

0466

BOX:

445

FOLDER:

4101

DESCRIPTION:

Smith, Charles

DATE:

07/07/91



4101

POOR QUALITY
ORIGINAL

Mrs.

Counsel,

Filed

day of

1891

Pleaded

THE PEOPLE

vs.

Charles Smith

Grand Larceny, First Degree.
(From the Person.)
[Sections 528, 529, 530 Penal Code.]

DE LOUCEY NICOLE
JOHN DE LOUCEY

The No. of the
Ally Smith's do. it
Bail bond
A True Bill.

July 14th 1891

Foreman.

Indictment

new trial granted
August 1, 1891

Bail per all

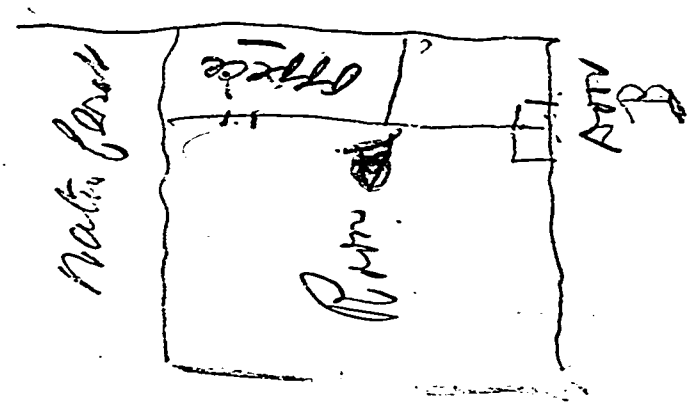
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Personal Grant

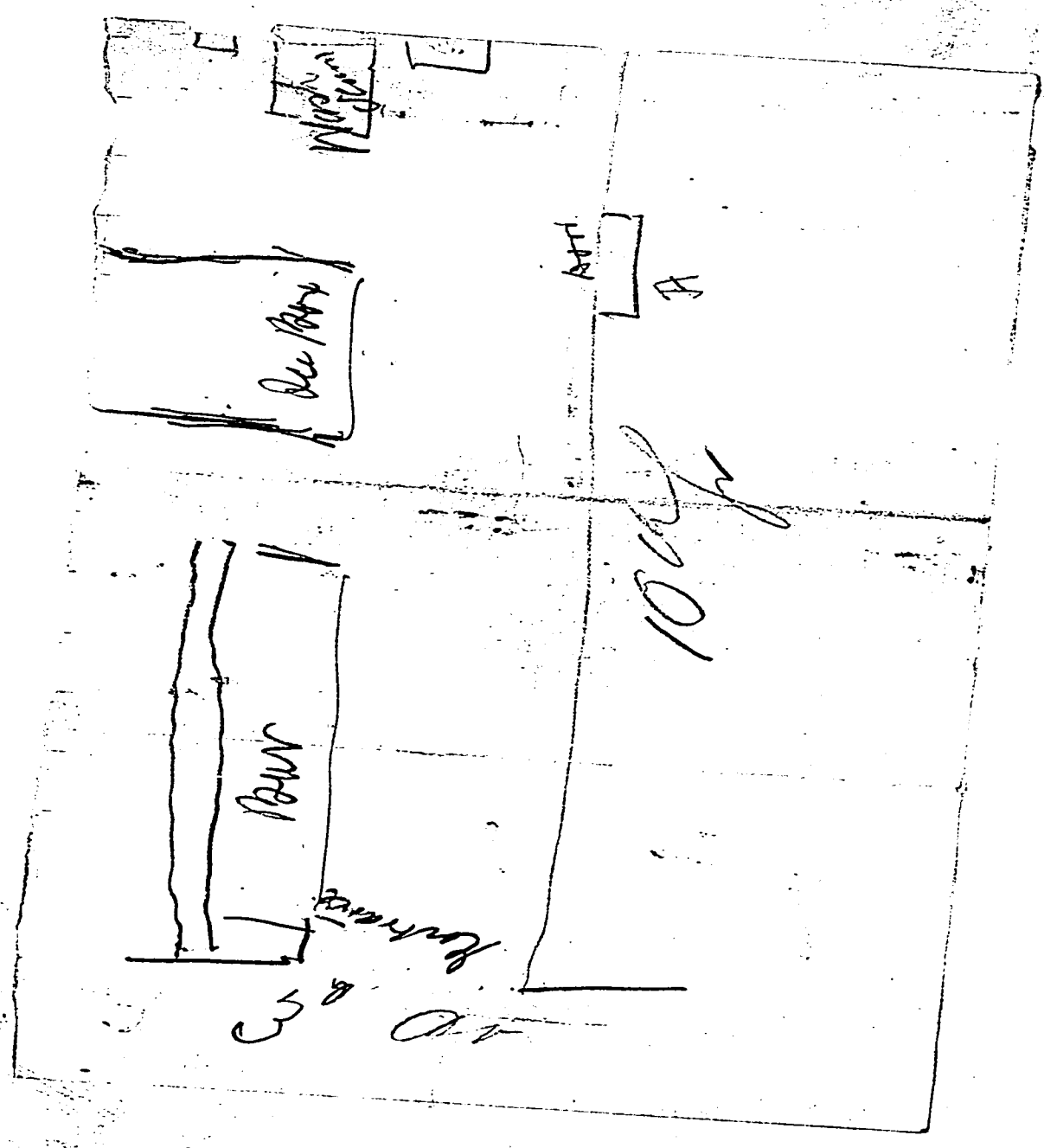
Aug 1/91

Having appeared at the
upon the face of his indictment
before the application for a
warrant, which was granted,
I am satisfied that the
proceedings were by
law, upon his application
a true and correct
and are now upon record
true, and therefore recommend
the issuance of the writ
of habeas corpus
W. L. 192 192 192
J. L. 192 192 192

The young ones live between
 Almiral down the house
 (marked by T + B)
 when the base the first time
 the door. Marked A
 the woman says also
 that the men in the room
 when the door being open



0469



Court of General Sessions
City & County of New York

The People }
Charles Smith }

Louis Federon

being duly sworn depose and say:
that I am 14 years of age and
am employed as conductor by
the Third Avenue Railroad Company
and have been employed as such
for past 14 years. That on the
evening of June 19th 1891 at about
8 ⁴⁵ P.M. at a point on the crossing
a little below the corner formed
by the intersection of the easterly
side of Third Avenue and Ninth
Street on the uptown ^{easterly} track,
the car of which I was conductor
and which was bound uptown
was stopped by a crowd which
surrounded several persons
who were fighting.

Sworn to before me?

this 31st day of July 1891. Louis Federon
William H. Smith

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Count of General Garrison

Wheeler

Charles Smith

Applicant of L.
Admission.

0472

Court of General Sessions, City and County of New York.

People

vs

Chas. Smith

George A. Green being duly sworn says: I live at No. 40, 3rd Ave in the City of New York; I am in ~~my~~ my 23rd year, and I am in the employment of my father who is in the hat business at 142 1st Ave, and have been in his employment (ever since I left school,) for the last nine years.

On the evening of the nineteenth of June, 1901, about quarter past nine o'clock I was in Valentine's liquor store on ^{South} West Corner of 1st Ave and 14th St, with a friend and just came out of said store, crossed the street to the jewelry store on the opposite side of the way and was about recrossing to my home which is within a few doors of said Valentine's store, when my attention was attracted by two men coming up 3rd Ave, one of whom was talking, quite loudly and particularly attracted my attention. They went into Valentine's liquor store. I noticed as they went in that one of them who was the scouter man of the two was covered with mud on the right side of his body and had no identification. I followed them in the saloon, he then when I asked of the scouter man and who I afterward learned to be ^{complainant} the defendant in this case, went to a part of the saloon where now is where he was in the night of the 19th of June, taking a towel went to wiping the mud from his hands. The bar-tender said to him if you want to wash there is a basin right at the back of the store. The said ~~complainant~~ then went to the basin washed his hands then went into the water-closet, and then rubbed some of the mud from his clothing.

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The other young man I noticed in his company remained standing near the bar. In a few minutes the complainant came toward the bar and invited his companion to drink. They were served with what they ordered, whereupon the complainant refused to pay for the drinks and the young man in his company the defendant said "what do you mean, do you want to disgrace me. You brought me in here and invited me to drink and if you do not pay for what we have had I will. The complainant then took a ten dollar gold piece from his pocket and handed it to the bar-tender and received his change, then the complainant in a friendly way tapped the ^{defendant} ~~defendant~~ on the shoulder saying to him, "will you save me from getting a good licking." The defendant then invited the complainant to have a cigar and cigars were furnished. The complainant then invited the defendant to have another drink, the defendant declining said, "no I have had enough, I have got to go home now." The complainant however insisting, additional drinks were given them by the bar-tender. As they were having this last drink the complainant suddenly "having his eyes fixed in the mirrors which were all around the place, suddenly turned to the defendant and said indignantly, "have you got my nickel," the defendant replied "yes no, did you have a pin in it." The complainant not replying turned to the bar-tender and asked of him "do you know this man" to which the bar-tender said "you are strangers to me, I never saw you before, he then repeated his question and received the same answer. Then he grabbed hold of the defendant and struck at him two or three times. The bar-tender came from behind the bar quickly and called upon me to assist him, which I did and we succeeded in getting them out of the door.

upon the sidewalk where the complainant threw the defendant
 upon the sidewalk and was over him apparently about to kick
 him, when the defendant called for aid and I went to his
 assistance and separated them. The complainant in the
 meanwhile shouting murder and chief, and an officer came up
 and upon demand of the complainant arrested the defendant,
 and took him to the Police Station House at 10th Street and
 1st Ave. I followed them down and heard the complainant
 come to the station in officer's car and taken from
 him in the afternoon and returned again in the evening to
 10th Street. *(He afterwards said it was 9th Street & 2nd Avenue)*
 is looked like a conspiracy. One of the posted men
 him and the others into fight and made him off to court
 to fight, and he was off and in court. If I did not see
 better up for the purpose of settling his pin. I stated
 that I know how they were men, the court in and the
 defendant being together and I let my name and address to be
 sent for if required, but to my knowledge I have not been
 for. At the time of the trial of this case I was away
 from home in the country and did not return for several
 days after the trial was over. I was not subpoenaed as a
 witness upon the trial. During all the time upon the night
 in question that the complainant and defendant were in the
 said liquor store of Valentine at 10th Street and 1st Ave,
 no woman was in the saloon at all, and none could have been
 there without my having seen her unless she was in the small
 private office of Mr. Valentine, and from which no person
 could see into the bar-room. No woman entered the place with
 the complainant or defendant, nor did I see any woman about
 there either on the inside or outside, nobody except the com-
 plainant and the defendant and two other people who were

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walking on a short distance ahead of them.

I was and am an entire stranger to both the complainant and defendant, not having seen them before the evening and at the time and place and under the circumstances I have herein referred to. I have never seen either of them since. I was asked to read this affidavit by the brother of the defendant and at his request accompanied him to the office of the defendant's counsel Messrs. Brooks, Irwin & Brooks for that purpose. I of course have no interest in the matter except to desire to prevent injustice being done to the defendant.

Sworn to and read this
21st day of July, 1911.

George A. Green

William H. Smith
Commissioner of Deeds
City & County of New York

Court of General Sessions, City of New York.

The People

vs

Chas. Smith.

That as G. Oliver, who duly sworn, deposes and says: I reside at 122 1/2 11th Street and am thirty years of age. I am in the employment of E. Thomas J. Wilson and at his liquor stand on the Bowling Green, corner of 10th Street and 1st Ave in the City of New York, for the past five years. I have been as bar-keeper and cashier for the past five years in the employ of the late of John J. Wilson, who died of pneumonia on the 10th of June 1911. Sometime in the month of June of 1911, a man came in at about 10 o'clock in the morning of the 10th of June, and of them appeared to be covered with mud on the right side of his face and neck and in his company. I have since learned that this man was a defendant in this case. The man to whom I have referred to having mud on his clothing and face and hands. When the man came in, he was very much disheveled and was facing me, the bar-keeper, about two and a half feet high. The defendant took up a bowl that was on the bar from the bar and commenced washing his mud off his hands. I directed him to go back of the bar and told him if he wanted to wash his hands, he would find bowls and soap there for that purpose. The man went back and after washing himself returned to the bar. I had noticed when he came in, that he had no necktie on. Upon his return to the bar where the defendant stood waiting, he invited the defendant to drink with him and I furnished them with what they ordered. They conversed together; the complainant in the course of

0477

[illegible]

During all the time I was in the neighborhood and during the time when, no woman was ever seen in or about the place, none showed up, I am sure there was no opportunity for the entrance of a woman except by the door in the wall. The opening out of the building of a door is by a wall, which the door fits inside in the case of women. I could not go in or out the door, and no woman entered there all the time the parties were there so whom I have referred, or the happening of the occurrence I have detailed.

Sworn to before me this

1st of July, 1891.

Court of General Sessions, City of New York.

The People

ys

Phos. Cryst.

William Hallway of 415 E. 11th Street, New York City, says: "I am thirty-two years old and live at No. 111 West 116th Street, City of New York. Where I live is situated in the lower part of 'Thomas' M. Walker Lane, by which I have been engaged for the past few months, and which I reside. My business and duties are to act and to fill orders and call on my clients by my own or by other persons in the city and to receive a commission on the sale, which is one third of the amount of a sale in a ^{half} dollar per. On the evening of the ninth and of June, 1911 I was on duty when said business and was in the vicinity of the street at 11th Street and a portion of the time they were in the saloon. I noticed that one of the men had his clothing ready over the place and on the next morning he was in the saloon. I saw him at 11th Street and on the next morning he was in the saloon and then noticed the fact that he was in the saloon. I have since learned that the two persons to whom I referred were the complainant and defendant in this case.

"I never came in with the crowd in no way turbulent, nor did anyone go in or the premises during all the time they were there. The family entrance to the premises is on the back street side and the door rings a bell, which is attached to it, in the act of its opening. I was on duty in that room and no woman could have opened that door or entered upon the premises without attracting my attention, and I am

0479

positive none did so. I saw the man without the necktie.
When he was in the cab, and after he had left the back of the
cruising car in the driveway, and shortly thereafter I saw
him take hold of the telephone. He was then in the car and
several others with the man, who seemed to have hold of
him, and was on the sidewalk.
I am so sorry for this
and I am, I am.

0480

Cons of General Services

The People &c

"

Charles Smith

Applicants on Motion
for new trial

Brooks & Brown & Brown
Attys for Pet
No 11 Broadway
N.Y.

0481

STENOGRAPHER'S MINUTES.

Third District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Patrick Hogan
vs.
Charles Smith

BEFORE HON.

POLICE JUSTICE,

1883

APPEARANCES:

For the People,

For the Defence,

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WITNESSES.

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Official Stenographer.

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DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Patrick Hogan Examination had *June 2/1891*
Chas. Smith Before *John J. Ryan* Police Justice.

I, *M. J. Keacy* Stenographer of the *3rd* District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of *Patrick Hogan* all herein

as taken by me on the above examination before said Justice

Dated *June 30th* 1891

John Ryan
Police Justice.

M. J. Keacy
Stenographer.

Leg. York June 22nd / 91
 Third District Police
 Court
 Hon. John J. Regan
 Presiding Justice

Patrick Hogan }
 Charles Smith } from
 Prison

Patrick Hogan being
 duly sworn deposes
 and says,

Cross Examination
 You say
 that on the evening
 of the 19th of June 1891
 you left some friends
 in Centre and Walker
 St.

Q. Mr. Walker and
 Elmer St.

Q. You had
 been drinking there

Q.

A. Yes Sir
 Q. What did you drink?
 A. Four glasses and
 Nick and two (2)
 cigars.

Q. About what
 time did you get to
 the street and stand
 around?

A. About time
 Q. One o'clock P. M.

Q. You say you
 had no trouble
 with anyone except
 the defendant

Objected to.

Q. Did you have
 any trouble on that
 horse car with any
 one except this
 defendant?

A. Yes,
 Q. On or on the sidewalk
 (2)

Q.

A. Q. No Sir
Were you put off
the car?

A. Q. No Sir,
Were you thrown to
the ground?

A. Q. No Sir,
Before you went to
the harbor?

A. Q. No Sir,
You say the lady
who went with you,
went to the harbor
with the Defendant?

A. Yes Sir, she
went into the side

Q. What did you
drink in there?

A. Q. "Gin fizz"
Did you see your
scarf and pin while
in there?

A. Yes Sir. Q. (3

14

Q. felt and saw it in the glass

Q. Did you see this Defendant take it?

A. I felt his hand on my neck, & saw it in his hand

Q. Did you have a struggle with him in the Saloon?

A. Yes Sir,
Q. Did you get on the deck together?

A. He fell, & on top,

Q. you were under?

A. No Sir,
Q. Do you remember the circumstances, of this man before you met in the Saloon, telling you

(14)

5.

Q. You to and wash
off your clothes?

A. Yes Sir,
Q. I will ask you if
you made any state-
ment to any one
else different, in
regard to this affair,
from what you
have said to me?

A. Yes, but what
I made in the
Station House, I
made the same
statement here as
I've

Q. The Defendant and
yourself were drinking
in the saloon?

A. Yes Sir,
Q. You say while there
and while he insist-
ed on your paying

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for the drink, you
 best him take your
 scarf? A. Yes Sir, I

accused him, and
 then he struck me
 tried to get away.

Q. After he struck
 you, you got hold of
 him?

A. Yes Sir, we
 got on the sidewalk,
 he fell, & on top
 of him.

Sworn to before me
 this 22nd day of June 1891

John J. Price Justice

6

H

Mary Gorey of 42650
 Third Avenue, being
 only more depositor
 and says

Q. Do you
 remember the 19th
 of June 1891?

Q. Do you know the
 complainant and
 defendant?

A. Q. Yes Sir, I
 saw you on the
 car on the
 night in question?

A. Yes Sir, about
 a quarter to nine
 o'clock, I got on
 at Grand St. and
 met the complain-
 -ant on it, she rode
 to 9th St and got
 off, I saw the

H

P.

Defendant on the
car.
Q. Do you know
what he did on the
car?

A. Yes Sir, he
jostled from one
place to the other,
he jostled him (the
occupant) several
times, and we got
off at 9th St. Defendant
was on the car,
and got off with us,
and a couple of
others.

Q. Were they with
the Defendant?

A. They seem-
ed to be.

Q. What con-
versation did they
have?

A. Mr. Hogan and

P.

and wish to have
 anything to do with
 him, he refused to
 talk to him. The
 we got into the
 Saloon - I went
 Q. in the side door
 Did you see them
 all the time they
 were there?

A. Yes, they called
 for a round of drinks
 the bartender called
 for the drinks and
 demanded the com-
 =plaint to pay
 for the drinks, and
 he said he would,
 and "What is the matter
 with you", then he
 slipped his hand
 around Bogans neck
 and loosened the
 tie. I got frightened

10

and went to the
front door, I saw
him (Smith) pass the
door to another room.

Q. Did you see Smith
strike Hogan?

A. Yes sir,
Q. Continuation.

Q. Where do
you live?

A. 650 Third
Avenue.

Q. How long
do you know
Hogan?

A. 15 years.
Q. You went in the
back room?

A. Yes sir,
there is a door there,
but it was wide
open, any one could
see, I was not in
the parlor, but I

11

Q. in the side room, I could see them.
 Here you within sight of Dickinson?

A. Yes, yes, yes.

Q. And you see the projector there?

A. I do not know. I do not know. They were

Q. What did they have to drink?

A. Q. Nothing. What did they have to drink?

A. I do not know what they had. There were glasses on the table.

Q. What did you do when you saw the Defendant first?

12.

- Q. His arm around
your friend's neck &
I ran for
assistance, then they
were on the side
walk. When Defendant
put his arm around
Higgins neck, what
did you do?
- A. I ran to see if
I could assist him.
- Q. When you got there
what did you see?
- A. I saw him
coming out and
the tie pass, it was
done in a second.
- Q. How long were
you in the Saloon
together?
- A. About five
minutes, I waited
a few minutes out

13.

Q. Will you go to the
Shooting House with
him?

A. Yes, not there,
later, I mean, say
it, the witness after
that - about early and
noon.

Q. Was it there
before?

A. Yes, Sir.
Q. What time you go
back for?

A. To see if I
couldn't find out
anything about the
one, I asked him
about that and he
said he knew all
about it one time.

Q. Were you ever
there before?

14.

Q. I was not there before? Was he

Objected to? Sustained
Q. Did he tell you he had been there?

Objected to... Sustained
Q. Did you go to the Station House first?

A. No Sir;
Q. Where did you go to first?

A. To my house
Q. After the trouble was over you say you went to the Station House?

A. Yes Sir, before I went to the Station House, 3rd and First Avenue

Q. Just you say it was not over

14

15

A. half an hour. It might
be $\frac{3}{4}$ of an hour.

Q. Will you observe
it was not two (2)
hours?

A. Yes Sir,

Q. And the best of your
recollection is that it
was $\frac{3}{4}$ of an hour?

A. Yes Sir,

I sworn to before me }
this 7th day of June 1891 }

John Ryan - Police Justice

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James H. Cooney
being duly sworn
deposes and says, I
live at 1300 Second
St. I am acquaint-
ed with the complain-
ant about 4 or 5
years, being in the
large business

Q. Do you remember
the night in question
A. Yes, it was a
Friday, Mr. Hogan was
at my place, he was
perfectly sober, I
went in his company
till 25 minutes to
9 o'clock, when we
took the car, if he
was not sober I
would send him
home in a coach-
man to before me
this 1st day of June 1891

Police Justice

16

14

Charles Smith
being away more
than a week, days,
Q. Did you remember
the night in quest-
ion?

Q. Yes Sir,
Q. Where had you
been?

A. On the Ferry
buying a Hat at
Bellers, about Eight
o'clock.

Q. What did you
do when you left, you
go?

A. I walked slow-
ly up 3rd Avenue
till I met an horse
car, I got aboard
and paid my
fare, I was alone

17

18

He gave me change
 (the conductor) I
 wanted to get off
 at 8th St. I saw
 a scuffle ahead of
 me, at the South
 East corner of 9th
 Street and Third
 Avenue. I saw
 3 men with coats
 off in their shirts.
 They were assaulting
 the complainant,
 his hat was off and
 facing the Electric
 Light, I was fifty
 feet away, and
 when the crowd
 got away, I had to
 walk to Westward.
 I advised him to
 go into the Liquor
 Store, and he asked

18

19

me to have a drink
 I said no I had
 business to attend
 to, and he had
 hold of my hand
 and said, you are
 a friend of mine,
 to get rid of him,
 I thought I would
 walk over there, I
 thought he would
 go in there, he kept
 walking up Third
 Avenue to Sixth St,
 I wanted to get
 rid of him, I
 proposed that we
 go into the store, I
 refused to drink
 with him, I went
 in the liquor store
 and found his
 clothes ^{there too} muddy to wash.

19

20

in the mean time
I went to the Urinal
and when I came
out I washed my
hands and he came
to the glass and his
eye was gone when
he looked at him-
self in the mirror,
and he said what
are you going to
have, I said Milk
munch, he said he
said he would take
"Jim fig", he kept
arguing with me in
a round about way,
I did not want to
be in his company,
I had a position to
go to today. I had
fifty one dollars
with me, he asked

20

0503

21

me to have another
 drink and a cigar,
 he hesitated, to pay
 for the drink and
 his remarks made
 me feel a little
 sore, when I was
 about to leave him
 when he put up
 his hand and he
 seized this scarf from
 then he grabbed me
 and got a good
 hold of me and
 said "You have
 my Dir", "I thought
 you were one of the
 gang", I said I
 have not got it. He
 got hanging me,
 and I stuck out
 right and left, and
 the bartender ejected
 21.

Q2,

me and pushed me
out on the side
walk, the companion
there on the side
walk, no one was
there but I called
out some bystanders
and they got hold
of him and pushed
him off. I got up
and did not want
to get mixed up in
such an affair, and
I ran away, and
was half way down
the block when the
Officer caught me.

Q. Did you see any
one on him?

Q. During all that
time did you see
that woman (Lorey)

Q2

23.

A. Q. Was she in his company?

A. Q. Did she go in the Liquor Store?

A. I did not

Q. See her was she in your company at all?

A. No, I did not

Q. See her was any women there?

A. No, none but us two.

Q. Cross Examination...

A. Q. ...Goin' buy a hat

A. Q. What time did you get on the car?

23.

24.

A. About half past eight P.M. You say?

Q. You say a fight?

A. Yes Sir,

Q. And Hogan was one of the men engaged in that fight?

A. Yes Sir, No Joe Sawyer, he was not one of the men with a buddy?

Q. When you went there you saw three men beating and robbing him and running away?

A. Yes Sir, he was under the influence of liquor, I met

24.

0507

Q. J.

in and had a drink
with him and then
he charged me with
stealing his tin

Presented before me }
this 22nd day of June 1891 }

John Ryan Police Justice

Q. J.

26

Henry Hoffman
being duly sworn
deposes and says,
I am an Officer
attached to the 14th
Police Precinct

Q. Do you remember
the evening in
question?

Q. Yes Sir
Did you arrest the
defendant?

A. Yes Sir, on
the corner of South
Street and Third
Avenue, there was
quite a crowd there
he was coming to-
wards me, we were
had hold of him,
I took him where
I heard the man
holler, the man
(Hogan) said he (26

D.H.

(Hogan) had been
robbed by the Defect-
-ant

Q. Did you go
in the Saloon?

Q. No Sir,
Did you see any
woman there?

Q. No Sir,
Did you hear the
statement made by
Guysaint - in the
British House?

Q. Yes Sir,
What was it?

Q. He
gave his name,
were you present
when he made the
statement?

Q. Yes Sir I was,
and the prisoner

Q. What was it?

D.H.

28.

A. He told the Sergeant that he was robbed out side on the street.

Q. What do you mean?

A. That he was on a 3rd Avenue car, and was assaulted and robbed by three or four and that Defendant was the man who robbed him, the Sergeant asked him if he could swear or knew positively that the Defendant was the man who robbed him and Hogan said "no", but he (Defendant) was one of the gang.

28

29.

Q. Has anything said about the Defendant putting his arm around his (Hogman's) neck and passing the scarf to another man?

A. Yes Sir,
Q. Your Post is on 9th Street?

A. Yes Sir
Q. This assault and robbery took place at 4th Street and Third Avenue?

A. Yes Sir. I was on 9th Street

Q. And the Defendant run down the street and you meet him?
A. Yes Sir,
about 25 feet (29

30,

from the corner, he was running, the crowd was holler-
ing "Stop Thief"?

A. I simply heard the holler "Stop Thief", I arrested him and took him to the Station House

Q. You took him back and then took him to the Station House

A. Q. Yes Sir, He told you he was robbed by the Hesperians?

A. Q. Yes Sir, When he got there did he tell you they were all clinc-
ed and between the door and the store?
That he stole the pin

(30)

31.

Q. 2. No, he did not
And that he had
fallen on the side
walk?

Q. No Sir, I don't
know. You say I don't
know the man, running
— on what street

Q. 2. The side door is on
South Street. You
came from Ninth
Street and you
stood at the corner,
and no woman
was there?

Q. I did not
see any — there might
have been.

Q. What
was the condition of
Hogan?

Q. He had been
31.

Q2,

Q. Assuming he knew what he was doing when the Defendant said Hogan was intoxicated, he is mistaken?

A. He may have been drinking

Q. What was his condition as to sobriety?

A. He was not sober

Q. How drunk was he in your opinion?

A. He had been drinking

Q. Did you think he was intelligent enough to make a statement you would believe?

A. ^{sworn to before me} Yes Sir
 John Hogan Police Justice

33.

Sergeant Kelling
of the 14th Police
Precinct being
only sworn deposer
and says

Q. Do you
remember this night
in question?

A. Yes Sir,
Q. Do you remember
Officer Hoffman
bringing in the
complainant and
defendant?

A. Yes Sir, I
remember both of them
Q. Do you recollect
the statement made
by Mr Hogan then?

A. Yes Sir,
Q. What was it?
He stated
to me that he was

(33)

05 16

34.

riding on the car
and some one asked
him to have a drink
he said it was at
12th street and Third
Avenue, then he
said some one
had taken his
Scarf Mr. Vickard
at One hundred and
Twenty-five dollars
at 12th street and
3rd Avenue, I asked
if the Defendant
then, before the bar
(desk) take it, he
said No, but he
was one of them, I
asked him that
question three or
four times and he
gave me the same
answer every time
(34)

Q. 5.

that he was one of them. Did he state to you where he lost his pin?

A. Yes Sir. Did he say that the defendant had put his arm around his neck and taken out his Hogans and passed it to another man?

A. Yes Sir. How long have you been on the force?

A. 21 Years. What in your judgment, was his condition?

A. At first I thought he was

Q. 5.

36

intoxicated but he
straightened up
wonderfully. Will you

Q. say whether he was
drunk or not?

A. Yes Sir,

Q. Gross Exaggeration. What
time was that?

A. About nine

Q. o'clock. You say you
thought first he
was drunk?

A. Yes Sir,

Q. Was he not very
much excited over
the loss of his son?

A. He was excited
and also had been
drinking, I think he
was drunk, I think he

36

05 19

B 4

was not so much
under the influence
of liquor but that
the man what he
was talking about
Q. Did he tell you
that he met the
defendant on the
car and got off to
have a drink?

Q. No Sir,
And that he tried
to rob him (Hoggen)
by putting his hand
around his neck?

Q. I asked him was
that man (defendant)
on the car and he
could not answer
me

Q. Did you ever
see him before?

Q. No Sir,
(B 4)

38

Q. Do you know his name is Joseph Smith?

A. Yes Sir,
Q. Why do you think he was intoxicated?

A. He came in and spoke in a rambling manner and the way he carried on afterwards, I saw he was drinking, I was going to detain him as a witness — there was a gentleman made a statement that he saw Hogan being struck, Hogan rampled till I spoke of locking him up, then he straightened up.

Q. What time after he came in, did

38

39

Q.

You think he was
sober?

Eight or ten
minutes. I meant
to detain him as a
witness in the case
and when I saw
I meant to look him
up he straightened
up wonderfully and
surprised me very
much. I never saw
a case before like it.

Court

On your judgment
must was he sober
enough in the begin-
ning to make a
statement, was it
extenuation or miti-
gation?

A.

He had been
drinking, and was
excited.

39

0522

H.O.

He spoke well
evidently and he
understood enough
to know what he
was talking about
at the time

Given before me }
this 22nd day of June 1891 }

Police Justice

H.O.

0522

HO

He spoke well
enough, and he
understood enough
to know what he
was talking about
at the time

Spoke before me }
the 22nd day of June 1891 }

Police Justice

HO

0523

H.O.

He spoke well
enough, and he
understood enough
to know what he
was talking about
at the time

Spoke before me }
the 22nd day of June 1891 }

Police Justice

H.O.

H/

Thomas J. Black of
No 124 East 11th St
being duly sworn &
deposed with oaths &
work for Mr. Vallentine
at 10th Street and
Third St since 1887

Q. Do you remember
this concerning in
question?

A. Yes Sir.
Q. Did you see these
two men there?

A. Yes Sir,
The conspirator
was intoxicated and
had mud on his
arm & directed him
to the Wash basin

Q. Do you know
whether he had a
neck tie?

A. Yes he had
H/

(1/2)

Q. a collar. What took
 place after he came
 in?

A. One went into
 the closet and the
 other washed his
 hands.

Q. Is there more
 than one room there?

A. There is a little boy
 and a large room
 that was open.

Q. At the time they
 went in the front
 door, did any woman
 go in?

A. No, I have a
 notice there for that
 purpose.

Q. You did not
 see the woman?

A. No sir.
 1/2

H3

Q. What took place
between these two (w)
men?

A. They had a
couple of drinks,
cigars, and then
a talk about a
car. I don't know
what it was.

Q. Did you
see the Defendant
put his arm around
Hopkins' neck?

A. He was first
there close to him
it could not be seen
with out my seeing
it, I put them just
with the aid of two
others.

Q. You are positive
he had no firm or
neck-tie when he

H3

HH

next in your
place?

A. I. Did you see any
house there?

A. Yes, the house -
I cannot describe
if I know it. I don't
know it, then
he said you have
got my ring, I
want my ring. I
am a headquarter
man, what then?

A. I then went in
front of the door
and with the aid
of two others, I put
them out, Mr. Cat-
erline came and
stood at the door,

HH

H5

Cross Examination...

Q. Now, you say, Day & Hogan say, drink?

A. Yes sir.

Q. What was the con-

-tention of the Defendant
apparently, when
Q. The gun was seemed
to be about since
trouble they had
in the first?A. Yes Sir;
Q. Did the Defendant
deny that he asso-
ciated him on the
car?A. He said he
took chance of get-
ting into trouble
himself.Q. Did you
hear Defendant
testify?

H5

H6.

A I did not hear

Q. At the time he saw
a figure, if he said
that he committed
deliberate perjury—

Q. You are saying that
you heard the con-
versation as to what
occurred between
these two men?

Q. Yes Sir,
Q. You did not hear
the defendant testi-
fy?

A. Yes Sir, I did
not hear him say
he was in the car,
I heard him say
they had trouble on
the car

Q. Do you know
this man?

H6

44

Q. Yes Sir,
 Q. Did you see her
 there?

Q. Yes Sir,
 Q. Did you have a
 conversation with
 her?

Q. Yes Sir,
 Q. Did you tell her
 you knew who
 had the pipe?

Q. Yes Sir,
 Q. And that "that fellow
 was a good one
 who had it"?

Q. Yes Sir,
 Q. You are a partner
 for Mr. Valentine?

Q. Yes Sir,
 Q. You claim that to be
 a respectable house?

Q. Yes Sir,
 Q. You say Hogan

44

0531

H.P.

Q. was drunk?
A. Yes Sir, I have
seen a man get
drunk who is under
the influence of liquor,
respectable?

A. Yes Sir, I
give him sleep and
leave, my orders
are not to call to
interfere with men.

On duty before me }
this 17th day of June 1891 }

Police Justice

H.P.

49.

J. W. Valentine being
 duly sworn deposes
 and says,

Q. How long
 have you kept this
 place 78 East 10th St?

Q. Six (6) years
 here you in your
 store on the night

Q. in question?
 A. I was
 about 25 minutes
 to nine P. M. I
 saw the Defendant,
 I did not see him
 before. I saw the
 Defendant, I did
 not see him before

Q. Did you see them
 when they came
 in?

Q. No Sir, I
 had been in the
 49

J.O.

office in the rear
and closed my desk
as I came out. I
saw the complain-
ant at the Wash-
stand washing him-
self. I saw his
coat sleeve covered
with mud, he was
then alone, a men-
=ant after, Defendant
came out of the
water closet, the
closet is on the
left hand side.

Q.

They together? Here

A.

Yes, he was washing his
hands, they seemed
to be all friends, they
went to the bar and
this Defendant said

57.

To the other, "I must
 go over across town,
 I have got some
 business," and the
 Complainant said
 "have a drink" he had
 ordered a Nick lunch
 I did not hear what
 he ordered before, I
 saw a glass of Scotch
 and lemon, then he
 asked Defendant to
 have another drink,
 he said, no I am
 going home, the
 Complainant said
 have another drink
 and the Defendant
 said, No, I will
 not drink anymore,
 pay for what you
 had, I will pay
 for them if you

58

52,

do not, then Hogan
 said, if you do not
 want to drink take
 a cigar, and the
 Defendant said
 to Complainant
 you ^{never} ought to talk
 about fighting,
 you cannot fight a
 little bit, you fight
 like an old man,
 I supposed they
 were friends, the
 Complainant said
 I did not want to
 fight with three or
 four men, that
 is another thing,
 they had light-
 -ed their cigars,
 I left them, when
 I passed through
 the place, there was

52

DB

not a soul in the
place, that was (8)
eight minutes & (9)

Q. Nine. Was that before
they had left

A. They were standing
at the door.

Q. The lady
could have gone
in after you pass-
ed through?

Q. Yes Sir,
There is a swinging
door between the
back and front
rooms.

A. Yes Sir,
Nope. Examination.

Q. This scuffle took
place after you had
left?

(33)

(54)

Q. No, I had gone
my share of the
Second Story. What
was the condition of
these two men?

A. The Compegnant
appeared to be under
the influence of liquor,
the Defendant appear-
ed all right, my
opinion was is
that they were friends
on their way home,
He appeared to back
up if he was not
looking for a fight.

Q. This conversation
took place in front
of the bar?

A. Yes Sir, I
will state that the
man had no neck
tie

54

55,

Q. How long does your
 Bartender work for
 you?

A. Four years, he
 has a good character,
 and is a reliable
 man.

Recall of

known to before me }
 this 22 day of June 1891

Justice

Recall of Thompson

Q. After you left the
 Motion house where

A. Did you go to the

Q. Saloon did you see
 the Bartender

55

56.

Q. Yes Sir,
 Q. Tell what you
 said, and what he
 said?

A. I asked him
 who had the deed
 and why could he
 not give it to me,
 he would not say
 anything about it
 that he was "one of
 the boys" and had
 (\$63) fifty three dollars
 with him.

Q. You went
 there to see if you
 could not get the
 pin?

A. Yes Sir,

Recall (Hogan)
 Q. You heard
 the testimony of

56

57

Officer Hoffman and
the Sergeant?

Q. Did you make
any such statement
that you knew the
Defendant was not
the man?

A. No, I said
I wanted him
locked up. That he
stole my pin, I said
I never saw him
before that night
he asked me if I
knew the man, I
said no, I knew
what I was doing
and saying, but
excited from the
loss.

Q. What did you
receive when you

57

58.

called for a drink?

Q. 2. When the "girl" ^{and the man} gave you
Beltzer, ^{he} is wrong?

A. 2. Yes Sir,
Did you ever see
the Defendant before?

A. 1. No, never
before, I know nothing
about what he had.
I said the gentle-
man would not
do that, I knew him,
I said I would
go down and see
how the case was
made, I did not
come here, I was
embarrassed here

Q. 2. You had a
conversation with
her? (J.F.)

0542

59

Q.

Yes Sir, she
asked me what was
the matter. I said
nothing, she said
was not there &
man lost a leg

Went to answer in
\$2000.

59

0543

District Police Court.

August 1891
vs.
Charles Smith.

STENOGRAPHER'S TRANSCRIPT.

1891

BEFORE HON.

Police Justice.

Official Stenographer.

0544

Cell 104
Tomb Prison July 14/90

Dear Sir:

I have this day been
tried and found guilty charged
with larceny in the first degree.

I distinctly stated in two
letters to Mr. Hummell that I wished
to have his personal services. He
sent word to me through Mr. Allen
that he would charge me 50 dollars
& that I undoubtedly could have
his personal services. Mr. Black
who testified as to my character
also had some understanding
with him. When I went to court
to plead my indictment, he
was ^{not} there as was he not there
today on my trial. Now there is
not all, nor one of my witnesses.

was subpoenaed until you insisted
 that trial should proceed, ~~the~~ good
 witnesses for me, ~~the~~ the butler
 who saw me in police court that
 (complainant)
 he had on no scarf when he first
 put his foot into the shoe, that
 he was drunk & covered with
 mud & a police sergeant who
 came near looking up complainant
 and on account of being intox-
 icated ^{were not} subpoenaed. I
 have never been arrested in
 my life & can undoubtedly
 produce 50 witnesses who can
 testify as to my character,
 when I was arrested I was in
 company of young Lady to whom
 I was introduced ~~as a~~ friend.
 I made an appointment with
 her & took her to another picnic
 while there was arrested & locked
 up charged with abduction but
 was honorably discharged next

morning, the girl being 18 yrs. of age
 & it being proved that we were
 only at picnic a couple of hours,
 as far as bail is concerned I could
 easily have got it from my mother.
 My mother is nearly seventy years
 of age & has had a paralytic
 stroke & I may say here that
 she is worth between 30 & 40 thou-
 sand dollars net from which
 she derives a good income. She
 is summering now at Bar Rock
 in a cottage which she has
 rented. I was honorable enough
 to not bother her thereby doing my-
 self a great deal of injustice.
 As far as my witnesses as to my char-
 acter are concerned I did not
 have them subpoenaed for the reason
 that I thought I would be acquitted
 & being of a very sensitive nature
 did not even like to have the idea
 of a suspicion that I could be
 charged with larceny. When

I wrote to Mr. H. H. H. I stated that I will undoubtedly sue for damages. I now think that he has proven false to me & made complainants testimony stronger. Mr. Allen (with H & H) told me that he was in complainants & that he does not think he would press charges & that he is not worth any money. When he testified in court today, he testified very strongly against me. At any rate I am perfectly satisfied that I have been wronged. My future time now seems very dismal. I have no body to blame outside of myself. I feel that my self-dignity should not have prevented me from getting bail & having a number of witnesses in court who could testify as to my character.

0547

-5-

You will be doing me a great favor
If you can possibly prolong
the sentencing of me until
next week until I can com-
plete arrangements with my
mother to furnish bail &
money sufficient to have a
new trial. This I think is
not asking too much con-
sidering that I swear I am
innocent & have never been
charged with any crime
whatsoever previously (having
been born, bred up & have always
lived in New York City & can
furnish ^{references} places where I
was employed since I left
college). Kindly give this
letter any little attention
that would in any way

0548

If you will kindly suspend
sentence till next week & give
me time to get my money
for new trial & answer who
will interest them in my
behalf. I will most
heartily thank you.

Charles Smith
-622 100

Tombo for me

(P. S. I have just now received
a kind letter from an ex-convict
in Appraisement Store who sym-
pathizes with me & has no doubt
as to my innocence, C)

relied on the offerings of
one who has ^{never} ~~not~~ been charged
with any crime whatsoever
with the one exception men-
tioned above. This will un-
doubtedly have virgineous
effects upon ^{my} mother. I must
at all times account for my ab-
sence which I have up to the
present time not done, and
if bad goes to the worse I
can still look my mother in
the face & say I am innocent
if there were ~~any~~ ^{any} ~~man~~ ^{man}
innocent man in New York,
take whatever time it may
please you to give me.
All this I write in haste
and without pen & ink which
you will kindly excuse con-
sidering circumstances.

0549

Robert
Smith
Lewiston
Idaho

0550

N.Y. Court of General Sessions

The People v.
Charles Smith

City and County of New York ss.

Arthur E. Benham being duly sworn
says that he is an officer of the Municipal
Police attached to the Fourteenth Precinct
that he was on patrol duty on the night
of July 19. 1891 between the hours of
6 P. M. and 12 M. and that the East
side of Third Avenue between 8th St. or
St Marks Place ^{was a portion of his beat} and 9th Street, and
that defendant neither saw nor heard
of any gun or fight upon his
beat that night

Sworn before me this

18th day of July 1891

Noted. Attest Arthur E. Benham
Comptroller
N.Y. City

N.Y. Court of General Sessions

vs

The People vs

vs

Charles Smith

vs

affidavit in opposition
to motion for new trial

vs

DeLaney, Inc.

District Attorney

Court of General Sessions
City of New York

The People v
Charles Smith

City & County of New York ss:

Frank Heseckh
being duly sworn says: I reside
at 40 South Avenue and am
31 years of age.

Somewhere in the neighborhood
of nine o'clock on the evening of
June 19-1891 I was passing the
saloon of Thomas C. C. Valentie
situated on South near corner of
Tenth Street & 3rd Ave. and saw
the complainant and defendant herein
two men, struggling me in front
of said premises. There was
no one present at the time and
no one present who saw them
at the time and I failed
to succeed in separating
them, the complainant con-
tinually yelling "Police"!

Then an officer came up and
arrested the defendant on
complaint of complainant.

When the officer started away with defendant in his custody I was approached by complainant Hogan who asked me if I had seen defendant steal his (complainant's) pin. I replied "No".

Then complainant then said to your deponent that if he, your said deponent, would swear he saw defendant take his pin he would give to your deponent twenty dollars in consideration of his doing.

There was no woman in the immediate vicinity at the time of the strife and arrest and there was no woman at the police station.

From the genuine }
 the word was at July 1891 } Frank Guehl
 William J. Guehl
 Commissioned and made
 a day of the day of the day.

0554

Complaint General Session
City of New York

The People vs
Charles Smith

City of New York ss:
John Rothschild
being duly sworn says: ~~reside~~
at 96 St Marks Place, New York
City and am sixty years of age.

I am employed by Mann Brothers
in City of New York, Clockmakers &
cor Grand & Orchard Streets.

I was in saloon on south
west corner of 10th Street & 3rd Avenue
on the evening of June 19th 1891.

Somewhere in the neighborhood
of nine o'clock two men came
in said saloon, one of them
was covered on the right side
with mud. The man whose
clothes were covered with mud
was I have learned since is the
complainant herein. They went
up to the bar. The mud covered
man attempted to wipe his
hands on bar towels but was

0555

told to go to the wash basin in
near of Stone. After washing
himself he returned to the
bar. He (complainant) I then
noticed had no ^{neck} tie on. He
then invited the defendant to
drink. Complainant then said
to defendant "say, you saved
me from getting a licking".

Then defendant signified his
intention to cross town home
and refused a drink taking a
cigar instead. Defendant then
treated. Then complainant

~~told me~~ me and said pointing
to defendant "do you know this
man." It was told that they
were both strangers. Then

complainant grabbed defendant
and said "you have my pen"
and turning towards bartender
told us to send for an officer
saying at the time "I am a
headquarters man". - They

were then put but I tell me
when to be careful and not
open the glass door. Turning
all the time across in the

0556

said place which was previous
to, at the time of and subsequent
to the entrance of complainant
and defendant, and during
all that time no woman
wherever was in or about the
place, none entered with them
and there was no other means
of entrance but on 10th Street.

Worn to reform the

22nd day of July 1891

William H. Miller

Comptroller of Deeds

City of New York

John G. Schild

0557

Court of General Sessions, City and County of New York.

The People

vs

Charles Smith

Arthur S. McCaffray being duly sworn deposes and says: That he resides at 65 Remsen Street, Brooklyn, N. Y. and that he is employed as United States Examiner at the Appraisers stores New York City. That he has known the defendant for five years. Always found him prompt and efficient at his business, and there was a great many regrets when he left the service. I can vouch for his habits and honesty, and have personal knowledge of his habits being correct, and that he is honest in every respect. I have been in his company at different times of the day and night and have not seen him where you could tell better than he was a man in every way.

Sworn to before me this
29th day of July, 1891.

W. H. Pratt
Notary Public
N.Y. Co. #118

Arthur S. McCaffray

0558

Court of General Sessions, City and County of New York.

The People

vs.

Charles ^A Smith

William G. Spencer being duly sworn deposes and says: I reside at 107 E 75th Street in the City of New York. I have been connected with the Appraisers department of the New York Custom House for the last ten years, and for the past two years or more the defendant has come under my observation in that department daily. I, of course, know all those who are associated with him in business. I know his character for honesty, fair dealing, and peace, and I take great pleasure in testifying, that ^{it} he is in all respects thoroughly and entirely good and unimpeachable. I will trust him at all times and with anything.

Sworn to before me this

29th day of July, 1891.

Wm. G. Spencer
Notary Public
My Co #118

0559

Court of General Sessions, City and County of New York.

The People

vs

Charles Smith

Alfred G. Dutcher being duly sworn deposes and says: I reside at No. 318 West 14th St in the City of New York, and am thirty-five years of age. I have been for the past thirteen years in the Appraisers department of the New York Custom House. I knew the defendant Charles Smith and have known him five years. He has been connected with our department of the Custom House during that period. I knew many others who know him. He has been under my daily observation during that time. His character is that of a thoroughly honest, upright, peaceable man, and I never saw or heard anything to the contrary.

Sworn to before me this
29th day of July, 1891.

E. M. Pratt.
Notary Public
N.Y. Co. #118

A. G. Dutcher

0560

Court of General Sessions, City and County of New York.

The People

vs

Charles Smith

W.R. Jamison being duly sworn deposes and says: That he is 35 years of age and resides at 260 E. 34th in the City of New York. That he is well acquainted with defendant and had known and come in daily contact with him for the past 4 years. ~~That he is~~ That during all that time he knew him to be a thorough, honest and upright young man of steady habits and unimpeachable character.

Sworn to before me this

29th day of July, 1901.

W.R. Jamison
W.R. Jamison
Notary Public N.Y. Co #118

Court of General Sessions, City and County of New York.

The People

Charles Smith

James C. Crawford being duly sworn deposes and says:
I reside at ^{171 East 77th St} in the City of New York, and am 25 years
of age. I have been for the past *one* years in the Apprais-
ers department of the New York Custom House. I know the
defendant Charles Smith and have known him for *one year*. He
has been connected with our department of the Custom House
during that period. I know many others who know him. His
character is that of a thoroughly honest, upright, peaceable
man, and I never saw or heard anything to the contrary.

Sworn to before me this

29th day of July, 1891.

W. Pratt
Notary Public
N.Y. Co. "118"

James Crawford

Court of General Sessions, City and County of New York.

The People

Charles Smith

James C. Crawford being duly sworn deposes and says:
 I reside at ^{171 East 11th St.} in the City of New York, and am 25 years
 of age. I have been for the past *one* years in the Apprais-
 ers department of the New York Custom House. I know the
 defendant Charles Smith and have known him for *one year*. He
 has been connected with our department of the Custom House
 during that period. I know many others who know him. His
 character is that of a thoroughly honest, upright, peaceable
 man, and I never saw or heard anything to the contrary.

Sworn to before me this

29th day of July, 1891.

W. Pratt
 Notary Public
 N.Y. Co. #118

James Crawford

0562

Court of General Sessions, City and County of New York.

The People

Charles Smith

James C. Crawford being duly sworn deposes and says:
I reside at ^{171 East 77th St} in the City of New York, and am 25 years
of age. I have been for the past *one* years in the Apprais-
ers department of the New York Custom House. I know the
defendant Charles Smith and have known him for *one year*. He
has been connected with our department of the Custom House
during that period. I know many others who know him. His
character is that of a thoroughly honest, upright, peaceable
man, and I never saw or heard anything to the contrary.

Sworn to before me this

29th day of July, 1891.

W. Pratt
Notary Public
N.Y. Co. "118"

James Crawford

0563

Court of General Sessions, City and County of New York.

The People

vs

Charles Smith

Nego B. Worman being duly sworn deposes and says: That he is 40 years of age and resides at _____ ^{*Town*} in the City of *Verona* ^{*State of New Jersey*}. That he is well acquainted with defendant and had known and come in daily contact with him for the past *four* years. ~~That he is a~~ That during all that time he knew him to be a thorough, honest and upright young man of steady habits and unimpeachable character.

Nego B. Worman

Sworn to before me this

29th day of July, 1891.

W. H. Hatt
Notary Public
N.Y. Co # 118

0564

Court of General Sessions, City and County of New York.

The People

vs

Charles Smith

J. F. Ernst being duly sworn deposes and says:
That he resides at *42 Greenwich Avenue, New York*
and that he is employed as *Clerk in U.S. App. Office*
That he has known the defendant for *5 years* years. I can
vouch for his habits and honesty, and have personal knowledge
of his habits being correct, and that he is honest in every
respect, and I take great pleasure in testifying that he is
in all respects thoroughly and entirely good and unimpeach-
able.

Subscribed and sworn to this
29th day of July, 1891.

W. H. Pratt
Notary Public
my Co. 118

J. F. Ernst

0565

Court of General Sessions, City and County of New York.

The People

vs

Charles Smith

Letter M. Fuller being duly sworn deposes and says:
that he resides at 102 W. 132nd Street New York City
and that he is employed as *Clerk in U.S. atty. Gen.*
That he has known the defendant for *two* years. I can
vouch for his habits and honesty, and for his good knowledge
of his duties being correct, and that he is honest in every
respect, and I am fully pleased in testifying that he is
in all respects thoroughly and entirely honest and incorruptible.

Subscribed and sworn to before me this
29th day of July, 1901.

Em Pratt
Notary Public
N.Y. Co #118

S. M. Fuller

0566

Court of General Sessions, City and County of New York.

The People

Charles Smith

Frank L. Sava, being duly sworn deposes and says:
I reside at *Asbury Park, State of New Jersey*
~~in the City of New York~~, and am *38* years
of age. I have been for the past *11* years in the Apprais-
ers department of the New York Custom House. I know the
defendant Charles Smith and have known him for *5 years*. He
has been connected with our department of the Custom House
during that period. I know quite a few who know him. His
character is that of a thoroughly honest, reliable
man, and I never saw or heard anything to the contrary.

Subscribed
sworn to before me this

Frank L. Sava

29th day of July, 1901.

W. Pratt
Notary Public
N.Y. Co #118.

0567

Court of General Sessions, City and County of New York.

The People

vs

Charles Smith

Peter L. Kennedy

being duly sworn deposes and says: That he is 30 years of age and resides at 801 Pacific St in the City of Brooklyn. That he is well acquainted with defendant and had known and come in daily contact with him for the past four years.

XXXX MR IS X
That during all that time he knew him to be a thorough, honest and upright young man of steady habits and unimpeachable character.

Sworn to before me this

29th day of July, 1891.

W. Pratt
Notary Public
N.Y. Co #118.

Peter L. Kennedy

0568

State of New York, County of New York.

Subscribed and sworn to before me on this

29th day of July, 1911.

Jonas Adler
114 E. 84th St.

Jonas Adler, being duly sworn, deposes and says: In the City of New York, and am 49 years of age. I have been married 21 years to my wife, who is a resident of the City of New York. I have one daughter, Charles Sadie, and have known her for 5 years. She has been married and has one child. She is a resident of the City of New York. I have no other children. I am a resident of the City of New York. I have no other children. I am a resident of the City of New York.

Subscribed and sworn to before me on this

29th day of July, 1911.

C. A. Muller *Jonas Adler*
Notary Public
cert filed in N.Y. Co.

0569

Court of General Sessions, City and County of New York.

The People

vs

Charles Smith

W. H. Parkhill

being duly sworn deposes and says:

That he resides at 255 Macon St street Bklyn
and that he is employed as Examiner in apprehension

That he has known the defendant for several years. I can
vouch for his habits and honesty, and have personal knowledge
of his habits being correct, and that he is honest in every
respect, and I take great pleasure in testifying that he is
in all respects thoroughly and entirely good and unimpeach-
able.

Sworn to before me this
29th day of July, 1891.

W. H. Parkhill
W. H. Parkhill
Notary Public
N.Y. Co #118

Count of General Sessions

The People of the State
of New York

—VS—

Charles Smith

Applicants on motion
for new trial.

Brooks, Trench & Brooks
Attys for Defendant
No. 111 Broadway
New York

Court of General Sessions, City of New York.

The People

vs

Chas. Smith.

Thomas G. Black being duly sworn deposes and says: I reside at 124 E 11th Street and am thirty years of age. I am in the employment of Mr. Thomas W. Valentine at his liquor store on the Southwest corner of 10th Street and 3rd Ave in the City of New York, as bar-tender and have been in such employment for the past five years. I was on duty as bar-tender and behind the bar of said store on the evening of the 19th of June 1891. Somewhere in the neighborhood of nine o'clock two men came in at the 3rd Ave entrance of the store, one of them appeared to be covered with mud on the right side and the other appeared to be in his company. I have since learned that these two men were the complainant and defendant in this case. The man to whom I have referred as having mud on his clothing was the complainant. Upon entering the store they came immediately up to the bar facing me, the bar being about two and a half feet wide. The complainant took up a towel that was hanging at the front of the bar and commenced wiping the mud off his hands. I directed him to the back of the store and told him if he wanted to wash his hands, he would find towel and basin there for that purpose. He went where they were kept and after washing himself returned to the bar. I had noticed when he came in that he had no necktie on. Upon his return to the bar where the defendant stood waiting, he invited the defendant to drink with him and I furnished them with what they ordered. They conversed together; the complainant in the course of

0572

such conversation, saying approvingly to the defendant "you have saved me from getting a good licking". After they had had their refreshments, the complainant wanted the defendant to repeat it, the defendant declining said "no, I have got to go across town" and had a cigar instead. The conversation still continued and the complainant urged the defendant again to drink, he did so. The defendant then invited the complainant to have a cigar and he acquiesced, cigars were furnished directly. Afterward the complainant turned to me and said, pointing to the defendant "do you know this man" I replied no, I never saw either of you before in my life. The complainant then grabbed hold of the defendant and said to him "you have got my pin" and turning to me told me to send for an officer, he saying at the time "I am a headquarters man" I said we can't have any of this disturbance here and with the assistance of several others who were present, we put them both out of the barroom, the complainant still holding onto the defendant. What occurred in the street I do not know, as I did not follow them up.

During all the time that the complainant and defendant were there, no woman whatever was in or about the place, none entered with them and there was no other means for the entrance of a woman except by the door on 10th street. The announcement of the opening of that door is by a bell, which the door rings itself in the act of opening. I could see who entered that door, and no woman entered during all the time the parties were there to whom I have referred, or the happening of the occurrence I have detailed.

Sworn to before me this

7th day of July, 1891.

William J. Smith
Thomas J. Black
 City & County of New York

Court of General Sessions, City of New York.

The People

vs

Chas. Smith

William Hailwood being duly sworn deposes and says: I am thirty two years old and live at No. 98 East 10th street, City of New York. Where I live is situated the liquor store of Thomas W. Valentine, by whom I have been employed for the past ten months, and with whom I reside. My business and duties are to attend to all orders and calls that may be made by any persons ordering refreshments in the back room adjoining the bar, which is separated from the barroom by a swinging ^{hall} wicker door. On the evening of the nineteenth of June, 1891 I was on duty upon said premises and saw the complainant and the defendant during the time or a portion of the time they were in the saloon. I noticed that one of the men had his clothing muddy upon the right side and that he had no necktie on. I saw him immediately after his coming in, and when he was at the wash stand and then noticed the fact that he had no necktie on. I have since learned that the two persons to whom I referred were the complainant and defendant in this case.

No woman came in with the complainant or defendant, nor did any woman enter the premises during all the time they were there. The family entrance to the premises is on the 10th street side and the door rings a bell, which is attached to it, in the act of its opening. I was on duty in that room and no woman could have opened that door or entered upon these premises without attracting my attention, and I am

0574

positive none did so. I saw the man without the necktie, when he was at the bar, and after he had left the wash stand, drinking with the defendant, and shortly afterwards I saw him have hold of the defendant and saw the bar-tender and several others push the two men, who seemed to have hold of each other, out on the sidewalk.

Sworn to before me this
2nd day of July, 1891.

William Hailwood:

William Hailwood
Commissioner of Deeds
City and County of New York

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

vs

Chas. Smith

George A. Green being duly sworn says: I live at No 40 3rd Ave in the City of New York; I am in ~~the~~ my 24th year, and I am in the employment of my father who is in the hat business at 1455 3rd Ave, and have been in his employment (ever since I left school) for the last nine years.

On the evening of the nineteenth of June, 1891 about quarter past nine o'clock I had been in Valentine's liquor store on the ^{South} West Corner of 3rd Ave and 10th street with a friend and just came out of said store, crossed the street to the jewelry store on the opposite side of the way and was about recrossing to my home which is within a few doors of said Valentine's store, when my attention was attracted by two men coming up 3rd Ave, one of whom was talking quite loudly and particularly attracted my attention. They went into Valentine's liquor store. I noticed as they went in ~~that~~ that one of them who was the stouter man of the two was covered with mud on the right side of his body and had no neck-tie on. I followed them in the saloon, the man to whom I refer as the stouter man and whom I afterward learned to be the ^{complainant} plaintiff in this case went to a part of the saloon where towels were hanging in the neighborhood of the bar, taking a towel went to wiping the mud from his hands. The bar-keeper said to him if you want to wash there is a basin right at the back of the store. The said ~~complainant~~ plaintiff then went to the basin washed his hands then went into the water-closet, and then rubbed some of the mud from his clothing.

The other young man I noticed in his company remained standing near the bar. In a few minutes the complainant came toward the bar and invited his companion to drink. They were served with what they ordered, whereupon the complainant refused to pay for the drinks and the young man in his company the defendant said "what do you mean, do you want to disgrace me." You brought me in here and invited me to drink and if you do not pay for ~~what~~ we have had I will. The complainant then took a ten dollar gold piece from his pocket and handed it to the bar-keeper and received his change, then the complainant in a friendly way tapped the ^{defendant} ~~complainant~~ on the shoulder saying to him, "well you saved me from getting a good licking." The defendant then invited the complainant to have a segar and segars were furnished. The complainant then invited the defendnat to have another drink, the defendant declining said, "no I have had enough, I have got to go across town." The complainant however insisting, additional drinks were given them by the bar-tender. As they were having this last drink the complainant evidently having looked in the mirrors which were all around the place, suddenly turned to the defendant and said inquiringly, "have you got my necktie," the defendant replied "why no, did you have a pin in it." The complainant not replying turned to the bar-tender and asked of him "do you know this man" to which the bar-tender said "you are strangers to me, I never saw you before," he then repeated his question and received the same answer. Then he grabbed hold of the defendant and struck at him two or three times. The bar-tender came from behind the bar quickly and called upon me to assist him, which I did and we succeeded in getting them out of the door.

upon the sidewalk where the complainant threw the defendant upon the sidewalk and was ever him apparently about to kick him, when the defendant called for help and I went to his assistance and separated them. The complainant in the meanwhile shouting "murder and thief," and an officer came up and upon demand of the complainant arrested the defendant, and took him to the Police Station House at 5th Street and 1st Ave. I followed them down and heard the complainant state to the Seargent in charge that his pin was taken from him in the altercation that occurred upon a 3rd Ave car at 12th Street, ^(he afterwards said it was 9th Street and 3rd Avenue) that there were two or three men together and it looked like a conspiracy. That one of them jostled against him and the others interfered and invited him off the car to fight, and he got off and it looked as if the fight was gotten up for the purpose of stealing his pin. I stated what I knew about these two men, the complainant and the defendant being together and left my name and address to be sent for if required, but to my knowledge I never was sent for. At the time of the trial of this case I was away from home in the country and did not return for several days after the trial was over. I was not subpoenaed as a witness upon the trial. During all the time upon the night in question that the complainant and defendant were in the said liquor store of Valentine at 10th Street and 3rd Ave, no woman was in the saloon at all, and none could have been there without my having seen her unless she was in the small private office of Mr. Valentine, and from which no person could see into the bar-room. No woman entered the place with the complainant or defendant, nor did I see any woman about there either on the inside or outside, nobody except the complainant and the defendant and two other people who were

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walking on a short distance ahead of them.

I was and am an entire stranger to both the complainant and defendant, not having seen them before the evening and at the time and place and under the circumstances I have herein referred to. I have never seen either of them since. I was asked to make this affidavit by the brother of the defendant and at his request accompanied him to the office of the defendant's counsel Messrs. Brooke, Irwin & Brooke for that purpose. I of course have no interest in the matter except a desire to prevent injustice being done the defendant.

Sworn to before me this
21st day of July, 1891.

George A. Green.

William H. Smith
Commissioner of Deeds
City & County of New York.

Court of General Sessions
of the city and county of New York.

.....

The People &c.

against

Charles Smith

.....

defendant

The[^] having been convicted, applies for a new trial and presents certain affidavits which would indicate, although there is no notice of motion served with the papers, that the application is made upon the ground that the defendant can produce evidence which is newly discovered, not cumulative, the failure to produce which on the trial was not owing to want of diligence, and which evidence if before received would probably have changed the verdict.

Several affidavits are presented as to the character of the defendant, none of which can properly come under the above heads even if any attempt had been made by the Prosecution to attack the defendant's character and an analysis of the other affidavits discloses the following state of facts.

The affidavit of Geo. A. Green recites that he saw two men whom he has since learned are the complainant and the defendant enter the saloon and that he heard them conversing a while together and further states that he went to the station house after the arrest and left

0580

(2)

his name and address to be sent for if required; it would therefore be very difficult to see why the failure to produce Mr. Green was not owing to want of diligence, even if his evidence might not be considered cumulative.

Thomas G. Black who makes the second affidavit ~~was~~ was a witness at the Police Court examination and therefore it cannot be claimed that his evidence is newly discovered.

The other affidavit is made by William Hailwood who had charge of the back room in the saloon where the crime is alleged to have been committed. In view of the fact that the proprietor of the saloon was a witness for the defendant upon the trial, his evidence can hardly be claimed to be within the rule.

The fourth affidavit is made by Frank Gerecht who was a witness on the trial.

The fifth and last affidavit (other than those as to character) is made by John Rothschild. He testifies very much to the same effect as did Mr. Valentine the proprietor of the saloon and his affidavit fails to show when the information contained therein was given to the defendant or his attorneys. In view of the fact that he resides in the immediate neighborhood of the saloon it is difficult to see why his evidence could not have been produced upon the trial if proper diligence had been used.

The prisoner was defended by Mr. Moss of the firm of Howe & Hummel and had there not been some valid reason for omitting to ~~xxxxxx~~ call the witnesses whose

(3)

affidavits are now produced, such as their inability to successfully undergo a cross examination, it is difficult to understand their absence.

The complainant and his witness, Mary Gorey, positively identified the defendant as the man who had annoyed them in the car and denied the story of the defendant that there had been any disturbance upon the street, and with all the examination and inquiry made by his brother who has spent several nights in search, as he stated to me, no affidavit is presented of any one who saw the alleged struggle between the complainant and several other men although the defendant states that there were over fifty people present (page 22).

From this analysis of the affidavits presented it is respectfully submitted that the defendant has not brought himself within Sub-Div. 7 of Sec. 465, which is the only case ^{attempted} to be presented here in which the Court has authority to grant a new trial.

THE PEOPLE OF THE STATE OF
NEW YORK

against

Charles Smith

Memorandum in
opposition to motion for new trial

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET

NEW YORK CITY

0582

0583

District Attorney's Office.

PEOPLE

vs.

Charles Smith

*Please send me
these papers.*

H. M. D.

0584

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York, }

of No. 1456 Second Ave Street, aged 35 years,
 occupation Lynx dealer being duly sworn,
 deposes and says, that on the 19th day of June 1898 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 night time, the following property, viz:

One scarf containing a
 diamond stud: of the value
 of one hundred and twenty
 five dollars.

(#125.00)

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

Charles Smith (New York)
 from the fact that at about the hour
 of 9 o'clock P.M. said date, deponent
 was riding up town, in a Third
 Avenue car, accompanied by a
 lady, and at that time deponent
 had said scarf containing said
 stud. Around his neck, deponent
 was standing up in the car. When
 this deponent who was also in said
 car, jostled against deponent. And
 became so annoying, that deponent
 and the lady that was with deponent
 got off of said car, at the corner of
 3rd Avenue and 9th Street to get rid

1898
 Police Justice

of the said defendant, and in the middle of the block between 9th and 10th Street. This defendant, who had followed defendant off of said car, came up to defendant and asked defendant to have a drink with him, defendant and the lady then went into the Saloon on the South West Corner of 3rd Avenue and 10th Street with the defendant. Defendant and the defendant had two drinks at the bar of said Saloon. The defendant then said to defendant go on, and pay for those drinks. Defendant then asked the defendant what was the matter, and at the same time defendant felt the defendant's hands about defendant's neck. Defendant then felt for his scarf and discovered that it was missing. Defendant then accused the defendant of stealing said property. When the defendant struck defendant a violent blow in the face and started to run out of the Saloon, and as the defendant passed out of said Saloon, defendant saw the defendant pass said property to a man standing on the sidewalk at the door of said Saloon. Defendant then caught the defendant and held him until he was arrested by Officer Henry Hoffman of the 14th Precinct Police.

Wherefore defendant charges this defendant and said unknown man not get arrested with being together and acting in concert with each other, and feloniously taking stealing and carrying away said property from the person of defendant.

Sworn to before me
this 20th day of June 1891
John Hogan
Police Justice

Patrick Hogan

0586

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }*Charles Smith*

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

Question. What is your name?

Answer.

Charles Smith

Question. How old are you?

Answer.

28 years old

Question. Where were you born?

Answer.

New York

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

Answer.

Refuse to answer

Question. What is your business or profession?

Answer.

Chas

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**Chas Smith*Taken before me this
day of *April* 19*18**John H. [Signature]*

Police Justice

0587

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

Alfred Sank
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 *June 20* 18 *91* *John Ryan* Police Justice.

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

Dated.....18.....*John Ryan* 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.

0588

110 B. 861
Police Court--- District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick Hogan
1456
Charles Street



Office
from the Prison

BAILED.

No. 1, by Ernestine Schaffner
Residence 70 N. 50th Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street

Dated June 20 1911
Ryan Magistrate.

Henry Hoffmann
14th Precinct.

Witness Mary Gorey
No. 650 3rd Street

Officer Hoffmann
No. 14th Precinct

No. 2000 to answer
Committed

2000 Ex June 22 2PM

0589

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Smith

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

Charles Smith
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said

Charles Smith,

late of the City of New York, in the County of New York aforesaid, on the nineteenth day of June in the year of our Lord one thousand eight hundred and eighty-nearly one, in the night - time of the said day, at the City and County aforesaid, with force and arms,

one stud of the value of one hundred and twenty-five dollars, and one scarf of the value of one dollar

of the goods, chattels and personal property of one Patrick Hogan on the person of the said

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

De Larney Nicoll,
District Attorney.

0590

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

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,

of the goods, chattels and personal property of one

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

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

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.

JOHN R. FELLOWS,
District Attorney.

0591

BOX:

445

FOLDER:

4101

DESCRIPTION:

Smith, Charles

DATE:

07/27/91



4101

0592

Witnesses:

Counsel,

Filed

day of

1891

Pleas,

THE PEOPLE

vs.

Charles C. Smith

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Spredy, Concorded of

Delet Lavery

Pen one sp.

[Section 498, c. 2, s. 3, 1891.]
Burglary in the Third Degree.

0593

CITY AND COUNTY } ss.
OF NEW YORK, }

Patrick Duggan
aged years, occupation Police Officer of No.
32 Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Wm. J. Porter*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 20
day of July, 1991

Patrick Duggan

Wm. J. Porter
Police Justice.

0594

Police Court—5 District.City and County } ss.:
of New York,

of No. 1 Broadway Myles Postor Street, aged 50 years,
 occupation Coachman being duly sworn
 deposes and says, that the premises No. 1 Broadway Street East, 26 Ward
 in the City and County aforesaid the said being a Barn

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

were BURGLARIOUSLY entered by means of forcibly breaking
open the door of said Barn
with an ax

on the 19 day of July 1885 in the day time, and the
 following property feloniously taken, stolen, and carried away, viz:

A quantity
of clothing and a good and
valuable sum of the United States
issue to the sum of about
fourteen dollars altogether of the
value of about twenty five
\$25.00
100

the property of Deponent
 and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
 BURGLARY was committed and the aforesaid property taken, stolen and carried away by
Charles Smith and another not
arrested

for the reasons following, to wit: from the fact that said
property was in the Barn on the
above premises and said property
taken therefrom at about the time
of said date in
the manner described above
Deponent is informed by Officer
Patrick Haggan of the 35th Ward

0595

Police that the arrested the
and defendant Charles Smith and
found some clothing in his possession
deponent has since seen said
property and fully and positively
identifies it as part of the property
voluntarily taken into and carried
away from deponents possession and
premises

Sworn to before me this } Mylist ^{his} Porter
2d day of July 1891 } Mark

M. W. Feltz

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 he be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated _____ 1891
I have admitted the above named _____
to bail to answer by the undertaking hereto annexed.
Dated _____ 1891
There being no sufficient cause to believe the within named _____
guilty of the offence therein mentioned, I order he to be discharged.
Dated _____ 1891
Police Justice

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

vs.

1
2
3
4

Date

1891

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0596

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *Charles Smith*

Question. How old are you?

Answer. *25 Years*

Question. Where were you born?

Answer. *England*

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

Answer. *Now*

Question. What is your business or profession?

Answer. *Seaman*

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 the goods
were given to me.
C. Smith*

Taken before me this

day of

12th
1891
W. A. Hall

Police Justice.

0597

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

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

Dated July 20 1899 [Signature] Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0598

194
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Myles Parker
vs
Charles Smith

2
3
4

Officer *Engel*

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *July 20* 19*41*
Miller Magistrate.

Shuffan Officer.
32 Precinct.

Witnesses *Call Officers*
No. _____ Street.

No. _____ Street.
No. _____ Street.

No. *2000* _____ Street.
\$ _____ to answer

Law

Engel
Rec'd

0599

COURT OF GENERAL SESSIONS OF THE PEACE

In and for the City and County of New York.

-----x-----
The People :
 : Before
 against : Hon. Rufus B. Coving,
 : and a Jury.
Charles C. Smith.-----x

Tried August 3rd, 1891.

Indicted for Burglary in the Third Degree.

APPEARANCES:

Assistant District Attorney Lynn, for the People;
Mr. Joseph, for the Defense.

MILES PORTER, testified that he is a coachman, living at Yonkers, N.Y., and is employed by Mr. Tegen, who lives at New York City, but has a barn at Yonkers, close to the New York line. On the night of the 19th of July there was property consisting of clothing and money in this barn, the money (\$14.30,) being part of witness's wages. The clothing was worth over sixty dollars, and consisted of a blue cloth coat, eleven shirts and collars and cuffs.

0600

2

Witness states that he does not know which side of the boundary line the barn is but that it is close to the line.

(The officer who made the arrest is called upon at this point to testify as to the situation of the barn, and states that the boundary line is between a barn, and states that the boundary line is between a the house and the barn, the barn being in Yonkers, & the house in New York City)

Witness states that the witness left in the barn in the (barn) and the barn.

Cross- Examination.

Never saw the defendant before the day he was arrested. Witness had charge of the barn. He went away with the milk about 8:25, and got back a little after 9 o'clock, and found the door broken open, the lock smashed and the things all gone. All that he saw in Smith's possession was three shirts and a hat. He also missed a coat that cost \$14.30 and cuffs and collars.

P A T R I C K D U G A N, an officer of the Thirty-Second Precinct, testified that he arrested the defendant at 190th Street and the Hudson River Railroad track about 11:30 A.M., on Sunday, July 19th, about an hour and

0601

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a half after the alleged time that porter locked the barn. Defendant was going towards the City. Witness noticed defendant acting suspiciously and had a bundle under his coat. An alarm as to this robbery had been sent out before this, and witness was patrolling his post. He asked defendant where he got those goods, and he said he bought them from a friend near Croton a few days before; that the officer took defendant to the station house, and that there defendant told a different story; he said he got them from a man the other side of the drawbridge on the trestle work, from a man sitting on the side of the railroad track; then when he was confronted with the owner he admitted his guilt; when confronted with the owner he said he was with him and gave him the stuff; that they drank liquor together while getting the stuff, in the village of Riverdale; he had with him three white shirts and an undershirt and a hat. The initials M. P. Miles were on the shirts.

GROSS EXAMINATION:

There was no paper on the shirts when I discovered them; they were wrapped in an old undershirt. The barn is in Riverdale on the boundary line between Yonkers and New York, and I captured the prisoner at 190th street, about a mile and a half or two miles away. At the rate he

was walking it might take him three-quarters of an hour to walk the distance.

CHARLES C. SMITH, the defendant, testified that he was born in England, and came from the East Indies to Boston in a sailing vessel, arriving in Boston about three months ago. He was in Boston one month, and then Boston sent to Providence, where he stayed a week; from there he went to New London and New Haven, and from there onto Groton, looking for work; he got several odd jobs on boats and helped two or three days in loading stone and wood. He was making his way to New York, when he met a man that gave him the clothes; the man asked him where he was going, and he told him he was working his way to New York. The man says, "There is not much work down there; I have just come from there, but you may get a ship." Witness said, "I can always get a ship in a big seaport town. They sat down together talking about different things and had a smoke. The man finally said, "Are any of these things any good to you?" Witness, said, "Yes, they will be a great deal of good". The man then gave him the things and he thanked him for them wished him good morning, and went on down the track. After that a policeman arrested him. He thinks about eight o'clock in the morning he met the man that gave

0603

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him the clothes and about half past eleven he was arrested. When arrested he had seventy-five cents. He gave the man that gave him the clothes a dollar. He had no luggage or his gun when he left the ship. Was never arrested before.

REFERENCE:

When the officer met me he asked what I had in the package and I told him two or three shirts. He asked where I got them and I said of a shipmate. I was put out at the time and got excited and didn't know what I was about scarcely. I threw my gun hat away down the railroad track an hour or so before I met the officer. In the station house I said I knew nothing about the things. I knew nothing about this robbery.

I didn't tell the officer that I met a man near Croton; but up on the bank against the railroad track. I got two or three days work off a boat near West Point and was discharged because there was nothing else to be done.

0604

Cont of General Sessions
The People

12.

Charles C. Smith

Burglary 3rd deg

tried Aug 3/91

July 27/91

0605

14052

1/12/91

THE PEOPLE

vs.

CHARLES SMITH.

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTH.

Tuesday, July 14, 1891.

Indictment for grand larceny.

Asst. Dist. Atty. Weeks for the People.

Mr. Moss for the Defendant.

A Jury was empannelled and sworn.

PATRICK HOGAN, sworn and examined by Mr. Weeks.

- Q. Where do you live? A. No. 1450 Second Avenue.
- Q. What is your business? A. I keep a liquor store.
- Q. Do you remember the 19th of June, 1891? A. Yes sir.
- Q. Where had you been spending the evening? A. I was at the place of a friend whom I knew and also kept a liquor store corner of Elm and Walker streets, that is the gentleman I expected to come here, and I was there about an hour or so and he came with me up from his place up Canal Street and the Bowery and got on a car there.
- Q. What car did you get on, what line? A. A Third Avenue.
- Q. An open car? A. No, a box car, and I rode up and a lady got on the car at Grand Street whom I was acquainted with.
- Q. What was her name? A. She is here, Mary Corey. So I did not notice the defendant until I got to 8th Street and then he ^{and another man} came in from the front platform into the inside of the car; he came and jostled up against me and it seemed pretended to ----- he jostled and looked up in my face and commenced to laugh, muttering something; I looked at

him to see if I knew him and I did not.

By the Court. Q. He and another man came from the front platform into the car, is that it? A. Yes sir, that is right.

Q. Were you sitting down? A. I was standing up.

Q. Did you talk to this woman? A. Yes sir.

Q. Go on now? A. Then I moved away from him some distance to keep out of his way and he got up against me repeating the same thing and looking up in my face and commenced to laugh and utter something to attract attention.

By Mr. Weeks. Q. What happened then after that had occurred twice?

A. We had reached 9th Street and Third Avenue then and I told the lady ---- -

Objected to.

Q. Was this man within hearing at the time?

Objected to.

By the court. Q. You spoke to this woman, did you, when you got to about 9th Street and Third Avenue, is that right?

A. Yes sir.

Q. Where was this man at the time you spoke to the woman?

A. This man was standing two or three feet away.

Q. From where you and this woman were? A. Yes sir.

Q. Did you speak loud enough for him to hear? A. I spoke very low.

Q. Was it loud enough for him to hear? A. I do not know whether he could have heard me or not.

By Mr. Weeks Q. What did you then do? A. Then we got out of the car at 9th Street.

Q. What did he do then, the defendant, do you know?

A. The defendant must have also got out because I had

only walked half a block.

Counsel: I ask that that be stricken out.

The Court: Yes.

Q. You got out and walked with the woman half a block?

A. Yes sir.

By Mr. Weeks. Q. What happened after you walked half a block?

A. He was up alongside on the sidewalk.

Q. Did he speak to you A. Yes sir.

Q. Tell us what happened? A. He said, "young fellow, you in seem to be a pretty decent fellow, let us go and have a drink I said, "I don't care about drinking anything, I don't want anything now."

Q. What else, go ahead and tell us just what happened, tell the story?

A. And he insisted on me going to have a drink.

By the Court. Q. What did he say? A. He said, "there is no use being obstinate, you may as well come in and have a drink."

By Mr. Weeks. Q. By that time where were you? A. I was just about half way in the block between 9th and 10th Streets..

Q. Go right on and tell us just what happened.

A. So then I thought it might be the easiest way of getting rid of him.

Q. What did you do? A. I went in with him to a liquor store on 18th Street and Third Avenue.

Q. Where did the lady go, what did you do with the lady?

A. She was to remain outside until I came out.

Q. Tell us what happened when you got inside with this man?

A. I had two drinks and a cigar.

Q. What did you drink? A. I had two gin fizzes.

Q. What happened when you were drinking? A. After I had

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the two drinks and he had two drinks his manner changed altogether and he got very threatening; he said, "Go on and pay for them drinks."

Q. What did you say to that? A. I said, "there is no necessity in getting cross, I will pay for what ever drinks there is, there is no question about paying for drinks."

Q. What happened then, where did he go and what did you do?

A. He stayed right where he was; then after I paid for the drinks I felt his hand on my neck.

Q. What happened after that? A. Well, I immediately thought then of the scarf-pin.

Q. What did you do? A. I put my hand up to feel if I had the pin and the scarf and I found out it was gone.

By the Court. Q. Did you have the pin and scarf on when you went in there? A. Yes sir.

Q. Did you see it while you were in there? A. Yes sir.

By Mr Weeks. Q. How did you see it? A. I saw it through the mirror and felt it.

Q. When you found that your pin and scarf were gone, what did you then do? A. I turned immediately around and caught him by the two collars of the coat and said, "here, you have got my pin and necktie, I want you to give it up."

Q. What did he say? A. He made no reply, he struck me right in the eye with some hard substance and cut me in two or three places and also blackened it.

Q. What did you do then? A. I still held on to him and he struggled and pulled for to get out of the door and in so doing I went out with him, still holding him.

Q. What happened then? A. As he got outside of the door I saw him hand this pin and necktie to another man who

stood close to the door on the outside.

By the Court. Q. Was it the same man who was on the car with him?

A. The same man that was on the car.

By Mr. Weeks Q. What happened then?

A. This man whom he gave it to then crossed Third Avenue and this man begged and tried to get away and another man came up immediately from behind, I held this man here until the policeman came and arrested him which was about two or three minutes, on the sidewalk; he was just about breaking away when the policeman came, he had broken away only a few feet and started to run, the policeman happened to be coming over 9th Street and he ran into him.

Q. You then went down to the Station House with him and made a complaint?

A. Yes sir.

Q. Have you seen your pin or scarf since?

A. No sir.

By the Court. Q. What was the value of it and twenty-five dollars I paid for it.

A. One hundred

Q. What was the scarf-pin composed of diamond screw stud.

A. It was a

Q. What time of night was this when I got off the car.

A. It was nine o'clock

Q. This happened when?

A. That was about five or ten minutes later.

CROSS EXAMINED.

By Mr. Moss. Q. Were you as sober when you left your friend's place on Elm Street as you are at the present time?

A. Yes, I have sworn to that already.

Q. You did not drink anything, any intoxicating drink that night prior to the time you left Elm Street.

A. No, I did not.

Q. And you went up to the corner of Canal and Dowery?

A. Yes sir.

Q. And there you say you met a lady friend that you know before?

A. Not there, she came in at Grand Street.

Q. You had known her before? A. Yes sir.

Q. Is she a married lady? A. No sir.

Q. Do you know where she lives? A. Yes sir.

Q. Where? A. 650 Third Avenue.

Q. She got on the car at Grand Street? A. Yes sir, I got in at Canal.

Q. Did you see this defendant get on the car? A. I did not see him get on, no.

Q. How many people to the best of your judgment, were on the car when the lady got on at Grand Street? A. The car was pretty well filled.

Q. People standing up at the time? A. No, I might say there was one or two standing up and the seats were all filled.

Q. Were you standing up? A. Yes sir.

Q. This defendant got on the car and tried to go by you, didn't he, inside? A. No, he did not try to go by me at all.

Q. He got close to you? A. He tried to attract my attention by laughing and talking and jostling me.

Q. Did he say anything to you? A. Yes sir, I could not tell what he said, he was muttering, using some language.

Q. How close was he at that time? A. He was up against me, touching me and looking up in my face, he was muttering something but I could not catch what the words were.

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- Q. Was he alone? A. The other man was standing a distance from him.
- Q. Did you see him talking to anybody in that car? A. I saw him speaking to the one that was with him after he came into the front. I did not notice this man until I got to 8th Street.
- Q. When you got off at 8th Street you had some trouble with somebody? A. I did not get off at 8th Street, it was at 9th Street, at Rockwell's bakery.
- Q. Did you not have a fight when you got off at 9th Street? A. No sir, I had no fight.
- Q. Are you sure of that? A. Yes sir, certain.
- Q. When you went into a liquor store that night, were not you covered with mud? A. No sir, I had no mud on me at all, I was as clean as I am now.
- Q. What did you get off at 9th Street for? A. I got off at 9th Street on account of the way this man bothered me in the car.
- Q. Simply because he was laughing at you in the car? A. Yes sir, and jostling against me.
- Q. Do you tell the Jury that he was jostling against you all the way up to 9th Street? A. Yes, from 6th to 9th St., that was the reason I got off.
- Q. Where did you intend to go after you got off the car? A. I intended to walk up Third Avenue perhaps to 42nd Street.
- Q. Why did not you complain to the conductor or the driver on that car that this man was jostling against you? A. I did not think that would do me any good, I intended to walk up to 42nd Street.

Q. All the way in company of this lady? A. Yes sir, she lived at that place and I intended to walk up that distance.

Q. When you went into the liquor store you went in simply because this man invited you in, is not that so?

A. I went in because he insisted on going in and kept bothering me, I thought it would be the easiest way of getting rid of him.

Counsel: I ask that "he bothered me" be stricken out.

The Court: No, I won't strike it out because you asked him the question why he went in.

Counsel: Note an exception.

Q. Will you tell me the conversation that you had with this man that led you to go into that liquor store?

A. The conversation while in there.

Q. No, before you went in? A. I said before he walked up to me and he says, he put his hand on my shoulder, "young fellow, will you come in and have a drink?" I said, "no, I don't care about taking anything, I don't want to have anything." He said then, "don't be obstinate, you seem to be a pretty decent fellow, come on in." So then I thought it would be the easiest way to get rid of him to go in and have a drink, not thinking of stealing at the time.

Q. You left the lady that you accompanied up the avenue, to go into the store to have a drink with this defendant?

A. I told her to wait for me, I intended to go in and come right out.

Q. Why didn't you call the attention of the police to the defendant? A. I took it that the man might have a little taken, I did not think he was on the stealing business and that is the reason I went in with him.

Q. You believed that you were going into a saloon with a man who was more or less under the influence of liquor, whom you had never seen before, to avoid his company?

A. Yes, sir, to get rid of him.

Q. When you went in you drank two gin fizzes?

A. Yes sir.

Q. Who paid for them?

A. I had to pay for everything, I was made to pay for everything.

Q. How many men were at the bar at the time you were drinking with this man?

A. There was one man that he called up as a friend; he says, "this is a friend of mine, is he all right for a drink?" I said, "certainly"; he drank also; that is the only one was there except the bartender, the man who was behind the bar.

Q. Was the proprietor there?

A. I do not think he was, I did not see him. He called a man up who stood at the turning of the bar and he says to me, "this is a friend of mine, I suppose he is all right for a drink?" "Certainly", I says.

Q. Where did you live at that time?

A. I lived at 1450 Second Avenue.

Q. Was it your intention to go home.

A. It was my intention to see this lady home and take the car and go home myself up to 76th Street.

Q. How long did you remain in the liquor store drinking with this man?

A. I should think about five minutes.

Q. Where was the lady.

A. She waited on the corner; it seems after a while I not coming out quick enough, she went around to the side door to see what was keeping me, so she said.

Q. What did she drink? A. She did not drink anything.

Q. Are you sure of that? A. O yes, sure of that.

Q. Did the gin fizzes make you more or less intoxicated?

A. No sir, they did not.

Q. Tell us what you saw this man do with your scarf and pin?

A. I felt his hand on my neck, nobody else was near me at the time only him, I felt his hand on my neck and shoulder and I put my hand up like that and I found nothing but the shirt bosom, the necktie was gone. I immediately then, without waiting, collared him by the coat collar, I says, "you have got my pin and necktie."

Q. Which hand was it you saw? A. His right hand I guess; I felt for the necktie, I put up my hand to find if I had the necktie.

Q. Did not you tell the Jury that you saw him through the mirror?

A. No, I did not tell any such thing.

Q. Did not you swear in the Police Court that you saw him through the mirror?

A. No, no such thing at no time.

Q. You are sure you did not?

A. No sir, I did not.

Q. When he got his hand off your shoulder, did you then scuffle with him?

A. Yes sir.

Q. Did not you see the scarf or the pin?

A. Not until he was going out of the door.

Q. And then you saw it?

A. Then I saw him pass it to another man.

By the Court. Q. The man who was on the car?

A. Yes sir, and

I made a grab to get it back, I could not reach it, I did not want to let him go, I held him for the policeman, the other man ran across Third Avenue towards Second Avenue.

By Counsel. Q. Did you talk with anybody that night about this

to

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affair? A. Nobody at all.

Q. Do you know a man a barber up in 21st Street, a German?

A. No sir.

Q. Do you know a man named Green on Third Avenue?

A. I do not, no sir.

Q. Did you offer anybody some money to swear that they saw this man take this pin off you? A. No sir.

Q. You are sure of that? A. I am.

Q. Do you remember when you went into the liquor store that night going over to the basin to wash your hands?

A. I did not do it.

Q. Are you sure of that. A. I am.

MARY GOREY, sworn and examined.

By Mr. Weeks. Q. Where do you live? A. 650 Third Avenue.

Q. How long have you known Mr. Hogan? A. About fifteen years.

Q. Do you remember meeting him on the night of the 18th of June.

A. Yes sir.

Q. Where did you meet him? A. I got on a car at Grand Street and the Bowery, Third Avenue, about a quarter to nine.

Q. Where was he, in the car? A. Yes sir.

Q. Will you please state what happened in that car up to the time you got out? A. There was a gentleman there jostling with Mr. Hogan several times, dark complected.

By the Court. Q. Who was the gentleman? A. Smith.

Q. That man at the bar? A. Yes sir.

By Mr. Weeks. Q. Where did you get off the car?

06 16

A. I got off at 9th Street and Third Avenue.

Q. Which way did you walk?
Street.

A. I walked up towards 10th

Q. Where did you see this man after that?
the car just with us.

A. He got off

Q. Did he speak to Mr. Hogan?
dle of the block.

A. Yes sir, about the mid-

Q. What did they say, just tell what happened.

A. He said, "will you come and take something with
me?" He thought it would be the best way to get rid of him.

They went in together on the corner of 10th Street and Third
Avenue; I waited outside three or four minutes and I went
in the side room off the street.

Q. Did you see anything while you were in that side room?

A. Yes, I saw Mr. Smith place his arm around Mr. Hogan's
neck.

Q. This defendant?

A. Yes sir.

Q. What did he do?

A. He took off his tie; Mr. Hogan
demanded the tie from him and then he took hold of him and
pushed him towards the door to the street.

Q. What did you do then?

A. I went out and I got
frightened, there was a crowd came, Mr. Hogan held him down
and called for the police, he (the defendant) passed the tie
to another party, a stout man.

Q. Had you ever seen the man before to whom he passed the tie?

A. No sir, I did not; I could not say for sure whether
he was in the car or not, there was more than one party in
the car.

Q. Did you see this man talk to anyone in the car?

A. No, not particularly, he drew Mr. Hogan's attention

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at several times.

Q. What did you do after that? A. I went up to my house when they went to the Station House.

Q. You went up to your house and then came back to the Station House? A. Yes sir, to see if they had got the other party.

Q. Where else did you go? A. I went back to the saloon to see if I could find any information about the pin.

Q. Who did you talk to there? A. To the bar-tender, he was a small man.

Q. Are you sure that Hogan had his scarf and pin on when he went into that saloon? A. Yes sir, perfectly, he did.

CROSS EXAMINED.

By Counsel. Q. Where do you live? A. 650 Third Avenue.

Q. Are you a married woman? A. NO.

Q. With whom do you live? A. I keep a floor there myself.

Q. Who else lives there with you? A. Nobody at the present time.

Q. How many rooms have you got there? A. Three.

Q. What do you do for a living? A. Dressmaking.

Q. How long have you known this complainant?

A. About fifteen years.

Q. Had he been in the habit of visiting your house?

A. Yes sir, quite frequently.

Q. To see you? A. Yes sir, to see me and make a call.

Q. Where were you on this night, where had you been?

A. I was in Grand Street, different places, I went out first to do some shopping, I changed my mind, I did not buy anything that evening.

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Q. This was in the neighborhood of nine o'clock?

A. Yes sir.

Q. What time did you go down to do your shopping?

A. I went in the afternoon about four o'clock.

Q. From four up to nine you were in the neighborhood of Grand Street?

A. Yes sir, I am acquainted down there, going around looking at the different styles, one thing or another.

Q. You tell the court and jury you were looking at the styles from four until nine o'clock in the evening?

A. No, not quite that length of time.

Q. Had you been to a restaurant in that neighborhood?

A. Yes sir, I stopped in Grand Street and had my lunch, I had it there for years.

Q. Did you drink any intoxicating drinks that day up to nine o'clock?

A. NO.

Q. You swear you did not drink beer or liquor at all from the time you went to Grand Street at four o'clock till nine in the evening?

A. NO.

Q. Not one drink?

A. Not one drink.

Q. It was by accident that you met this complainant in the car?

A. Yes, just by mere accident.

Q. When you got in you talked with him?

A. Yes sir, certainly.

Q. Was he standing up or sitting down?

A. Standing up.

Q. When was it you first saw this defendant that night?

A. About 6th Street, I noticed him jostling in the car trying to draw the attention of Mr. Hogan.

Q. You were talking with the complainant all the while were you not?

A. Yes, exchanging conversation more or less.

Q. If this man had been within two feet of you all the way from

Grand to 6th Street you would have seen him?

A. He came in from the front of the car, he came in different times and tried to jostle with Hogan and he would go back to the front again.

Q. You say he came in the car different times?

A. Yes sir, different times.

Q. When was the first time that you saw him, at what street?

A. I think about 6th Street, I am not positive of the streets, I was not looking at the streets.

Q. It was within a block or two of where you got off?

A. We got off at 9th Street.

Q. Why did you get off at 9th Street?

A. Because we wanted to get off, we were about to walk up, we wanted to go and take a walk for ourselves, we wanted to go out and take a walk. We might feel like having something to eat or something to drink.

Q. Isn't it a fact that you and the complainant got off that car to go some place on the way up?

A. No, we got off to get rid of that young man sitting there, to stop his annoyance.

Q. You say you thought you would go off to get some refreshment.

A. If I felt like it why should not I. We could have rode up to my house on the car but that man kept annoying us, laughing and talking in his face, pretending that he knew him, all kinds of things, he used profane language and said different things.

Q. Tell me one thing he said?

A. "Come and have something."

Q. Did he say in that car "come and have something?"

A. No; when he got off the sidewalk he asked him to

come and have something.

By the Court. Q. Can you recollect anything that he said in the car?

A. He jostled him several times, Mr. Hogan tried to keep away, he did not want his acquaintance.

Q. Tell me anything you recollect this man sayin' in the car.

A. He said he knew him or something to that effect. "Don't you know me?" He opened conversation with him, I could not exactly catch the words.

Q. That is all you recollect? A. Yes sir.

By Counsel Q. You then got off at 9th Street with this man and you were walking up the avenue?

A. Yes sir.

Q. Was there any conversation had between you that you had with the man as to where you were going with the complainant?

A. Not particularly, no, we did not speak on that point at all exactly, we had no conversation.

Q. Then when you were walking up the avenue with this complainant and nobody was near you, you did not know at that time where you were going?

A. Yes sir, I knew I was going up the avenue, going up to my house, perhaps to take a walk around.

Q. Any place that he would ask you to go?

A. To spend an

hour together maybe for the pleasure of walking around.

Q. Is it not the fact that when you got off the car that was your intention?

A. No, ^{we} got off to stop the annoyance of that young man.

Q. It suddenly sprang to your mind if this man was to ask you to go some place you would go, is that it?

A. No, not exactly.

Q. You were inclined to have some refreshment?

A. The time I suppose was my own to do what I liked

with it for that matter.

- Q. At what street was it that this man again met you after you got off the car? A. He did not meet me at any street he got off at 9th Street, he got off and followed us.

By the Court. Q. How far had you got from 9th Street before he spoke to you? A. About the middle of the block.

By Counsel. Q. What did he say then. A. "Wont you come and take something and make it all right." Something like that. He walked up behind him on the opposite of Hogan.

- Q. What did the complainant say? A. He said the best way to get rid of him is to go in. I am positive that they went in together.

- Q. Are you sure that conversation took place?

A. Yes sir, as near as I can get to it.

- Q. And then he left you? A. Yes, I waited outside for him at the door.

- Q. What did he say to you when he left you?

A. "I will be out in a minute."

- Q. And he went in with this man and had some drinks?

A. Yes sir.

- Q. Had he had any altercation with anybody else before that, any trouble? A. No, he had not.

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

- Q. Did you see what they were drinking inside? A. Something light like lemonade, somethin light in a glass, I did not taste it.

- Q. Where were you? A. In the back room, this place is a bar all in one.

- Q. Did you go in there yourself? A. Yes sir, I stepped in there, I heard some loud talking, he was a little too

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long and I thought I would go in.

Q. What did you see after you got in this room?

A. This young man demanded of Hogan to pay for the drinks in a very rough manner.

Q. Did you hear that? A. Yes sir.

Q. What did he say? A. "I want you to pay for those drinks, I have got more money than you have." He pulled out some money like that and held it up in his hand.

Q. What then happened? A. This man, the defendant, slipped his arm around his (Hogan's) neck and loosened his tie.

Q. Did you see him do it? A. Yes sir, he loosened it from the slip knot and slipped it down from under his neck in front of his face.

Q. With what hand? A. I suppose the right hand.

Q. Are you sure of that? A. Yes, I am sure of it.

Q. What did he do with the tie in there? A. Mr. Hogan said, "give me my tie", and he pushed him towards the door, and he passed it to another man.

Q. Where were you? A. I stepped out. I got alarmed, I knew something was wrong, I was on the sidewalk. It don't take long to go around.

Q. How long did it take you to leave that room and go around?

A. About a second or less.

Q. How far was it around to the Third Avenue entrance?

A. It is about the distance of that rail from here, it is not any more, the door was wide open, the place was wide open, I went out on 10th Street.

Q. You then went around Third Avenue? A. Yes sir.

Q. It only took you a second? A. That is all, the two

doors are almost together, the side door and the front, there is two side doors.

Q. Were you ever in that saloon before? A. No, and I am very sorry I went in then.

Q. Could you see him pass the pin to the other man, what did you see? A. Hogan held him down and halloed for a policeman, that was all; the policeman took him down to the Station House and locked him up.

Q. Where did you go then? A. I went up to my house.

Q. You went up to your house? A. Certainly.

Q. Was anybody with you when you went up. A. No.

By the Court. Q. Hogan went down with the policeman?

A. Yes sir, he went to the Station House.

By Counsel. Q. What brought you back? A. I came back to see Inspector Byrnes to see if I could get the other party arrested, to see him about having the other party locked up.

Q. What time of night was that? A. About ten, it was not quite ten, the gas was burning in my house, it is promptly turned off at ten o'clock every night.

Q. You left your house to go down to see Inspector Byrnes?

A. Certainly.

Q. Did you go to see Inspector Byrnes? A. No, the man behind the desk said it would be a little too late. I would rather go down to see the Sergeant, to see what he had to say in the matter.

Q. Why did not you go at that time? A. I wanted to consult the sergeant first off.

Q. At the time you saw the man take the scarf-pin and tie and they started to the Station House, why did not you then follow?

A. It was not necessary, the young man was

locked up, I wanted to find Mr. Hogan, I wanted to see Mr. Hogan about that as he has more to say about that than I, it was his property.

Q. Do you remember drinking anything that night before you went into that saloon? A. NO.

Q. Did Mr. Hogan go up with you after you left the Station House? A. No, he called up to my house, I went up to the house, he just came in a few minutes afterwards, I was just changing my shoes when he came in.

By Mr. Weeks. Q. You did not have anything to drink in that saloon

A. No sir.

HENRY HOFFMAN, sworn and examined.

By Mr. Weeks. Q. You are an officer of the municipal police attached to the 14th precinct? A. Yes sir.

Q. Did you arrest this defendant on the night of the 19th of June? A. Yes sir.

Q. Where? A. On the corner of 10th Street and 3rd Avenue.

Q. What was he doing when you arrested him? A. He was running towards me.

Q. You caught him? A. Yes sir.

Q. Mr. Hogan came up after that? A. Yes sir.

Q. Did he make a complaint? A. Yes sir.

Q. What did he say? A. He said that this man stole his diamond pin.

Q. You then took him to the Station House? A. Yes sir.

CROSS EXAMINED.

By Counsel. Q. The complainant was all covered with mud, was he

not?

A. Yes sir.

Q. Not dirt but mud?

A. Mud.

Q. And were the sidewalks not dry at that time?

A. Yes sir.

Q. And his hat was covered with mud?

A. Yes sir.

Q. Did not this man deny to you that he had stolen that scarf pin?

A. Yes sir.

Q. The complainant, what was his condition as far as sobriety is concerned?

A. Well, the man seemed to me as if

he had been drinking a little.

By the Court. Q. Did he know what he was doing?

A. Yes sir.

By Counsel. Q. He was pretty drunk, Officer, wasn't he?

A. He was drinking probably, he seemed to act as if he had been drinking somewhat.

Mr. Weeks: That is the case for the People.

The Case for the Defence.

Counsel: May I ask your Honor's indulgence to bring some witnesses here? I have sent for them. I have nobody in Court but the defendant; I have sent for some witnesses.

The Court: Go on with the case.

CHARLES SMITH, sworn and examined.

By Counsel. Q. Do you remember the night that you were arrested, Smith?

A. Yes sir, very distinctly.

Q. I want you in your own way to tell the Court and Jury from the time you got on to that horse car in which this complainant was riding until the time you were arrested, everything that took place and what you know about this man losing his scarf pin or anything you know about the transaction at all?

A. I can make mention of where I had been at that time.

I got on a car about a quarter to nine at Rivington Street, I was on the Bowery, I was all alone, I got on board an open horse car, I got on the east side of the car, the right hand side of the car and I was all alone, I lived in Clinton Place, I wanted to get off at 8th Street.

Q. What number in Clinton Place did you live?

A. No. 93 Clinton Place.

Q. Go ahead?

A. And I got off on the east side, on the right hand side of the horse car, and while I was waiting for the car to go by I saw a fight ahead. So Naturally enough I went up to look at the fight.

By the Court. Q. Where was the fight?
a little below.

A. Corner of 9th St.,

Q. Corner of 9th Street and Third Avenue?

A. Yes sir.

By Mr. Weeks. Q. A little below 9th Street you say?

A. The east side of 9th Street runs into 8th and 9th Streets both, it is a wide street there on that side.

By the Court. Q. Go on?

A. I went up and looked at the fight, and I saw the complainant there fighting with three men; he was all covered with mud, and it seems right before I got to him he picked himself up, and I then saw from the electric light there that there was a pin and scarf missing. The car I was on went past and somebody came over and gave him his hat; a crowd of about fifty advised him to go into the liquor store and have his clothes brushed off; I went over towards the west side of Third Avenue on my way home, being nearest to him, he asked me to have a drink with him, I told him no, I did not care about drinking with him; he insisted upon ^{me} having a drink, he said it was very good advice

I gave him to have his clothes brushed off and I would be doing him a great favor by taking a drink. I thought it would be a good way to get rid of him to have a drink with him, and then me and him walked up Third Avenue to 10th St.; he did not want to go in the place, he kept on walking, he was so drunk he did not know where he was going to; there was no woman at all in his company. We both went into a place together and he asked me what I wanted to have to drink; I told him I would have a milk punch. So then the bartender stood there waiting and it seemed that he was so drunk that he forgot to pay for the drink. I went into the water closet, to the urinal, and when I came out the complainant was standing at the washstand washing his hands; he was looking in the looking glass, and he then went over.

I advised him he had better wait till his clothes dried before he brushed them off, he could not very well brush them while he was covered with mud, he was washing the mud off his hands. I went over to the bar and had a milk punch and he had a gin fizz; he paid for these and he wanted me to have another one.

By the court-Q. Who paid for them?

A. Mr. Hogan paid for

them. He asked me to have another drink as I was a pretty good friend of his; I told him I had enough and had some business to attend to. It seems he did not want to pay for the second drink, I told him if he was a gentleman and asked me in to have a drink he should pay for them --- why don't you pay for them? I said, "I wont pay for them because I did not order the drinks." He was mumbling something, his tongue was too heavy for him to talk; so then I saw it was going to run into a quarrel, I had sixty-one

dollars in my pocket at the time Hogan asked me to have a drink; I did not intend to buy any drinks. He said, "there is no need of getting saucy, come in and have a cigar." I told him, "no"; I finally did take a cigar, I was smoking the cigar and the first thing I knew he grabbed me; there was nobody else near me at the time, nobody else in the place beside the bar-tender, and he then grabbed me; he says, "you have got my pin". I says, "what?" "You have got my pin." I told him he was crazy. Well, he says, "I am going to have you arrested." I says, "I have not got your pin." He says, "you have got it, if you have not got it somebody else has got it because I was jostled on the horse car." So we got wram ling and the bar-tender came up and he pushed us both out on the sidewalk and he fell down on top of me. I got up and I thought the best way was to go away on account of it might turn out serious; the policeman caught me, I did not try to run away at all.

- Q. What did you say to the policeman? . . . I said, "there is some trouble, there is a crazy man up there"; I went with the policeman before he caught hold of me.
- Q. Were you with any man on the horse car that night?
- A. No sir.
- Q. Did you steal this man's pin? A. No sir. I forgot to say while we were walking up Third Avenue I asked him what the difficulty was. He said that three men jostled him on the horse car and he says that he was standing on the rear platform of the car and that they came through the car and one of them kicked him on the shin and the other stepped on his feet and the other tried to pull his hat over his eyes

and the car conductor went to put the four of them off the horse car. It seems they were fighting the complainant at the time in the street.

CROSS EXAMINED.

By Mr. Weeks. Q. He told you all about what had happened to him on the horse car? A. Yes sir.

Q. You understood him? A. Yes sir.

Q. You did not think he was intoxicated? A. Yes sir.

Q. Was his tongue so thick then that he could not talk straight?

A. His tongue was not quite so thick until he got the other gin fizz into him, then it got thicker.

Q. He had two gin fizzes in the saloon? A. Yes sir.

Q. The lady did not have anything? A. No sir.

Q. You saw her in the box? A. No sir, she was never in there, I will swear she was not there.

Q. Was she outside? A. No sir, she was not about anywhere outside, I did not see her at all.

Q. She was not with him when you came up and spoke to him?

A. No sir.

By the Court Q. Did you see her in the car? A. No sir, I got on board an open horse car.

Q. Did you see her in the car? A. No sir.

By Mr. Weeks. Q. Where did you say you lived? A. 93 Clinton Place.

Q. After you had bought your hat you were going home?

A. I did not buy any, I went there to buy it.

Q. Were you on your way home? A. Yes sir.

Q. Near what avenue is Clinton Place? A. The center of the block, between 5th and 6th Avenues.

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Q. You took a Third Avenue car to go to a place between Fifth and Sixth Avenues in preference to taking another car?

A. I took the first that came along.

Q. This struggle was just below the corner of 9th Street?

A. Yes sir.

Q. On which block?

A. It was on the southeast corner.

Q. Of 9th Street

A. Yes sir, 9th Street and Third Avenue; there is an electric light on the corner.

Q. Was it on the short block between 8th and 9th Street, is that the corner you mean?

Q. How do you mean? I do not understand that, there is two short blocks there, this is on the southeast corner.

Q. Was it the corner of Astor Place and Third Avenue?

A. No sir, the corner of 9th Street, if that is the continuation of 9th Street.

Q. Is there a long crossing between that corner and the next corner where you saw this quarrel going uptown?

A. Yes sir, it is very long.

Q. Then it was between 8th and 9th Streets where you saw the quarrel?

A. It was a little above, it was not in the middle at all.

Q. You know that neighborhood, don't you?

A. Yes sir.

Q. Do you know where that hotel is near 8th Street?

A. Yes sir.

Q. Was it on that block.

A. No sir.

Q. It must have been between 9th and 10th Streets?

A. No sir.

Q. Is there any block between 8th and 9th Street except that one on which the hotel is?

A. Well, 9th Street runs into 8th Street, that runs across.

- Q. Which block was it? A. It was on the southeast corner of 9th Street and Third Avenue if you take it curb to curb.
- Q. On Third Avenue? A. Yes sir, running from east to west.
- Q. You are sure of that are you? A. Yes sir, if you follow the curbs right along the street it takes in both streets.
- Q. 9th Street does not come all the way to Third Avenue, it is cut off by Stuyvesant Place? A. The street above 8th Street on the east side, I call it 9th Street, if it is Stuyvesant Place I do not know.
- Q. This fight was not where the Astor Place Hotel is? A. No sir, it was above that.
- Q. Was it on the corner above Rockwell's bakery? A. Where is the bakery? I do not know where the bakery is, I never saw a bakery there.
- Q. How long have you lived in that neighborhood? A. I never have lived over that way, I am very seldom on the east side.
- Q. What is your business? A. Clerk.
- Q. For whom? A. Clerk in the Custom House.
- Q. What Custom House? A. The city of New York here.
- Q. The United States custom house? A. Yes sir.
- Q. What is your name? A. Charles Smith, that is my correct name.
- Q. What department of the Custom House are you in? A. The appraiser's department.
- Q. Who is the head of the appraiser's department? A. Mr. Cooper.

By the Court. Q. Who was your immediate superintendent?

A. George H. Birdsall.

Q. Mr. Cooper is at the head of the appraiser's department?

A. Yes sir.

Q. Who was the man at the head?

A. George N. Birdsall.

By Mr. Weeks. Q. How long have you been there?

A. Over five

years.

Q. Always in that department?

A. Always in that depart-

ment, yes sir.

Q. You declined to give you address, did you not, at the Police Court

A. Yes sir, I would do the same thing again

I am sorry I gave my right name because I knew right well it would get in the papers, I have never been arrested in my life; it is a very hard thing to remove suspicion if you get arrested for anything like that, I am very sorry for giving my right name.

Q. Why did you run away after you got away from this man if you had only been doing him good?

A. Because I

did not want to be involved in any difficulty, I knew I would be locked up over night, I knew the Sergeant could not discharge me and then none of the police justices would discharge me on account of it being an offence like that I would have to stand trial by jury.

Q. You knew you would have to do that?

A. Yes sir.

By the Court. Q. You had a long examination, didn't you?

A. Yes sir, I had a written examination.

Q. Were you examined as a witness yourself?

A. Yes sir.

Q. Was there any witnesses examined in your behalf?

A. Yes sir.

Q. And yet the police justice held you?

A. Yes sir,

from what I understand he wont discharge anybody at all that is arrested for any offence like that.

Q. You saw that this man ran in and washed his hands in there, is that it? A. Yes sir.

Q. And he looked in the glass. A. Yes sir.

Q. How long was that before he said that he had lost his pin?

A. That was about ten to fifteen minutes previous.

Q. He did not say anything about not having his scarf on?

A. No sir.

Q. And yet you are positive he looked in the glass?

A. Yes sir.

By Mr. Weeks Q. What is the number of the division in the Custom House that you ~~are~~ are in? A. The fourth division.

Q. And that you say is Birdsall's division? A. Yes sir.

Q. Who was the appraiser when you went there?

A. Lewis McFallon.

Q. How long did he remain? A. About two or three years, two years and a half or so.

Q. Who succeeded him? A. Mr. Cooper I believe.

Q. Cooper you think succeeded him. A. Yes sir.

HENRY HOFFMAN recalled by Counsel.

Q. Officer, how far was it from the store of Valentine on the southwest corner of 10th Street and Third Avenue that you arrested this defendant? A. He was about twenty-five or thirty feet from the corner.

Q. Did you see the woman at that time? A. No sir.

By the Court. Q. Was there a crowd there? A. Yes sir.

Q. She might have been there for all you know? A. She might have been.

By Counsel. Q. When did you for the first time see her that night?

A. I saw her the next morning at Essex Market Court.

Q. Did you see her that night at all after that?

A. No sir.

By the Court. Q. When you took in your prisoner and his pedigree was taken you went back on your post? A. Yes sir.

Q. You remained until twelve o'clock? A. Yes sir.

Q. She might have come back to the Station House without your seeing her? A. Yes sir.

By Counsel. Q. You heard what time it was? she was there A. Yes sir.

Q. About what time was it? A. One o'clock.

By Mr. Weeks. Q. Where was the crowd? A. On the corner of 10th Street and Third Avenue.

Q. And this defendant was about twenty-five or thirty feet away from you, running toward you? A. Running towards me.

Counsel: Is Mr. Green or Mr. Smith or any of the witnesses here?

Your Honor, the witnesses have not arrived yet. I asked the District Attorney to consent to the reading of the depositions in the police court of the witnesses that were examined there on the part of this defendant.

The Court: Ask the District Attorney, appeal to him, I have nothing to do with it.

Mr. Weeks: I did not have any opportunity to cross-examine those witnesses and I cannot consent.

The Court: It would be manifestly unfair because you had an ample opportunity to get your witnesses.

Counsel: I have sent the subpoenas out for the witnesses, I do not see they are here yet.

The Court: Mr. Moss, what are you waiting for now?

Mr. Moss: I am waiting for the witnesses to come for this defendant.

The Court: I am not going to wait for the witnesses to come.

Mr. Moss: Will your Honor permit some small case to be taken up until the witnesses come?

The Court: I will not. This man had since the 19th day of June, he had a long examination before the police magistrate, he knew his witnesses, he had able counsel and had the means of getting his witnesses.

Mr. Moss: We were only employed the 7th of July, two days ago.

The Court: He undoubtedly had counsel on the examination also --- go to the Jury. Have you got any other witnesses?

Mr. Weeks: The People have, as soon as the defence rests.

Counsel: I have no other witnesses in Court; if they should come will your Honor permit me to call them?

The Court: Yes.

PATRICK HOGAN recalled by Mr. Weeks.

Q. Did you have any scuffle with any men on the southeast corner of 9th Street and Third Avenue? A. No sir.

Q. Where did you get the mud that was on your clothes?

A. When I was holding this man on the sidewalk, I threw him down outside the door on the sidewalk and held him two minutes and another man kicked me on the back; they had him rescued when he ran into the policeman's arms coming from 9th Street.

By Counsel. Q. You were examined in the police court, were you not?

A. I was at the Police Court, yes sir.

Q. And this man had an examination there, this defendant had an examination before the Police Justice? A. O yes, before the Police Justice, Justice Ryan.

Q. Do you remember a witness there that was called in his behalf by the name of Valentine, the proprietor of the saloon?

A. Yes sir, I remember him.

Q. He was examined in your presence, was he not, and in the presence of this defendant?

A. Yes sir, I think so.

By the Court. Q. Were you put off a Third Avenue car by the conductor?

A. No sir, I got off myself.

By Counsel. Q. Did you hear Mr. Valentine swear to this before the Police Justice at the examination when you were present and when this defendant was present --

The Court: I exclude that. You must call Mr. Valentine, I do not propose that you will get indirectly before the jury what you cannot do directly.

Counsel: If your Honor excludes this I respectfully object and except to the ruling.

The Court: Mr. Valentine could be reached by a subpoena and you should have had him here.

JAMES H. CONWAY, sworn and examined.

By Mr. Weeks. Q. Where do you live?

A. No. 1300 Second Ave.

Q. Do you know Mr. Hogan who was on the stand just now?

A. Yes sir.

Q. Was he with you on the evening of the 19th of June?

A. Yes sir.

Q. What time did he leave you and where?

A. He left me on the corner of Canal Street and the Bowery between twenty-five minutes and half past eight o'clock.

Q. What was his condition as to sobriety at that time?

A. He was perfectly sober, he jumped on a car when it was going at full speed without its stopping.

CROSS EXAMINED.

By Counsel. Q. What is your business?

A. Liquor dealer.

Q. Mr. Conway, did Hogan visit your place that night?

A. Yes sir.

Q. What time?

A. About six or half past six.

Q. And did he remain in your place up to that hour, nine o'clock at night?

A. Twenty-five minutes after eight.

Q. How long was he in your place of business?

A. About an hour and a half or two hours, we were talking over liquor business and one thing or another, that is what detained him.

Q. Did he drink anything at all?

A. Mr. Hogan drank three or four milk and seltzers and had two cigars with me.

Q. Nothing else but milk and seltzer?

A. No sir.

Q. Will you swear that he did not drink anything else there?

A. That is all he drank in my presence.

Q. Was he engaged in the society of somebody else?

A. Not a soul but me; there was a few there belonging to a lodge. he was not engaged with them, they were in the saloon at the time.

Q. You went up with him to the car?

A. Yes sir, because

I had a meeting to go to between Canal and Grand Streets I think it was .

Q. You do not know what became of him after that, do you?

A. No, only he jumped on the car, he was perfectly sober, if he was not right I would have put him in a coach. I should not let him go alone.

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Mr. Weeks: That is the case for the People.

The Court: Go to the Jury .

Counsel: Will you give me a chance to get the witnesses?

The Court: I have given you all the chances, I took a recess, I am willing to do anything that is reasonable.

Counsel: They are on their way here now.

The Court: I will not, there is no use asking me any further, this man has had every chance, I have disposed of it and I will hear no more about it, go to the Jury.

The Defendant: May I make a statement?

The Court: I said to Mr. Moss to go to the jury.

Mr. Moss: Are any of the witnesses here yet? I am acting in good faith, your Honor.

The court: I didnot say you were not acting in good faith.

Mr. Moss proceeded to sum up for the Defendant.

Mr. Moss: Will your Honor Permit me to examine a witness now in Court, Mr Valentine?

The Court: Yes.

THOMAS W. VALENTINE, sworn and examined.

By Mr. Moss. Q. Mr. Valentine, what is your business?

A. I am in the retail liquor business.

Q. Where is your place of business? A. Corner of Third Avenue and 10th Street.

Q. On the southwest corner? A. Yes sir, the southwest corner.

Q Do you remember the night this defendant was arrested?

A. I do, sir.

Q Did you see him in your saloon in company with anybody?

A. I did.

Q. What was the name of the man, do you know?

A. I do not know only by hearsay.

Q. Will you look at that man there (Hogan) is that the man?

A. That is the man.

Q. When was it you first noticed them in your saloon?

A. About ten minutes to nine in the evening.

Q. What did you see?

A. The first that I saw was Mr. Hogan, I believe his name is, as I came through from my office in the back of the back room, I noticed Hogan standing at the wash-stand washing his hands. He turned up as I came through the door, the door is right by the side of the wash-stand and I noticed that the side of his coat was covered with mud. I said nothing to him, I stood at the bar and was about to retire; he came up to the bar and this gentleman came out from the water-closet: he asked this gentleman to have a drink with him.

Q. Hogan asked this man to have a drink with him?

A. To have a drink with him; the man refused, he said he had already had one drink and he wished to go over home, he lived on the west side, that he had some business to attend to there in the morning; I have forgotten exactly what it was but he had some other business to attend to.

He insisted upon having another drink; he says, "you have not settled for what you have got, do you wish me to settle for it?" He says, "no, I will pay for it myself"; he then laid down a ten dollar gold piece on the bar, "Hogan, have a drink." Well, he says, "I will take a drink with you."

Mr. Smith, I believe his name is, he said, "you never ought to consider yourself a fighter." Hogan says, "I am no fighter"; Mr. Smith then said, "if it had not been for me

you would have been done up." Those are the very words he used. Hogan said, "I can take care of myself but when there are three or four at me it is a different thing."

Mr. Smith then says, "neither am I a fighter nor looking for fight." He insisted upon him having another drink and I believe they called for cigars. At that time I had ordered a glass of water and was going to retire; that was all that I saw of the occurrence, but I wish to state if it is admissible -----

Q. What were you going to say?

A. That was all that was said in my presence.

By Counsel. Q. How about the scarf, did he have a scarf on him?

A. He had not.

Q. You are sure,

A. Positive.

Q. He had no scarf on?

A. He had none when he was standing at the wash-stand, I paid particular attention to it; he had no scarf on whatever, I was going to call his attention, I thought he might have dropped his necktie, I do not know what he had on but from appearances I thought they were friends.

By the Court. Q. Were you there at the time of the scuffle?

A. No sir, I was not. I retired five minutes of nine.

By Counsel. Q. Did you see a woman?

A. No sir, there was no woman present, I came from my office which is in the rear of the back room coming through, there was not a soul there, there was not anybody there.

CROSS EXAMINED by Mr. Weeks.

Q. That was sometime before you went to bed, wasn't it?

A. Within three minutes from the time that I retired.

Q. Then in three minutes you saw all that you have told this

- Jury that you have heard? . . . Between three and five minutes, I think so, I think it was ten minutes to nine that I was in my office and closed my desk and I looked at my watch, it was ten minutes to nine; as I came out I stood there and heard these words pass between them and as I looked at my clock going up it was five minutes to nine.
- Q. You did not say anything at the Police court about this defendant having said, "if I had not come up you would ~~not~~ have been done up"? . . . A. I do not know that I did.
- Q. And your memory was better as to the occurrence than it is now? . . . A. I do not know that it is.
- Was
Q. Isn't your recollection fresher on the 23rd of June than it is to-day? . . . A. It is just as fresh to-day as it was then as far as this case is concerned.
- Q. Have you spoken about the case? . . . A. Nothing more than to say that there was no woman present in the back room.
- B the Court. Q. You did not see a woman standing outside. . . . A. No sir I was not outside, I did not go outside.
- By Mr. Weeks. Q. To whom were you talking about the case? . . . A. I do not remember exactly to whom.
- Q. Speaking about not seeing any woman . . . A. Probably to one of my bartenders, I did not see any woman there.
- Q. One of your bartenders knows this defendant, does he not? . . . A. No sir, not that I am aware of.
- Q. What attracted your attention so particularly to Hogan? . . . A. My first sight of him was when he was washing his hands and I noticed on the side of his coat there was mud, I saw that it was wet mud and was going to suggest to the bartender to give him a brush to brush it off as I went out of the bar.

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Q. You did not do it, did you?

A. No sir, I said nothing at all.

Q. What attracted your attention to him particularly? You came in there to get a glass of water before you went to bed?

A. I passed through the bar to get a glass of water to go up and retire.

Q. Is the wash-stand inside of the bar-room?

A. Yes sir, there is a swinging door between the back room and the bar-room. the wash room is in the bar room.

Q. It is in full sight of the bar-room, is it?

A. Yes sir.

Q. On which side of you as you came through was Mr. Hogan standing?

A. On my right side.

Q. As you came along that was on the right side?

A. Yes sir.

Q. As you came along you looked in there?

A. I did not look in, it was in the bar-room, the washstand is in the bar-room.

Q. You looked at that side and you noticed this man particularly, did you?

A. Yes sir.

A Juror: If the gentleman could draw a diagram of his bar. his evidence is very important.

By the court. Q. Can you draw a diagram.

A. I will endeavor to.

The witness drew a diagram and submitted it to the Jury.

By Mr. Weeks. Q. Where was this defendant when you came through?

A. I did not see him there until after I had reached the bar, I presume that he was in the water-closet because he came from that direction.

Q. Have you ever seen the defendant before? . No sir,
neither gentlemen have I seen.

By the Court. Q. When you got out into the bar-room to get your
glass of water who was in the bar-room at the time?

A. There were three men standing at the farther end of
the turn on the bar and when I got out of there these three
were standing there talking and the bar-tender behind the
bar.

Q. Who were they? A. One was by the name of Rothschild
in the employ of Mass Brothers, the other is one I do not
know his name and the other is George Green, he is the son
of a hatter up on Third Avenue.

Q. And the third man was who? . I do not know his name.

Q. Those are all that were in the bar-room when you got out from
your office and got your glass of water?

A. Yes sir. I had not got out when I heard those words
I stopped to listen.

Q. When you got into the bar-room who were there?

A. That was all was in the bar-room, Hogan was at the
wash-stand washing when I passed through.

Q. The prisoner was coming out of the water-closet?

A. He apparently came out of it, my back was turned when
he came out.

By Mr. Weeks. Q. You saw Hogan as you came in after you got in?

A. As I passed through the door, the washstand is
right at the side of the door, it is between the door that
goes to the water-closet and the door that goes into the
back room, as I passed through the door I saw Hogan standing
there.

Q. You went away before ~~he had left~~ the defendant left?

A. Yes sir.

By the Court. Q. Did you leave the building stairs with my family.

A. I live up-

Q. Did you hear any disturbance outside? A. I did not, the first intimation I had of the thing I had retired, my wife came in; my room is in the rear of the building over the extension.

Q. You had retired to your apartments upstairs?

A. My wife called my attention.

Q. How long after you went upstairs was it that your wife called your attention to something?

A. It was possibly five minutes, I had just got into bed.

Q. You had undressed? A. I had undressed.

Q. You got into bed? A. Had got into bed.

Q. And then your wife told you the trouble?

A. My wife came in and said, "did not you hear that noise?" I said no, I did not. She said, "there was two men out in front of the store wrangling and they were on the sidewalk and he wanted to get up and break away and he ran into the officer's arms. I said, "did they appear to come out of the store?" That was five minutes after I had retired.

FRANK GERICH, sworn and examined.

By Mr. Moss. Q. What is your business?

A. Barber.

Q. Where do you carry on business?
21st Street.

A. 4th Avenue and

Q. No. 321 East 21st Street?

A. That is where I live.

By the Court. Q. Your shop is 4th Avenue and 21st Street, is that

right?

A. Yes sir.

By Counsel. Q. Look at that man Hogan, did you ever see him before to-day?

A. I seen him on the night when he had that fight on Third Avenue.

Q. When he had this man arrested?

A. Yes sir.

Q. Did you talk with him after that?

A. He was talking to me.

Q. What did he say to you?

A. He offered me twenty dollars to swear I seen a man take the pin and necktie.

Q. Did you ever know this man before?

A. No sir, never seen him before.

Q. How did he come to talk to you?

A. I walked after the arrest was made and he walked right alongside of me and he says, "did you see the man take the pin and necktie?"

I said, "no ; he said, "would you swear he took the pin and necktie, I will give you twenty dollars." I said, "I will do nothing of the kind, I am not a man to hang out for them kind of jobs."

CROSS EXAMINED.

By Mr. Weeks. Q. Are you sure that is what he said to you?

A. Yes sir.

Q. When was that, on the way to the station house?

A. On the way to the Station House.

Q. And where was the officer?

A. He was walking right in front of me and the man.

Q. How far ahead?

A. About ten steps.

Q. And this man was with the officer?

A. Yes sir.

Q. You were walking with Hogan?

A. With Hogan.

Q. And when did you first tell anybody about his having offered

you twenty dollars to swear that you saw it, when did you first tell anybody about it? A. I told nobody about it.

Q. Did you tell this man, the defendant? A. I did not see him after.

Q. You never told him? A. No sir.

Q. ~~Did~~ Did you ever tell Mr. Moss? A. I never seen him before.

Q. Did you ever tell anybody? A. No sir.

Q. Then Mr. Moss did not know what you were going to testify to when you went on the stand? A. I did not know anything about it only half an hour before when they called me down.

By the Court. Q. How did they find out you had this conversation about the twenty dollars unless you told somebody, will you tell us that? A. O, the lawyer what was in Essex Market Court, he asked me about the case and I says a man offered me that money to swear that way.

Q. What is the name of that lawyer? A. I could not say.

Q. You were down at Essex Market Court? A. Yes sir, but they had no use for me, they did not call me.

Q. You told the lawyer? A. The lawyer asked me about that case; I says, "well, the man that had the man locked up, he offered me that money to swear that I seen the man take the pin and necktie; I said I would not do nothing of that kind, "I am no man what hangs out with that kind of jobs."

Q. You did tell somebody? A. This is the only case I ---

By Mr. Weeks. Q. How did you come to go down to Essex Market?

A. The Sergeant wanted me to go down.

Q. Did you tell the Sergeant? A. The Sergeant says, "you have got to come down to-morrow morning at Essex Market."

Q. When did he tell you that? A. The same night when the man was locked up.

Q. Did you go to the Station House with them? A. Yes sir, I was inside.

Q. Did you have any talk with the Sergeant? A. No sir.

By the Court. Q. Did not you tell the Sergeant that this man offered you twenty dollars to swear against the defendant?

A. In the Essex Market Court.

Q. Did you tell the Sergeant? A. No sir, not the same night.

By Mr. Weeks. Q. You did not tell him and yet the Sergeant told you to go to the Essex Market Court? A. Yes sir.

Q. What did you first see there on the corner of 10th Street and 4th Avenue? A. I saw two men lying on the sidewalk.

Q. What two men did you see there? A. Hogan and that gentleman.

Q. Did either of them say anything? A. No, the other man he hallooed, that is all.

Q. What did he say when he hallooed? A. He did not say nothing at all, he just hallooed out.

Q. How long did they stay on the ground? A. About a minute.

Q. Then what happened? A. Then this young man he wanted to run away and the officer just caught him near the corner.

Q. Was anything said when he ran away, anybody cry out anything? A. Not as I know.

Q. You did not hear anybody cry. stop thief? A. No sir.

Q. Nobody cried that? A. No sir.

By the Court Q. Did you hear somebody call out police?

A. No, I was right next to them two people.

By Mr. Weeks. Q. Did you see that lady there, Miss Gorey that night? A. No sir.

Q. You are sure she was not there? A. I did not see her.

Q. There was a big crowd? A. No, there was not a big crowd, there was only a few people on the corner but I did not see no lady around.

Q. Did you see anybody else there that you knew beside the defendant? A. No sir.

Q. Did not Mr. Hogan say that he would give twenty dollars if he knew anybody that saw that? A. No, he only offered me the money, he thought I was the best witness for him.

By the court. Q. Just give us the words? A. He said, "did you see the man take the pin and necktie?" I says, "no sir; well, he says, "wont you swear you saw him take the pin and necktie and I will give you twenty dollars." I said, "no sir, I will do nothing of the kind." He asked me if I seen it and I told him I did not see it.

THOMAS BLACK, sworn and examined.

By Counsel. Q. What is your business, Mr. Black? A. Importer.

Q. Where do you carry on business? A. No. 12 White St.

Q. Do you know this defendant? A. Yes sir.

Q. How long have you known him? A. I should say about eighteen months I think or two years.

Q. During the last two years? A. I think so, just about that time.

Q. Do you know other people that know him in this city?

A. Yes sir.

Q. What is his reputation for honesty and good character?

A. His reputation for honesty has always been first rate.

Q. Do you know what his business was?

A. Yes sir.

Q. What is it?

A. He was a clerk in the Custom House.

By the court. Q. What time Mr. Black, is he a clerk now?

A. No, he is not. Your Honor, I am not quite certain, four or five months ago.

Q. He thinks he has not been a clerk there for probably four months but he is not certain as to the length of time, he is not a clerk there now?

A. He is not a clerk there now, your Honor.

CROSS EXAMINED by Mr. Weeks.

Q. What is your name?

A. Thomas Black.

Q. Where do you live?

A. No. 64 West 54th Street.

Q. Where did you first meet this defendant?

A. I met him in the Custom House.

Q. In the Custom House?

A. Yes sir.

Q. What is his name?

A. Charles Smith.

Q. Have you ever met him anywhere else except in the Custom House?

A. O yes, outside I have met him and known him since he ^{left} ~~lived~~ there.

Q. What has he been doing since he left there?

A. That I do not know, I do not know he has been doing anything, I might have met him on various occasions since that.

By the Court. Q. Did you know where he lived?

A. I cannot

tell, I never called at his house.

Q You are not on visiting terms with him?

A. No sir, I met him outside, he called at my place.

Q. You met him in your place?

A. Yes sir, he has

called around there, I met him outside by appointment but not at his own house.

Q. Have you associated with him

A. Yes sir.

By Mr. Weeks. Q. Spent evenings with him?

A Yes sir.

Counsel: That is the case.

REBUTTING EVIDENCE.

PATRICK HOGAN recalled by Mr. Weeks.

Q. You heard Mr. Geriché testify?

A. Yes sir.

Q. Did you have any such conversation with him as he has related?

A. I don't know the man at all, I never saw him to my knowledge.

Q. Did you have any conversation with anyone on your way to the Station House that night?

A. No conversation at all, not a word. He said I did not holler for police. Mrs. Valentine told me and told the people, "he (meaning me) must have terrible lungs, I had my head out of the window"; I halloed police. This man swears I did not halloo, he gives a false oath.

Q Did you tell anyone that you would give twenty dollars if they would testify they saw this man take your scarf and pin?

A. No sir, no such thing.

By the court. Q. Mr. Valentine says that he saw you in the wash-room washing your hands and that you had no scarf or pin on?

A. I did not wash my hands at all in Valentine's place, I never left the bar from the time I went in until I came out.

As Mr. Valentine says my back would be turned to him the way he turned, he could not see me because my back would be turned to him.

HENRY HOFFMAN recalled by Mr. Weeks.

Q. Did you hear any noise the night you made the arrest?

A. Yes sir.

Q. What did you hear?

A. I heard some shouting and yelling.

Q. And where were you when you heard it first?

A. Corner of 9th Street and Third Avenue.

Q. And the shouting came from 10th Street and Third Avenue?

A. Yes sir.

By the Court. Q. Loud?

A. Yes sir.

Q. Was it police?

A. I could not tell, I heard shouting I saw different people running from the opposite side of the street.

Q. Loud enough for you to hear it a block off?

A. Yes sir, I heard it.

By Counsel. Q. What was the sergeant going to do with the com-

plaintant that night?

A. Well, he threatened to lock him up.

By Mr. Weeks. Q. As a witness?

By Counsel. Q. Was it not on account of his intoxication?

A. Well, that I cannot say.

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

0652

Testimony in the
case of
Charles Smith
filed July
1991

0653

483

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles C. Smith

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

Charles C. Smith

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

The said

Charles C. Smith

late of the *24th* Ward of the City of New York, in the County of New York aforesaid, on the
nineteenth day of *July* in the year of our Lord one
thousand eight hundred and ninety- *one* in the *day* time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *barn* of
one *Myles Porter*

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 *Myles*
Porter in the said *barn*
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.

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SECOND COUNT—

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

Charles C. Smith

of the CRIME OF *Petit* LARCENY

committed as follows:

The said

Charles C. Smith

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

*divers articles of clothing of a
number and description to the Grand
Jury aforesaid unknown, of the
value of eleven dollars, and the
sum of fourteen dollars in money,
lawful money of the United States
of America and of the value
of fourteen dollars*

of the goods, chattels and personal property of one

Myles Porter

in the

barn

of the said

Myles Porter

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

Charles C. Smith
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

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

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

of the goods, chattels and personal property of

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

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

Charles C. Smith
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.

0656

BOX:

445

FOLDER:

4101

DESCRIPTION:

Smith, George

DATE:

07/16/91



4101

102 103

Counsel,
Filed 16 day of July 1891
Pleads, W. V. Gentry

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

DEAR MR. JUDGE
JOHN R. NELSON
District Attorney

A True Bill.

Andreas L. Cox
Jury & convicted
July 28/91

Witness:

Sept 1st 1891
a true bill
for

42
 The People v. George Smith
 Court of General Sessions. Part I
 Before Recorder Smyth. July 28, 1891.
 Indictment for attempt at grand larceny.

Louis Wiffers, sworn and examined, testified
 I live at 111 First Avenue and am a driver
 and lived there on the 5th of July of this year.
 I saw the defendant that day in front
 of my own door at two o'clock in the morn-
 ing. I had been visiting the early part of the
 evening. I came home and struck my
 own door probably about half past one o'clock.
 I sat down and was smoking a cigar
 and in the mean time I fell asleep when
 this man (the defendant) put his hand in
 my pocket. I had in my pocket a two
 dollar bill and 25 cents in small change.
 I was awakened by the defendant. I felt
 him in my left hand pants pocket. I
 jumped up and grabbed hold of him. He
 says, "What is the matter with you man?
 I only want to sit alongside of you." I
 say to him, "I will show you." In the
 mean time there was two men with him,
 standing from him. I followed him
 up when he started to go away. I live bet-
 ween Sixth and Seventh streets, he man-
 aged to get as far as the corner. I was
 looking up and down the street to see
 whether I could see an officer, and

when I got around the street one of them that was with him had some kind of a stick in his hand, and he got behind ~~him~~ and he halloed to him, "why dont you run?" I said, "If you run I will shoot you," but I had nothing to shoot with. I made that remark - only for that I suppose he would got away from me he did not run. I grabbed him. He hauled off and hit me on the neck. I struck back at him and halloed for the "Police". Then the officer came and arrested him. The defendant managed to pull away from me again because two men were right behind me at the time. He was trying to get in the door way when the officer caught him; that was locked in Sixth street. He was within three or four feet of the door when the officer grabbed him. I could not identify the other two men, I dont know what became of them they must have got a way

Cross Examined. I had a few glasses of beer that evening with a friend, probably four or five glasses from five o'clock in the evening up to that time. I was not in an intoxicated condition. I had a cigar in my mouth as I approached my door, and

I thought I would finish it before I went up
 stairs. I sat smoking that cigar and fell
 asleep. I am a married man, but I have
 no children; my wife was home; she
 did not know I was on the stoop. I did
 not open the hall door. I went to my
 gate alone. After sitting on my stoop for
 a few minutes I fell asleep - I believed
 I simply dozed. I was awakened by feeling
 a hand in my pantaloons pocket; it was
 the left hand side; there was no money
 in that pocket, but I had two dollars and
 25 cents in the right hand pocket. The first
 that I felt was the man's hand in my
 pocket. I seized him and said, "What do you
 mean?" I held on to him for a while
 but he tore away from me again. I seized
 him the second time. He was stooping
 over me. I noticed two other men there
 I am able to swear positively that none
 of the other men had their hands in my
 pocket. When I saw the policeman I told
 him that the defendant attempted to rob
 me. Another officer took the ^{other} two men
 to the station house and I said I did
 not know as I had ever seen them.
 The officer who arrested the defendant asked
 me what the trouble was. I did not say
 that I did not lose anything and did not

make a charge of assault and battery. I never made a remark of that kind.

William A. Jones sworn. I am an officer of the 14th precinct and arrested the defendant on the complaint of the complainant the morning of the 5th of July on Sixth street between First and Second Avenues. He was running towards me and he tried to get into the door way when I seen him coming; the complainant was pursuing him. This was two o'clock in the morning. The complainant told me the man was robbing him. The defendant said he did not rob him. I then took him to the station house. There were two other men near there about the width of two or three houses from the complainant. There was a policeman on Second Avenue followed me and he got them and brought them; the two men did not run - they walked. The complainant appeared to be perfectly sober. He walked straight, and he identified the defendant at the station house. The other officer brought the two men to the station house. I noticed that the complainant's vest was opened and the pantaloons unbuttoned. The jury rendered a verdict of guilty. He was sent to the State prison for three years and eight months.

0662

Testimony in the
case of
George Smith

filed July
1891

0663

Police Court

3rd District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. 111 First Avenue Louis Niggy
occupation Driver 36 years,
deposes and says, that on the 5th day of July 1891 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 night time, the following property, viz:

Good and lawful money of the United
States of the amount and value of
two dollars and twenty five cents

the property of

Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and
carried away by George Smith road rider

from the fact that at about the hour of two
o'clock P.M. on said while deponent was
sitting down in the door of deponent's premises
deponent was awakened by defendant feeling
defendant's hand in deponent's left hand
side pocket of deponent's trousers and
deponent caught hold of defendant's hand and
held defendant until defendant was taken into
custody by an officer
Louis Niggy

Sworn to before me this

of

1891

Police Justice

0664

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *George Smith*

Question. How old are you?

Answer. *41 years*

Question. Where were you born?

Answer. *England*

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

Answer. *230 East 105 Street New York*

Question. What is your business or profession?

Answer. *I am a laborer*

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

Answer. *I am not guilty**George Smith*

Taken before me this

day of

1891

John H. [Signature]
Police Justice.

0665

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.....

Dejundant
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 *July 5* 18 *91* *John A. Ryan* Police Justice.

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

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

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

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

0666

#1033 886
Police Court--- District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Louis Nigger
111 - 1st Ave
George Smith

Attorney
Office
Can call from person

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated July 5 1891

Wm. F. Jones
Magistrate.
Officer.
Precinct.

Witnesses

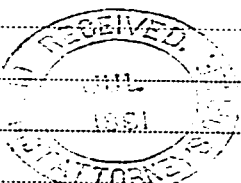
No. Street.

No. Street.

No. Street.

\$500 to answer 405

attorney
9-1-91
person



0667

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Smith

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

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

The said

George Smith

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *July* in the year of our Lord one thousand eight hundred and *eighty-nine*, in the *ninth* time of the said day, at the City and County aforesaid, with force and arms,

\$2.25 *one* promissory note for the payment of money of the kind commonly called United States Treasury Notes, of the denomination and value of *two* dollar *50*; *one* promissory note for the payment of money of the kind commonly called Bank Notes, of the denomination and value of *two* dollar *50*; *one* United States Gold Certificate, of the denomination and value of *two* dollar *50*; *one* United States Silver Certificate, of the denomination and value of *two* dollar *50*;

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

divers coins, of a number, kind and denomination to the Grand Jury aforesaid, unknown, of the value of two dollars and twenty-five cents

of the goods, chattels and personal property of *one Louis Wiggers* — on the person of the said *Louis Wiggers* then and there being found, from the person of the said *Louis Wiggers* 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.

He Lancy McCall,
District Attorney

0668

BOX:

445

FOLDER:

4101

DESCRIPTION:

Spelman, Joseph

DATE:

07/29/91



4101

115 #1951272
 Counsel, Chao Wahle
 Filed 29 day of July, 1891
 Pleads, Not Guilty (30)

THE PEOPLE
 vs.
 Joseph S. Spelman
 Person in the Degree.
 [Sec: 48, Penal Code.]

Edw. J. Nicoll
 JOHN R. FELLOWS?
 District Attorney.

A True Bill.

Indictment
 Sept 2 - Sept 30 1891
 Trial and jury disagree
 Dec 7/91
 9 ac
 3 m.
 Pleas
 Pleas

Bail reduced to
 \$500 by consent
 Dated Oct 9/91

Witness
 Dated Oct 9/91

This case was tried by me
 in Part 2, Sept 30/91, & resulted
 in a disagreement. In my
 opinion another trial would be
 a waste of time, would
 probably result in another
 disagreement. I recommend
 the dismissal of this indictment.
 This recommendation is made after
 consultation with the five members.
 Dec 7/91. W. H. Davis
 att.

I am in the recommendation
 of the District Attorney, taking
 account that the blood-relationship
 ship of the principal witness
 for the People will stand as a
 bar to any conviction in the
 case.
 J. H. Davis
 District Attorney

0670

Police Court,

District.

City and County } ss.
of New York,

of No. 159 East 67th Street, aged 57 years,
 occupation Fire Marshal being duly sworn, deposes and says,
 that on the 14th day of July 1891, at the City of New
 York, in the County of New York, Between the homes of 7 and

1159 oclock P.M.; one Joseph Spellman did
 wilfully set fire to and burn a frame dwelling
 house situated on Kingsbridge Road corner of
 Taylor Avenue in the 24th Ward of the said
 City of New York, with intent to destroy the
 same, there being in said dwelling house at
 the time, to the knowledge of said Joseph
 Spellman, a human being, to-wit: one Michael
 Spellman, and that the said setting fire to
 and burning of said dwelling house was in
 violation of the laws of the State of New York
 made and provided in such cases.

Dependent further says that the facts upon
 which he makes this ~~complaint~~ ^{in part} ~~complaint~~ ^{are con-}
 tained in the affidavit of Michael Spellman,
 hereto attached, and which is made a
 portion of this complaint, and the further
 facts that the said Spellman did on the 10th
 day of June 1891 obtain from the Home Insurance
 Company of the City of New York, not being
 previously insured, a policy of insurance
 in his favor (#20.499) on his household and
 personal effects in the sum of \$4000.00, which
 sum, in the opinion of dependent, is greatly
 in excess of the value of said property as
 seen on the premises after the fire, and
 that the said Joseph Spellman, when questioned
 by Walter Brown, foreman of Fire Company
 No. 48, expressed indifference, stating that
 he was fully insured and did not care if
 the house burned down, or words to that effect.
 Dependent therefore prays that the said Joseph
 Spellman be held to be dealt with according
 to law.

Jas Mitchell

Examiner before me

This 22nd day of July 1891

Charles J. Conner

Notary Public

0673

could obtain either work or money the sale
of his effects being about for liquidation.

Subscribed and sworn to before me this 22nd day of
Aug 1871, at New York.

Charles W. Taintor
Police Justice

0674

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

6 District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

Charles McEntire

Police Justice.

J Spellman

0675

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 Myers

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

Dated July 9th 1891 Charles V. Taintor 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.

0676

Police Court--- 6 951 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Mitchell
vs. 1867
Joseph Spellman

2

3

4

Officer

W. J. S.

Dated July 22 1891

Sanctor Magistrate.

Chas. Lenz Officer.

P. J. S. Precinct.

Witnesses Michael Spellman

No. Long Bridge Road Street

and Taylor Avenue

No. John A. Hayardt Street.

957 Third Ave.

William W. Brown Street.

No. Engine 48

Wm Miller to answer

2000 5th Ave 2d

Am

BAILED,

No. 1, by Daniel G. Murphy

Residence 510 E 16th Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

0677

Court of General Sessions
City and County of New York.

The People
arrest
Joseph Spelman

Please take notice that upon the indictment herein and upon all pleadings and proceedings, and on the affidavit hereto annexed a motion will be made on behalf of the defendant above named, before the Hon Rufus B Cowing, at the trial term of this Court to be held in part 1 thereof, in the Court House in the City of New York, on the First Monday of December 1891, at 11 O'clock A M, or as soon thereafter as counsel can be heard, for an order quashing or dismissing the said indictment and cancelling his bail bond, and releasing deponent or for such other or further order or relief as may be just.

Charles Wehle

Attorney for Defendant

To
The District Attorney
Of the County of New York
And To The Fire Marshall of the City of New York.

Court of General Sessions
City of and County of New York.

The People

arst

Joseph Spelman

City and County
Of New York S S

Joseph Spelman being duly sworn, says that he is the defendant above named, that on or about the 22nd day of July 1891, he was charged before a Police Magistrate in the City of New York, with arson in the first degree, and that said Magistrate fixed his bail at Two Thousand Dollars which he was unable to obtain, and was thereupon imprisoned in the City Prison in which he remained until on or about the 6th day of October 1891,

That on or about the 29th day of July 1891, he was indicted by the Grand Jury of the County of New York, for the Crime of Arson in the first degree, that he pleaded not guilty to said indictment, and that on the 30th day of September 1891 a trial was had before the Hon Rufus B Cowing, and a jury in Part 111 of the Court of General Sessions, of the issues thus made, that said trial occupied five days and that the jury failed to agree upon a verdict, the foreman of said jury announcing that they stood nine for the acquittal and three for conviction, and that there was no likelihood of their agreeing upon a verdict.

That thereupon deponents counsel Charles Wehle Esq, who represented him at the trial, moved that deponent be discharged upon nominal bail, the Judge thereupon fixed said bail at Five Hundred Dollars which deponent furnished, and deponent was thereupon on or about the 6th day of October 1891, released from imprisonment.

Deponent further says that one of the principal arguments urged by the District Attorney upon said trial

against this deponent was deponents alleged over insurance which was represented to the jury to have been the principal motive for the commission of said crime, that the insurance thus referred to consisted of a policy of the Home Ins Co of the City of New York, insuring his furniture &c for the sum of Four Hundred Dollars, and that since the trial of said cause the said Insurance Company, has paid him the sum of Three Hundred Dollars for his damages by said fire, which sum does not include the deponents said furniture covered by said policy and not damaged by fire and which amounted to more than one Hundred Dollars.

Deponent further says that he verily believes that if another trial of the issue were to be had the Jury would acquit him under these circumstances.

Sworn to before me this
24th day of November 1891.

Joseph Spellman

Wm J. Gilroy
Commuter's
Ins. Co.

in District Court
of the Southern
District of New York
The People
Plaintiff

against

Joseph A. Sullivan
Defendant
vs.
George W. Gifford
Frank Indictment

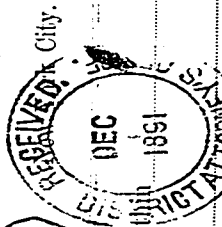
CHARLES WEHLE,

Attorney for Defendant

290 BROADWAY,

PART I
Monday

Service of the writ



is admitted this 18th day of

Dec 1891

0680

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Spelman

The Grand Jury of the City and County of New York, by this indictment, accuse
Joseph Spelman
 of the CRIME OF ARSON IN THE *2nd* DEGREE, committed as follows:

The said *Joseph Spelman*,

late of the *2nd* Ward of the City of New York, in the County of New York aforesaid, on the *2nd* day of *June* in the year of our Lord one thousand eight hundred and *eighty-nine*, at the *2nd* Ward, City and County aforesaid, with force and arms, in the *night* time of the said day, a certain *dwelling house* of one *Michael Spelman*, there situate, there being then and there within the said *dwelling house*,

some human being, to wit: the said Michael Spelman,

feloniously, wilfully and maliciously did set on fire and burn, 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
Joseph Spelman
 of the CRIME OF ARSON IN THE *2nd* DEGREE, committed as follows:

The said *Joseph Spelman*.

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, in the *night* time of the said day, a certain *dwelling house* of one *Michael Spelman*, there situate, there being then and there within the said *dwelling house* some human being, to wit:

one Michael Spelman,

feloniously, wilfully and maliciously did set on fire and burn, 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.

John R. Fellows
 JOHN R. FELLOWS,

District Attorney.

0682

BOX:

445

FOLDER:

4101

DESCRIPTION:

Steers, George

DATE:

07/08/91



4101

Witnesses:

No. 28 Jackson

Nottingham

Counsel,

Filed

8 day of July 1891

Pleads,

for Guilty (9)

THE PEOPLE

vs.

I

George Steers

R A P E.
(Sections 278 and 218, Penal Code.)

Dr LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Nicholas L. Cook

July 13, 1891.

Tried and convicted

for Rape

July 17/91

C 15

The People } Court of General Sessions. Part I
 vs Steers } Before Recorder Smyth. July 13, 1891
 Indictment for Rape.

Margaret Turnbull, sworn and examined.
 I live at 821 Tinton Avenue. I am married and have a daughter named Lilly, she will be seven years and five months old the last day of this month. This is my daughter (pointing to a little girl in Court). On the 12th of June of this year I was at work in the kitchen, and about three quarters of an hour before that I dressed the three children and let them go on the sidewalk to play, and the two little ones came back in half an hour. Lilly did not come with them. I told my daughter to go and see if she could see her. She went to the front door, and when she opened the door she heard screams of a child coming in the gate. I was ironing with an iron. I ran and caught the child in my arms and ran up stairs with her and asked her what happened to her? This was between half past two and three o'clock. I found the child between the gate and the front door stoop. I took her up stairs and laid her on the bed. I only removed the under garments, the under drawers.

I pulled down her stockings but did not take them off. The child's bowels and little limbs were all smeared with the discharge of that man. There were little streaks of blood through the parts that were very slightly smeared. There was some of it on the drawers too. I examined the child's private parts. They were all swollen and inflamed. She made a complaint to me. I left her sitting in a pan of water. I ran down stairs. I got a dress on me and went to see a gentleman who lives on the corner - at least to see his wife, Mrs. Carroll. I saw Mr. Carroll and asked him what I would do. I told him what had happened. I went to the station house and made a complaint there. Then I went to Sixty Fifth street to look for a doctor and from there I went to Calhoun Avenue and could not find one. I went to Willis Avenue and found Dr. Steele; he came back with me to the house and examined the child; he got to the house about a quarter to six o'clock. After that the doctor, myself and two policemen went to the shop where the defendant worked. I saw him there.

This shop is in Union Avenue. I went
 in the shop, and he was not there. I
 went back again and he was in
 the yard outside the door with a
 Kettle of beer, and the child was with
 me. He said, "There is the bad man
 that hurt me." I had the child by the
 hand. He was arrested and we went
 to the station house with the police officer
Cross Examined. I had nine children and at
 this time seven were living. My little
 girl runs a velocipede. She was play-
 ing that afternoon in Sixty First Street
 and Fifth Avenue. It might have
 been twenty minutes or half an hour
 after she left the house when I saw her
 again I did not see the child till
 she came back screaming to the gate.
 It was somewhere between two and three
 o'clock that she went out to play and
 about three o'clock I heard her scream;
 it was at the front door down on the
 stoop. The noise was inflamed in
 her private parts before the skin was
 broken in her private parts and there
 was a little bleeding. I cannot say
 whether or not there was a rupture of the
 skin. I thought there must have been
 when there was blood there. How long

was she irritated there, how many days after? It might have been till Saturday or Sunday morning. This thing occurred Friday afternoon. Sunday morning I used vaseline, and it seems she was all right again. I did not see the defendant commit any outrage upon her. I examined the girl five minutes before she went out. I put clean under-clothing on her. I dressed her myself. The last thing I saw was the three children going out.

Thomas J. Steele sworn and examined. I am a practicing physician and am a graduate of a medical college; my office is at 170 Alexander Avenue. I remember Mr. Turnbull coming to my office. I judge it was about half past four o'clock she got there. I examined the girl. I found the external organs of generation slightly inflamed, and in that examination the portion of the membranes where the larger lip joins the smaller lip, that was slightly lacerated, and there was some little blood there. She seemed to be suffering slightly from shock. What in your opinion could have caused or did cause the

condition of the parts that you saw? Any thing might have caused it - a finger might have caused it or any blunt instrument, force of any kind. Was it or was it not such an irritation as would have been caused by the child's urine? No. Would such an irritation be caused by riding a velocipede? No.

Cross Examined - There was no evidence of penetration. In my opinion complete penetration of a girl of seven or nine years is impossible.

By the Court, The portion of the person of this child that you found lacerated was inside? Yes. Outside that part of the vagina? Yes. So that there must have been some force of some sort used on the inside of that part of the child? Yes, on the outside of the inner part.

By Counsel, You have had the care and treatment of children in your practice? Yes sir. Have you ever known any children to be inflamed, or irritated in those parts? Yes sir. Those parts are liable to become inflamed and irritated from a great many reasons. Yes. You cannot swear from your observation in this particular case if this irritation was caused by any criminal connection or any penetration.

I cannot swear that the man used his
 power. Could it have been caused by
 excessive riding of a velocipede? No.
 I saw the child about half past five or
 a quarter to six o'clock, about three hours
 after the occurrence. So I understand
 your doctor that the injury was to the
 inner surface? The inner portion.
 So that there was some slight penetration
 by some blunt instrument? Something.

By Counsel. Doctor, suppose she had been thrown
 from her velocipede and struck some-
 thing, would that cause the irritation?
 No, Sir, not such acute hemorrhage as
 I saw at the time. So you mean to
 say that falling upon a stick would
 not have produced it? If there had been
 penetration of the stick it would have
 caused it.

By the Court Is it at all probable that a child
 could fall from a velocipede and hurt
 that part of her body in that way? Hardly.

By Mr. Weeks You were present when the mother and
 the little girl came to the door and first
 saw this defendant? Yes. Do you remember
 what the little girl said at that time?
 She said something about, there is
 the man "or something. I did not

exactly hear. How far were you from her at the time? I suppose five or six feet. Did he make any reply to that? No, he did not make any reply in my presence. Did you find upon your examination any semen there? No sir, I did not; the clothes of the child had been washed. Was there any exhibition of semen on the garments shown you? No, the clothes had been washed.

Pelix Croill, sworn and examined. I am a Police Officer attached to the 33 precinct and arrested the defendant. Complaint was made at the station house by the mother of the child. I accompanied the mother and arrested the defendant. I saw the doctor, the mother and the child together. I saw the child point out the house that this man escorted her into. I did not hear the child say anything in the presence of the defendant and of anything in his presence. I was there when the child was in front of the house where this defendant lived; the defendant was there. She was asked if she could identify the house that she was taken into. She said, 'yes,' and pointed out the house the defendant came out of. While I was up in the house the defendant made no admission.

to me, he did not say anything to me there, but he spoke to me on the sidewalk after coming out. He said he had the child up stairs in the rooms with him and he had given her two pennies and sent her home. He said something about strawberries, that he sent the child for strawberries and she did not get them and came back and returned him the money, and then he went with the child and got the strawberries and went up into his own apartments 848 Union Avenue.

Cross Examined. He denied the charge of criminal assault. His room is on the top floor of 848 Union Avenue.

George Steers, sworn and examined in his own behalf testified. I reside at 848 Union Avenue and have lived there about six months. I am a blacksmith and my place of business is on the corner of Westchester and Union Avenues. I am in business three years. I am 55 years old and a married man. I have three children and grand children also; my wife is in Court and she lives with me. On the 17th day of June at noon time my wife was absent; she went out and she told me that

she could not come to supper. I do not know if it was four o'clock or what time it was for I had no clock in the shop. I took a basket of kindling wood home from the shop there were two girls there whom I did not know at the time. I asked one of the girls if they would go and buy a box of strawberries for me. I gave her ten cents. I left the door from the street into the house open; she came and told me she could not get a box of strawberries for ten cents. When she came up the stairs, she did not reach the top of the stairs. I gave her two cents for her trouble. I said, I will go myself and see if I can get any strawberries. I did not see the girl and I did not think anything wrong when the policeman came and arrested me in my shop. (Lilly Turnbull was brought forward) Is that the girl you gave the ten cents to? I think that ^{the} girl, I am not sure. She ^(the mother) states a certain conversation which occurred between the child and herself, that you invited the little girl in your room and then and there criminally entrapped her and had sexual intercourse, endeavored to

have sexual intercourse with that child,
 is that true or untrue? No sir. I did not
 (Cross Examined) Had you ever seen that little
 girl before? No, where did you meet her
 first that day? They were playing in
 Marion Avenue, about the house, she and
 another girl. I had nothing else to say,
 only said if one of the two girls would go
 for a box of strawberries for me because
 I had no time to go myself. I was
 very busy that day. I have only one
 man in the shop and he was very
 busy. The grocery store is one block
 away where she had to go. I don't rem-
 ember ever having seen her before.
 There were always children playing
 in that block there. She took the money
 and went up stairs - she only went
 to the head of the stairs; she was not
 crying then. How long did you remain
 in your house after she came up
 to the head of the stairs and you gave
 her the two cents? For about five min-
 utes, I only prepared the supper and
 went back to the shop. Did you go
 out and buy your strawberries? Yes,
 later on I bought the strawberries myself
 about half past five o'clock or so.

I picked up the 2 strawberries and put
 them on ice and then went back to the
 shop. When I gave her two cents I remain-
 ed in the house for about five minutes
 and then I left the house and got the
 strawberries and then I went home and
 then I went to the shop. I was arrested
 in my shop at seven o'clock. My wife
 was not home that day; she went into
 the town on business. Did you see any
 body in the house that afternoon except
 this little girl? Mrs. Rypleman, who owns
 the house, and her servant girl was
 in the house all the afternoon. The child
 was at the foot of the stairs when I
 gave her the ten cents to buy the straw-
 berries in the front part of the house.
 I told her to bring the strawberries up stairs
 into the house. I don't know if I told her
 exactly what room to bring them to. The girl
 was not away more than three or four
 minutes; she came up to the second flight
 of stairs and I came down and she
 gave me back the ten cents and I gave
 her two cents for her trouble; she was
 not in the room with me. I did not
 see anyone in the hall when the little
 girl came back. Mrs. Rypleman's door
 was open and I think that she was there

I have never been arrested before for any crime. I have lived 33 years in this country and never was arrested.

Albert J. Brugman, sworn and examined

I am a practicing physician; my office is at 588 East Forty First Street. I reside at 1043 Boston Avenue. I met the defendant before. I was called in a day or so after the alleged assault to examine this child, two days afterwards. I examined the child in the presence of the mother and found everything in good condition with the exception of a slight scarring at the lower part of the privates, which is commonly known as "vichon" - It looked as if there had been some erythema there which had healed over; the parts heal very rapidly. In two days anything like that might have healed. That was all there was - no other injury. You found some evidence of force of some sort? It looked as if some force had been used.

By the Court

By Counsel From your examination what would you think was the cause of those injuries? It would be impossible to say. Any roughness might have caused it - any bruising, anything which might have

bruised it. Would riding on a velocipede cause any such irritation? Hardly, I do not think so. Could falling? Unless she fell on some sharp object. A fall from a velocipede might have caused some irritation! Not unless she fell on something sharp that penetrated. There was no evidence of sexual penetration from the examination which I made.

By the Court In a child of that age there could not be complete penetration? No sir, it would be very serious injury to the child.

By Counsel That irritation could be caused by other sources could it not? Yes. State to the Court what other sources would have caused that irritation? - Any thing, any roughness of any kind would have caused it.

By the Weeks. That is, rough usage you mean, doctor? Yes, the finger or any thing like that. The parts are very tender! The mucous membranes are very easily ruptured.

By Counsel. A single hard rub would have caused the irritation? That might have caused it.

It might not be caused from any urinary trouble? No sir.

Katie Interman, sworn. I live at 218
 Abram Avenue. I am acquainted with this
 defendant, he moved into our house the
 first of March. I have known him five
 months. I am also acquainted with his
 wife. I was at home on the 2th of June
 all the afternoon. I seen the little girl
 go up stairs, but I did not see the
 child in his place. I thought it was his
 grand child. How long after the little
 girl went up stairs did she come
 down again? I could not tell. I seen her
 pass right out. It was between four
 and five o'clock when I saw the girl
 come in. Did you see her go out? I did
 not see her go out. Did you hear any
 crying afterward? No sir. During the time
 that you have known this defendant you
 never have known him to be guilty of
 any immoral acts have you? No sir.
 You have always known him to be a
 good peaceable law abiding citizen? Yes.
 Was it this little girl that you saw
 go up stairs? I would not know the child.
 I thought it was one of his grand children.
 You did not go out in the hall? No sir.
 My door was open. I would not swear
 it was this girl that I saw go up stairs.

Joseph J. Steens sworn. I live in German place 616 Hitchcock Avenue. I am a blacksmith and have been in that business thirty years. I am acquainted with the defendant about twenty eight years. During that time I never have known him to be guilty of any immoral act. He has worked for me and I never found out that there has been anything out of the way.

Dora Steens sworn. I am the wife of the defendant and have been married to him thirty two years; we have three children living and have five grand children. Our youngest baby is 28 months old. I never heard anybody accuse my husband of any immoral act; we have always been happy together; he has been always good to me.

Cross Examined. I got home at six o'clock. I went away at three o'clock. Was the supper ready when you got home? Yes, he had strawberries in the ice box - supper was not ready, it was only six o'clock. My husband was in the blacksmith's shop when I got home. I went from there home. He said strawberries were there I said "Come home for your supper in half an hour." He said, "All right." I went

home to make a fire and chopped the hash. I was sitting in the lounge. My husband came up and the policeman after him. I said, "What is the matter?" because I did not know anything about it; and he ^{laughed} ~~after~~ I say, "Well, I go along." He said, "You need not go along. I did not do anything." I asked him, "What did you do?" He said, I sent the child for strawberries, I gave ten cents to her; the child came after me and I gave her two cents, and I suppose that was all; she went down. He went in and dressed himself; he went off in his shop clothes. When you first asked him what was the matter, he laughed. Yes, he said he did not know.

The jury rendered a verdict against the defendant of guilty of an attempt at rape.

The Court remanded the defendant for sentence.

0700

Testimony in the
case of
George Steers
filed July
1991

0701

*The New York Society for the
Prevention of Cruelty to Children.*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, *JUN 22* 189*6*

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

*The People
against
George Steers*

Notice of Prosecution.

*To the District Attorney of the
City and County of New York,*

*Sir: This Society is interested in the prosecution of
the above defendant, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to 'the Grand Jury, fixing the day of trial,' consenting to
any postponement thereof, or to any reduction of bail, or
final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1886, Chapter 30, Section 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

*Edridge T. Gerry,
President, &c.*

0702

N. Y. GENERAL SESSIONS

THE PEOPLE



CRUELTY TO CHILDREN.

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,
President, &c.

0703

Police Court, 6 District.City and County } ss.
of New York,

of No. 222 Union St. Street, aged 45 years,
 occupation Housekeeper being duly sworn, deposes and says,
 that on the 12 day of June 1887, at the City of New
 York, in the County of New York,

George Steers (Gowhee) did
 feloniously, Ravish and have
 Sexual intercourse with dependent
 daughter Lillie J. Turnbule aged
seven years. From the fact that
 on same date the said Lillie
 came to dependent screaming and
 informed dependent that the said
 Steers had ravished her. Dependent
 had the said Lillie examined by
Dr. Thomas F. Steele who informed
 dependent that said Lillie had been
 ravished. Dependent is further informed
 by Helis O'Neil that he arrested
 the said Steers and that the said
 Steers admitted and confessed that
 he did have the said Lillie
Turnbule in his private room
 in premises Ny. 222 Union Avenue
 Dependent. There is charge that the
 said Steers did feloniously entice
 the said Lillie into his room
 and did ravish said Lillie
 and prays that the said Steers
 may be held to answer

Given under my hand & Margaret Turnbule
 this 13 day of June 1887

J. H. Decoffy
 Police Justice

0704

New York, June 13/89

This is to certify that I examined Maria Turbett
at 347 Duane (her Residence) on Friday June 12/89
about 5³⁰ P.M. and found her suffering from a
slight laceration of the perineum. The external
organs of Generation slightly inflamed, the said
inflammation being caused by irritation.

Thomas J. Stuebel M.D.
170 Alexander Ave

Dr. Wm. H. H. H. H.
This 13th day of June 1891

Wm. H. H. H. H.
Wm. H. H. H. H.

0705

CITY AND COUNTY }
OF NEW YORK, } ss.

John O'Neil
aged *23* years, occupation *Police Officer* of No. *33*
Beacon Street

being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Maryann Turnbow*

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

Sworn to before me, this

day of

19
June 18*91* } *John O'Neil*

[Signature]
Police Justice.

0706

Sec. 108-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

George Steers 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~~ *h*; that the statement is designed to enable ~~him~~ *h* if he see fit to answer the charge and explain the facts alleged against ~~him~~ *h* that he is at liberty to waive making a statement, and that ~~his~~ waiver cannot be used against ~~him~~ *h* on the trial.

Question. What is your name?

Answer. *George Steers*

Question. How old are you?

Answer. *54 Years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *848. Union W. 2 Months*

Question. What is your business or profession?

Answer. *Bucksmith*

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**George Steers*

Taken before me this

*12*day of *March* 189*6*

Police Justice.

0707

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 Allegations

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 June 29 1891 John S. Kelly 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.

816

BAILED.

No. 1, by _____

Residence *Street.*

No. 2. by _____ .

Residence *Street*

No. 3, by _____

Residence _____ Street _____

No. 4, by Er

Residence *Street*

June 13th 1891
The justice presiding
at the 6th Dist Court
will please hear and
determine the matter
and give my advice
P. G. Duffy
P. G. S. S. S.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

ON THE COMPLAINT OF

ON THE COMPLAINT OF
Margaret Turnbull
C. B. 22nd St. Fifth Ave.
George Steers

2

3.

Dated: June 18th 1899

For

Magistrate

Magistrate

Офис.

33 Precinct

Precinct.

Witnesses *Blue G. Neal*

No. 33 French Hill

Dr. Thomas F. Steel

No. 170. Charles

Handwritten signature: *Handwritten signature*

No. 100

[Handwritten signature]

\$3000 Paid 4 June. 16 9a

" " " " 18.9.00

0709

New York, July 14th 1891.

The undersigned, Citizens of the twenty-third Ward of the City of New York, and neighbors of George Steers, now under indictment for criminal assault, wish to testify to the good character of George Steers, his manly bearing, and are not inclined to believe him guilty of any such outrage as charged against him.

NAME.

ADDRESS:

Thos. F. Meinhardt

844 Tinton Ave.

Gus A. Luther 963 E. 161 St

Gottlieb Dillmann
965 E. 161 St

John F. Fogel 941 E. 161 St

Otto Schwenk 871 Forest Ave

J. F. Leissig 865 Forest Ave

Abel Leissig 865 Forest Ave

John Cross 870 Forest Ave

Al Rinschler 873 " "

W. E. Krieger 954 E. 161 St

Peter J. Decker 841 Forest Ave

J. and G. Decker - 875 Canfield Ave

William H. Keenan 850 Union Ave

Ther. A. Strasser, 865 Union Ave cor 161 St

E. W. Lester 124 4th St & Southern BoulevardOtto Grimmer 114 4th St & Southern Boulevard

A. E. Frank 941 E. 161 St

Henry Miller 866 Union Ave 161 St

Anton Pieper 917 Union Ave. 163 St.

Phillips Bluff 945 Union Ave

Samuel Wright 973 Fleetwood Ave

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George Stearns

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *George Stearns* —
of the CRIME OF RAPE, committed as follows:

The said *George Stearns*. —

late of the City of New York, in the County of New York aforesaid, on the *Twenty*
day of *June*, — in the year of our Lord one thousand eight hundred and
ninety- *one*, at the City and County aforesaid, with force and arms, in and upon
a certain female not his wife, to wit: one *Sissie J. Tumbull*. —

— then and there being, wilfully and feloniously did make an assault, and her
the said *Sissie J. Tumbull*, then and there, by force and with violence to
her the said *Sissie J. Tumbull*, against her will and with-
out her consent, did wilfully and feloniously ravish and carnally know, 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 *George Stearns* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *George Stearns*. —

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 a certain female not his
wife, to wit: her the said *Sissie J. Tumbull*, then and there being,
wilfully and feloniously did make another assault with intent her the said *Sissie J.*
Tumbull, against her will and without her consent, by force and violence, to then
and there wilfully and feloniously ravish and carnally know, 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 *George Stearns* —
of the CRIME OF RAPE, committed as follows:

The said *George Stearns*. —

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 a certain female not his wife, to wit: her the said *Lillie J. Sundell*, then and there being, wilfully and feloniously did make another assault, and an act of sexual intercourse with her the said *Lillie J. Sundell*, then and there wilfully and feloniously did commit and perpetrate, against the will of the said *Lillie J. Sundell* — and without her consent; 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.

FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *George Stearns* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *George Stearns*. —

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 a certain female not his wife, to wit: her the said *Lillie J. Sundell*, then and there being, wilfully and feloniously did make another assault, with intent an act of sexual intercourse with her the said *Lillie J. Sundell*, against her will and without her consent then and there wilfully and feloniously to commit and perpetrate, 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 NICOLI, District Attorney.~~

0712

Find the COUNT:—

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

of the CRIME OF PERPETRATING AN ACT OF SEXUAL INTER-
COURSE WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS,
NOT HIS WIFE, committed as follows :

The said George Stearns,

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 a certain
female not his wife, to wit: her, the said Sadie J. Turnbull,
then and there being, wilfully and feloniously did make another assault, she, the said
Sadie J. Turnbull being then and there a female under the
age of sixteen years, to wit: of the age of seven years; and the said
George Stearns then and there
wilfully and feloniously did perpetrate an act of sexual intercourse with her, the said
Sadie J. Turnbull, 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.

John R. Fellows,
JOHN R. FELLOWS, District Attorney.

0713

BOX:

445

FOLDER:

4101

DESCRIPTION:

Stein, Selig

DATE:

07/27/91



4101

0714

Wm. Joseph
293 Broadway

Counsel,
Filed *27* day of *July* 189*1*
Plends, *Wm. Joseph*

THE PEOPLE
vs.
Grand Larceny Second Degree.
[Sections 528, 537 — Penal Code.]

Selig Stein

DE LANCEY NICOLL,
District Attorney.

Aug 3rd 1891
Attest

A True Bill.

Andrew J. East
Aug 3rd 1891
Foreman.

True & Accepted

Witness:

0715

Police Court

3- District.

Affidavit—Larceny.

City and County } ss:
of New York,

Louis Rosenstock
 of No. *95 Clinton* Street, aged *24* years,
 occupation *Tailor* being duly sworn,
 deposes and says, that on the *20* day of *July* 189*1* at the City of New York,
 in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
 the *day* time, the following property, viz:

*One Gold Watch and one
 Gold Chain altogether of the
 value of seventy four Dollars
 (\$74⁰⁰)*

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 *Selig Steine (now here)* for the
 reasons following to wit,

On said date Defendant asked
 Deponent to lend him his watch and
 chain as he Defendant wished to
 buy a watch and chain like it

Deponent gave Defendant the said
 property for that purpose, Defendant
 went away with the said property
 and did not return when Deponent
 again saw the Defendant he the
 Defendant admitted that he had
 pawned the said watch and chain
 for Fifty dollars at no 87 Delancey
 Street, Deponent has since seen

Subscribed and sworn to before me this 1st day of July 1891

Police Justice

0716

the property pawned by Defendant
at said Pawn Office and fully
identified it as his property

Deponent is informed by officer
Meehan of the 11th Precinct, that
when he arrested Defendant he (Meehan)
found in the possession of Defendant
a pawn ticket representing said property
and also a ticket for Europe

+ Louis ^{his} Rosenstock
mark

Sworn to before me
this 21st day of July 1891

[Signature]
Police Justice

0717

CITY AND COUNTY }
OF NEW YORK, } ss.

Bernard Meekam
aged 40 years, occupation Police Officer of No. 11th Police Precinct Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Louis Rosenstock
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 July, 1898.

[Signature]
Police Justice.

0718

Sec. 108—200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.*Selig Stein*

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

Question. What is your name?

Answer.

Selig Stein

Question. How old are you?

Answer.

27 yrs

Question. Where were you born?

Answer.

Austria

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

Answer.

*139 Essex St**3 months*

Question. What is your business or profession?

Answer.

Tailor

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**Selig Stein*Taken before me this
day of*21*

Police Justice.

0719

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
By the Court, 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 *Aug 21* 18*91* *W. H. Buff* 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.

0720

189. 3 953
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Rosenstock
95 Calverton
Selig Stein

1
2
3
4

Office Grand Larceny

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

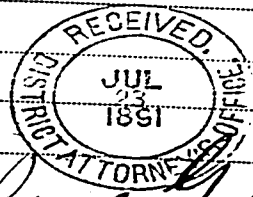
Dated July 21 1891
Duffy Magistrate.
Meekam Officer.
11 Precinct.

Witnesses _____
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 500 to answer W. S.



Com 982

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Selig Stein

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *Selig Stein*

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

The said

Selig Stein

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

*one watch of the value of
fifty dollars and one chain of
the value of twenty-four dollars*

of the goods, chattels and personal property of one *Louis Rosenstock*

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

De Lancey Ricoll,
District Attorney.

0722

BOX:

445

FOLDER:

4101

DESCRIPTION:

Sullivan, Jeremiah

DATE:

07/22/91



4101

0723

No. 152
Cortado

Counsel,
Filed 22 day of July 1891
Pleads, Not Guilty (23)

THE PEOPLE
vs.
Jeremiah Sullivan
Chy 7/91
Grand Larceny, 2nd Degree.
(From the Person.)
[Sections 528, 531 Penal Code].

JOHN R. FELLOWS

District Attorney.

W. H. H. 312 71
M. H. H.

A True Bill.

Nicholas & Co.
Foreman
W. H. H.

Witnesses;

0724

25-
13
12
10
25-
8

Police Court _____ - District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. 33- Cherry Street, aged 23 years,
occupation House-keeper being duly sworn,
deposes and says, that on the 18 day of July 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the day time, the following property, viz:

One pocket book contain-
ing \$4.02 in good and lawful money
of the United States

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 Jeremiah Sullivan (now here) for the
reason that on the above date, deponent
was standing on the stoop of her residence
and had the above described property in
her hand; and that the defendant did take
steal and carry away the same from her
possession. Wherefore deponent charges the
said Sullivan with having taken stolen
and having carried away the said property
and prays that he may be held to
answer.

+ Mary Hearn +

Sworn to before me, this

of

1891

Police Justice

0725

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

Jeremiah Sullivan 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. *Jeremiah Sullivan*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York -*

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

Answer. *28 Cherry Street, 7 years.*

Question. What is your business or profession?

Answer. *Paper Folder -*

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.*

Jeremiah Sullivan

x

Taken before me this

day of

19

Police Justice.

0726

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 *Five* Hundred Dollars, *500* 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 19* 18*91* *[Signature]* Police Justice *[Signature]*

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.

0727

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

157
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary Hearn
135th Cherry St.
Jeremiah Sullivan

Office of
Lancaster
Fellows

Dated July 19 1891
Dover
Ring
Magistrate.
Officer.
Precinct.

Witnesses _____
No. _____ Street.
No. _____ Street.

No. _____ Street.
§ 510 to answer G. S.

C
G. S.
Hewson

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jeremiah Sullivan

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

Jeremiah Sullivan
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

Jeremiah Sullivan

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

promissory notes for the payment of money of the kind commonly called Bank Notes, of the de-
nomination and value of *two* dollar *each*; *two* United States Gold Certificates,
of the denomination and value of *two* dollar *each*; *two* United States
Silver Certificates, of the denomination and value of *two* dollar *each*;

four promissory notes for the payment of money, of the kind commonly called United
States Treasury Notes, of the denomination and value of *one* dollar *each*; *four*
promissory notes for the payment of money of the kind commonly called Bank Notes, of the de-
nomination and value of *one* dollar *each*; *four* United States Gold Certificates,
of the denomination and value of *one* dollar *each*; *four* United States
Silver Certificates, of the denomination and value of *one* dollar *each*;

divers coins of a number, kind and denomination
to the Grand Jury aforesaid unknown, of the
value of four dollars and two cents and one
pocketbook of the value of twenty-five cents

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

De Lancey Ricoll,
District Attorney.