0336

BOX:
71
FOLDER:
791
DESCRIPTION:
Shelton, James
DATE:
06/08/82

791

WITNESSES.

2184 56

Day of Trial, ~~June~~ 13th

Counsel,

Filed 8 day of June 1882

Pleads Not guilty (G)

THE PEOPLE

vs.

P.

James Shelton

(2 cases)

LARCENY AND RECEIVING STOLEN GOODS.

JOHN McKEON,

District Attorney.

A True Bill.

Foreman.

found

0338

Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Shelton

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

of the CRIME OF LARCENY

committed as follows:

The said James Shelton

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the thirty first day of May in the year of our Lord one thousand eight hundred and eighty two, at the Ward, City and County aforesaid, with force and arms one Coat of the value of fifteen dollars one Vest of the value of five dollars one pair pantaloons of the value of five dollars

of the goods, chattels and personal property of one James Lachlan

then and there being found, 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.

John McKeon
District Attorney

If your Honor thinks
the Case of Ludwig Nelson
will not be Called to clo
The Witness in the Ca
of Ludwig Nelson Here
there would like to be
Excuse if your Honor Permits
as he has been here befor
on three different Occasions
he resides in Bkln and
is quite old

Detective Van Ram

0340

BAILED,

No. 1 by _____

Residence _____ Street,

No. 2, by _____

Residence _____ Street,

No. 3, by _____

Residence _____ Street,

No. 4, by _____

Residence _____ Street.

474 36 1st

Police Court— 1 — District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James Sachs
113 3rd Ave

1 James Shelton

2 _____

3 _____

4 _____

Offence, Petit Larceny

Dated 1 June 188 2

Patrick Barry Magistrate.

Patrick Barry Officer.

H Prescott Clerk.

Witnesses, _____

No. _____ Street,

No. _____ Street,

No. _____ Street,

$ 500 to answer Court.

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 James Shelton

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 1 June 188 2 Hugh Gardner *Police Justice.*

I have admitted the above named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ *Police Justice.*

There being no sufficient cause to believe the within named _____

_____ guilty of the offence within mentioned, I order h to be discharged.

Dated _____ 188 _____ *Police Justice.*

0341

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

James Shelton 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. James Shelton

Question. How old are you?

Answer. 21 years

Question. Where were you born?

Answer. Georgia

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

Answer. No home

Question. What is your business or profession?

Answer. Waiter

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

Answer. I am guilty Jas Shelton

Taken before me this [illegible] *day of* [illegible] 188[illegible]

[illegible] *Police Justice.*

0342

1st District Police Court. **Affidavit—Larceny.**

CITY AND COUNTY OF NEW YORK, } ss

of No. 315 East 27th Street, James Lachlan

being duly sworn, deposes and says, that on the 31 day of May 1882

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent and from premises No 315 East 27 Street in the day time the following property, viz:

One coat. One vest and one pair of pantaloons in all of the value of twenty two dollars

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect that the said property was feloniously taken, stolen, and carried away by James Shelton (now here) from the fact that deponent found paid property in said defendants possession

James Lachlan

Sworn before me this 1 day of June 1882

Leigh Chandler Police Justice.

WITNESSES.

June 7 P. M.

Day of Trial, 10th 87

Counsel,

Filed 8 day of June 1882

Pleads Not guilty (G)

THE PEOPLE

vs.

James Shelton P.

(2 cases)

LARCENY ~~AND RECEIVING STOLEN GOODS.~~

JOHN McKEON

District Attorney.

A True Bill.

Foreman.

Sentd 11/82

Pleads G. L.

S.P. 18 months

Fine 0

0344

COURT OF GENERAL SESSIONS OF THE PEACE

OF THE CITY AND COUNTY OF NEW YORK.

THE POPLE OF THE STATE OF NEW YORK,

against

James Shelton

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

of the CRIME OF GRAND LARCENY, committed as follows:

The said James Shelton

late of the First Ward of the City of New York, in the County of New York aforesaid, on the thirty first day of May in the year of our Lord one thousand eight hundred and eighty two, at the Ward, City and County aforesaid, with force and arms

one Coat of the value of twenty dollars one vest of the value of five dollars one pair of pantaloons of the value of ten dollars two handkerchiefs of the value of one dollar each

of the goods, chattels and personal property of one Alfred L. Haseltine

then and there being found, 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

John McKeon
Dist Atty

0345

BAILED,

No. 1 by _____

Residence _____ Street,

No. 2, by _____

Residence _____ Street,

No. 3, by _____

Residence _____ Street,

No. 4, by _____

Residence _____ Street.

Police Court 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Alfred E. Hazelton
3 Pell St

vs.

1 James Shelton
2
3
4

Offence, Grand Larceny

Dated 1 June 188 2

H Gardner Magistrate.

Patrick Barry Officer.

H Purcell Clerk.

Witnesses,

No. _____ Street,

No. _____ Street,

No. _____ Street,

The People
vs.
James Shelton

Indt

REGISTERED DISTRICT ATTORNEY'S OFFICE JUN 2 1882

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 James Shelton

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 1 June 188 2 Elbert Gunson *Police Justice.*

I have admitted the above named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ *Police Justice.*

There being no sufficient cause to believe the within named _____

_____ guilty of the offence within mentioned, I order h to be discharged.

Dated _____ 188 _____ *Police Justice.*

0346

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

James Shelton 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. James Shelton

Question. How old are you?

Answer. 21 Years

Question. Where were you born?

Answer. Georgia

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

Answer. No home

Question. What is your business or profession?

Answer. Waiter

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

Answer. I am guilty

Jas Shelton

Taken before me this 1 *day of* June 188[illegible]

Leigh Gordon

Police Justice.

0347

1st District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK } ss

Alfred L Haseltine

of No. 315 East 27 Street,

being duly sworn, deposes and says, that on the 31 day of May 1882

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent and from premises No 315 East 27 Street in the day time the following property, viz:

One coat. one vest and one pair of pantaloons in all of the value of thirty four dollars and two silk Handkerchiefs of the value of two dollars in all of the value of Thirty Six dollars

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by James Shelton (now here) from the fact that a portion of said property was found in defendants possession and said defendant admitted that he pawned said clothing

Wherefore deponent charges said defendant with taking stealing and carrying away the aforesaid property

A. L. Haseltine

Sworn before me this 31st day of June 1882

Police Justice.

0348

BOX:
71

FOLDER:
791

DESCRIPTION:
Siebert, Charles

DATE:
06/28/82

791

Continued on motion of Deft in person to the Aug Term 1887

Jelgas 87

Cause set for trial on Monday Nov 7/82 P.M.

Wm. Bell not liable

Day of Trial,
Counsel, Siegel & Coptis
Filed 28 day of June 1882
Pleads, Not guilty (29)

THE PEOPLE

vs.

Charles Siebert P

Homicide of the Degree of Murder, First Degree.

JOHN McKEON,

District Attorney.

Ordered to Court of Oyer & Terminer for trial — Nov 7/82

A True Bill. Brady

adjd to next month — notice

Foreman.

Tried and Death inflicted

the day of Dec 20 1882

297

0350

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 Siebert

The Grand Jury of the City and County of New York by this indictment accuse Charles Siebert of the crime of murder in the first degree, committed as follows:

The said Charles Siebert late of the First Ward of the City of New York, in the County of New York, aforesaid, on the thirty-first day of May in the year of our Lord one thousand eight hundred and eighty-two at the Ward, City and County aforesaid, with force and arms, in and upon one Louisa Siebert in the peace of the People of the State of New York, then and there being, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of her the said Louisa Siebert did make an assault, and the said Charles Siebert a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol, the said Charles Siebert in his right hand then and there had and held, to, at, against, and upon the said Louisa Siebert then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Louisa Siebert did shoot off and discharge, and the said Charles Siebert with the leaden bullet aforesaid, out of the pistol aforesaid, then and there, by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the said pistol in and upon the breast of the said Louisa Siebert then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of her the said Louisa Siebert did strike, penetrate, and wound, giving to her the said Louisa Siebert then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said Charles Siebert in and upon the breast of her the said Louisa Siebert one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound she the said Louisa Siebert at the Ward, City and County aforesaid, ~~from the said day of in the year aforesaid, until the day of in the same year aforesaid, did languish, and languishing did live, and on which said day of in the year aforesaid, the said at the Ward, City and County aforesaid, of the said mortal wound did die. of which said mortal~~ then and there instantly died.

0351

And so the Grand Jury aforesaid do say that the said Charles Siebert her the said Louisa Siebert in the manner and form, and by the means aforesaid, at the Ward, City, and County aforesaid, on the day aforesaid, and in the year aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of her the said Louisa Siebert did kill, and murder, 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 Charles Siebert

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

The said Charles Siebert late of the First Ward of the City of New York in the County of New York, aforesaid, afterwards, to wit: on the Thirty-first day of May in the year of our Lord one thousand eight hundred and eighty-two at the Ward, City and County aforesaid, with force and arms, in and upon one Louisa Siebert

in the peace of the People of the State of New York, then and there being, wilfully, feloniously, and of his malice aforethought, did make an assault, and that the said Charles Siebert a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said Charles Siebert in his right hand then and there had and held to, at, against, and upon the said Louisa Siebert then and there feloniously, wilfully, and of his malice aforethought, did shoot off and discharge, and the said Charles Siebert with the leaden bullet aforesaid, out of the pistol aforesaid, then and there, by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the said pistol in and upon the breast of her the said Louisa Siebert then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate, and wound, giving to her the said Louisa Siebert then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said Charles Siebert in and upon the breast of her the said Louisa Siebert one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound she the said Louisa Siebert at the Ward, City, and County aforesaid, ~~from the said day of~~

~~in the year aforesaid, until the day of~~

~~in the same year aforesaid, did languish, and languishing did live, and on which day of~~

~~in the year aforesaid, the said at the Ward, City and County aforesaid, of the said mortal wound did die.~~

then and there instantly died.

And so the Grand Jury aforesaid, do say that he the said Charles Siebert, her the said Louisa Siebert in the manner and form, and by the means aforesaid, at the Ward, City and County aforesaid, on the day aforesaid, and in the year aforesaid, wilfully, feloniously, and of his malice aforethought, did kill, and murder, 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 McKEON, District Attorney.

0353

Coroner's Office,

CITY AND COUNTY OF NEW YORK. } ss.

Charles Siebert being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.— Charles Siebert

Question.—How old are you?

Answer.— Twenty two years (22)

Question.—Where were you born?

Answer.— Poland

Question.—Where do you live?

Answer.— 115 Ridge st

Question.—What is your occupation?

Answer.— Sign maker

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

By the order of Coroner I have nothing to say

Charles Siebert

Taken before me, this 9 *day of* June 1887

CORONER.

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
30 Years.	Months.	Days.	Bohemia	morgue	May 31. 82.

2nd 728 1882

297

HOMICIDE.

AN INQUISITION

On the **VIEW** *of the* **BODY** *of*

Louisa Siebert

whereby it is found that he came to h Er Death by the hands of

Charles Siebert

Inquest taken on the 9 *day of* June 1882 *before*

Gibson A' Herrman Coroner.

Committed June 9.

Bailed

Discharged

Date of death May 31 1882

Court of Oyer and Terminer
of the City of New York.

The People of the State
of New York,
— vs. —
Charles Seibert.

City and County of New York, ss:—

Frank C. Kafka, of No. 275 East Houston street, in said City, being duly sworn, deposes and says: I am a cigar manufacturer by profession and in business and carried on my business at the above address; I am personally and intimately acquainted with the Defendant, Charles Seibert, and have known him for over six years last past; at one time he boarded and lodged with me for over four months; that up to a few months prior to the alleged shooting of Mrs. Seibert (deceased) I always looked upon the Defendant as a quiet, industrious and kindly-disposed person; that to me, his character appeared to be such as was beyond reproach or impeachment; among his numerous friends he ever bore a straightforward, unblemished and good character; until one Drahorad made the acquaintance of the deceased and began visiting her openly and clandestinely, the Defendant

manifested no change of his normal condition of mind, but when he discovered that this wife, deceased, had a paramour and that she was desecrating her marriage troth, the defendant became noticeably sullen, dejected and worried; thereafter he constantly brooded over his wife's unfaithfulness and perfidy, and stated to many of his associates that the wrongful doings of his wife was making a bewildered man of him; that he often asserted that he bore for his wife that sincere and loyal affection that a husband and man could only bear for the woman whom he had made a wife, but that he believed, through the introduction of the said Drahorad into their midst, that his wife had lost all love for him; that the defendant was a studious and steady worker, and very seldom was idle, unless there was no work ready for him at the factory where he was employed

Sworn to before me this 9th day of December, 1882.

Frank E. Stoffle

Chas. R. Fitzner
Commissioner of Deeds
N.Y.C.

0357

Court of Oyer and Terminer
of the City of New York.

The People of the State
of New York,
—vs.—
Charles Seibert.

City and County of New York, ss.:-

Jomersbach, of No. 225 5th Street, in said City, being duly sworn, deposes and says: I am a cigar maker by trade, and have been acquainted with the defendant, Charles Seibert, for over six years last past; that the defendant and deponent were actual bon companions and associates constantly together prior and after his marriage and up to the time of the alleged shooting of the deceased; that they were confidants and entrusted each other with their respective private doings, &c.; that the defendant's character was unimpeachable and above questionable comment; that his habits, while in deponent's company, were such to show an abstemiousness to strong drink, an abhorrence to riotous living and hilarity and generally quiet, sociable, sober and steady in his ways; that in his continued work he was observed to be remarkably diligent and per=

Affidavit, and was never indolent or idle unless the factory whereat he was employed, had no work for him; that deponent and the dependant were employed together in the same shop; that he always provided for his wife (deceased) and household; that the dependant confided to deponent the trouble that his wife's paramour, one Drapard, was strewing in his family and household; the he sadly berated his wife's perfidy to deponent, and said that his wife was causing him untold anguish and worriment; that the dependant has always been spoken of among his neighbors, acquaintances and friends in complimentary terms as regards his character, habits, &c.; in the neighborhood where he resided he was recognized as a well-liked and popular young man.

Sworn to before me
this 9th day of December, 1892

Charles Jomersbach

Chas. K. Fisher
Commissioner of Deeds,
N.Y.C.

City and County of New York

The People &c
vs
Charles Siebert

City and County of New York ss:

Joseph Nepivoda of No 164 East 4th Street in the City of New York being duly sworn, deposes and says, I am a butcher and carry on business at the above address, I am acquainted with the defendant and have known him for about six years last past, during that time I have seen him on an average about twice a week, the defendant and myself formerly were members of one association, the defendant has always been known as an honest, industrious and hardworking young man, I have always heard him spoken of as such and I know him to be so, he is a segar maker by occupation and I never knew him to be out of employment, he has always been well spoken of in my presence by all who knew him.

Sworn to before me this 7th day of December 1887

Joseph Nepivoda

J. W. Merrion Notary Public N.Y.Co.

0360

Court of Oyer & Terminer
for the City and County of New York

The People
vs
Charles Siebert

City and County of New York ss:

Wenzel Jarish of No 115 Ridge Street in the City of New York being duly sworn, deposes and says I have known the defendant since April 1882, I also know his wife (now deceased) and have seen her in company with one Aloise Drahorad who boarded with one Mrs Katlitz in the same house where I reside, I remember upon one occasion about one week prior to the death of Mrs Siebert, I saw her in company with said Drahorad in the yard of said premises this was about 10 o'clock p.m., I happened to go into the yard to go to the water closet and when Drahorad and Mrs Siebert seen me they immediately separated and ran away.

Sworn to before me this 7th day of December 1886

H Derrick
Notary Public

Wenzel Jarish

Court of Oyer and Terminer,
of the City and County of New York.

The People of the
State of New York,
— vs. —
Charles Seibert.

City and County of New York, ss.:—

Annie Yarish
being duly sworn, deposes and
says: that deponent resides at No. 115 Ridge
Street, in said City and upon the same
premises where deceased met her
death, and has resided there about two
years last past; on the day of the al-
leged shooting the deceased (Mrs. Seibert)
and her paramour (A. Drahorad)
met in the hallway, (behind the door) of
the house No. 113 Ridge Street, and he,
said Drahorad, then and there bade her
(deceased) farewell, in the following lan-
guage: "Well, good by, Louise (meaning
deceased) I'm going far away; and we
"shall never speak to or see each other
"again, unless we accidentally meet;" that
on said day, and at the time the said Drahorad
made use of the above declaration, deponent
had accompanied deceased from the
shop where they were both employed;
that, about five minutes thereafter again

trade deceased goodby, and then half-weepingly departed and left the house; that immediatly thereafter deceased gave deponent a cigar case, and informed her not to inform her husband, the Defendant of the transaction; that deponent then hid said cigar case in her parents apartments.

Sworn to before me this 6th day of December, 1882. } Annie Carish

Chas. R. Foster
Commissioner of Deeds,
N.Y. Co.

0363

Court of Oyer & Terminer
of the City and County of New York.

The People of the State of
New York,
vs.
Charles Seibert.

City and County of New York, ss:— John Kafka, of No. 177 Essex Street, said being duly sworn, deposes and says: that deponent has known the Defendant ever since the year 1876; that he has frequently had the Defendant as a bed mate, and had been boarding with deponent's mother for over a year prior to his marriage; that deponent has always known the Defendant to be a quiet, peaceable and sociable person; inobtrusive not bold or forward, and a person who most respectably conducted himself; that he was not a drinking man, never drinking to excess so as to be make him intoxicated; that he was a kind and ~~[illegible]~~ and well-meaning person to all his friends, and he enlisted his friends' good will at a glance; that the Defendant always provided for his wife (deceased) and was a generous and dutiful husband to her, until one Drahovac

estranged his wife's affection, and then he became sad and morose and appeared like one bereft of his reason and painfully worried.

Sworn to before me this 6th Day of December, 1882 J. Stiffler

Chas. R. Biden
Commissioner of Deeds,
Wy. Co.

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

being duly sworn doth depose and say, that on the .... day of .... 188 , at ....

in the City of New York, he served the foregoing and annexed .... upon ....

to him known to be .... by then and there delivering .... true cop .... of the same to him such personally, and then and there leaving the same with him ....

Deponent further says that he is of the age of .... years.

Sworn to before me, this .... day }
of .... 188 }

N. Y. Oyer and Terminer Court.

The People of the State of New York
Plaintiff

against

Charles Siebert
Defendant

Affidavits &c in mitigation of punishment &c

A. H. BERRICK,
Attorney for defendant
154 Nassau St., Tribune Building,
Room 39. New York City.

Due and timely service of a copy of the within .... is hereby admitted.

New York City, this day .... of 188

Attorney for ....

Filed Dec 11. 1882

0366

Court of Oyer and Terminer
of the City and County of New York.

The People of the State of
New York,
—vs.—
Charles Seibert.

City and County of New York, ss.:—

Joseph Mezort, Sr., of No. 113 Columbia Street, said City, being duly sworn, deposes and says: that in the month of May, 1882, deponent resided at No. 102 Pitt Street, said City; that in said month, deceased and her paramour Drahorad boarded together with deponent; that deponent so knew deceased to be Mrs. Seibert, by having been informed by a friend of Drahorad, who visited deponent at his house at the time, that deceased was the wife of the Defendant; that on the 29th day of May, 1882, the Defendant called at deponent's residence and asked for his wife deceased; in deponent's room the Defendant recognized certain cups belonging to him, and claimed them as his own; that the Defendant informed deponent that he should not deny that deceased was in his (deponent's) room; the Defendant then proved to deponent that deceased was his wife

" Thereupon deponent ordered deceased out of his room, having discovered that she was a married woman; she then left the same day; when deceased came to board with deponent she informed him that her name was "Louise" but did not say she was married; Drahorad had one room with the couples in deponent's apartments; deponent knew Drahorad because he (Drahorad) had boarded with him before

Sworn to before me this 6th day of December, 1882.
Chas. R. Tolman,
Com. of Deeds
Ess. Co.

Joseph Devoit
(Seiner)

Court of Oyer & Terminer,
of the City and County of New York.

The People of the State of
New York,
vs.
Charles Seibert.

City and County of New York, ss:-

Joseph Desot, Jr., of No. 113 Columbia street, said city, being duly sworn, deposes and says: that in the month of May, 1882, deponent resided with his parents at No. 102 Pitt street, said city; that in said month, deceased and one Drahsrad, had paramour boarded together with deponent's parents at above address; that deponent knew Mrs. Seibert, the deceased, and also Drahsrad; that deceased was employed in the same factory with deponent; that on one occasion attended a pic-nic in this city and upon arriving at his home, the door of his parents' apartment were locked; he then opened the door and entered and found deceased with Drahsrad in the room; said Drahsrad had his clothes off, and deponent then dissolved himself and went to go to bed with Drahsrad, as he and Drahsrad usually sleep together; that Drahsrad instead

of going to bed with D. deponent, went into deceased's bed to sleep with her; deponent then went into his own bed and slept; that deceased often promised deponent money if he would not report to others the doings between her and Drahorad; that deponent, upon several occasions, received money from Drahorad, and was informed by Drahorad not to mention his name to anyone in the doings between himself and deceased; that deponent knew deceased's paramour's name to be Drahorad, for the reason that he (Drahorad) had boarded at his parents' house before; that deponent on one previous occasion saw deceased and Drahorad together in bed, and has also seen them out walking together.

Sworn to before me this 6th day of December, 1882 } Dezort Josef

Chas. R. Witten (Junior)
Commissioner of Deeds,
City of N.Y.

0370

Court of Oyer and Terminer
of the City of New York.

The People of the State
of New York,
vs.
Charles Seibert.

City and County of New York, ss.:-

Michael Le-
Roman, being duly affirmed, deposes
and says:- that he has been acquainted
with the Defendant for about a year past;
that he was acquainted with deceased about
six weeks prior to the shooting; that in or
about the early part of May, 1882, the Defendant
came into the factory where he and deponent
were employed, and informed deponent and his
fellow shopmates of the unfaithfulness of his
wife, deceased; that the defendant appeared to
deponent as a person heavily bewildered and erratic;
that his actions indicated wild fancies and excitable
impulses; that about a week or ten days prior
to the shooting, and upon one particular
occasion, the defendant while in his workshop,
was observed by deponent to be seated on
a chair, and with another chair which he
held in his hands, was seen to try a number
of juggling performances with said chair;
that upon said same occasion, the defendant cried out
lustily from the foremost part of the factory, while

his shipmates were in the rear, that he had seen a rat and that he was endeavoring to capture it; that deponent, knowing that the work-hands in said factory and in said floor where the defendant was sitting, were a noisy and very active company of young men, very talkative and apt to be boisterous, it was not likely, in deponent's judgment, that a rat would venture out from its hiding place onto the floor; that several of the defendant's shipmates then remarked among themselves that the defendant must be "crazy", remarking so after they had noticed him juggling the chair, and further commenting about his delusion (as they considered it) about the rat he imagined he saw; that on the morning of the 31st day of May, 1882, and the day of the shooting, deponent met the defendant leaded on the steps of the said factory, and he, the said defendant informed deponent that he "had no inclination to work that day; that he felt ill at ease, worried and nervous; that subsequently he did enter the ship and went to work for about fifteen minutes, and then and thereafter stated to his shipmates that he felt sleepy and was going home to rest, and further stated that he would return about 1 o'clock; that on the following morning deponent was informed of the shooting of the defendant's wife, deceased; that deponent having noticed the strange and wild actions of the defendant prior to and on the day of the shooting, remarked to several of the defendant's shipmates the following morning that he

expected "something of the kind would occur;" that deponent, at one time, in the latter part of April, 1882, called at the ~~[illegible]~~ residence of the defendant, then residing in Stanton street, for the purpose of meeting the defendant there, per appointment; that deponent knocked at the door of the defendant's apartments; no response came to his knocking, when deponent then tried the door and found it locked; that deponent could hear from the outside low whispering within, and after waiting outside for a short time the door was finally opened by the defendant's wife, deceased, and she informed deponent that her husband (the defendant) was not in; that in said apartments with deceased was a man ~~[illegible]~~ known to me as "Louis". the boarder

Sworn to before me this 27th day of November, 1882.

Michael Lederman

Jas. R. Fisher
Commissioner of Deeds,
N.Y. Co.

Court of Oyer and Terminer
of the City of New York.

The People

-vs-

Charles Seibert.

Affidavit of
Michael Lederman.

0374

GLUED PAGES

Supreme Court of Oyer and Terminer.

The People,
vs
Charles Seibert.

City and County of New York, ss.:

Abrahams, of No. 116 Avenue D, in said City being duly sworn, deposes and says: that deponent first became acquainted with the Defendant about a year ago, and has seen him since; that he ~~has~~ knew the deceased about the same length of time; that in the month of May, 1882, deponent visited and saw deceased and one Drakeman out walking; this was at a time after there had been a parting between the Defendant and deceased; that said time deponent was on his way to the Eastern District of Brooklyn, ~~and at the~~ about, and in the ferry house in the ~~New York~~ Brooklyn side, deponent saw the deceased and said Drakeman coming from Brooklyn in company; that a few days thereafter deponent informed the Defendant of what he had seen a few days previous the Defendant then informed deponent that he and his wife had parted, for the reason that his wife had proven unfaithful to him; that deponent has heard read the affidavit of Bernard Goodstein, hereto annexed, and corroborates that portion and those portions of said

affiant as relates to the morning of the shooting and what transpired, and his departure from the factory, and as to his general peaceability and sociability among his associates

Sworn to before me this
28th day of October, 1902 } M. Abrahams.
Chas. R. Fitzen
Commissioner of Deeds,
N.Y. Co.

Court of Oyer and Terminer.

The People,
-vs-
Charles Seibert.

City and County of New York, ss.:
Bernard Goldstein, of said City, being duly sworn, deposes and says: that he resides at 101 Essex street, in said City; that deponent has known the defendant for about a year, and knew the deceased, Mrs. Seibert for about the same time; that he first became acquainted with the defendant about said time above mentioned at No. 154 & 156 Stanton street in said City, where the defendant then resided; that deponent visited the defendant's residence on several subsequent occasions; that about a month or two after deponent had first made the defendant's acquaintance, he did upon one occasion visit the residence of the defendant and knocked at his door, his apartment for admission; that, after rapping several times on said door, the door was finally opened and his knocking answered by ~~a young man~~ deceased, who deponent afterward learned bore the name of Drakowak; that the defendant at said time was absent from his apartment, but his wife (deceased) was in said room with

said Drakarah; that this occurrence happened several times thereafter; that upon one or more occasions deponent saw said Drakarah go ~~down~~ street and bring up to Seibert's rooms cans and pitchers of beer; that deponent often heard from the neighbors, residing in the vicinity of the Defendant's residence, that they thought the clandestine doings and transactions between the deceased and said Drakarah, were rather suspicious and would naturally lead one to believe that the ~~wife~~ deceased was acting rather unfaithful to her husband, the Defendant herein; that in the forenoon of the 31st day of May, 1882, and the day of the shooting, deponent met the Defendant at the factory of Greenhall and Pulizzi, No. 153 Chambers street, in said City, where deponent and the Defendant were both employed; that about 9 A.M. the Defendant left said factory, at the same time stating to deponent as follows: "I'll be back in the afternoon", and then departed; that on the following morning deponent learned of the shooting and arrest of the Defendant; that the defendant was well known and very popular among his shipmates; that deponent always took Defendant to be a mild-tempered, quiet and sociable person, and he so seemed to deponent.

Sworn to before me this
3rd day of October, 1882

B. Goodsibear

Chas. R. Fisher
Commissioner of Deeds, N.Y. Co.

0379

M. HEITZMANN,

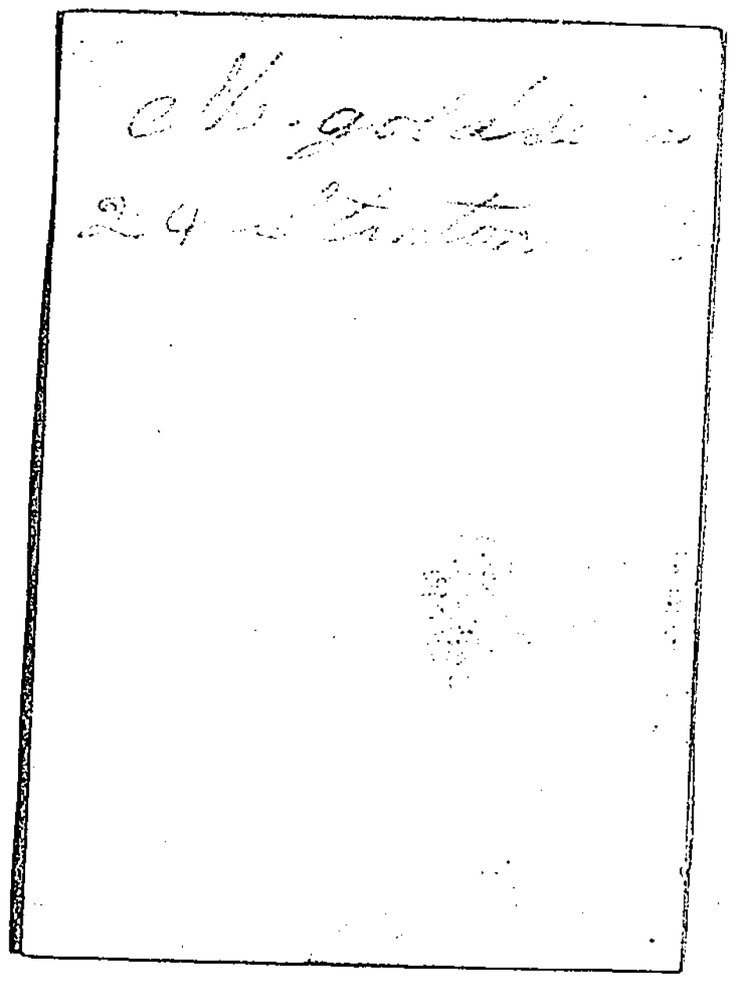
Locksmith and Bellhanger,

MACHINIST & MODEL MAKER,

193 EAST HOUSTON ST.,

NEW YORK.

0380



TESTIMONY.

Dr Mossatmann being sworn says I have made an autopsy on the body of Louisa Siebert, at the Morgue and the following are results of said Examination — there were 3 Bullet wounds found on the body —

One penetrating the Integument on the left arm, on its outer aspect, but passing out about an inch from point of entrance. one penetrating, the left chest cavity, 1 1/2 inches from median line between 1 & 2 Ribs, and lodges in the left lung, about 1/4 of an inch — the third wound was directly under the left nipple, about one inch, and penetrating the Cavity of chest (left) passing through the Pericardium through the apex of the Heart, and emerging on the posterior aspect, lodges in the pericardium, which was filling with a large amount of coagulated blood — In my opinion this latter wound was the direct cause of death by Haemorrhage, resulting therefrom

C. Mossatmann MD

Sworn to before me
this 5 day of June 1882.

CORONER.

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
Years.	Months.	Days.			
70			Pathens	Alleg Co	May 27, 82

115 Ridge Ave.

H.

No. 728.

2nd Quar. 1882

AN INQUISITION

On the VIEW of the BODY of

Louisa Sieber

whereby it is found that he came to his Death by

Pistol shot wounds Heart

Inquest taken on the day of 188 before

GERSON N. HERRMAN, Coroner.

Coroner's Office. **TESTIMONY.**

Officer Patrick Farrell 11. first being sworn says on May 31. 82, Juro on cor Ridge & Stanton, when I saw the Prisoner, ran through Ridge St. to Stanton; I ran after him & caught him at Attorney St.; I asked him what was the matter; he said he shot his wife - he said she was around the corner; I said let us go & see, on corner of Ridge & Stanton he said I want to go to Stanton home; he said he had the Pistol in his pocket. I took it & identify this Pistol now here as the one I got from Prisoner. Handcuffed him & then took him to where deceased lay - he said he shot the woman; I found only this Rattlesnake as a witness; Prisoner told me he bought the Pistol that day in a Pawn Shop in near Stanton St. the Bowery that day - Had had it loaded in Hamilton St.

Patrick Farrell

Taken before me
this 9 *day of* June 1882

Geo Ireland CORONER.

0384

Coroner's Office. TESTIMONY. (1)

Eva Katlitz being sworn says: I reside in the third floor of 115 Ridge St. ~~two o'clock~~ ~~Yesterday afternoon~~ ~~afternoon~~. Deceased came to my room at 12 o'clock (noon) and asked for some dinner. They both went to work this morning at seven o'clock, the husband returned at 11.0 clock and deceased at ~~the husband at~~ 12.0 clock. The deceased worked at Höltzmann & Deutschbecker in Attorney St. I knew the husband before he was married. He married deceased about three years ago. They were both cigar makers. I gave deceased a plate of soup and she and her husband ate out of the same plate at 12 o'clock. After they had eaten the soup the husband sent deceased for a pint of beer. Deceased drank one glass of beer the husband and then ~~and~~ I drank one also. They kissed each other before drinking the beer. Whilst deceased was procuring the beer the husband fired a shot through the window. After deceased had brought the beer, before the husband fired a second shot ~~and then~~ he asked his wife whether she wanted him to fire another shot out of the window, she answered no, I also requested him not to shoot ~~also~~. Six weeks ago he drove his wife away and discharged

Taken before me

this 9 day of [illegible] 188[illegible]

[signature] CORONER.

Coroner's Office. **TESTIMONY.**

Alois Drahova his workman at the same day. The husband of deceased repeatedly threatened to kill his wife in my ~~wife~~ presence. He also threatened to kill Alois Drahova in my presence about four weeks ago when he found deceased and Alois Drahova together. The husband goes under two names Stibinsky and Siebert. After deceased had brought the beer to day at the request of her husband and after firing one shot through the window the husband asked deceased whether she wanted him to shoot her, she supposing he was joking, laughingly said yes. The husband Siebert or Stibinsky then fired two shots at her, deceased jumped ~~got~~ up from the table where she was sitting directly opposite her husband and ran through the door towards the stairs and as she was running down stairs he fired another or third shot after her. Deceased ran into Mrs. B. Karpen's room at the foot of the stairs house door was open and ran into the bedroom where she fell on the floor. She cried as though in great fear as she was running down stairs. As she fell in the bedroom she ~~was~~ remained dead on the spot. After her husband had driven her away deceased remained with me for three weeks, deceased then commenced a suit against her husband in court.

Alois Drahova

Taken before me

this 9 day of 1887

CORONER.

Coroner's Office. TESTIMONY.

and was afraid to remain here with me. They seemed to have made up as they returned together to me last Sunday night and slept together in one of my bedrooms for two nights. I have one room and two bed rooms.

Eva her X Klatitz
mark

Taken through the sworn interpreter Leopold Luft.

Continuation

I did not hear him threaten her that day. I never saw him have a pistol before that day. On day of the shooting there was no quarrel between them.

Taken before me
this 31 day of May 1881
Philip Merkle CORONER.

0387

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the ~~house of~~ Coroners Office

No *Street, in the* 4 *Ward of the City of*

New York, in the County of New York, this 9 *day of* June

in the year of our Lord one thousand eight hundred and 82. *before*

Gerson A. Herman Coroner,

of the City and County aforesaid, on view of the Body of

Louisa Siebert.

lying dead at

Upon the Oaths and Affirmations of

Right *good and lawful men of the State of New York, duly chosen and*

sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said

Louisa Siebert *came to her death, do*

upon their Oaths and Affirmations, say: That the said Louisa Siebert

came to her death by

Pistol Shot wound to the Heart at the house of her Husband Charles Siebert at 110 Ridge St, May 31. 82.

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER,** *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

Samuel Abraham
Julius Stick.
Martin Lynch
E. D. Sutton
Chas. G. Pease
Ernest Mehrtz
Warren Bryant
Frank Packard

G A Herman **CORONER, L. S.**

0388

The People of the State of New York, on the Complaint of

vs.

Charles Sibert

List of Witnesses.

NAMES.	RESIDENCE.
1 Eva Kattz	115 Ridge St
2 [illegible] Carroll	11" Pine
3 Dr Mekenneum	Coroners Office
4 Adolph Holzman	149 Attorney Street
5 Mrs Maisof	156 Stanton "
6 Henry Vogel (Furniture)	142 Essex "
7 ~~Jacob Seeip~~	~~156 Stanton~~ "
8 Boy named Dessault (in factory)	149 Attorney "
9 Mrs Cullet	115 Ridge "
Jacob Gaip	156 Stanton "

0389

People
v
Seibert

Patk Farrell Police Officer -

Arrested Seibert at the corner of 4th & Stanton Street early without his hat. He said he killed his wife. Brought him to the place said he killed her because she was false to him.
He told me the day ~~he~~ I was taking him to the Coroner Office - he was glad she was dead, and that he could now die happy. He also told me he bought the pistol in a Pawn Shop in Stanton St that morning. and loaded it in Houston St.

Mrs Farrell

0391

District Attorney's Office.
City & County of
New York.

Mr Goldstein left the pistol

Mr Reitzman left a pistol loaded
at 100 C Murray.

Adolph Rubin sent for wife
left 102 & 104 C

Mr Leibs - he said his wife had
free convulsions - said he used
Hell Remedy - his wife
some years to the Phoenix
Don't Call ~~Dalhousie~~ to
Dalhousie to sell
a pistol to kill him

~~Joe McDonald~~

Mr Mannson - He has at always
loved him until the trouble
with -

0392

District Attorney's Office.
City & County of
New York.

2

Mr Vogel. I know him for some time he served the forces the Court with papers — he said selling because he did not want his wife to have a trouble.

Mr Rattetz. I will ask you you if you do not step from Jacob to Dahmer. — I heard them more than once. Say this. She always denied going with them.
Jesus, Mary & Joseph.

Mr Jones
I served man with the off. said he lost position in Auction St in Pawn Office —

0393

The People
vs
Chas Schultz

Brady J
Nov 27 82

Opin for Ste Rec'd
Mem for Cents V Berwick
Pro Prisoner

Hirschfeld	Craig	Sullivan	Berwick
Buchanan Stephen Devine Jurors	~~Kenitah~~ ~~Stephen Devine~~ ~~Juror~~	Pie	Myers
Stephen Devine Jurors Stans	Leroy	~~[illegible]~~ Simon Eckstein	Bogue

0394

List of Witnesses Subpœnaed to appear

at the COURT OF GENERAL SESSIONS, on the .....

day of 187

.....

Subpœna Clerk.

WITNESS.	RESIDENCE.	HOW SERVED.	DEFENDANT.
Eva Nattig	115 Ridge St.		Charles Siebert
Mrs Mainsof	156 Stanton "		" "
Jacob Gaip	" " "		" "
M Goldstein	24 " "		" "
Adolph Wolgman	149 Attorney "		" "
Henry Vogel	143 Essex "		" "
M Neitzman	193 E. Houston "		" "
Dr Waterman	Coroners Office		" "
Off Farrell	11 " Prect.		" "

Court of Appeals

William Buidram
Plff. in Error
against
The People
Deft. in Error

Rafalla, J.

The exception which the counsel for the plaintiff in Error has mainly urged upon the argument of this cause, is that taken by him to the exclusion of the evidence of David Will, as to the peculiarities and eccentricities in the conduct of the prisoner. This evidence was not offered with the view of proving insanity or as an excuse or defence, but solely as bearing upon the questions of intent and deliberation & premeditation and thus affecting the degree of the crime. The counsel for the prisoner offered to prove, that for a number of years past, the prisoner had been characterized by peculiarities and eccentricities of conduct

which had caused criticism with reference to his mental capacity, also that he was a person who had been known to be the victim of inordinate passion, giving expression to it in violent ways and at various times; and this offer was stated to be made for the purpose of enabling the jury to consider the character, the mental condition of the prisoner, prior to and in view of the circumstances of the killing, in order that they might be enabled to pass upon the grade of homicide, whether murder in the first degree or second degree or manslaughter in the third degree —

From the discussion between counsel and the Court at the trial it appears that the evidence was claimed to be admissable upon two grounds — First as bearing upon the question whether the prisoner's act was the result of impulse and anger or of a deliberate and premeditated design to effect death; and Secondly

upon the question whether the prisoner had a mind, which under the circumstances detailed in the case, could have formed a deliberate and premeditated design to inflict death; it being at the same time avowed that the evidence offered, did not amount to proof of insanity —

In considering the first ground upon which the evidence offered was claimed to be admissable, it is necessary to look at the circumstances of the homicide, as developed by the evidence which was before the Court at the time the offer was made, for the purpose of ascertaining whether there was any evidence that the shooting was the result of sudden anger or impulse, existing at the time, and whether the question, whether the homicide was committed in the heat of passion, fairly arose in the case, upon the evidence already in — We do not intend now to decide that even if that question had been presented

by the evidence, proof of the description offered, would have been admissable, but we are clearly of opinion that, if the evidence disclosed no circumstances indicating that the homicide was committed under the influence of provocation at the time, or sudden anger, evidence that the prisoner had an irascible temper or was subject to fits of passion, from slight causes, was not admissable, such proof would not of itself have authorized an inference that he committed the act, under a sudden impulse, attributable to the eccentricities of his character, in the absence of any circumstance occurring at the time, which tended to excite his passion —

At the time the evidence was offered, the prosecution had justed closed its testimony, & the witness Weil was the first witness called for the defense — The evidence on the part of the prosecution was to the effect that on the day preceding the killing, the prisoner, ~~who~~

any doom, for the gratification of a malignant faction".

These letters were before the jury, & they could put their own construction upon them. No one can read them without feeling that they fully warranted the comments of the judge. But on exception being taken to his remarks, he instructed the jury to disregard what he had said about the letters and form their own judgment. The statement in the charge that these letters indicated a high order of intelligence, was also modified by the judge by withdrawing the words "high order of" & saying that they indicated intelligence.

We find no legal error in any of the portions of the charge excepted to. Comments upon the testimony, so long as the judge leaves all the questions of fact to the jury & instructs them, that they are the sole judges of matters of fact, are not the subject of legal exception.

It is desirable that the Court should refrain as far as possible from saying anything to the jury which may influence them either way in passing upon controverted questions of fact; & perhaps comment upon the evidence, might be carried so far as to afford ground for assigning error — But in the present case wherever the attention was called by the prisoner's counsel to any part of the charge, which he considered as an infringement upon the province of the jury, the Court promptly & clearly withdrew the remarks objected to, & emphatically reminded the jury that they alone had the right to determine the facts —

The judgment should be affirmed —

"All concur"

A copy

N. C. Sickels

Reporter for C.

Withdrawn

~~against~~

The People

Opinion

Rapallo J.

Withdrawn

agst

The People

Opinion

Rafalla J

Court of Appeals

William Sundram
Plff. in Error
against
The People
Deft. in Error

Rafalla, J.

The exception which the counsel for the plaintiff in Error has mainly urged upon the argument of this cause, is that taken by him to the exclusion of the evidence of David Will, as to the peculiarities and eccentricities in the conduct of the prisoner. This evidence was not offered with the view of proving insanity or as an excuse or defence, but solely as bearing upon the questions of intent and deliberation & premeditation and thus affecting the degree of the crime. The counsel for the prisoner offered to prove, that for a number of years past, the prisoner had been characterized by peculiarities and eccentricities of conduct

which had caused criticism with reference to his mental capacity, also that he was a person who had been known to be the victim of inordinate passion, giving expression to it in various ways and at various times; and this offer was stated to be made for the purpose of enabling the jury to consider the character, the mental condition of the prisoner, prior to and in view of the circumstances of the killing, in order that they might be enabled to pass upon the grade of homicide, whether murder in the first degree or second degree or manslaughter in the third degree.

From the discussion between counsel and the Court at the trial it appears that the evidence was claimed to be admissable upon two grounds. First as bearing upon the question whether the prisoner's act was the result of impulse and anger or of a deliberate and premeditated design to effect death; and Secondly

upon the question whether the prisoner had a mind, which under the circumstances detailed in the case, could have formed a deliberate and premeditated design to inflict death; it being at the same time avowed that the evidence offered, did not amount to proof of insanity —

In considering the first ground upon which the evidence offered was claimed to be admissable, it is necessary to look at the circumstances of the homicide, as developed by the evidence which was before the Court at the time the offer was made, for the purpose of ascertaining whether there was any evidence that the shooting was the result of sudden anger or impulse, existing at the time, and whether the question, whether the homicide was committed in the heat of passion, fairly arose in the case, upon the evidence already in — We do not intend now to decide that even if that question had been presented

by the evidence, proof of the description offered, would have been admissable, but we are clearly of opinion that, if the evidence disclosed no circumstances indicating that the homicide was committed under the influence of provocation at the time, or sudden anger, evidence that the prisoner had an irascible temper or was subject to fits of passion, from slight causes, was not admissable, such proof would not of itself, have authorized an inference that he committed the act, under a sudden impulse, attributable to the eccentricities of his character, in the absence of any circumstance occurring at the time, which tended to excite his passion —

At the time the evidence was offered, the prosecution had just closed its testimony, & the witness Weil was the first witness called for the defense — The evidence on the part of the prosecution was to the effect that on the day preceding the killing, the prisoner, who

who had up to that time, been a lodger in the house of the deceased, (her husband), had received notice to quit, and had left in the evening using angry expressions, concerning the deceased & threatening to return the next day & make a bloody row. At about ten o'clock the following morning, he came to the house, & entered with a pass key & was accosted in the hall by Henrietta Crane, a step-daughter of the deceased.

She testified that he then appeared angry and excited. He said to her that he wanted to see her mother; she asked "what for" and he replied "never mind, I want to see your mother". The deceased who was upstairs, heard the sounds and hollowed down, "Henrietta, who is that down there", and witness answered "Mama just think, it is that Willie Pindram". Deceased said "what does he want in the house now"? he has no right in the house now". The prisoner then

said "Come down here, & I will show you what I want," speaking as witness expressed herself, very saucy, crossly, angrily; witness then went part of the way up the stairs, and looking back saw the prisoner pulling out a pistol from his pocket slowly. Witness then called out, "Maud run, he has got a pistol, he is going to kill you" — Deceased then opened a window which was in the landing at the head of the first flight of the stairs, & called "Watch, Police" out of the window. The witness was at that time part of the way up the stairs and the prisoner ran up the stairs, pushing her on one side & fired at deceased as she was calling out of the window.

The ball went through one of the panes of the window. Deceased then crouched in the corner, & the prisoner advanced upon her, and putting the muzzle of the pistol within three inches of her head, fired the second shot, which proved fatal — On Cross —

examination the witness testified, that no words passed between deceased and prisoner, except as before stated and except that when witness hallooed to deceased, that the prisoner had a pistol & was going to kill her, deceased said to him, "what do you want to do anything to me for", "I never did anything to you".

Pauline Smith, another witness on the part of the prosecution, testified that she was upstairs & heard the conversation in the hall between Henrietta Crane & the prisoner, on the morning of the killing — All this witness heard deceased say was, "what do you want with me", she did not hear the prisoner say anything in reply — She saw the shooting & confirmed the testimony of Henrietta as to the circumstances —

This was all the testimony in the case, relating to the circumstances of the killing, at the time the prisoner's counsel offered

to prove his eccentricities and his passionate character. From these circumstances it appeared that whatever passion the prisoner was laboring under, he brought with him to the house, and that it was not excited by anything that occurred there - His violent temper could not legitimately be taken into consideration by the jury for the purpose of reducing the grade of the offence, whether provocation if any there was, had occurred ~~befor~~ the day before the killing; If his acts were such as to satisfy the jury that the killing was with premeditation & deliberation, his bad temper ~~were~~ or eccentricities of character, not amounting to insanity, could not detract from the effect of his acts, or shield him from responsibility, therefore we concur with the learned Judge who delivered the opinion at General Term, that there was no legitimate connection, between the eccentricities & peculiarities of

character it sought to be shown and the deed of the prisoner, as the evidence stood when the offer was made — The declarations of the prisoner in respect to his provocation, came in at a late stage of the case —

The second ground upon which the offer is attempted to be sustained, is equally untenable — The counsel for the prisoner, while ~~considering~~ conceding that his offer was not to prove insanity, claimed that the evidence bore upon the question whether the prisoner had a mind, which under the circumstances could have formed a deliberate & premeditated design to inflict death — That is, that although the prisoner was a sane man, & capable of committing manslaughter or murder in the second degree, he was under the circumstances incapable of committing murder in the first degree — The novelty of the proposition is admitted by counsel, but the argument in

The Tempest Prentice Mem. Lib.

its favor is based upon the introduction into the Statute, defining the offence of murder in the first degree, of a new element viz: deliberation in addition to premeditation and it is contended that this change in the Statute opens the door to proof of the description offered, for the purpose of showing that the accused was so far the victim of bad temper & inordinate passion, that if when angered he was capable of deliberation — We cannot adopt the view of the learned counsel — To do so would be not only an innovation upon the law, but one of a most mischievous tendency — It would afford a shield to the most dangerous classes of the community, and those most prone to commit the crime of murder — The violence of their passions & their wicked impulses, which it is the object of the law & its punishments to restrain, would be made to palliate their offences, & the more violent

Bad temper

Inference

the character of an offender, the surer would be his immunity from the extreme penalty —

The facts of premeditation and deliberation in a case of murder must be found by the jury, from the evidence of the acts & declarations of the criminal or the circumstances of the case, & the theory that eccentricities of character & inordinate passion, can render a sane man incapable of committing an offence which involves deliberation, is wholly inadmissable —

Some exceptions were taken to the charge of the judge to the jury, counsel excepted to the expression of the judge —

"There is no doubt about the assassination"

The judge explained this by stating that he meant that there was no doubt about the killing, and on referring to the portion of the charge when the expression was used, it appears that it was so explained at the time. What the judge said was "There is no doubt about the assassination"

that the deceased person was killed. "There is no doubt either, that she was killed by the prisoner" An exception was also taken to an statement in the charge, "the testimony seems to be over-whelming in favor of his having uttered it, that he would return on Wednesday & make a bloody row" — On his attention being called to this part of the charge, the learned Judge, stated to the jury, that he changed that phraseology & said that he thought the testimony was preponderating, to that effect, & that he was only expressing an opinion, & that he left all the questions of fact to the jury: that there was to be no thirteenth juror in the box.

Certain letters of the prisoner written after the shooting, had been put in evidence, and in commenting on these, the judge said that, "they exhibited a reckless depravity of nature, destitute of remorse or regret, the reckless spirit of a desperado, who looking upon his life with indifference, could meet apparently

any doom, for the gratification of a malignant faction".

These letters were before the jury, & they could put their own construction upon them. No one can read them without feeling that they fully warranted the comments of the judge. But on exception being taken to his remarks, he instructed the jury to disregard what he had said about the letters and form their own judgment. The statement in the charge that these letters indicated a high order of intelligence, was also modified by the judge by withdrawing the words "high order of" & saying that they indicated intelligence.

We find no legal error in any of the portions of the charge excepted to. Comments upon the testimony, so long as the judge leaves all the questions of fact to the jury & instructs them, that they are the sole judges of matters of fact, are not the subject of legal exception.

It is desirable that the Court should refrain as far as possible from saying anything to the jury which may influence them either may impressing upon controverted questions of fact, & perhaps comment upon the evidence, might be carried so far as to afford ground for assigning error — But in the present case wherever the attention was called by the prisoner's Counsel to any part of the charge, which he considered as an infringement upon the province of the jury, the Court promptly & clearly withdrew the remarks objected to, & emphatically reminded the jury that they alone had the right to determine the facts —

The judgment should be affirmed —

"All concur"

A copy

N. A. Sickels

Reporter for C.

04.17

BOX:
71

FOLDER:
791

DESCRIPTION:
Sinclair, Edward

DATE:
06/15/82

791

26th

138

(1)

July 8th

Counsel,

Filed 15 day of June 1882

Pleads, Not guilty (16)

THE PEOPLE

vs.

Edward Sinclair

James

INDICTMENT.

Grand Larceny from the Person, in the night time.

JOHN McKEON,

District Attorney.

A True Bill.

July 7th

Thos Moran *Foreman.*

Charles P. Loper ✓

S. P. Sumpears 3 years.

WITNESSES.

04119

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Sinclair

The Grand Jury of the City and County of New York, by this indictment, accuse Edward Sinclair of the CRIME OF LARCENY (from the person)

committed as follows:

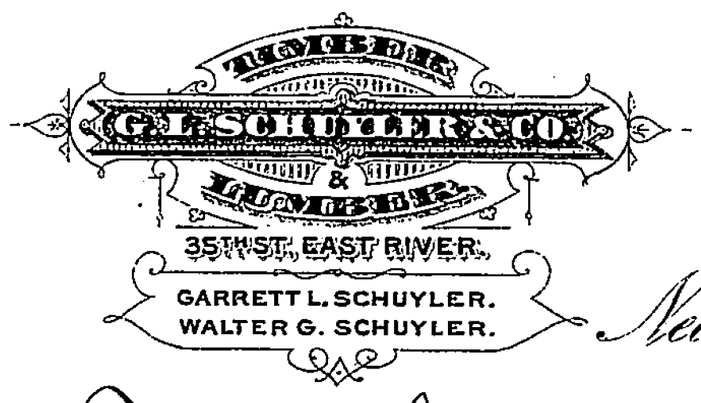
The said Edward Sinclair

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the thirteenth day of June in the year of our Lord one thousand eight hundred and eighty-two, at the Ward, City and County aforesaid, with force and arms in the night time of said day, one watch of the value of fifty dollars, and one watch chain of the value of ten dollars

of the goods, chattels and personal property of one James E. Schuyler on the person of the said James E. Schuyler then and there being found, from the person of the said James E. Schuyler 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.

JOHN McKEON, District Attorney.

0420



New York June 16 1882.

To the District Attorney of the County of New York:

Dear Sir -

In the case of The People vs. Edward Sinclair for felony, in the Court of General Sessions Part I., if you were to subpoena Mr Wellington Germond Jr. 431 Lexington Ave. or place of business 104 W 17th St. you would obtain valuable evidence against Sinclair.

Germond was with me when the watch was taken from me and was the first to start in pursuit and it was he who took the watch

0421

from Sinclair's hand
Hoping you will do this
I remain
Yours etc
James E Schuyler

0422

575 | 58

Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James E. Schuyler
133 Bleecker St.
Edward Sinclair

2
3
4

Offence Larceny from person

Dated June 13 188 2

Marcus Otterbourg Magistrate.
Michael O'Hanagan Officer.
19
Clerk.

Witnesses Michael O'Hanagan
No. 19 Precinct
Street,
Wilkinson & Co
431 Lexington Ave
No. 17 Lexington Ave
Street,

No.
$ 2000 to answer

RECEIVED, JUN 14 1882, ATTORNEY'S OFFICE, DISTRICT

BAILED,

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

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

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 13 188 2 Marcus Otterbourg Police Justice.

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated 188 Police Justice.

There being no sufficient cause to believe the within named

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

Dated 188 Police Justice.

0423

Sec. 198—200.

4 DISTRICT POLICE COURT.

1 CITY AND COUNTY OF NEW YORK, } ss.

Edward Sinclair 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 waiven cannot be used against him on the trial,

Question. What is your name?

Answer. Edward Sinclair

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. New York City

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

Answer. 122 Jackson Street, Newark, 12 years

Question What is your business or profession?

Answer. Canvasser

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

Answer. I am not guilty of the charge preferred against me

Taken before me, this 13 *day of* June 188 4

Edward Sinclair

McKeen Cosby *Police Justice.*

0424

4 District Police Court. **Affidavit—Larceny.**

CITY AND COUNTY OF NEW YORK } ss

of No. 133 East 60 Street, James E. Schuyler, aged 21 Lumber dealer

being duly sworn, deposes and says, that on the 13 day of June 188 2

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, and from the person of deponent, in the night time the following property, viz:

One double case gold watch of the value of fifty dollars.

One Gold chain of the value of ten dollars

All of the value of Sixty dollars-

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Edward Sinclair. (Nowhere From the fact that previous to said larceny deponent had the said Watch in deponents vest pocket attached to said Chain and said chain being then and there fastened to deponents vest which was then and there worn on the person of deponent. and while deponent was riding on the rear platform of one of the 3 avenue Rail Road Cars which was going down

Sworn before me this day of 188

Police Justice

town, and while at the corner of 3 avenue and 55 ~~Street~~, deponent missed the said Watch and Chain and deponent made the remark to deponents friend "my watch is gone" and the said Sinclair who was on the rear platform of said Car then immediately jumped off said car and deponent pursued him and found the said Watch in the possession of the Said Sinclair and deponent subsequently found the said Chain in the gutter where deponent caught the said Sinclair

Sworn to before me
this 13 day of June 1882

Jas E. Schuyler

Wm Osborne
Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated 188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0426

BOX:
71

FOLDER:
791

DESCRIPTION:
Slattery, Maurice

DATE:
06/20/82

791

Bail reduced to $1000.
Feb 9

WITNESSES.

12th 1912

Day of Trial,

Counsel, Wm K Vinzing

Filed 20 day of June 1882

Pleads Not guilty (2)

THE PEOPLE

vs.

P

Maurice Slattery

H. 176 Madison

Felonious Assault and Battery.

JOHN McKEON,

District Attorney.

A True Bill.

Foreman.

July 12/82

Tried & Convicted on second count

July 14/82

S.P. one year

14

0428

COURT OF GENERAL SESSIONS OF THE PEACE

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Maurice Brattery

The Grand Jury of the City and County of New York, by this indictment, accuse Maurice Brattery of the CRIME OF "Assault and Battery upon another with a deadly weapon with intent to kill," committed as follows:

The said Maurice Brattery late of the City of New York, in the County of New York, aforesaid, on the sixth day of June in the year of our Lord one thousand eight hundred and eighty two with force and arms, at the City and County aforesaid, in and upon the body of John Kelly in the peace of the said people then and there being, feloniously did make an assault and him the said John Kelly with a certain knife which the said Maurice Brattery in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent him the said John Kelly then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said Maurice Brattery of the CRIME OF "Assault upon another, without justifiable or excusable cause, with a sharp dangerous weapon, with intent to do bodily harm," committed as follows:

The said Maurice Brattery afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said John Kelly then and there being, wilfully and feloniously did make an assault and him the said John Kelly with a certain knife which the said Maurice Brattery in his right hand then and there had and held, the same being then and there a sharp, dangerous weapon, wilfully and feloniously, and without justifiable and excusable cause, did then and there beat, strike, stab, cut and wound, with intent to then and there wilfully and feloniously do bodily harm unto him the said John Kelly 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 McKEON, District Attorney.

0429

Sec. 208, 209, 210 & 212.

Police Court 9 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1 Morris Slattery

2

3

4

Offence, Fel. assault

BAILED,

No. 1, by

Residence Street,

No. 2, by

Residence Street,

No. 3, by

Residence Street,

No. 4, by

Residence Street,

Dated June 18 1882

Magistrate.

Officer.

Clerk.

Witnesses

No. Street,

No. Street,

No. Street,

RECEIVED, DISTRICT ATTORNEY'S OFFICE, JUN 19 1882

191

523

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 Morris Slattery

~~be held to answer the Crime and~~

guilty thereof, I order that he be admitted to bail in the sum of Fifty Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated June 18 1882 — Police Justice.

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated 188 — Police Justice.

There being no sufficient cause to believe the within named

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

Dated 188 — Police Justice.

0430

Sec. 198—200.

3 DISTRICT POLICE COURT.

CITY AND COUNTY OF NEW YORK, } ss.

Morris Slattery 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 waiven cannot be used against him on the trial,

Question. What is your name?

Answer. Morris Slattery

Question. How old are you?

Answer. 21 years

Question. Where were you born?

Answer. Jersey

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

Answer. 176 Madison Street 2½ years

Question. What is your business or profession?

Answer. Paper dealer

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

Answer I am not guilty, I done it in self defence

Taken before me, this 18 *day of* June 1882 } Maurice Slattery

C. F. Morgan *Police Justice*

0431

Form 15.

Police Court—Third District.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss. John Kelly

of No. 174 Madison Street

being duly sworn, deposes and says, that on Tuesday the 6th day of June in the year 1882 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Morris Slattery (Cowhure)

who cut and stabbed deponent in the abdomen with a knife he held in his hand, and he did commit said assault

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

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

Sworn before me, this 7th *day of* June 1882

John Kelly

Police Justice.

0432

INFORMATION CUT OFF AT BOTTOM EDGE

0433

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 3 DISTRICT.

Michael Martin

of the 17th Precinct Police Street, being duly sworn, deposes and says that on the 6th day of June 1882 at the City of New York, in the County of New York, John Kelly was violently and feloniously assaulted and beaten by Morris Slattery (now here) deponent is informed by said Kelly in the presence of said Slattery that he Slattery cut and stabbed said Kelly in the abdomen with a knife he held in his hand. Deponent further says that said Kelly is now confined in the Chambers Street Hospital from the effect of said injuries and is unable to appear in Court to make

Sworn to before me, this day of 188

Police Justice

0434

complaint, deponent prays that said Slattery may be committed for further examination

Sworn to before me this 6th day of June 1882

Michael Martin

P. Hillman
Coll of Police

Police Court (9) District

AFFIDAVIT

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Michael Martin
vs.
Martin Slattery

Dated June 16 188 2

Michael Martin Complainant

Hutton Magistrate.

Witness, Patrick Murgan or such other as may be present during the trial in my absence with the examination of witnesses in chief the witnesses may be subpoenaed by the District Attorney

Officer.

Disposition, June 17 1882
Sent to Grand Jury

0435

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, June 6th 1882

This certifies that John Kelly is suffering from a penetrating scalp wound of abdomen, that at present his condition is not as serious one but the wound may ultimately prove to be dangerous

Respfully
Chas. A. Jersey M.D.
House Surgeon

General Sessions

People vs

vs

Maurice Slattery

Affidavit + withdrawal of John Kelly, com. plaintiff

0437

U.S. Court of General Sessions - Cowing J.

The People

vs

Maurice Slattery

City & County of New York ss

John Kelly of No. 174 Madison St this city being duly sworn says that he is the complainant against the above named defendant, and desires to withdraw the complaint against said Slattery for the following reasons: That as deponent is informed and believes from very respectable people that the said Slattery is the only support of an aged and feeble mother, and that said Slattery is a cripple, and is subject to Epileptic fits. Deponent further says that he feels convinced that the injuries he received were never intended or meant by said Slattery. Deponent further says that he is informed & believes the said Slattery is a respectable young man, never before having been arrested charged with the commission of any offence.

Wherefore deponent prays that Your Honor will permit the said complaint to be withdrawn.

Sworn to before me this 9 day of July 1882

Maurice Meyer
Notary Public (N.Y.C.)

John Kelly

Testimony in the case
of
Maurice Slattery
filed June
1882

The People vs. Maurice Slattery { Court of General Sessions Part I Before Judge Cowing. July 12. 1882.

Indictment for felonious assault and battery.

John Kelly, sworn and examined, testified: What is your business and where do you live? I reside at 174 Madison St; my occupation is that of a truck driver. You were stabbed on the 6th of June in this city by Slattery? Yes sir. You tell the circumstances of the stabbing? On the morning of the 6th of June I dropped into this place; it is a lager beer saloon located at 176 Madison St. I had been under the influence of liquor when I went there. There was a party of three or four, may be more, in the place. I asked them to drink; they done so. During this time there was dice introduced, and while they were throwing dice there was some dispute arose between Slattery and myself, and I am informed by respectable witnesses that I struck this young man, which I am not aware of doing. I would not swear that I did strike him and I would not swear I did not, but however he cut me in the abdomen. He drew the knife and stabbed you? Yes sir. What sort of a knife was it? It was a small pen knife. The wound was dangerous. You were in the hospital? Ten days, sir.

He drew the knife and stabbed you? Yes sir. You had no weapon, you were not armed? No sir. Cross Examined. As I understand it you say you were informed that you struck Slattery first? Yes sir. You did not stab, but you struck him and butted him? It appears so. By the Court. With your open hand? No sir, I am informed with my head. Were you drunk? Yes sir. You were so drunk you do not remember what you did? I remember some things. Do you remember the fact of butting him with your head? No sir. Was Slattery drunk? That I could not say. Who was present, any witness here that was present? I do not know. Micheal Martin sworn. Do you know anything about this assault of Slattery upon Kelly? Nothing only the arrest of Slattery, that is all. But you know nothing of the assault? No sir. Did Slattery say anything? He said he done it in self defence down at the station house.

William J. Olmer, sworn and examined, for the defence testified I deal in stationery, newspapers, books &c at No 2 Munroe St. I know the prisoner Slattery about eight years; he worked for me mostly seven

years except very few ad interims in that time I have always found him honest and industrious and willing to do anything I requested him. Is he quarelsome when sober? I have never found him to get into trouble only when he is under the influence of liquor; he is subject to epileptic fits. I have only seen him three times under the influence of liquor. Is he ugly? He gets into those fits, I have seen him drop down in the streets one of those times. I have never seen him ugly. What reputation does he bear when he is under the influence of liquor – is his reputation that of a quarelsome, ugly fellow? I have never seen him do anything wrong. What do other people say of him? I do not know.

Frances Slattery sworn. The prisoner Slatterly is your brother is he not? Yes sir. Has he ever been arrested before to your knowledge? No sir, not to my knowing. Is he quarelsome as far as you know? No sir. He is the only support of yourself and your mother is he not? Yes sir, that is all; my mother is a delicate woman; she has consumption. John Griffin sworn. Do you remember this occurence of Slatterly and Kelly? Yes sir. There was

some difficulty between Slattery and Kelly was there not about some dice? Yes sir Now what occurred? They chucked one game of dice and they had a little argument over it and Kelly bucked him in the ~~head~~ nose with his head and his nose commenced bleeding and the next thing I knew Kelly was cut. I took Kelly out.

Maurice Slattery, sworn and examined, in his own behalf testified. I work for Mr O'Connor. I went to this place about 11 o'clock or 11½. I met Kelly. I did not know the man and two other parties and the boss of the place was there chucking dice. The boss dropped out of the game and asked me would I throw with him. I told him I had no objections I would try him a couple of games. He kept his bills in his hands all the time and would not put them up at all. I asked him at last was not my money as good as his? He gave me no decided answer. He bucked me with his head. I was struck from behind. I did not have any way of getting out; the place was locked in the back. I would have walked out thinking I was going to be hit again I took out the knife and defended myself; it was a pen

Knife. I did it in self defence. I was struck from behind at the same time he butted me. The complaint did not strike me from behind, but one of his party did.

The jury rendered a verdict of guilty of assault with intent to do bodily harm with a strong recommendation to the mercy of the Court.

0444

BOX:
71

FOLDER:
791

DESCRIPTION:
Smith, Albert F.

DATE:
06/01/82

791

0445

BOX:
71
FOLDER:
791
DESCRIPTION:
Middleton, George
DATE:
06/01/82

0446

BOX:
71

FOLDER:
791

DESCRIPTION:
Morgan, George

DATE:
06/01/82

791

0447

BOX:
71

FOLDER:
791

DESCRIPTION:
Eaton, Luther D.

DATE:
06/01/82

791

0448

BOX:
71
FOLDER:
791
DESCRIPTION:
Kelly, James E.
DATE:
06/01/82

472 X

(II)

Day of Trial,

Counsel,

Filed 1 day of June 1882

Pleads

THE PEOPLE

vs.

1 Albert F. Smith
2 George Middleton
3 George Morgan
4 Luther D. Eaton
5 James E. Kelly

[redacted]

Keeping a Gambling House

JOHN McKEON,

District Attorney.

P 2 June 2 1882
Nos 1, 2, 3 + 4 plead guilty

A True Bill. by Consent

John Stevens

Foreman

1. 2. 3 + 4. Fine
$350 each
F.S.

Hold Sh

No. 00 The Defendants with the exception of Kelly having pleaded guilty The District Attorney in consequence of the application of the complainants for leniency towards the Defendants and the fact appearing that the Defts have made restitution to the complainants recommends that the Court take into consideration the conduct of the Defts when sentencing the Defendants who have pleaded guilty

The affidavits & communications are filed with the indictment

John McKeon
Dist Atty

Cuatro
June 1. 1882

0450

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

Albert. F. Smith against George Middleton
George morgan Luther D. Eaton
James E. Kelly

The Grand Jury of the City and County of New York, by this indictment, accuse Albert F. Smith George Middleton George morgan Luther D. Eaton and James E. Kelly

of the CRIME OF Keeping a room to be used for gambling

committed as follows:

The said Albert F. Smith George Middleton George Morgan Luther D. Eaton and James E. Kelly

late of the City and County of New York, on the Twentieth day of august in the year of our Lord one thousand eight hundred and eighty-one, at the City and County aforesaid, with force and arms unlawfully did Keep a Certain room in a Certain building known as number thirty West twenty ninth Street there situate to be used and occupied and Knowingly permit the same to be used and occupied for gambling 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 McKeon
District attorney

0451

Chittenden, Townsend & Chittenden,
Lawyers.

L. E. Chittenden.
H. H. Chittenden.
James M. Townsend Jr.

160 Broadway.

New York, May 22nd 1882

Dear Sir

We learn that the cases of the indicted Gamblers, Ransom, Smith & al have been again adjourned, and having gone into the June Term that there is danger of their going over the vacation.

Under these circumstances in order to keep our faith with Tompkins we can no longer object to his discharge from the House of Detention. It is not fair that he should be kept there longer as he has now been detained over thirty days.

Please therefore understand that all objection on the part of our clients, Hatch & Peters to his discharge are withdrawn. He of course renewing his former promise to attend court whenever called on.

We have made some investigation into his pecuniary ability. Tompkins is worth no property but his wife has an interest in Real Estate in Westchester Co. represented to us by persons of good judgment to be worth over $5,000.

Yours Truly
Chittenden, Townsend & Chittenden

Hon. John McKeon
District Attorney

0452

Witness
George W Tompkins
bailed by
Sarah P. Tompkins
205½ Garden St.
Hoboken N. J.

Supreme Court

William B Hatch
& J. H. Pitney

vs

Albert F. Fowler
& Others

Same

vs

Charles B Hanson

Affidavit

0454

Subpoena

Wm P. Patterson
& Hughes Pelis
aff.
Albert F. Smith
& others.

James
vs
Charles B. Ransom

City & County of Denver
State of Colorado } ss

Thos. W. Pinkerton of said City being duly sworn upon oath says he is counsel for the defendant in the above entitled action that in the suit against Charles B. Ransom defendant paid to the attorneys for said plaintiff the sum of $600.00 in full settlement of the claim in said action, and in the action against Smith & others the sum of $400.00 in full settlement

of the claim in said action and recession from said petition a full release of said claims and discontinuance of said action.

Given under my hand this 1 day of June 1882

Thomas H. Purdie

J. Murray Kay
Rec'r

0456

HATCH & PETERS
BANKERS · 25 · PINE · STREET,
NEW YORK

WILLIAM B. HATCH.
J. HUGH PETERS.

May 31 1882

Hon Jas M. Smith

Dear Sir

The civil suits against George Middleton, Albert C. Smith, George Morgan and Luther D. Eaton have been settled to our satisfaction. As to the criminal proceedings which were instituted against them, though we have in our settlement of the civil cases not taken that question at all into consideration, we do not feel any claim that the parties should be punished further than they have been, believing they have done all they could to undo the injury we suffered through them.

We also feel it our duty to say that we are not in possession of such evidence as we hoped to obtain to connect Kelly with the criminal charge

Truly Yours

Hatch & Peters

At various dates between May & November 1881 I visited the premises No 30 West 29th St., New York City, and played at games of faro & roulette at a loss to me of between $30.000 and $40.000. The parties who dealt the cards at the different times these losses were made were Albert F. Smith, George Morgan, George Middleton and Luther D. Eaton and the various amounts aggregating the sum total above mentioned were paid by me to either said Smith, Morgan, Middleton or Eaton, each one of these having been paid by me at one time or another some part of this sum total. The said Smith has informed me that James E. Kelly was one of the partners in that house at #30 West 29th St., and it is further proven to me by the fact that two or more checks drawn to said Smith's order in payment of gambling debts contracted at #30 West 29th St. were endorsed by said Smith and also by said James E. Kelly, which convinced me that the money represented in those checks had been received by said Kelly, he being the last endorser on those checks. Kelly never dealt there and I never saw him, to my best knowledge, at that place.

I was introduced in #30 W. 29th St. by Middleton who invited me to go there after I had played several games at ten-pins in his (Middleton's) bowling alley in 28th St. near Broadway.

Charles B. Ransom's gambling house at #11 West 25th St. I was introduced to by the before-mentioned Albert F. Smith. I played at faro there losing between $5.000# and $6.000#. This was lost at various times between, I think, July 15th and Oct. 7th 1881. The money or checks for those losses I paid said Ransom or one of his clerks (I do not know his name) in the different amounts lost there at each sitting. Sometimes Ransom dealt the cards by which I lost this money and once or twice his clerk dealt.

City and County of New York ss.

A. J. Chittenden being duly sworn deposes and says that he is a member of the firm of Chittenden, Townsend & Chittenden who have been for more than six months last and now are the attorneys for William B. Hatch and S. Nash Peters composing the firm of Hatch & Peters, Bankers, of 25 Pine Street, New York, and for George W. Tompkins in various litigation between said Hatch & Peters and Tompkins and Albert F. Smith, George Morgan, George Middleton, Luther D. Eaton, James S. Kelly and Charles B. Ransom - Said litigation arose out of gambling transactions between the said George W. Tompkins acting at the time as the confidential clerk and cashier of Messrs. Hatch & Peters and the said Smith, Morgan, Middleton, Eaton Kelly and Ransom in the course of such

transactions large sums of Hatch & Pettis money were appropriated by the said Tompkins and paid to said Smith and others for gambling debts. — Deponents firm by direction of Messrs. Hatch & Pettis and said Tompkins brought a number of actions at law against the said Smith and others for the recovery of the money so as aforesaid paid them by the said Tompkins All of which suits have been settled and the said Smith and others discharged and released thereon by payment by the said Smith & others to the said Hatch & Pettis of a sum of money which they (the said Hatch & Pettis) accepted in full settlement of their claim — Such settlement and discharge was made in the civil suits alone and was in no way complicated with the criminal proceedings now pending

Sworn to before me
this 31st day of May, 1882

James Hillhouse
Notary Public
N. Y. Co. (20)

E. F. Litterdale

0461

BOX:
71

FOLDER:
791

DESCRIPTION:
Smith, John

DATE:
06/16/82

791

Feby 13th 1883

I recommend the discharge of bail in this Case –

The Complainant cannot be found & I am satisfied that the Defendant cannot be convicted if the witnesses are found

J R Fellows
Asst Dist Atty

172

(I)

Counsel, Altschuler

Filed 16 day of June 1882

Pleads, Not Guilty 19

THE PEOPLE

vs.

B.

John Smith

INDICTMENT.

Larceny from the Person.

Feby 13/83

Bail Discharged

P.

JOHN McKEON,

District Attorney.

A True Bill.

Foreman.

WITNESSES.

29862

0463

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK.

against

John Smith

The Grand Jury of the City and County of New York, by this indictment, accuse John Smith of the CRIME OF LARCENY (from the person)

committed as follows:

The said John Smith

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the thirtieth day of April in the year of our Lord one thousand eight hundred and eighty-two, at the Ward, City and County aforesaid, with force and arms one silver coin of the United States of America of a kind known as quarter-dollars, and of the value of twenty five cents, four silver coins of the United States of America of the kind known as dimes and of the value of ten cents each, ten silver coins of the United States of America of the kind known as half-dimes, and of the value of five cents each, and ten coins of the United States of America of the kind known as cents of the value of one cent each

of the goods, chattels and personal property of one Henry Meyer on the person of the said Henry Meyer then and there being found, from the person of the said Henry Meyer 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.

JOHN McKEON, District Attorney.

New York Feb 12/1883

To the Honorable

The Undersigned having known the accused at the Bar John Smith as waiter for a number of years at 71 Murray St would say from our good knowledge that we have always found him a worthy and industrious man and that we believe him innocent of the charge, under our conviction we reccomend him to your honors kind consideration and should your order his discharge we feel satisfied that you will have done a worthy and just Act

Respectfully Yours

Henry Simmons	71 Murray
John H Koppe	97 Vesey St
Geo. H. Peckham	71 Murray St
James Fleming	49 Murray St.
Wm Kan	76 Warren St.
Jno Stout	163 Chambers St
Stephen Mason	27 Murray St
J F Brophy	27 Murray
H. T. Wright	316 Mercer St
R Brown	73 Murray St
W M Holmes	B'way & Worth St
J B Hoffman	187 Mercer St
Geo Silver	18 Warren St
Edwd H. Manger	
J. A. Crary	79 Greenwich St
Wm. T. Reid	65 Warren St
Geo B. Foote	71 Murray St
N. H. Tutt	50 Murray "
W M Andrus	136 Chambers
J E Fulton	"
le Lawrence	111 Chambers
James W. Noe	178 Chambers St
Wm McConnell	18 Warren St
Adams & Sons	77 Murray St
G R Johnston	45 Barclay St
Chas B Dale	88 Chambers St
Chas McLaughlin	164 West St
John Moore	57 Warren St.
S. A. McClean	60 Warren "
W S Anderson	29 & 31 Park Place
Alex Potter	101 Murray St
Wm Higgins	96 Chambers
Wm H. Myers	258 & 260 Reade St.
Francis Taylor	Pier 2 E. R. R
Jas W. Luckenbach	Pier 28 N. R
W H Douglass	100 Maiden Lane
Wm Sybo	73 Murray St
William Noe	275 Greenwich St
R Dugueer Jr	67 Murray St
Alex Gilchrist	85 Chambers St
J. Kanck	99 Chambers St

0465

postponed to 29 th

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
Bring this Subpœna with you, and give it to the Officer at the Court-Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To M. Roberts

of No. ..... Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 29 day of Feb instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against John Smith in a case of Felony whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall in our said City, the first Monday of Feb in the year of Lord 186 3

JOHN McKEON, *District Attorney.*

0466

Not known there

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
Bring this Subpœna with you, and give it to the Officer at the Court-Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To Henry Meyer

of No. 24 Clinton Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 5th day of Feb instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against John Smith in a case of Felony whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall in our said City, the first Monday of Feb in the year of Lord 188 3

JOHN McKEON, *District Attorney.*

0467

BAILED,

No. 1, by Henry Ahrmann

Residence 41 Division Street,

No. 2, by

Residence Street,

No. 3, by

Residence Street,

No. 4, by

Residence Street,

Sec. 208, 209, 210 & 212.

384 173

Police Court— 3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Mayer
24 Division
John Smith

Offence, Larceny from Person

1
2
3
4

Dated May 1 1882

Morgan Magistrate.

Robert Officer.

Clerk.

Witnesses

No. Street.

No. Street,

No. Street.

RECEIVED, DISTRICT ATTORNEY'S OFFICE, MAY 4 1882.

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 John Smith

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

Dated May 1 188 2 *Police Justice.*

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

Sec. 198—200.

3 DISTRICT POLICE COURT.

CITY AND COUNTY OF NEW YORK, } ss.

John 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 waiven cannot be used against him on the trial,

Question. What is your name?

Answer. John Smith

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. Ireland

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

Answer. 364 Hudson avenue Brooklyn, lived there 12 years

Question. What is your business or profession?

Answer. Work in a Restaurant

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

Taken before me, this 1 *day of* May 188 4

John his X mark Smith

[signature] *Police Justice.*

0469

3rd District Police Court. **Affidavit—Larceny.**

CITY AND COUNTY OF NEW YORK, } ss

Henry Meyer

of No. 24 Clinton Street,

being duly sworn, deposes and says, that on the 30 day of April 1882

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent and from the person of deponent at his last time

the following property, viz:

Silver Coin of the value of forty 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 John Smith (unknown) from the fact that deponent was sitting down asleep on the Bowery, when deponent had said money in the right hand pocket of his vest then worn upon deponents person, Deponent is informed by officer John Roberts of the 10th Precinct Police that he saw said John Smith take and steal money from said deponents vest pocket

Henry Meyer

Sworn before me this 1st day of May 1882

Geo. Ledwith

Police Justice.

City & County
of Denver } ss

John Roberts of the 10th
Precinct Police being duly sworn upon oath
and says that at the hour of about
4 o'clock of the morning of the 30th day of
April 1882 he saw John Smith (now here)
steal money from the vest pocket of
the vest worn upon the person of
Henry Meyer the within complainant

Sworn to before me this
30th day of April 1882 } John Roberts

[illegible]

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated 188

..... Magistrate.

..... Officer.

WITNESSES:

DISPOSITION

0471

BOX:
71
FOLDER:
791
DESCRIPTION:
Smith, Margaret
DATE:
06/08/82

791

Bail fixed at $500 RBC

Pelin Hermann
255 W 29th St

Bonn 506 44 1445

Filed 8 day of June 1882

Pleads Not guilty (9)

THE PEOPLE

vs.

Margaret Smith

ASSAULT AND BATTERY.

Exciting Law filed May 29 82

JOHN McKEON,
District Attorney.

A True Bill.

June 22 remanded to Jail by order of Court

16th

15

Foreman.

P 2 June 15. 1882
Tried & convicted. 2 yrs
Pen: Sheeuns.
Fine $100.
Paid to commence up

0473

COURT OF GENERAL SESSIONS OF THE PEACE

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Margaret Smith

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

of the CRIME OF ASSAULT AND BATTERY, committed as follows:

The said Margaret Smith

late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty ninth day of May in the year of our Lord one thousand eight hundred and eighty two at the Ward, City and County aforesaid, in and upon the body of Archibald Hamilton in the peace of the said people then and there being, with force and arms, unlawfully did make an assault and him the said Archibald Hamilton did then and there unlawfully beat, wound and ill-treat, to the great damage of the said Archibald Hamilton and against the peace of the People of the State of New York, and their dignity,

JOHN McKEON, District Attorney.

0474

COURT OF GENERAL SESSIONS OF THE PEACE.

CITY AND COUNTY OF NEW YORK,

Clerks Office, June 22 1883

The defendant ~~Thomas~~ Smith having Huntington appealed from the conviction ~~to~~ and the judgment appealed proceeding stayed thereon by a Justice of the Supreme Court, ~~until the decision of the Appeal~~ and the same having been ~~affirmed by the Court of last resort~~

~~And~~ It now appearing from a certificate of the Supt Ct. that said case & judgment has in all ~~respects~~ things been affirmed & stands in full force.

This therefore is to order the Ct that the Sff of the City of N Y be & he is hereby directed

~~, to carry the said sentence into effect~~ convey & and M S to the Peny in conformity to the sentence aforesaid /

The Peo
apt.
Mary Smith

The defd was tried & convicted in this Ct at the June term 1882 of an A & B on Sarah Hamilton & was sentenced to Pen 2 mos & to pay a fine of $100 –

A stay of proceedings having been granted in this case by a Justice of the Sup Ct. on an appeal in another conviction & judgt agst the same defdt which has been affirmed – & this court standing in full force – It is ord that the the Sheff of the C & C my is hereby directed to convey said M S to the Peny in conf to the sentence aforesaid

Testimony in the case
of the
Replevs. Margaret
Smith.

filed June
1882

The People vs. Margaret Smith { Court of General Sessions, Part I
Before Judge Cowing, June 9 1882
Indictment for selling liquor without a license

Charles A. Allen sworn. I live in Hudson city and am a widower; my wife died on the 18th of May. I know the prisoner; on the 23d of April she lived at 248 West Twenty ninth St. I was in her house on that day. I went there and had some beer to drink from this woman. I got it from two parties. Did she sell it to you? Yes There was five drinks that I know of. There was a lady in the house; she drank beer with me; the defendant sold me the beer on the 23d day of April between eleven and one oclock in the morning at night; it was lager beer she sold me.

Cross Examined. I was not sent to the penitentiary for assaulting a woman. I do not know a woman named Alice Fields. I dont know her and never had anything to do with her. The prisoner got the beer from a little closet behind the bar; it was in bottles. I paid 25 cents for what was drunk. I did not have seven drinks. I had five. My wife and two other ladies and the prisoner and her son were there; we all drank together except the prisoner.

Archibald Hamilton sworn and examined
I am an officer attached to the Central Office,
I know the defendant Margaret Smith; she
lives 218 West Twenty ninth St. I was in
her house on the 29th of May. There was a
small bar there and some bottles. I drank
a glass of cider there; the prisoner was not
there at the time; she came in afterwards.
Cross Examined. I did not ask for any other
kind of liquor. I went there to serve a war-
rant. The bottles were behind the bar. I do
not know whether there was anything in
them; the partner who was with me asked
for cider. The cider was poured out of cham
pagne bottles. Charles A. Allen recalled.
I did not go to the prisoner's place for the
purpose of getting beer but to see my wife.
I saw no brandy or rum there, nothing
stronger than beer. Delia German sworn
and examined for the defence. I have lived
with Mrs. Smith as cook going on two years.
I saw Allen there with his wife on the 23d
of April last. I never saw the prisoner
receive any money for beer or liquor.
If she wanted to get a drink she would send
me out for a small quantity and we
would have it. I am living in the same

house now Cross Examined. The prisoner and her family live there. Mrs. Allen would stay a week at a time; she would do sewing. No other ladies frequent there. I lived in Forty fifth St before I went to live with Mrs. Smith; she keeps cider for her own use, but I dont know whether she sells it or not. I dont know of her selling lager beer to Allen or cider to the police officer.

Margaret Smith, sworn and examined in her own behalf. I know this Allen, the witness that was here upon the stand. I do not know as I was in the house on the 23d of April. I never sold him any beer in my life, I sell root beer and cider. I have given him cider and rootbeer — no lager beer or any kind of liquor. I am well able to pay a license, I would not sell liquor without a license. I have got a bar and cider and root beer bottles. Sometimes I have a private bottle for myself in the closet. The cook is most of the time at Coney Island. I have a home at Coney Island. I live private down there. I have got two girls out of the city in the country. I have got that place for my children down there. I try to do the best I can to bring them up. We have no carrying on

you can go in my house any time. I knew the wife of Allen; she is dead, poor thing, the more is the pity. I would like to tell what I was brought here for. I have lived where I live twenty three years. The longest Mrs. Allen lived in the place would be three weeks about; she would go and she would come back again; she would do plain sewing there. I own that property and a little house next to it. The house I am living in is only a two story frame house and the other is a three story. I rent that. I have a small house down on Coney Island where I live in the summer.

Judge Cowing in charging the jury said: The defendant at the bar, Margaret Smith, is charged with having sold without a license on the 23d of April last lager bier less in quantity than five gallons and to be drunk on her premises. It is conceded by the defendant that she had no license. There seems to be but one disputed fact in the case for you to solve. Did the defendant sell lager beer less than five gallons in amount to be drunk on her premises?

The jury rendered a verdict of guilty.