proceeds of said burglary which was found in said Beckmans possession

Deputy further says that he is informed by officer James Black of the 5th Precinct Police that he found a coat here shown in Court in the defendants possession and worn on his person which deputy identifies as a portion of said property taken stolen and carried away as aforesaid

Sworn to before me this 21<sup>st</sup> day of July 1893

Henry Goldberg  
Police Justice

It appearing to me by the within depositions and statements that the crime herein 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 \_\_\_\_\_ 1893  
Police Justice.  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated \_\_\_\_\_ 1893  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of  
vs.  
1  
2  
3  
4

Offence—BURGLARY.

Date: \_\_\_\_\_ 1893  
Magistrate.  
Officer.  
Clerk.  
Witnesses.  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,  
§ \_\_\_\_\_ to answer General Sessions.

0 189

1377

CITY AND COUNTY }  
OF NEW YORK, } ss.

James Black  
aged 33 years, occupation Police Officer of No

27 E. Francis Place Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Henry Goldberg  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 21 day of May 1899; James Black

Wm H. Burke  
Police Justice.

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

*Frank Eldridge*

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

Question. What is your name?

Answer. *Frank Eldridge*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *191 Hamburg Ave Bklyn 3 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  
Frank Eldridge*

Taken before me this *27* day of *July* 1930  
*[Signature]*  
Police Justice.

0191

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 Richard

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, May 11 189 1 Wm. J. Burke Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

Police Court--- 5 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Henry Goldberger  
vs.  
Mark Goldberger

Offense  
Burglary

2  
3  
4

Dated, Feb 21 1893

James Black Magistrate.

24 Precinct.

Witnesses  
Call the Officer

No. Geo. F. Reelman Street.

No. Street.

No. Street.

\$ 4000 to answer.

Burg 3  
98

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

0 193

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Frank Eldridge*

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

*Frank Eldridge*

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

The said *Frank Eldridge*

late of the *Twelfth* Ward of the City of New York, in the County of New York aforesaid, on the *twenty-ninth* day of *January* in the year of our Lord one thousand eight hundred and ninety-*three* in the *night*-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of one *Henry Goldberg*

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

SECOND COUNT—

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

*Frank Eldridge*

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

The said *Frank Eldridge*

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,

*four coats of the value of fifteen dollars each, two vests of the value of six dollars each, six pairs of trousers of the value of six dollars each pair, and seven yards of cloth of the value of four dollars each yard*

of the goods, chattels and personal property of one *Henry Goldberg*

in the *store* of the said *Henry Goldberg*

there situate, then and there being found, in the *store* 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

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

The said *Frank Eldridge*

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,

*four coats of the value of fifteen dollars each, two vests of the value of six dollars each, six pairs of trousers of the value of six dollars each pair, and seven yards of cloth of the value of four dollars each yard.*

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

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

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

*Frank Eldridge*

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

DE LANCEY NICOLL,  
*District Attorney.*

0196

BOX:

512

FOLDER:

4663

DESCRIPTION:

Elliot, Harry

DATE:

02/21/93



4663

Witnesses:

*Irwin Cohen*  
*Thomas Becker*

*McLa*

Counsel,

Filed *21* day of *July* 189*3*

Pleas,

*Maguire vs*

THE PEOPLE

vs.

*Harry Elliott*

*Burglary in the Third Degree.*  
*Section 498, of the Penal Law of the State of New York.*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*W. A. Land*  
*March 17 1893*  
Foreman.  
*Fred. H. [unclear]*

Police Court— 3 District.

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

Israel Cohen

of No. 74 Eldridge Street, aged 29 years,  
occupation upholsterer being duly sworn

deposes and says, that the premises No. 48 Essex Street, 10 Ward  
in the City and County aforesaid the said being a five story and basement  
brick tenement the basement  
which was occupied by deponent as a lounge manufactory  
and in which there was at the time a human being by name

were **BURGLARIOUSLY** entered by means of forcibly breaking the  
lock from the door of said basement

on the 17<sup>th</sup> day of February 1893 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Six Lounges, and a quantity of  
hair cloth together with a quantity  
of tools the whole of the value  
of about eighty dollars  
\$ 80 00  
00

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  
Henry Elliot (nowhere)

for the reasons following, to wit: deponent securely locked  
said premises at the hour of six pm  
on said date. Deponent is informed by  
Arman Ascher that he saw the  
defendant leave said premises at  
the hour of ten pm with a lounge  
in his possession. That deponent  
subsequently found said place was  
forcibly broken open and that said

property was missing. Defendant  
thereupon charges the defendant  
with Burglary and says that he  
tried to answer  
Israel Cohen

Sum to before me  
this 18<sup>th</sup> day of February 1893

Clifford  
Police Justice

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

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of  
vs.  
1  
2  
3  
4

Offence—BURGLARY.

Dated 1888  
Magistrate.  
Officer.  
Clerk.  
Witnesses,  
No. Street,  
No. Street,  
No. Street,  
\$ to answer General Sessions.

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

*Herman Archer*  
aged *27* years, occupation *Furnier* of No. *42*  
*Errett* Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of *Israel Cohen*  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this *18<sup>th</sup>* day }  
of *July* 189*5* } *Herman Archer*

*Herman Archer*  
Police Justice

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

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

Question. What is your name?  
Answer. Harry Ellor

Question. How old are you?  
Answer. 21 years

Question. Where were you born?  
Answer. Russia

Question. Where do you live and how long have you resided there?  
Answer. 45 West 14th St 5 months

Question. What is your business or profession?  
Answer. Unemployed

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 Ellor  
1897

Taken before me this 18th day of March 1897  
Police Justice

0202

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

*D. J. ...*

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 18* 189*2* *[Signature]* Police Justice

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

194

Police Court, 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Isaac Cohen  
74 Eldridge  
Harry Elliot

Offense, Murder

- 1
- 2
- 3
- 4

Dated, Jan 18 1893

Meadell Magistrate.  
Haugh Officer.  
11 Precinct.

Witnesses Herman Riche  
No. 42 22nd Street.  
Callahan

No. 11 Street.

No. 20 Street.

\$ 1000 to answer U.S.

Cover  
at

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

**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 Elliott*

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

*Harry Elliot*

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

The said *Harry Elliott*

late of the *10th* Ward of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *February*, in the year of our Lord one thousand eight hundred and ninety-*three* in the *night* time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *building* of one *Israel Cohen*

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 *Israel Cohen* in the said *building* 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

*Harry Elliot*

of the CRIME OF

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

The said

*Harry Elliot*

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 lounges of the value of ten dollars each, five yards of hair cloth of the value of four dollars each yard, and diverse tools of a number and description to the Grand Jury aforesaid unknown, of the value of twenty dollars*

of the goods, chattels and personal property of one *Israel Cohen*

in the *building* of the said *Israel Cohen*

there situate, then and there being found, in the *building* 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

*Harry Elliot*

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

The said

*Harry Elliot,*

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,

*six lounges of the value of ten dollars each, five yards of hair cloth of the value of four dollars each yard, and divers tools, of a number and description to the Grand Jury aforesaid unknown of the value of twenty dollars*

of the goods, chattels and personal property of *Israel Cohen*

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

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

*Harry Elliot*

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

DE LANCEY NICOLL,  
*District Attorney.*

0207

BOX:

512

FOLDER:

4663

DESCRIPTION:

Emos, Abraham

DATE:

02/28/93



4663

0208

**BOX:**

512

**FOLDER:**

4663

**DESCRIPTION:**

Kelly, Richard

**DATE:**

02/28/93



4663

POOR QUALITY ORIGINAL

798

1. Bond  
2. Hovey

Witnesses:

Officer Madden  
1st Precinct  
Thos Madden

I did compare from  
an examination  
made in this case  
that a falsitious return  
account is shown  
against the prisoner  
Abraham Emos. He  
has been in the city  
prison for ten months  
and no further detaining  
can be obtained in the  
case - I must therefore  
recommind his discharge  
upon his own recognizance  
April 25 93. Robert Tomsett  
Clerk

Counsel,  
Filed  
Plends,

day of July 1893

THE PEOPLE

vs.

Abraham Emos

and

Richard F. Kelly

(2 cases)

DE LANCEY NICOLL,  
District Attorney.

Grand Jurors, Second Degree  
[Sections 533, 534, 535  
Penal Code.]

A TRUE BILL.

J. W. [Signature]  
Foreman.  
Dated April 25 93  
on motion of District Attorney  
Emos discharged on his own  
recognizance

POOR QUALITY ORIGINAL

298

1. 1893  
7. 1893

Witnesses:

Officer Madden  
1st fruct  
Thos Madden

Counsel,  
Filed 11 day of April 1893  
Plends, 11

THE PEOPLE

vs.

Abraham Emos

and

Richard P. Kelly

(2 cases)  
DE LANCEY NICOLI,  
District Attorney.

Grand Jurors, (Sections 584, 574, 570 Penal Code)

I am convinced from  
an examination  
made in this case -  
that a felonious intent  
cannot be shown  
against the prisoner  
Abraham Emos. He  
has been in the city  
prison for ten months  
and no further detaining  
can be obtained in the  
case - I must therefore  
recommend his discharge  
upon his own recognizance  
April 25-93. Robert Forman  
Ass.

A TRUE BILL.

John D. Ford  
Foreman.  
Dated April 25 1893  
on motion of District Attorney  
No. 1 discharged on his own  
recognizance

0211

Police Court— District.

1912

Affidavit—Larceny.

City and County }  
of New York, } ss.

William G. Dillingham

of No. 51 South Street, aged 38 years,

occupation Manufacturer of Blocks being duly sworn,

deposes and says, that on the 10 day of February 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Twenty seven pulley blocks

Valued at Forty seven 00/100

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

Abraham Emos and Richard J. Kelly (both now here) acting in concert with each other for the following reasons Deponent is informed by Thomas Madden of 146 Cherry Street that on said date he assisted the defendants in ~~the~~ carrying said property from deponent's place of business no 51 South Street to the defendants (Kelly) express wagon which was in front of said place said Madden further says that he saw said Kelly drive away with said property - Deponent inquired from the defendant Kelly "what he had done with said property?" said Kelly answered Deponent that he had taken it to Madden

of South to before me, this day 1893

Police Justice

Same - Deponent accompanied by said Kelly and Officer Madden visited the place mentioned and the property was not there - Kelly then informed deponent that he was engaged by the defendant Emos to carry said property to a junk store at 23 South Street - Deponent with Kelly and said officer visited said junk shop and there found the property - which deponent has fully identified as his property and that the same had been stolen.

Wm. G. Dieling, Sen

Sworn to before me  
this 10<sup>th</sup> day of July 1893

*[Signature]*  
Police Justice

0213

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 18 years, occupation Thomas Madden  
Driver of No.

146 Cherry Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of William G. Dillingham  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 10 day }  
of February 1893 } T Madden

John Ryan Police Justice.

0214

City and County of New York, ss:

*Abraham Emos* 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 a 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. *Abraham Emos*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *170 Division St - 7 months*

Question. What is your business or profession?

Answer. *Turner*

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

Answer. *I am not guilty -*  
*Abraham Emos*

Taken before me this  
day of *April* 189*3*  
*Henry R. Ryan*  
Police Justice.

0215

Sec. 198-200.

1882

District Police Court.

City and County of New York, ss:

*Richard F. Kelly* 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 a 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. *Richard F. Kelly*

Question. How old are you?

Answer. *54 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *228 Cherry*

Question. What is your business or profession?

Answer. *Expressman,*

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*  
*R. F. Kelly*

Taken before the City  
day of *March* 1882  
*John H. Ryan*  
Police Justice.

02 16

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 50 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 11 1893 John H. Ryan Police Justice.

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

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

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

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

Police Court-- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William G. Silvingham  
57 South

Abraham Enos

Richard F. Kelly

3

4

Offense  
Larceny

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by William M. Faherty  
Residence 64 Pelee Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated, July 10 189 3

Ryan Magistrate.  
Officer Madden Officer.

Witnesses Thomas Madden Precinct.

No. 146 Cherry Street.

~~Officer~~  
No. Abraham Enos Street.

170 Brown St.

No. 1078 East 9th Street.

1000 East 11-1030  
Com

0218

1725

Folio 2350

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

~~George H. ...~~

~~...~~

~~...~~

~~...~~

~~...~~

~~...~~

~~...~~

~~...~~

District Attorney.

New York, 189

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Abraham Emos  
and  
Richard F. Kelly

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

Abraham Emos and Richard F. Kelly  
of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed  
as follows:

The said Abraham Emos and Richard F. Kelly, both

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

twenty-seven pulley blocks of  
the value of two dollars  
each

of the goods, chattels and personal property of one William G. Dillingham

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

SECOND COUNT—

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

*Abraham Emos and Richard F. Kelly*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Abraham Emos and Richard F. Kelly* 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,

*twenty seven pulley blocks of the  
value of two dollars each*

of the goods, chattels and personal property of one *William G. Dillingham*

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

unlawfully and unjustly did feloniously receive and have; the said *Abraham Emos and Richard F. Kelly*

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

DE LANCEY NICOLL,

*District Attorney.*

0221

**BOX:**

512

**FOLDER:**

4663

**DESCRIPTION:**

Engelsberg, Isaac

**DATE:**

02/02/93



4663

02222

Witnesses:

Pat M. Cullough  
Chas. H. Himes

After an interview  
with Officer Harper  
& considering the  
good character of  
the prisoner, I do  
not think a comic-  
-time could be had  
in account of a  
death in regard  
the scene

March 22-93

I ask that the  
Indictment be  
dismissed

38  
Counsel,  
Filed, 2 July 1893  
Pleads, *Not guilty*

THE PEOPLE

RECEIVING STOLEN GOODS  
(Section 550, Pennl Code.)

*vs.*  
D Isaac Engelsberg

*vs.*  
Dancey NICOLL,  
District Attorney.

A TRUE BILL.

*S. J. Captain*  
*Foreman.*  
*Indictment*  
*Dismissed*

0223

Police Court, 3 District.

City and County of New York, ss.

Patrick McLaughlin

of No. 55 Mungen Street, aged 26 years,

occupation Coal pedler being duly sworn, deposes and says,

that on the 23 day of January 1893, at the City of New York, in the County of New York, Isaac Engelsberg

(now here) did buy or receive stolen property knowing the same to have been stolen in violation 550 of the Penal Code

Deponent further says: that on said 23 January, 1893 there was stolen from deponent's possession a cart saddle of the value of Ten dollars the property of deponent and said property was stolen as deponent has just cause to believe, by Edward Kimerle and Jacob Beyer. Deponent received information that said property was sold by said Kimerle and Beyer to the defendant who carries on a saddlery business at 23 Willett Street. Deponent is informed by Ambrose Hussey that he visited said defendant at said premises and made inquiries as to the whereabouts of said property but the defendant denied having received it although subsequently ~~to said day~~ he admitted that he bought and received said property.

Sworn to before me this 26 January 1893  
Sup. Ct.  
Police Justice

Patrick McLaughlin

0224

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 33 years, occupation Police officer of No. 15<sup>th</sup> Precinct Street, being duly sworn, deposes and

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

Sworn to before me, this 26 day of January 1893, Ambrose W. Hussey

[Signature] Police Justice.

0225

(1835)

Sec. 198-200.

District Police Court

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Isaac Engelsberg* 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. *Isaac Engelsberg*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *23 Millett St. 7 years*

Question. What is your business or profession?

Answer. *Harmon maker.*

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

Answer. *I am not guilty  
I Engelsberg*

Taken before me this *26*  
day of *January* 189*7*  
*[Signature]*

Police Justice.

0226

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 *Jan'y 26<sup>th</sup> 1893* *[Signature]* Police Justice.

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

Dated, *January 26<sup>th</sup> 1893* *[Signature]* Police Justice.

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

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

0222

381  
Police Court, 3 District, 125

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Patrick McCallough  
25 Meyer  
Isaac Engelberg

Dec stolen goods  
offense

2  
3  
4

BAILED,  
No. 1, by Abraham Borustein  
Residence 132 Cannon Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Ala. E. ...

Dated Jan 26 1893  
Koch Magistrate.  
Shalov Nussey Officer.  
17 Precinct.

Witnesses Call officer  
No. Street.

No. Street.

No. Street.  
\$ 1000 to answer GJ

Ala. E.  
Bailed

257

Court of General Sessions.

-----o  
 :  
 The People :  
 :  
 vs :  
 :  
 Isaac Engelsberg :  
 :  
 -----o

City and County of New York, ss:-

HERMAN OPPENHEIM being duly sworn deposes and says, that he resides at No. 116 East 84th. Street in the City of New York.

That he has known the above named defendant for about three years and always knew him to be an industrious, hardworking and honest young man.

That he knows other people who <sup>know</sup> him and they all speak very well of him.

Sworn to before me this: *Herman Oppenheim*  
21st. day of March 1893 :

*Jacob S. Frier*  
*Commr. of Deeds,*  
*N.Y.C.*

Court of General Sessions.

-----o  
 :  
 The People :  
 :  
 vs :  
 :  
 Issac Engelsberg :  
 :  
 -----o

City and County of New York, ss:-

ABRAHAM BERNSTEIN being duly sworn deposes and says, that he is engaged in the boarding stable business at No. 63 & 65 Goerck Street in the City of New York.

That he has known the above named defendant for about six years, and always knew him to be an honest, hardworking and industrious young man.

That he knows other people who know him in the neighborhood and they all speak very highly of him as to his honesty.

Sworn to before me this:  
: 21st. day of March 1893:

*A. Gram/Scrutery*  
*James S. Fin*  
*Comr. of Deeds*  
*N.Y.C.*

Court of General Sessions .

-----o  
 :  
 The People :  
 :  
 vs :  
 :  
 Isaac Engelsberg :  
 :  
 -----o

City and County of New York, ss:-

LAWRENCE ROONEY being duly sworn deposes and says, he resides at No. 586 Grand Street in the City of New York.

That he has known the above named defendant for over a year. That he has had many transactions with him and the same were all carried out honestly.

That he knows other people in the neighborhood who know him and they all speak in the highest terms of him.

Sworn to before me this  
21st. day of March 1893

*Lawrence Rooney*

*Jacob J. Fisk,  
Comptroller of Deeds,  
N.Y.C.*

Court of General Sessions.

-----o  
 :  
 The People :  
 :  
 vs :  
 :  
 Isaac Engelsberg :  
 :  
 -----o

City and County of New York, ss:-

DAVID ENGELSBURG being duly sworn deposes and says, that he resides at No.54 Graham Avenue in the City of Brooklyn, New York.

That the above named defendant is his brother and was employed by him when he came from Germany seven years ago.

That he worked steady for him for over six years until he transferred the business to his father, and then the defendant managed the business ever since for his father.

That he has had numerous opportunities to steal and become dishonest but he was not so inclined.

Other people in the neighborhood who know him speak of him in the highest terms.

Sworn to before me this:

21st. day of March 1893:

*J. C. Engelsberg*  
 \_\_\_\_\_  
*James S. ...*  
*Commissioner of Deeds,*  
*N.Y.C.*

Court of General Sessions.

-----o  
 :  
 The People :  
 :  
 vs :  
 :  
 Isaac Engelsberg :  
 :  
 -----e

City and County of New York, ss:-

ISAAC ENGELSEBERG being duly sworn, deposes and says, that he resides at No. 23 Willett Street in the City of New York.

That he is employed by his father in the harness business at the above address. That he has been so employed by his father for the past six months. Previous to this he worked for his brother who was then the owner of said business, ever since he came from Germany seven years ago.

That he has never been arrested before charged with any offense. That he has had many opportunities to be dishonest but he had no inclination to do so.

Sworn to before me this : *Engelsberg*  
21st. day of March 1893 :

*Louis S. Finck*  
*Com. of Deeds,*  
*City.*

U. S. Court of General Sessions

*The People*

Plaintiff

against

*Isaac Engelsberg*  
Defendant

*Affidavits*

RURDY & McLAUGHLIN,  
*Attorneys for* *Left*  
No. 280 BROADWAY, New York City

Due and timely service of cop of the  
within hereby admitted  
this day of 18  
Attorney.

To \_\_\_\_\_  
\_\_\_\_\_

0234

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

THE PEOPLE OF THE STATE OF NEW YORK  
against  
Isaac Engelsberg

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

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

The said Isaac Engelsberg

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

one saddle of the value of  
ten dollars

of the goods, chattels and personal property of one Patrick McCullough  
by Edward Kummerle and Jacob Bager and  
by certain other persons to the Grand Jury aforesaid unknown, then lately  
before feloniously stolen, taken and carried away from the said Patrick McCullough

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

DE LANCEY NICOLL,  
District Attorney.

0235

**BOX:**

512

**FOLDER:**

4663

**DESCRIPTION:**

Etchen, Ernest

**DATE:**

02/14/93



4663

Witnesses:

*Alta Marnel*

*Dr. [unclear]  
[unclear]*

Counsel,

Filed

day of

1893

Pleadg

*Arquillo*

THE PEOPLE

vs.

*P*

*Cornest Letcher*

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

*W.S.P. by [unclear]*

*April 6/93*

*John [unclear]*

*Frederic [unclear]*

*W.D. Edgell*

3/93

THE PEOPLE, COURT OF GENERAL SESSIONS, PART 1.  
vs. BEFORE JUDGE FITZGERALD.  
ERNEST ETCHEN.

Friday, March 24th, 1893.

Indictment for ASSAULT, in the FIRST DEGREE.

A Jury was ampannelled and sworn.

OTTO MANUEL, sworn and examined, testified:

Where do you live? I live now in 117 Ludlow street; on February 12th I lived in No. 25 Second street, in this city. I have been married nearly three years, and I know the prisoner. Where did he live on February 12th? In the same house, No. 25 Second street, on the same floor. Is he married? I know his woman. You saw this prisoner on the afternoon preceding the evening when you went to bed, on February 12; didn't you? I did. What time was it on the afternoon? Five oclock. Who was with him when you saw him? This lady, I know her name, she is in court. Is that the woman was with him (pointing to a woman)? Yes. What is her name? Maggie Hallowell; she lived with that man, in the front room. What did the prisoner say to you about five o'clock on the afternoon of February 12th? He shouted after me, "If you come home tonight, we will kill you." What did you say, if anything, when he said he would kill you if you came home? I didn't say anything; I went out; I stayed out until probably twenty minutes past twelve Sunday morning, and I went home. This conversation was on Saturday night, the 11th. On Sunday morning, at twelve o'clock, when you entered the house, where did you go? First I was afraid to go into the house; I went to my room. Who was in the room when you went in? Nobody was in there. You went into the room in company with your

0238

wife; is that so? Yes. How long was it before you and your wife prepared to retire? We retired right away. What did you do with regard to the door before you commenced to go to bed? I bolted and locked my door, and, on account of the man threatening me, I put a chair under the knob of the door besides, and then went to bed; my wife was in bed. How long were you in bed before something attracted your attention? No more than three or four minutes. What happened then, what did you hear? I heard a knock at the door, and the opening of the door. Did you know the voice of the man? I knew the voice, it was the voice of this man, the prisoner; I jumped out of bed and tried to dress myself and put on my pants, and my wife jumps up out of bed and goes to the door, to hold it closed. What then happened? Then I no more had my pants on when the prisoner was in the door. How did he get in? He broke the door open, the bolt and lock. Who was with him when he broke that door open? His wife was outside. Did you see her? Yes. What did the prisoner have in his hand, the moment you saw him? A carving knife. Is that the knife (showing it)? That is the knife. What did the woman have in her hand? A knife, similar, but not so large. That is the knife, is it (showing another knife)? That is the knife; he rushes in with this knife, and she with that; What immediately occurred after they both got in the room? What did the prisoner do to you, if anything? He first hit me right over the forehead, and then I got four hits. You mean stabbing? Yes, but I was hit with the knife. He struck you with the blade of this knife? Yes. Then where else did he hit you? He hit me four or five times over the head, causing blood every time. Where did he strike you besides? He had my neck down, and cut me in the neck. Show

the gentlemen of the jury the wound; there is a wound three inches, near his neck (The witness exhibited his neck to the jury.) When you were down what did he do to you? He took the knife, and commenced stabbing at the neck. Where else did he stab you, if any place? I got lose from him, I don't know, I ran down and the man followed me with the knife and inflicted six wounds with the knife. You ran for your life, and while you were running he put this into your back six or seven times? Six times. What did you see the woman that entered with the prisoner do, if anything, with this knife? She assaulted my wife. The same time you were being assaulted? Yes. What did your wife do when the woman assaulted you with this knife? I remember her saying, "Maggie, he didn't do nothing;" she ran down stairs, and the woman after her, chasing her. You have told the whole truth, everything just as it happened that night? That's right, and nothing buth the truth. Were you taken to the hospital? The officers assisted me to the station house, and I got my wounds dressed there; I didn't know how much I was hurt; I went home and afterwards went to Bellevue Hospital; I didn't stay in the hospital, I just went there and got my wounds dressed, and went out. I went every day there for three weeks, to get my wounds dressed. What became of this man after the stabbing, after the assault? He was arrested; it was probably only five or six minutes before the officer was in the house, and had him arrested.

CROSS EXAMINATION, By Counsel:

I didn't say that I met those two people in the street; I met them in the house. Where were they when you say that the defendant said, "If you come home, we will kill you?" The defendant came out of the room when I left my room, and hall-

oed that after me, he met me in the hall; my room is on the same floor with his; he came out with his wife. Did your wife come out with you? No. Were any words said but the mere, "If you come home, we will kill you?" No, nothing else. And then you went right ahead about your business? I did. Had the door of your room been shut, when you came out did you shut it after you? My wife was in the door, inside the room, when I left. I closed the door after I went out. Didn't his wife say something? They both said the same thing, she said that too, "If you come home, we will kill you." Did you have any reason to fear any harm at that time? No. I am a German; the defendant doesn't speak German, he speaks English; I have conversed with him in English. I know him since the day after election; he was there when I moved in. I am a married man; I was married by ceremony. What time was the threat made? Somewhere around five o'clock. Did you go out to business? I did. What business are you in? Attending bar; I didn't work that night, I went out to see a friend of mine. I was working on Thursday night, and this happened on Saturday night. I had been in that employment since the 28th of September; before that, I was over in Coney Island; I have been over there two seasons; I have been working in Wendel's casino, 44th street and 9th avenue. That evening I came home and asked a policeman to assist me in the house; and the policeman saw me into the house, until I was in my room; I was afraid of this man. My wife and I went to the new London Theatre. Then you went into your room, and locked your door, you say? Yes. How long after you were in the room was it this man came? It couldn't be more than about two or three minutes. You never had any trouble with him; had you? Never had any words with him at all.

0241

Have you ever had any trouble with his wife? Not that I know of.

MARY MANUEL, sworn and examined, testified:

I am married to the man who has just left the witness-box, and was living with him on February 12th, in this city. We went to the London Theatre in the early part of the evening, and returned to our home in the neighborhood of twelve o'clock, or twenty minutes after. A policeman went up stairs with us, to our room, and then left us. We prepared to go to bed, my husband left the door just the same as every day, and he put a chair under the knob, and then we both got into bed. How long were you there before you heard something? A couple of minutes, I heard somebody knocking at the door, and saying, "Hello! Open the door;" I was sure it was the prisoner's voice. My husband went out of bed first, and he put on his pants, and then I got out of bed too and put something on. I went against the door, I was afraid he would come in; he broke in the door and came in with his wife. I noticed she had a big knife in her hand, and he had that knife in his hand (Pointing to the knife.) He went right after my husband, and cut him with the knife. He put him on the floor, and cut him with the knife. His wife wanted to go after me, and I said, "Maggie, what do you want with me, I never did anything to you." And then she didn't do anything, she didn't cut me or anything then. After my husband was cut I went down stairs, in my night-gown, and shouted for the police. She chased me out of the room with this knife, but she didn't cut me. I ran from her to avoid the stabbing, I was afraid; I got down on the side-walk in my night-clothes

and saw a policeman, I hallooed on the street and the policeman came up stairs with me; there was nobody in the room when the policeman and I got up there; my husband went on the street. What became of the defendant and his wife? Afterwards they came into their own room; the policeman went into the room and arrested him. I was not in the room when the knife was found. You are positive that you saw the prisoner knock your husband down, and, while he was down, cut him? Yes. You ran for your life that night, down the street, because the woman chased you with a knife? Yes.

CROSS EXAMINATION, by Counsel:

Your husband said that the defendant's wife assaulted you in the room, is that so, that she struck you? She insulted me before. I mean in the room; did she strike you with the flat part of the knife, for instance? She did not; the defendant used the knife on my husband out in the hall and in the room too. When the defendant first struck my husband his wife was standing outside of my door with a knife in her hand and I ran past her and continued to run down stairs. During all this time your husband had nothing in his hand; had he no means of defending himself at all? No; I didn't see anything. You didn't even see him trying to defend himself? No, because this man had him down there, and prevented him from defending himself. The defendant ran after him down two flights of stairs, and my husband ran after me; the defendant was running after my husband, but he didn't follow him all the way down. You have never had any trouble with the defendant or his wife? No, never a word.

SELMO HOPPER, sworn and examined through the interpreter, testified:

You are the housekeeper at 25 Second street, in this city?  
Yes. The witness who has just left the witness box and the man now on trial live there? Yes. Were you in that house about twelve o'clock at night on February 12th? Yes; I was below; I didn't see the actual stabbing. What did you see regarding this trouble? I am the house-keeper of the house, and I heard some one shouting, "Open the door, open the door, Do you know the voice of that person? was it the prisoner? I think he was the man. What did you do when you heard somebody say, "Open the door?" I lit the candle immediately and ran up stairs, and then I saw the prisoner coming out of the room of the man who was stabbed, he had only a shirt on. I saw the prisoner coming out of Otto Manuel's rooms. What did the prisoner have in his hand? He had nothing in his hand. What did you see about this affair, anything? Then I went inside the room with the light, kept the light in my hand, and I did not find any one in the room. When I came down stairs I found the wife of the man who was stabbed; she was in her night-dress, and she was crying. Whilst I was talking with the wife, the man who was stabbed came up with a policeman, and blood was coming from his face and his head, that is, Otto. I didn't see the stabbing.

JOHN H. KEELING, sworn and examined, testified:

I belong to the 14th precinct, and was on duty at mid-night on February 12, in the neighborhood of 25 Second street; I saw Mrs. Manuel, in front of her own house--about two doors above--she was running towards me in her night-clothes, between half-past twelve and one, she was shouting, "Police."

I went to the house with her, I met the complainant first on the street, at the foot of the door of his own house, Otto Manuel, covered with blood. The blood was coming from the head, all I could see. I went to the station house with him, after, and saw his wounds dressed. I went into the house, up stairs on the second floor. They pointed out the room where the Eychens lived, I knocked on the door; the door was closed, as though it was locked. They opened the door, I went in, and they both of them were undress, the prisoner and his wife. I asked her what she cut him for, and the wife said she didn't cut him, she struck him with a club. I asked for the club, and they wouldn't tell me where it was; they told me to go and find it. She said she did all the assaulting, that the prisoner didn't do any of the fighting. Then my side-partner and another officer came up, and we searched both rooms, for the club. I found a big knife, with blood on the handle of it, under the sofa. It was fresh blood; the knife now shown me is the one; I found a small knife under the bed; there was no marks on the small knife. What did the defendant say to you, or you to him? He was chattering away, very excited, I couldn't understand what he said. Were there any marks on either of these people? His hand was cut, just across the palm. I brought the complainant to the station house, along with the prisoner. The surgeon came there in an ambulance, Dr. White, from Bellevue, and sewed four wounds in his head and fixed his neck. How about his back? There were no remarks made at the time, about the back, that I heard, because I was at the desk, with the prisoner. I saw the stitching of the head. When you found the knife with the blood on it, did you have any other talk then with the defendant or his wife? I asked if that was the knife that

she done it with, and she said she didn't know anything about the knife.

THE CASE FOR THE DEFENCE.

MAGGIE ETCHEN, sworn and examined, testified:

On February 12, 1893, you were living with the defendant, where? Yes, at 25 Second street. Do you know the complainant? Yes. Do you know his wife? I know the woman that lives with him, I know the woman that keeps him; she is not his wife. On the night of February 12, 1893, about 12 o'clock was there any occurrence there, in that house? Yes, in my room; he came in, and broke my door; they broke it in; he said to me, "You son of a bitch, I will kill your husband, if you don't come away and live with me." Previous times he wanted me to go with him; he said he didn't like the old thing who was living with him, he asked me to live with him. Was she there? Yes. Who said that? Otto Manuel. Did he break in the room there? Yes, he did. Were you in bed at the time? Yes, I was already undressed and in bed, and my husband. What happened then? Then he pulled my husband out of bed and clubbed him, and hit him with some stick; I knew he had a club in his room. He took my husband out of bed, and threw him down on the floor, and wanted to catch me by the back of the neck, he turned me around, and kicked me in the knee, I have a sore knee from it. I took him by the back of the throat, and stabbed him with a chisel. My husband never used them knives; they are cooking knives. The next thing after that he went down stairs, shouting, "Police! Murder!" He said to me, "I will send your man away for five years," and he went down shouting, "Police! Murder!" And I was taken

out of the house, along with my husband, and kept in until morning, and discharged. The policemen came and arrested you and your husband? Yes. The complainant's wife says that on that night, your husband went into Otto's room, and that you stood at the door of his room with that knife in your hand? No, I never had it. If I had taken that knife with the intention of giving it to her, she would have got it. Did your husband take that other big knife? No, he never had it in his hand, that big knife; I used it for chopping wood; I kept it under my bed, because it was sharp. I have only one room, because I couldn't afford to pay for any more. The large knife I used for cutting wood, and the other knife was laying under the bed, I threw it under the bed, because it was sharp. Did you also repeat with your husband, on that day, to Otto, the complainant, "If you come home, we will kill you?" These words were never mentioned. You never said anything at all? I never said a word, because, if I intended to kill the man, I wouldn't tell him.

CROSS EXAMINATION, by District Attorney:

You say that the little woman who swore that she was the complainant's wife is keeping him? Yes, she is keeping him, and I have got the very person who seen her walking the street and handing him money; he was chased off the street, by a policeman, for following her up. Suppose I will prove, by the marriage certificate, that this man and woman were married three years ago, by a minister named Schneider, on 4th avenue, and 125th street, wouldn't you feel a little ashamed for saying this wife keeps him? It will be a forged certificate, because out of his own mouth I heard the woman ask him to marry her; if you can prove it, I would like to see it.

10

Are you married? No, I didn't say I was married, I haven't

sworn it. You are the mistress of this prisoner? Yes, I am. Because you are a kept woman, you say, out of spite, that this little woman is a kept woman? She keeps a man; I don't. Even if they take and produce a certificate, you will say it is a forgery? Why don't they produce it; they can't; until the certificate is produced, I must say it is a falsehood. If I could produce a certificate I would. Did you stand at the door with a knife? No. Did you chase that little woman down the street? No, I didn't. Do you say the complainant broke into your room? Yes; I say that the knife was not wet with the complainant's blood; I kept it under the sofa. The officer may tell what lies he likes, but there was no marks of blood on it, or anything else. He was not cut with the knives; I cut him with the chisel, myself; I threw the chisel under the dirt barrel. I am sorry that I didn't cut the head off him, I would mind it; if any man was cut with the knife that man couldn't exist; there is no mark on him. That man tries to put my husband away.

MARTHA SHRANK, sworn and examined, testified:  
 I live at 130 Clinton place, and am a married woman, and live with my husband. I am engaged in the business of human hair work, and have been for fifteen years. I have seen the complainant, Otto Manuel, two or three times at 25 Second street. I have had conversation with him, relative to the defendant's wife. I know this man's wife in November. I didn't associate with them.

ERNEST ETCHEN, sworn, and examined through the interpreter testified:  
 11 I know the complainant, and have known him a month before I

was arrested. I had trouble with him on the 12th of February, 1893. The first trouble was during the day, on Friday. I was going to the grocery shop, passing by his door. He said that he wanted to club me, and he spit in my face. Do you know why it was that he wanted to club you, or spit in your face? Yes, I know. A week before, the wife of the complainant came to my wife, and asked her for a needle. Then the wife of the complainant remained in conversation with mine. They remained talking for a couple of hours. Then the complainant came up and asked me what was my work, what was I employed at. Then I answered that I was a cook; that day passed, and there was nothing more. The day afterwards the wife of the complainant came again to my house, about seven o'clock; I was occupied talking with my wife. Then he addressed his wife, saying, "Are you not going to gain any money?" He caught hold of her by her arm, and pushed her out of the door. Then the wife went out after her work. Do you know what work? To walk the streets, soliciting. Then he stopped talking to me, and he told me that his wife earned, the night before, five dollars. Then he asked me why I shouldn't send my wife to work on the street, also. Then I answered that I have got good strong arms to work, and I never would allow my wife should do such kind of business. The next day he came back again, and I could see, by his looks, that he was angry with me; he was half drunk. Then he commenced this talk again, about sending the women out. I answered that I should not have such conversation any longer, as I was not a "pimp." How long was this before the Saturday in question? It was a week before I was arrested. On the night of the arrest, about five o'clock in the afternoon, did you say to the complainant, "If you come home, we will kill you?" No.

At or near twelve o'clock that night state what trouble you had with the complainant? I and my wife went to bed at eleven o'clock. I was asleep when the complainant came, I suppose it was between mid-night and half-past. They knocked at the door, saying, "Come out, son of a bitch of a Frenchman." Then he commenced to pull at the door, and the lock gave away and broke. He came into the room, after the door was broke. I was in bed, with my wife; seeing him in the room, I jumped out of bed; he had a club in his hand, and the first blow I received it on my elbow. After I received the first blow, I took hold of a pair of scissors, to defend myself. Then, at the same time, my wife was on the floor, I saw that she received a kick on her knee. Then, in my room, seeing my wife on the floor, I gave him three or four blows. I don't know how many; I gave him blows with a pair of scissors. A chisel, was it? No, scissors. Ask him what he means? It is a chisel.

By District Attorney: Did you use a chisel, you used it? Yes.

By Counsel: You were excited at the time? Certainly I was angry seeing her receive these blows. Did you put him on the floor and stick him with a knife, and put it in his back six or seven times? No, never. Did you go out into his room that night and beat him in his room? I never left my room that night; I was undressed. If the police officer wants to tell the truth, he can say that, when he came in, he found both of us undressed.

CROSS EXAMINATION, By District Attorney:

As I understand it, these parties came in your room, and, when your wife was on the floor, you picked up the chisel, in defence of your wife, and struck him four or five times? Yes;

my wife never touched that man, I am sure she did not. You are just as sure that you are telling the truth to this jury when you say your mistress, or your wife, didn't stab him, that is as true as everything else you have said? My wife never touched that man there, because she was on the floor. She says that you never touched him, but she stabbed him with a chisel, five or six times, and would have liked to have cut his head off with the chisel; who is telling the truth? It is my wife that gave him the blows, it was not me. Didn't you, before I put the question, take your oath that she never touched him, she was on the floor while you were stabbing him?

THE INTERPRETER: He says to me, "I don't understand him."

Didn't you say that your wife was on the floor, that she never touched the complainant, and you used the chisel on him, five or six times?

THE INTERPRETER: He wants to commence again.

You ask him if he didn't swear that his wife was on the floor and while she was on the floor, he used the chisel six or seven times on this man's head and neck? Yes or no? No, I didn't. How long are you in this city? Four years. Where have you worked all that time? I worked at the Westminster Hotel, 14th street, as cook; I lived at the hotel. How long have you been living with this woman who has been a witness? Four months; my woman speaks English; I can talk English with her, sometimes I speak French. On the night of Saturday, February 12, 1893, did you use the chisel or your wife? My wife. You didn't use it? No, I never used the chisel. How often did you use that knife on him? Never. Do you know how it was found, bloody, at half-past twelve o'clock at night; the officer says that a few minutes after he arrested

you, he found that knife, bloody, under your sofa, in your room? Where is the blood? why didn't they keep the blood? When did you first see that knife before February 12, 1893, when did you put it under the sofa, when did you last see this knife before you used the chisel? More than twenty days. Had your wife used it in twenty days? I can't say, because I was at work. Didn't you see it that night, didn't the officer show you the knife, when he arrested you? Yes, he showed it to me; because he picked it up. Did you notice that it was covered with blood? No; I swear there was no blood on that knife.

REBUTTING EVIDENCE.

OTTO MANUEL, recalled by District Attorney, testified: The lady that was on the stand, following you as a witness, is your lawful wife? Yes. When were you married to her? In April, 1890; I have the marriage certificate, it isn't a forged one; I never spit in the defendant's face. I didn't kick that woman on the knee. I never called her a bitch. I didn't break into their apartments that night. When this man was stabbing you, was his wife lying on the floor? No, she stood there with a knife in her hand; I saw the knife and there was my blood on it; it was warm and wet when I saw it in the hands of the police officer; the marriage certificate is gone, at 117 Ludlow street, it is in the top bureau drawer.

OFFICER JOHN H. KEELING, recalled, testified: Officer, you say that there was blood on this knife? Yes, it was principally on the handle. Was there blood on the

knife at the time you presented it at the police court? Yes, I believe there is a mark on the bottom of it now; I showed it to the Judge, and I told him where the mark was. You saw wet blood on it, when you took it from underneath that sofa? Yes; on the handle of the knife. I was in the police court the same day, about nine o'clock A. M., Sunday morning. I called the sergeant's attention to the blood on the knife. In looking around, did you see a chisel in the room? No chisel, no club. Was the defendant's door broken open? There was no attention called to the door, and I didn't pay any attention to that. I knocked at the door; the door was fastened when I looked at it; whether it was bolted, or a chair against it, I didn't pay any attention to lock, because there was nothing said about the door being broken. Was there any blood in the complainant's room? There was on the threshold, in the door jamb, in Otto's room, and on the stairs. Was there any blood in the prisoner's room? I didn't see any there. If there had been any, you would have seen it? I probably would, looking for the knives, but I didn't notice any. There is no doubt in your mind, so far as the big knife is concerned, there was no blood on the blade? There was no blood on the blade when it was found. Did you see a chisel? No. Did the prisoner speak about the chisel, or his wife? No, she claimed she used the club; she said she clubbed him.

The Jury rendered a verdict of GUILTY of ASSAULT,  
in the FIRST DEGREE.



Police Court— 3rd District.

1931

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

of No. 25 Second Otto Mannel  
117 Ludlow Street, aged 45 years,  
occupation Barber being duly sworn,  
deposes and says, that on the 12 day of February 1893 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by  
Ernest Ethen (now dead)  
who feloniously cut and stabbed  
deponent in the head and neck  
with a table knife  
deponent further  
says that said assault  
was committed

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

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

Sworn to before me, this 12 day }  
of February, 1893 } Otto Mannel  
Charles Linter Police Justice.

0255

Sec. 198-200.

1882

District Police Court.

City and County of New York, ss:

*Ernest E. E. E.* 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.

*Ernest E. E. E.*

Question. How old are you?

Answer.

*27 years.*

Question. Where were you born?

Answer.

*Paris France*

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

Answer.

*25-21 St*

Question. What is your business or profession?

Answer.

*cook*

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  
Ernest E. E. E.*

Taken before me this

day of

1882

*At 12  
Charles H. ...*

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 W. J. ...

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 1873 Charles N. ... 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.

Police Court--- District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Otto Mummel  
by ~~at the office of~~  
Ernest Oetzer

171  
Ernest Oetzer  
Magistrate

2  
3  
4

Dated Feb 12 1887  
Ernest Oetzer Magistrate  
Heeling Officer  
Precinct 44

Witnesses Mary Mummel  
No. 25 Second Street  
Selma Halper  
No. 25 Second Street  
August Giers  
No. 20.17 2nd Street  
\$ 100 to answer

Ernest Oetzer

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Ernest E. Cohen

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

Ernest E. Cohen

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

The said Ernest E. Cohen

late of the City of New York, in the County of New York aforesaid, on the twelfth day of February in the year of our Lord one thousand eight hundred and ninety-three, with force and arms, at the City and County aforesaid, in and upon the body of one Otto Marnell in the peace of the said People then and there being, feloniously did make an assault, and him the said Otto Marnell with a certain knife

which the said Ernest E. Cohen in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent him the said Otto Marnell thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Ernest E. Cohen

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

The said Ernest E. Cohen

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Otto Marnell in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Otto Marnell

with a certain knife—

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

THIRD COUNT—

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

*Ernest E. Cohen*

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

The said *Ernest E. Cohen*

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

*Otto Marnel* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *knife* *Otto Marnel*

which *he* the said *Ernest E. Cohen*

in *his* right hand then and there had and held in and upon the

*head and neck* of *him* the said *Otto Marnel*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~bruise~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

*Otto Marnel*

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.