

0236

BOX:

438

FOLDER:

4035

DESCRIPTION:

Klingel, Charles W.

DATE:

05/06/91



4035

0237

BOX:

438

FOLDER:

4035

DESCRIPTION:

Hammel, Louis C.

DATE:

05/06/97



4035

POOR QUALITY ORIGINAL

0230

Witnesses:

Sworn for
Geo. W. Allman
297 E. 13th St
Kansas City
Geo. B. Chard
Tappan near
Grand pr
F. I.
No. 1000

Counsel,
Filed
Plads,

6 May 1891
day of May 1891

THE PEOPLE

vs.

Charles W. Klingel
and
Louis C. Hummel

Burglary in the Third degree.
[Section 498, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. S. Skidmore

Foreman.

6 May 1891

Post 247 5th St
Chicago 13/91

POOR QUALITY ORIGINAL

0239

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3rd DISTRICT.

of No. 54 East 4th Street, aged 54 years, occupation music publisher being duly sworn deposes and says, that on the 29th day of April 1889

at the City of New York, in the County of New York, he is informed by Mederick Klepper, No 61 East 4th Street, that Louis Camille (now here) is one of the men mentioned in deponent's affidavit of April 18, as being one of the men said Klepper had informed deponent he had seen in the basement of deponent's premises, in the manner stated herein, and whose arrest was caused by said Klepper, who informed deponent thereof. Wherefore, deponent charges

Sworn to before me, this _____ day of _____ 1889

Police Justice.

POOR QUALITY ORIGINAL

0240

defendant with acting in concert with
said defendant Klinge, and said that not
for arrested, and burglariously entering
deponent's premises, and attempting to
take, steal and carry away the herein men-
tioned property from deponent's possession.

Subscribed before me
on 29th day of April 1893

J. M. Ryan
Police Justice

Juliana Spots

Police Court, _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

ARRADAVIT.

vs.

Dated _____ 188

Magistrate.

Officer.

Witness,

Disposition,

POOR QUALITY ORIGINAL

02411

Police Court— 3rd District.

City and County } ss.:
of New York,

of No. 54 East 44th Street, aged 54 years,
occupation music publisher being duly sworn

deposes and says, that the premises No. 54 East 44th Street, 17th Ward
in the City and County aforesaid the said being an apartment building,
the basement of
and which was occupied by deponent as a storage place for musical plates
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly unlocking
the lock of a door leading to said
basement

on the 25th day of April 1889 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of musical plates
of the value of about
One hundred Dollars

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

Charles W. Klingler (nowhere) and
two (2) others now unarrested,

for the reasons following, to wit: Deponent says— Said property
was contained in said premises and is in
possession of Mederick Klepper of 61 East 44th Street
about 4:30 PM said date. He entered said basement
which he has shortly before left and locked the
door leading thereto, and saw defendant and said two
others unarrested, together in said basement, and
saw defendant, and caused his arrest by
Officer Michael Priser of the 14th Precinct, the

POOR QUALITY ORIGINAL

0242

Said two others escaping. Wherefore de-
mand charges defendant with burglary,
Entering said premises, and attempting to
take, steal and carry away the aforesaid
estimated property from defendants possession.
Sworn to before me

This 28th day of Jan 1888
John Ryan
Police Justice

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

Police Court, District,

THE PEOPLE, de.,
on the complaint of

Offence—BURGLARY.

- 1
- 2
- 3
- 4

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

POOR QUALITY ORIGINAL

0243

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 28 years, occupation Frederic Klepper
clerk of No.

61 East 4th Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Julius Schott
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 28 }
day of Apr 1898 } Fred. Klepper

John J. Ryan
Police Justice.

POOR QUALITY ORIGINAL

0244

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Louis Hammel

Question. How old are you?

Answer. 14 years

Question. Where were you born?

Answer. Cleveland Ohio

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

Answer. 183 Bourny - 2 mos

Question. What is your business or profession?

Answer. Jeweler

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 have nothing to say at
present.

Louis b. Hammel

Taken before me this 29
day of April 1929
John H. [Signature]
Police Justice

POOR QUALITY ORIGINAL

0245

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. Charles W. Klingler

Question. How old are you?

Answer. 31 years

Question. Where were you born?

Answer. New York City

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

Answer. 330 East 22nd St - 3 mos

Question. What is your business or profession?

Answer. Jeweler

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

Answer. I am not guilty.
Chas. W. Klingler

Taken before me this

28th

day of

Sept 1897
John R. Taylor

Police Justice

POOR QUALITY ORIGINAL

0246

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

17
 332/39 580
 Police Court---
 District,

THE PEOPLE, &c.,
 OF THE COUNTY OF
William Schmitt
 Plaintiff
 vs.
Franklin W. Winger
Paula Frankland
 Defendants
 Offence: *Larceny*

Dated *April 28* 1891

John Regan Magistrate.
 Michael Parent, Officer.

Witnesses
John Bismont
 No. *147* Street, Precinct.

Richard W. Winger
 No. _____ Street.

61 Beavert
 No. _____ Street.

#2 arrested April 24
 No. _____ Street.
1500
 No. _____ Street.

No. 1500 & all 30-2 PM
No. 1500 & " " " " 41 PM



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

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

Dated *April 28* 1891 *John Regan* 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.

POOR QUALITY ORIGINAL

0247

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 W. Klingel and Louis C. Hammel

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

Charles W. Klingel and Louis C. Hammel

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

The said Charles W. Klingel and Louis C. Hammel, both

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

the building of one Julius Schott

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said Julius Schott

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

De Lancy Nicoll District Attorney

0248

BOX:

438

FOLDER:

4035

DESCRIPTION:

Koenigsberger, Charles

DATE:

05/19/91



4035

0249

BOX:

438

FOLDER:

4035

DESCRIPTION:

Langeheine, William

DATE:

05/19/91



4035

POOR QUALITY ORIGINAL

0251

Witnesses

Gustav Schuermann

Michael Bisser

14 Crecht

Gustav Schuermann

350 Van Buren St

South Brooklyn

N.Y.

Counsel

Filed

Pleas

PEOPLE

vs.

P

Charles Hoisinger

vs.

P

William Langbein

MURDER IN THE FIRST DEGREE
(Section 189, Pennl Code.)

Frederick M. Scott
ATTORNEY AT LAW

John J. Kelly
ATTORNEY AT LAW

James J. Kelly
ATTORNEY AT LAW

James J. Kelly
ATTORNEY AT LAW

A True Bill.

W. S. O'Rourke

James J. Kelly

NEW YORK GENERAL SESSIONS:

----- x

THE PEOPLE ETC :

agst. :

CHARLES KOENIGSBERGER. :

----- x

TO HON. JAMES FITZGERALD,

JUDGE of the COURT of GENERAL SESSIONS.

WE the undersigned, the JURORS who sat in judgment on the above case, do most respectfully ask that in view of the defendant's past character, and of the circumstances of the killing, that Your Honor will when pronouncing upon him, the sentence of the law, exercise all possible clemency in his behalf.

Date, January 29th, 1892.

J. P. Hammond

Jesse S. Keys

James F. Kennedy

W. A. Mitchell

Frank Miller

William A. Mitchell

Charles Roth

Morris Cohen

Max Bender

James Tuck

120
5

THE PEOPLE

vs.

CHARLES KOENIGSBERGER.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE FITZGERALD.

Tuesday, January 19, 1892.

Jointly indicted with WILLIAM LANGEHEINE for murder in the first degree.

Asst. Dist. Atty. McIntyre for the People.

Mr Moss for the Defendant.

A Jury was empannelled and sworn.

GUSTAV SCHEURMAN, sworn and examined through the Interpreter, by Mr. McIntyre:

- Q. Where did you live on the 12th day of last February?
A. No. 153 East 4th Street.
- Q. What was your business at that time? A. Pastry cook.
- Q. Well, did you live in the Confectionery Association in 4th Street?
A. Yes sir.
- Q. How long had you lived there? A. About two weeks; whenever I was out of work I lived there, at that time I lived for about two weeks.
- Q. Do you know this man at the bar, the defendant?
A. Yes sir.
- Q. Did you see him on the 12th day of last February?
A. Yes sir.
- Q. Where? A. In his restaurant.
- Q. Where is his restaurant? A. 168 Houston Street.
- Q. Were you in the habit of eating there? A. Yes sir.
- Q. That restaurant was down in a basement, was it?
A. Yes sir.
- Q. About how many steps down? A. About seven or eight steps down.

- Q. And did you go to his restaurant on the 12th day of February last?
- A. Yes sir, to get my meals.
- Q. What time did you go there?
- A. About eight o'clock in the morning.
- Q. Who did you see there?
- A. I saw Koenigsberger and Langeheine came afterward.
- Q. What time did Koenigsberger come there?
- A. When I entered the restaurant he was there already.
- Q. What did you do from eight o'clock until ten?
- A. First when I came I got my breakfast and then I sat down and was sitting reading waiting for dinner time to get my dinner.
- Q. Was Koenigsberger there all the time?
- A. Not all the time.
- Q. What time did Langeheine come there?
- A. About ten or fifteen minutes after I entered, Langeheine entered the restaurant.
- Q. Did he stay there all the time that you were there?
- A. Langheine remained the whole morning there.
- Q. Did you see a man by the name of Morris Goldsmith come in?
- A. Yes sir.
- Q. What time?
- A. Between nine and ten o'clock in the morning.
- Q. And who did he talk to when he came in there?
- A. With Koenigsberger about setting some panes of glass in.
- Q. What did Koensigberger say about panes of glass?
- A. He said, "I have some panes of glass home, you may use them for those windows."
- Q. He said that to Goldsmith?
- A. Yes sir.

- Q. What did Koenigsberger do then? A. They left the restaurant together, Goldsmith and he.
- Q. Did you hear Koensigberger say where they were going to?
A. I heard that they went to Koenigsberger's house in order to see the panes of glass and to bring them.
- Q. Did you hear what Koensigberger said?
A. Yes sir, I heard that he said - ---- he spoke about panes of glass that he had in his apartment where he lives home.
- Q. What did Koensigberger say to the deceased?
A. He said, "come with me and look at them, if you can use them for this work here."
- Q. Did they go out together?
A. Yes sir.
- Q. Then who came back afterwards first?
A. Goldsmith came first.
- Q. How long after was it that Goldsmith came back?
A. About fifteen minutes after they left together Goldsmith came back.
- Q. What did Goldsmith proceed to do when he came back?
A. I did not see what he brought but he put himself to work immediately.
- Q. Put himself to work at what?
A. Putting in panes of glass.
- Q. In what door?
A. In the front windows.
- Q. Of the restaurant?
A. Yes sir, the restaurant.
- Q. How long was he occupied doing that?
A. About three quarters of an hour or an hour.
- Q. Was Koensigberger there then?
A. He came later, afterwards.
- Q. How much later?
A. He came about twenty minutes later than Goldsmith.

- Q. Did Koensigberger say anything to Goldsmith then?
A. I did not hear what he said but he was laughing and singing.
- Q. Could you judge from his condition whether he was under the influence of liquor?
A. He was somewhat jolly.
- Q. Did you hear what he said?
A. NO.
- Q. Did Goldsmith come there to put in the glass that you speak of?
A. Yes sir, he finished his work.
- Q. About what time was that?
A. About a quarter past eleven, anyhow before twelve o'clock.
- Q. Then what did Goldsmith do after he got the glass in?
A. Then I heard Koensigberger and Goldsmith were talking together about the payment of the work.
- Q. What did Koensigberger say about the payment for the work?
A. I could not give the words.
- Q. The substance then?
A. The substance was that Goldsmith said the money that was lying on the counter is not sufficient for the work that he did.
- Q. That is what Goldsmith said?
A. Yes sir.
- Q. To that what did Koensigberger say
A. Koensigberger said, it is enough.
- Q. Was Langeheine there then?
A. Yes sir.
- Q. Where was Langeheine standing?
A. They were in a group about one pace apart from each other, all three.
- Q. This is the man that you mean Langeheine? (Pointing.)
A. Yes sir.
- Q. And he was about a pace away from Goldsmith?
A. From each other, the three were in a group, they were only a step away from each other.
- Q. What time was that?
A. As I said, a quarter past eleven,

before twelve o'clock it happened.

- Q. About a quarter past eleven o'clock? A. The discussion about the money went on.
- Q. How long was that discussion about the money going on?
A. Several minutes it lasted, the discussion about the payment.
- Q. When Goldsmith and Koensigberger and Langeheine was there did you hear Langeheine say anything? A. I did not hear him say anything.
- Q. Did you hear Koensigberger say anything when they were all standing together? A. Yes sir, I heard when Langeheine commenced to fool with the revolver and with the knife.
- Q. Then what did Koensigberger say? A. Koensigberger was laughing and at last I heard him say, "cut his neck off."
- Q. Who said that? A. Koensigberger.
- Q. Cut whose neck off? A. Goldsmith's neck.
- Q. Then what did Langheine do? A. He was rubbing the knife against his neck.
- Q. The back of the knife? A. Yes sir, the back of the knife.
- Q. What did Goldsmith do when Langeheine was drawing the knife?
A. Goldsmith was bending away from Langheine and was laughing.
- Q. What was Koensigberger doing? A. Koensigberger was laughing too.
- Q. After that did Langheine take the knife away?
A. I did not see what became of the knife.
- Q. When next did you see Koensigberger? A. As much as I remember he must have been behind the bar after the fooling.

with the knife ceased.

- Q. Did you see him go behind the counter or bar? A. I cannot say for sure.
- Q. Did you see him behind the bar? A. Yes sir, I saw him behind the bar.
- Q. And that was after Langeheine had the knife to Goldsmith's neck? A. Yes sir, whilst Langheine was fooling with Goldsmith Koensigberger was behind the bar.
- Q. Did you see Langeheine put the knife away anywhere? A. No, I did not see that.
- Q. Look at this revolver and state whether you saw that revolver on the bar? A. Yes sir, I saw a revolver on the corner where the water faucet is.
- Q. And when you saw the revolver on the bar did you see Koensigberger behind the bar? A. Yes sir, he was behind the bar then.
- Q. When he was behind the bar at that time did you hear Koensigberger say anything to Goldsmith? A. I did not hear.
- Q. Did you hear anybody say anything about sixty-five cents? A. No, I did not.
- Q. Did you hear anybody say anything about any money at all? A. All I noticed was that he was not satisfied with the money, I can't tell anything else, I cannot recall a word.
- Q. The substance of it? A. The substance was that he asked for more, that he was not satisfied with that money, he wanted more.
- Q. Goldsmith did? A. Yes sir.
- Q. Who did he ask it of, Koensigberger? A. Of Koensigberger.

Q. Then what did Koensigberger say? A. He said, that is enough.

Q. Did you see who put the revolver on the bar? A. No sir, I did not.

Q. Did you see who picked up the revolver? A. No sir, I considered the whole thing a stupid matter and I went on reading my paper.

Q. Did you see that revolver in anybody's hands?

A. Koensigberger was fooling with the revolver first.

Q. And then whose elsehands did you see the revolver in?

A. Then Langeheine had it in his hand when he fired the revolver and when the man dropped.

By the Court. Q. Get this witness to explain to the Jury what he means when he says, "Koensigberger was fooling with the revolver"?

A. He held it against Goldsmith and scared him that way.

Counsel: I ask that the last portion of the answer be stricken out.

The Court: Yes, strike that out.

By the Court. Q. Tell us what he did? A. He held the revolver, he said, "I will shoot you dead", such remarks he made.

Q. Koensigberger said that? A. Koensigberger.

Q. How was he holding the revolver, towards the deceased?

A. He held it towards Goldsmith, that way.

By Mr. McIntyre. Q. And what did he say? A. "I will shoot you, I will shoot you dead", something like that he said, I cannot tell exactly the words.

By the Court. Q. Was that before or after Langeheine was acting in the manner he described with the carving knife?

- A. It happened before Langeheine got the revolver.
- Q. I asked you was it before or after Langeheine was doing what he said he was doing with the carving knife?
- A. It was before the knife was taken, before they fooled with the knife Koensigberger was fooling with the revolver
- By Mr. McIntyre. Q. After you saw the revolver lying on the counter did you then see the revolver in the hands of Langeheine.
- A. Yes sir, I saw it afterward in Langeheine's hands.
- Q. When it was in Langeheine's hands what did you hear Koensigberger say, if anything?
- A He said, we will shoot him dead ---- shoot him dead in fooling.
- Q. Then what did Langeheine do with this revolver, if anything?
- Objected to. Objection overruled. Exception.
- A. Whilst Koensigberger was saying it then Langeheine was also fooling with that revolver.
- Q. What was he doing?
- A. He said, "take the money or I will kill you", flourishing the revolver against him.
- Q. Where did he point it?
- A. Near the head.
- Q. Then what?
- A. I was in the meantime looking at my paper again, then I heard a crack and I looked to the place, I looked towards him and then I saw a shot and I saw him fall and I saw smoke and he fell.
- Q. You heard a shot, you saw smoke and whom did you see fall?
- A. Goldsmith.
- Q. When you say that you saw that revolver pointed at somebody whom do you mean?
- A. Goldsmith, the glazier.
- Q. Then he fell?
- A. After the discharge he fell.
- Q. Dead?
- A. Yes sir, and he was dead.
- Q. Did you notice where he was shot?
- A. I only saw the swollen eye and blood was running down on the floor.

**POOR QUALITY
ORIGINAL**

0261

- Q? When Goldsmith was shot and lying dead on the floor did you see Koenigsberger say anything? A. He said, "my God he is dead."
- Q. Was Langeheine there? A. When Koenigsberger said "my God, he is dead", Langeheine was there yet, but afterward he went upstairs and went away; he left the restaurant and went up the stairs and went away.
- Q. Ran away?
Objected to.
A. I did not notice if he ran.
- Q He went away? A. He went outside in the street, he went up the steps and went in the street.
- Q. How long did you stay there after that? A. About three or four minutes, until the police came; from the time he fell until the police came about three or four minutes elapsed.
- Q. Where was Koenigsberger all the while? A. He was standing in the center of the saloon all the time and he was pulling his ears and said "O my God. what is coming to pass here."
- Q. Were you there when the police came? A. Yes sir.
- Q. Did they take Koenigsberger to the Station House?
A. Yes sir.
- Q. Did you go to the Station House? A. Yes sir, I went along with them.
- Q. What did Koenigsberger say in the Station House?
A. He said it is coming from fooling, from stupid acting, now we have that from that fooling, he said.
- Q. Was Langeheine in the station house at that time?
A He was brought later on.

Q. Were you present when Lanegemne and Koenigsberger were talking together about the shooting in the Station House?

A. Yes sir, I was there.

Q. What did Koenigsberger say to Langeheine?

A. He said "this comes from the fooling and from the joking, now we have to wait and see what will happen", Koenigsberger said that.

Q. Is that all?

A. As soon as the man fell Koenigsberger's wife came in, she commenced to lament and to halloo, she said, "what have you done to both of them, for God's sake what have you done here?"

By Counsel. Q. What do you mean by both of them?

A. And then they waited till the police came, she waited there till the police came.

By Mr. McIntyre. Q. Did Koenigsberger say anything to his wife?

A. He was crying and was pulling his hair, he was desperate and he was shivering all over.

Q. Did he say anything about where the revolver came from?

A. No, I did not hear anything.

CROSS EXAMINED.

By Counsel. Q. This is the first time you ever said ---- you did not say before the Coroner's jury or you did not say last week in the trial of Langeheine that Koenigsberger had a revolver in his hand, did you?

A. No, I say it now, I did not think of it.

Q. You did not think of it then, is that it ---- put that to the witness, let him understand my question.

A. I did not say anything about it.

Q. Why didn't you?

A. Because I did not think of it then, it came to my mind later on.

- Q. Then you meant to tell this Jury that your recollection of what took place on the day of this killing is better to-day than it was at the time that you saw it? A. The day when I was before the Coroner I was myself very excited because I never was before a Court, it was the first time I had anything to do before a court.
- Q. Is that the best answer you can give to my question? A. Yes sir, being excited everything didn't come to my mind.
- Q. Were you excited last week when you were in that same seat? A. No, I do not think that I was excited.
- Q. Why did not you tell us then that this man Koenigsberger had the revolver pointing it up at the body of the dead man? A. Then I was answering questions, whatever I was questioned I gave an answer to it.
- Q. Do you tell us to-day that Koenigsberger, this defendant, held the revolver against the body of the deceased at any time that day and that you saw it? A. Yes sir, he was fooling and scaring the man.
- Q. With the pistol? A. Yes sir, with the pistol in his hand.
- Q. Do you remember the testimony that you gave before the Coroner? A. Yes sir, I did not say before the Coroner that Koenigsberger was fooling with the revolver.
- Q. How do you know you did not say that? A. Because several times it was said to me that I did not say it that way.
- Q. Where was it said to you, who told you that you never said that before the Coroner's jury? A. Because I was several times before the District Attorney and did not say

it, it came to my mind later on.

Q. The testimony then was read to you that you gave at the Coroner's Jury, wasn't it? A. Yes.

Q. Did not you understand the questions that were put to you before the Coroner's jury? A. Yes sir, those put to me in German I understood.

Q. And did not you know the answers that you gave? A. Yes sir. I knew.

Q. You were examined before the Coroner's Jury about the week or within the week after the killing, were you not? A. Yes sir.

Q. Let us see if this question was put to you, if you recollect your memory is pretty good as to what you swore to before the Coroner's jury: "Q. Did you see Koenigsberger do anything with the pistol"? Do you remember that question being put to you? A. Yes sir.

Q. Your answer is, "A. I did not." Do you remember that answer? A. Later on it came to my mind.

Q. Please answer my question? A. He says, "yes, he gave that answer.

Q. You gave that answer before the Coroner's jury? A. Yes sir.

Q. You knew what you were saying at the time, didn't you? A. Yes sir, in that excitement I was in an excited condition and I could not say what I saw.

Q. Then do you mean to tell the Court and Jury to-day that before the Coroner you were so excited that you do not remember what you were telling? A. I was very much affected that day myself and I could not give proper answers to the questions.

- Q. And that is your reasoning, is it? A. Yes sir, it was so and later on it came to my mind.
- Q. But you told me a few moments ago that you remembered very well that you said nothing about that before the Coroner's jury, didn't you? A. I admit that I did not say that.
- Q. How is it that you can remember then that you did not say it if you were so excited on that day that you do not know what you were saying? A. Because I saw him before that with the pistol and later on it recurred to my mind and so I say it.
- Q. See if this question was then put to you before the Coroner's jury: "Q. Your first attention was drawn to the pistol when you saw it on the top of the bar? A. Yes sir, that was the first time I noticed the revolver." Do you remember swearing to that before the Coroner's jury? A. Yes sir.
- Q. That is true, is it? A. Yes sir.
- Q. Then the first you noticed of the revolver you saw it lying on the bar? A. That was in consequence of the question that was put to me, "how came the revolver into Langeheine's hands?" And I said that I saw it before on the counter and later on I saw it in Langeheine's hands; that is the way how the questions and the answers came.
- Q. Why did not you tell the Coroner's jury and the Coroner that you saw the revolver in Koenigsberger's hands? A. Because it did not occur to my mind.
- Q. Isn't it a fact that you told the Coroner's jury that the very moment before Langeheine had the revolver in his hand that Koenigsberger was slapping the dead man on the back? A. Yes sir, he was fooling and made the remark, "did

you see the 'butter fish' from the Bowery?"

Q. Was Koenigsberger slapping this man on the back?

A. Yes sir, whilst Goldsmith was working, putting in the panes of glass.

Q. Right before Langeheine got the revolver isn't it a fact that Koenigsberger was slapping the man on the back?

A. Yes sir, he made some remarks and was joking with the man.

Q. Koenigsberger was not then behind the bar, was he?

A. Then he was before the bar, in front of the bar.

Q. Let me see if you understood this question that was put to you before the Coroner: "Q. I will be the dead glazier (that was Counsel), you are Koenigsberger, show me and show the Jury how Koenigsberger placed his hands in fooling upon the deceased Mr Goldsmith". Ask him if he remembers that question being put to him?

A. Yes sir, that is the question.

Q. You remember that? A. Yes sir.

Q. Do you remember the answer that you gave? A. I cannot recollect the answer that I gave.

Q. See if this the answer; "A. He took him this way, slapping him on the back and saying, sixty-five cents is enough, go along"?

A. Yes sir, he said so.

Q. You remember that? A. Yes, he said that is enough.

Q. Ask him if he remembers this question being put to him; "Q. After you noticed the revolver on the counter did you see Koenigsberger hand the revolver over the bar to Langeheine?

A. No sir." A. Yes sir.

Q. You remember you said that before the Coroner?

A. Yes sir, I think that I said so.

- Q. That was true, wasn't it? A. Yes sir.
- Q. Do you remember this question; "Q. Did you see Langeneine take the revolver from the bar?" A. No sir."
- A. Yes, I remember that question.
- Q. Isn't it a fact that you remember everything you testified to before the Coroner? A. Not everything, not all, it is nearly a year.
- Q. When was it you first told anybody about this man Koenigsberger having a pistol in his hand that day?
- A. That was here on the first trial.
- Q. Do you tell the Court and Jury that last week you swore that this man Koenigsberger held the pistol in his hand against the body of the dead man? A. Yes sir, I said that he had it and that he fooled with it.
- Q. Did not you say a little while ago that the reason you did not say it was because the question was not put to you?
- A. I said it without being questioned about it and also about the cartridge I spoke on the last trial and before that I did not say anything about the cartridge, the last trial I talked about the cartridge.
- Q. How long have you been in the House of Detention?
- A. Two months.
- Q. Did you visit the District Attorney's office before you went to the House of Detention? A. Yes sir, Mr. McIntyre.
- Q. How many times was the evidence that you gave before the Coroner's jury read over to you? A. Once it was read to me.
- Q. Was Mr. McIntyre, the first gentleman you ever told that Koenigsberger had the pistol in his hand?
- A. I was before Mr. Davis before I saw Mr. McIntyre, *and*

I told Mr. Davis all the circumstances; then I was in a big hall, there was about twenty-five gentlemen together (he means the Grand Jury room).

Q. You were reading a newspaper in this saloon the day of the killing, weren't you? A. Yes sir.

Q. And you did not pay much attention to what was going on?

A. I was looking toward them from time to time, at times I was looking at the window and then I went to the water-closet and then I read the paper and so it went on all the time.

WILLIAM LANGEHEINE, sworn and examined.

By Mr. McIntyre. Q. What was your business before the 12th day of last February?

A. Waiter.

Q. For whom? A. For Mr. Gervitz.

Q. On Third Avenue near 17th Street? A. Yes sir.

Q. And did you ever work for this defendant Koenigsberger? A. Yes sir.

Q. When did you work for him? A. In October, 1891.

Q. In 1890 you mean? A. Yes sir, 1890.

Q. On the morning of the 12th of February were you in Koenigsberger's place? A. Yes sir.

Q. What time did you go there that morning? A. About a quarter to eleven.

Q. Did you go there to eat? A. No, I only went in to visit.

Q. To see Koensigberger? A. Yes sir.

Q. When you got in there did you see a man by the name of Goldsmith, a glazier? A. Yes sir.

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- Q. Did you see him putting in glass? A. Yes sir.
- Q. Was Koenigsberger there then? A. No sir.
- Q. Where was he? A. He was outside.
- Q. In the street? A. Yes sir.
- Q. Had you and Koenigsberger been drinking that day?
A. I had been drinking, yes sir.
- Q. Were you drinking very much? A. Six or seven glasses
of beer.
- Q. Do you know whether you were under the influence of liquor?
A. No sir, not very much.
- Q. Was Koensigberger under the influence of liquor?
A. He looked like as if he had been drinking.
- Q. That was about a quarter to eleven o'clock? A. Yes sir.
- Q. Did you see Goldsmith putting in glass? A. Yes sir.
- Q. Did you hear anything said about the price for putting in
glass? A. No, Koenigsberger was not there at the
time.
- Q. When did Koenigsbgrger come in? A. About half past
eleven .
- Q. What did Koenigsberger say about Goldsmith? A. Nothing
at all.
- Q. Did you say anything to him? A. No, Goldsmith was
working that time at the windows.
- Q. After he got through working did you all have a talk with
Goldsmith? A. I had no talk with Goldsmith.
- Q. Did Koenigsberger? A. It was twenty minutes to
twelve, then he was through with the windows and so he asked
for his money.
- Q. Of Koenigsberger? A. Yes sir, Goldsmith did; then
Koenigsberger put sixty-five cents on the bar and kept some

money in his hand. So then he came from behind the bar joking together and fooling, they were fooling together.

Q. What do you mean by fooling together? A. Joking together.

Q. What did they say, I want to get what they said?

A. Koenigsberger said, "now I give you old glass and treat you a couple of times, do you think that is not money enough?"

Q. That is what Koensigberger said? A. Yes sir.

Q. What did Goldsmith say to Koenigsberger?

A. So they were joking about that.

Q. Tell me what Goldsmith said? A. Goldsmith did not say anything about that.

Q. Did he take the sixty-five cents? A. No, that was lying on the bar.

Q. Was Koenigsberger outside the bar then? A. Yes, he was outside.

Q. After that did he go behind the bar? A. It was later then.

Q. State all that occurred before he went behind the bar?

A. Then Koenigsberger said to me, "what do you think about that Goldsmith, he wont take any money; so the knife was lying on the table.

Q. This knife? A. Yes, lying on the third table in the saloon and I made a joke with that knife.

Q. You took the knife? A. Yes sir, with the wrong side and held it to Goldsmith's shoulder. I said, "why don't you want to take the money?" I was laughing and Goldsmith was laughing too; I placed the knife on the same table that it was lying upon and then Goldsmith lighted his

pipe and I looked at the paper and Koenigsberger went into the kitchen and then about four minutes after Koenigsberger came out of the kitchen and went behind the bar and then commenced joking again.

Q. State what Koenigsberger said to the deceased?

A. He went behind the bar and commenced joking; then I said, "well, don't you think that is enough and then he showed the pistol.

Q. Look at this pistol and state whether it was the one he showed?

A. I think so , I can't tell.

Q. A pistol resembling that? A. Yes sir, it resembled it he said the pistol was not loaded.

Q. Was this pistol handed to you? A. Yes sir.

Q. Who handed it to you? A. Koenigsberger.

Q. What did he tell you to do with the pistol when he handed it to you?

Objected to.

Q. Did he say anything? A. Koenigsberger got laughing and joking about that; he said the pistol was not loaded.

Q. He said that to you? A. Yes sir.

Q. What else did he say? A. He said, "shoot that man", laughing; then I had the pistol and it snapped once and there was this report.

Q. It snapped once? A. Yes sir.

Q. If I understood you right, he handed you the pistol and told you to shoot that man, is that what you said?

A. Yes sir, in joking.

Q. Is that what he said? A. Yes sir.

Q. What did he say about the pistol being loaded?

A. Koenigsberger said it was not loaded.

Q. When he told you it was not loaded you took the pistol and pointed it where? A. I pointed it at Goldsmith.

Q. Did you snap the trigger? A. Once, yes sir.

Q. Then did the pistol go off? A. No, not right away.

Q. Did you snap the trigger then? A. Yes sir.

Q. Then did it go off? A. Then it went off.

Q. Goldsmith fell dead? A. Yes sir, Goldsmith fell dead.

Q. Do you remember where you shot him? A. Yes sir, right here. (Pointing to the forehead, over the left eye.)

Q. After he was shot where did you go? A. I looked at Goldsmith and was sorry for him, so I walked out and was going to Police Headquarters in Mulberry Street.

Q. Were not you arrested by the policeman on the way?

A. There was one witness, he followed me, I was just crossing the Bowery and he went behind me and told the policeman.

Q. Then the policeman took you to the station House?

A. Yes sir.

Q. What did you do with the pistol after you shot Goldsmith?

A. It fell out of my hand, I was so excited it dropped on the floor.

Q. In a pile of sawdust? A. No, right on the floor before the bar.

Q. Did you see anybody pick up the pistol? A. No.

Q. When you took this pistol from Koenigsberger's hands you did not look into the barrel or into the chambers to see whether it was loaded?

A. No sir, I believed Koenigsberger, I thought sure it was not loaded.

Q. You thought sure it was not loaded? A

Objected to. Objection sustained.

Q. You thought sure it was not loaded because Koenigsberger had told you it was not loaded? A. No sir.

Q. Had you ever seen this pistol with Koenigsberger before?

A. No sir.

Q. Did not you see it that day? A. No sir, not before he showed it to me.

By the Court. Q. Just show the jury where was he standing when you got this pistol from him? what part of the saloon was he in, Koenigsberger, explain to the jury the size of the saloon and how it is fixed up, how large is that saloon occupied for a restaurant?

A. About eight tables in it.

Q. What part of the house was it in, what floor?

A. It was a basement.

Q. About how many steps down? A. About five steps down.

Q. Besides the saloon what other apartments were in the basement?

A. There was a kitchen in the back.

Q. And a saloon in front? A. Yes sir.

Q. How was that saloon furnished, did it have a counter?

A. Yes sir, it had a counter and eight tables.

Q. Was it a restaurant or a saloon? A. A restaurant.

Q. Where was this glazier putting the window in? what part of the saloon was he putting the window in? A. It was the right hand side window.

Q. Was it the window leading to the street? A. Yes sir, leading to the street.

Q. When you came in first, as I understand you, the glazier was at work?

A. Yes, at work.

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- Q. Koenigsberger was outside of the saloon? A. Yes sir.
- Q. Sometime after that he came in? A. Yes sir, half past eleven.
- Q. Then there was talk about money with him and this glazier? A. Yes sir.
- Q. Where did you get this carving knife? A. It was lying on the third table in the saloon.
- Q. You picked that up? A. Yes sir.
- Q. After you got through with that knife what did you do with it? A. I placed it on the table.
- Q. Where was Koenigsberger all this time? A. He was still standing by me.
- Q. Were you both outside the bar? A. Yes sir.
- Q. What did Koenigsberger do after that? A. He went into the kitchen, Goldsmith lit his pipe and I looked at the paper.
- Q. He went into the kitchen? A. Yes sir.
- Q. How long was he gone? A. About four minutes, he came out and went behind the bar.
- Q. What was said then by anyone? A. Koenigsberger and Goldsmith were commencing to joke about this money.
- Q. What was the next thing after that? A. Koenigsberger showed the pistol joking.
- Q. Just show the jury how he showed his pistol?
A. He said to that man, "it is not loaded", in a joke; we were laughing too and then he handed the pistol to me.
- Q. Who did he say that to? A. He said that to me.
- Q. What did he say again? A. He said it was not loaded.
- Q. What else? A. He said, "shoot that man", and we were laughing too.

Q. Then what did he do? A. He handed me the pistol and so I snapped once.

Q. Where was he standing at that time, behind the counter?
A. Behind the bar.

Q. You were outside the counter? A. Yes sir, before the bar.

Q. How far was Goldsmith away? A. About from here to there (showing).

Q. Was he walking then or standing up? A No, he was smoking his pipe.

Q. You took the pistol? A. Yes sir.

Q. Go on and tell us what you did? A. I snapped it once.

Q. The first time was there any explosion? A NO.

Q. How many times did you snap it? A. Two times.

Q. Just pull that trigger the way you did it? (The witness did so). Is that the way it sounded the first time?

A. Yes sir.

Q. Snap it the second time? (The witness did so)

Q. Then there was an explosion after the second hitting of the hammer, is that it? A. Yes sir.

By the Foreman. Q. Did you pull the hammer of that revolver up or is it double action? A. I had it so, this way. (showing.)

By the Court. Q. Was that the way that you used it?

A. Yes sir.

Q. After the shot did you say anything to the defendant after the man fell? A. He said, "now you said the

pistol was not loaded; see what happened now."

Q. What did he say after that? A. "My God, I thought

sure the pistol was not loaded, now there was one shot in it.

Q. Anything else? A. No, then I went out.

Counsel: I don't want to ask him a question.

Wednesday, January 20, 1892.

PHILIP E. DONLIN, sworn.

Mr. Howe: We admit that the deceased was killed at the place and at the time and by the pistol in the hands of Langeheine as stated in the indictment. I merely mention that with a view to simplify this evidence ----- and that the bullet wound was the cause of death.

The Court: Such admission as is satisfactory to the District Attorney will be satisfactory to the Court. You had better get the admission on the record.

Mr. McIntyre: I do not want Dr. Donlin.

GEORGE ISSING, sworn and examined.

By Mr. McIntyre. Q. Officer, what precinct are you connected with?

A. The fourteenth.

Q. On February 12th of last year did you go to 168 Houston St.

A. Yes sir.

Q. To whose place? A. Charles Koenigsberger.

Q. What time of day? A. 11.55 A.M.

Q. Did you see the body of a dead man on the floor when you went there? A. I did.

Q. Do you know whose body it was? A. I did not know at the present time.

Q. You saw a body lying there? A. Yes sir.

Mr. McIntyre: Will it be conceded that that was the body of the

deceased mentioned in the indictment.

Mr. Howe: Yes sir.

The Court: Counsel concedes that the body that the officer saw there was the body of the deceased named in the indictment.

By Mr. McIntyre. Q. Did you see the defendant at the bar there?

A. I seen him in the place there.

Q. Did you speak with him? A. I did.

Q. Will you state what you said to him and what he said to you?

A. I asked him how the man was shot and he told me he shot himself.

Q. Where was the body taken to afterwards. if you know?

A. It was taken to the Station House.

Q. What precinct? A. Fourteenth precinct.

Q. And then did you go to the Station House with Koenigsberger?

A. Yes sir, Officer James and I.

Q. When you got to the Station House did you see Langeheine?

A. Yes sir.

Q. Was he there? A. He was brought there afterwards.

Q. In your presence and at the Station House did Koenigsberger have a conversation with Langeheine? A. Yes sir.

Q. Will you state what he said? A. What I understood him to say was -----

By Mr. Howe. Q. Was it in German or English? A. In German.

By Mr. McIntyre. Q. You understand German, Officer? A Yes sir.

By the Court. Q. You are a German? A. Yes sir.

Q. As near as you can recollect the conversation what was said by one man to the other? A. I heard Langeheine say to him that this Koenigsberger told him to shoot him?

Q. Who did he say that to? A. To Koenigsberger, Koenigsberger said, "what did you want to shoot him for."

By Mr. McIntyre. Q. Did I understand you to say that Koenigsberger said, "what did you want to shoot him for"? addressing Langeheine? A. Yes sir.

Q. Langeheine said in response to that what? A. I did not understand.

Q. Was anything said by Koenigsberger there about scaring him and if so will you state what it was? A. Yes sir, he says, "Koenigsberger said to only scare him.

Q. State what Koenigsberger said? A. Koenigsberger told Langeheine that he only told him to go home.

Q. What did Langeheine say to that? A. Langeheine said, "you told me to shoot him."

Q. In the presence of this defendant did Langeheine say anything about where he pointed the pistol? A. Yes sir.

Q. What did he say? A. He says he had pulled the trigger three times.

Q. At what places? A. First in the abdomen and in the mouth and the last time in the eye.

Mr. Howe: Not a question.

GEORGE ANDREWS, sworn and examined.

By Mr. McIntyre. Q. What is your business? A. Undertaking business.

Q. Where is your place of business? A. 527 East 11th Street .

Q. On the 12th of February last did you see the body of Morris Goldsmith and if so, where? A. I seen him in the Station House.

Q. Where did you take that body to? A. No. 282 East Houston Street.

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Q. Did you there prepare it for burial? A. Yes sir, we put him on ice.

Q. And the next day did you prepare his body for burial?

A. No, I believe he was buried on the 15th.

Q. Did you on the 15th prepare his body for burial?

A. No sir, I was not there at the time.

Mr. Howe: No questions.

ABRAHAM GOLDSMITH, sworn and examined.

By Mr. McIntyre. Q. Where do you live? A. 1949 Second Avenue.

Q. Where did you live on the 12th of February?

A. No. 282 East Houston Street.

Q. Was that the residence of your father in his lifetime?

A. Yes sir.

Q. How old a man was your father in his lifetime?

A. Fifty years.

Q. What was his business? A. Glazier.

Q. Did you see the body of your father after the killing?

A. Yes sir.

Q. Where? A. At the house.

Q. Did you attend your father's funeral? A. Yes sir.

Q. Where was he buried? A. Bayside Cemetery.

Q. How many children are there beside yourself?

A. Six.

Mr. Moss: No questions.

Mr. McIntyre: The People rest.

The Case for the Defence.

Mr. Howe: I move that your Honor now advise the Jury that upon this evidence they should not convict the defendant of manslaughter in the second degree which I understand is what the District Attorney claims.

Mr. McIntyre: I shall go to the Jury on manslaughter in the second degree.

The Court: I will deny the motion, Mr. Howe.

Mr. Howe: Will your Honor give me the benefit of an exception.

VALENTINE HETZEL, sworn and examined.

- By Mr. Howe. Q. Where do you live? A. No. 58 First Avenue.
- Q. And your business is what? A. I used to be a confectioner, the same trade as this man.
- Q. As this man, the defendant. A. Yes sir.
- Q. How long have you known the prisoner? A. Since he came to this country.
- Q. How many years is that? A. About ten years to my knowledge.
- Q. You know his character for honesty and peace and quietness, and general good conduct? A. Yes sir.
- Q. Is it good or bad? A. I never seen anything wrong about him, I always seen him quiet.
- Q. He is a man of good character? A. Of good character.
- By Mr. McIntyre. Q. Do you belong to any organizations with him? A. No sir.

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MAX HIRTREITER, sworn and examined.

- By Mr. Howe. Q. Where do you live? A. No. 322 East 9th StL
- Q. What is your business? A. The business of confectioner.
- Q. Do you know the prisoner? A. Yes sir.
- Q. How many years have you known him? A. About ten years
- Q. Is he a man of good character? A. Yes, he worked in the same place for ten years.
- Q. For ten years with you? A. Yes sir.
- Q. Is he a quiet and peaceable man? A. O yes, a very nice man.

- By Mr. McIntyre. Q. What organization did you say you belonged to with him? A. He was workman in the same place I worked.
- Q. Do you belong to any organization that he does? A. No, he only worked at the same place where I work, he did not belong to any association.

DORA KOENIGSBERGER, sworn and examined.

- By Mr. Howe. Q. This is your husband? A. Yes sir.
- Q. How many years have you been married to him? A. Three years.
- Q. Have you children? A. Not here.
- Q. You have two children by him, he is the father of two children of yours? A. Yes sir.
- Q. Do you know how this pistol got in your house? (To the Interpreter) Speak German to her, ask her if she had a boarder who went away? A. A customer brought this pistol for a week's board, two or three weeks board, I do

not know.

Q. You had a boarder there? A. Yes sir.

Q. And he left it for the board, is not that it?

A. Yes sir.

By Mr. McIntyre. Q. Did you know a man of the name of Gustav Edwards.

A. I do not know.

Q. Do you remember the day of the shooting? A. Yes sir.

Q. About ten o'clock on the morning of that day don't you remember someone telling your husband to look out for that revolver, that it was loaded? A. I do not remember.

By the Court. Q. How long before the day of the shooting was it that this boarder left the pistol there? A. I cannot tell exactly, three or four days or one week.

Q. Was it within a week? A. I cannot tell, I did not pay attention to it.

Q. Who did he leave it with; did he leave it with her or with her husband? A. With my husband, I had nothing to do with it, I have nothing to do with the business.

Q. How many times did she see that pistol from the time it was left there until the day of the shooting? A. I did not see it at all, I supposed that the pistol was under the counter, I always attended to my kitchen and never interferred

Q. Does she know the name of the boarder who left it there?

A. I do not know the name.

CHARLES KOENIGSBERGER, sworn and examined by Mr. Howe, through the Interpreter.

Q. What is your business, Koenigsberger? A. I am a confectioner by trade.

Q. You tell the Jury in your own way slowly all that happened on the day this man was shot?

A. In the morning I was in my restaurant and there were some panes of glass broken; this man has been three or four times in the place and asked if there is any panes of glass to be set; then he came down and asked me again; then I told him, "well, I have some glass standing home that I do not use", if he could use it for that purpose he shall come with me and see; I knew the man from before; then I went with him to my home where I live. We went and he took the panes of glass; then he finished the work and put the glass in. In the meantime I had several errands to do and I did them and then came back; when I came back he was about putting in the glass, I was busy and I went into the kitchen attending to my restaurant, and he was working at the windows. We did not make the price beforehand, and when the job was finished he said, \$1.05 he wants for it. I tapped him on the shoulder and said, "well, sixty-five cents is enough, I gave you the glass to do the job." He said, "no." I did not have any more words with him when he said no; Langeheine was present then. At the last table there is always lying the bread and the board on which we cut the bread and the knife to cut the bread. Langeneine went there and did fool with that man; when Langeheine finished fooling with the man he (Langeheine) put the knife back on the same table where he took it and that knife was never used for anything but to cut bread. Then I was behind the bar and Langeheine came to the bar and Sheurman, I could not tell if Sheurman was at the bar, I think the waiter was at the bar. We were talking about different things and I

said, "I will give him sixty-five cents and that is enough, I furnished you the glass." We were joking, I did not know that the revolver was loaded; the revolver I got from a customer a few days before, he gave the revolver to me with the remark that it is not loaded, and I did not know that there was one cartridge in it else I would not have put that revolver on the counter. Then it happened that I had the revolver in my hand and I said, "this revolver is not loaded."

Langeheine was standing there and he took it, I did not see any more; Langeheine was working with the pistol and then all at once a shot came out and the man fell and when I saw that the man fell I got very much scared, I was nearly falling down myself; then I said, "for God's sake what happened now?" Then I saw that the man is dead; directly I went up to the police and notified the police of it and gave myself up, that is all.

CROSS EXAMINED.

By Mr. McIntyre. Q. You had been drinking on the morning of February 12?

A. Yes sir, I had a couple of glasses of beer.

Q. Were not you somewhat under the influence of liquor?

A. Not intoxicated

Q. Were you feeling jolly? A. Yes sir, I always was in good humor.

Q. Were not you feeling jolly from the effects of the liquor that you drank? A. No, I could not tell.

Q. Were you perfectly sober? A. I was sober although I had a couple of glasses of beer I was not intoxicated.

Q. How many glasses of beer did you have altogether?

A. I cannot stand much drinking.

- Q. How many glasses of beer can you stand without feeling the effects? A. About five glasses; at five glasses I have to stop, I cannot drink more.
- Q. How many glasses did you have before eleven o'clock on the morning of February 12? A. About two or three glasses of beer.
- Q. Did not you have five before this man was shot?
A. NO.
- Q. Where did you get the beer from that you drank?
A Outside in the saloon.
- Q. How many times did you go into that outside saloon?
A. I went to the grocer, to the butcher and to the egg store because every morning I order my things myself in person.
- Q. You did not get beer in the egg store? A. No sir.
- Q. Did you have a glass of beer with the man you bought your eggs from? A. Alone I had a glass of beer.
- Q. And that was all before this man was shot? A. Yes sir.
- Q. Was Langeheine under the influence of liquor?
A. He felt well, when I came in Saheurman and Lengeheine they had a pint of beer together.
- Q. Langeheine was feeling pretty well, wasn't he, from the effects of liquor? A. Yes sir, he felt well.
- Q. A little drunk? A I could not tell, I could not say, I did not know it.
- Q. Was he feeling well from the effects of liquor?
A. I cannot tell that, I do not know.
- Q. What do you mean when you say he felt well?
A. O, he was in good humor.

Q. Did you see him drink liquor? A. Only in my place I saw him have a pint of beer.

Q. Did he tell you that he had been drinking liquor anywhere else? A. No, he did not tell me anything.

Q. Did you think it safe to put the revolver in the hands of a man who was feeling pretty well from liquor?

Objected to. Question withdrawn.

Q. You knew Gustav Edwards, didn't you? A. I do not know, a man worked for me, if that was his name I do not know

Q. How long did that man work for you whose name you do not know

A. He was there a week and a half, he was there at the time when it happened, yes, he was working for me still.

Q. You do not know his name? A. NO.

Q. Do you remember that man whose name you did not know at that time saying this to you in the morning before the shooting occurred respecting the pistol, "be careful, it may be loaded" do you remember his saying that to you?

A. I do not know anything about it.

Q. Did not you say a moment ago to the Interpreter, yes?

Interpreter: No sir, he said it came so, he wanted to explain.

Q. You said to the Interpreter, "it came about in this way", in German? A. Yes sir.

Q. What do you mean by that? A. I do not recollect what I was about to say.

Q. I ask that question again, "you do not recollect what you were about to say, I want you to state what you meant to say when you told the Interpreter that it came about in this way?"

A. I cannot tell, I do not know.

Q. Do you remember that man whose name you do not know telling you between ten and eleven o'clock that that revolver was

loaded? A. I have no idea about it.

Q. Why is it you can't remember whether he told you such a thing as that? A. I do not know, I do not know anything about it.

Q. Was it because you can't remember what occurred that day or is it because you were too full of liquor?

A. No, this man did not speak thatway to me.

Q. This revolver was left in your place by a customer you state?

A. Yes sir.

Q. Four or five days before? A. I could not tell exactly, maybe a day more or a day less.

Q. How much did he owe you? A. I have the tickets, it was nearly six dollars for two weeks.

Q. Don't customers in your place have to pay for the tickets in advance that you give for meals? A. Yes sir; this man he takes meals in my place and always paid for his ticket; then for a week or two he was short of money and he said, "you keep that revolver for a week or two and then I will pay you;" he told me on Saturday, then he did not come any more.

Q. When he gave you this revolver did you examine the chambers?

A. No, I did not, he told me. "it is not loaded."

Q. Did you look in these chambers to see whether there were cartridges there?

A. Superficially I looked in.

Q. When you handed this revolver to Langeheine and told him to shoot the deceased did you superficially look in these chambers to see whether there were cartridges in them?

A. I did not see anything; if I had the least idea --

Mr. Howe: I asked that the Interpreter may give the answer which the witness gave and then you can see what it was. I do

not propose that the District Attorney shall stop the Interpreter; it is different from a witness in ordinary language, I want him to give the answer to that question, let him translate the answer.

The Court: The Court is not in a position to rule upon the question whether it is competent or not until it is given.

By Mr. McIntyre. Q. When you handed this revolver to Langeheine and told him to shoot the deceased, did you superficially look in these chambers to see whether there were cartridges in them?

A. I did not look any more into it, I knew that the revolver was not loaded else I would not have put it on the counter.

Q. Now he knows that this revolver was not loaded --- you know as matter of fact that the man was killed with this revolver, don't you?

A. I did not say that he shall shoot the man dead with it, I only said, "the revolver is not loaded."

Q. Did you during any time that you had this revolver in your possession ever make an examination of the chambers of this revolver in order to ascertain whether there were any cartridges in it or not?

A. No sir.

Q. You told Langeheine to shoot the deceased, didn't you ?

A. I did not, I only gave him the revolver and I said, "there is nothing in it."

Q. Did not you tell him that if he did not take the sixty-five cents to shoot him?

A. No sir, I did not say that.

Q. Did you hear Langeheine testify yesterday that you told him that if he did not take the sixty-five cents to shoot him dead?

A. I do not know, I did not hear that.

Q. You do not remember whether you said it or not then?

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A. I know exactly that I did not say that.

Q. What did you put the revolver in Langeheine's hands for?

A. It was all joking.

Q. What did you do with this revolver after Langeheine shot the deceased?

A. I did not see any more.

Q. Where did you put it? A. I did not put it away.

Q. Who put it away if anybody did? A. I do not know.

Q. You do not know where it went to? A. I do not know.

Q. Do you remember when this revolver was found?

A. I do not know.

Q. Did you tell the police officer that Langeheine had thrown the revolver in a pile of sawdust? A. I do not know, I cannot recall any more.

Q. You cannot remember what you said about that?

A. I did not see the revolver any more.

Q. Did you tell the police officer that the deceased had shot himself? A. No sir, I do not know anything, I could not speak with the people because they were speaking English.

Q. Officer Issing who testified here this morning did not you see him at 168 Houston Street? A. I did not see him I made a surrender of myself.

Q. Did not you see that officer in 168 Houston Street?

A. No.

Q. Did you tell that officer that the deceased shot himself?

A. No sir, I do not know anything about it.

Q. Did not the policeman take you from your place to the Station House? A. No I went by myself to the Station House.

Q. Do you mean to say that the officer did not take you at 168 Houston Street to the station house with Scheurman, the

other witness? A. No, immediately after that happened I went to the Station House.

Q. Did not Officer James and Issing take you and Scheurman to the Station House?

A. No sir, they brought me afterwards to the Tombs, to the corner, to the Police station, I went alone with Scheurman.

Q. Was there not any policeman in your place until after that man was shot?

A. I did not see any, I went immediately to the Station House when I saw the man was dead and surrendered myself.

By the Court. Q. As I understand this witness does he say he does not remember the name of the man who left the revolver with him?

A. I do not know his name.

Q. Does he remember the amount of the debt that that man owed him?

A. Two tickets amounting to six dollars.

Q. Did he take the revolver for debt or was it left with him as a deposit?

A. He did not give it to me for good, he only said, "keep it till I come Saturday and I will pay you; in the meantime keep the revolver."

Q. Did he come on Saturday?

A. No, he did not come.

Q. Did he ever come back since that time?

A. He did not come any more back and that is the reason why the revolver remained there.

Q. How long was it before the day of this shooting?

A. It might have been four or five days before.

Q. Did you ever own a revolver before that time?

A. No, never.

Q. Did you ask this man anything about the condition of that revolver as to whether it was loaded or not?

A. He himself told me, he said "there is nothing in it,

it is not loaded", and I believed it, I did not think any more about it, I did not see anything in it and so I believed it.

Q. This man told you that? A. Yes sir.

Q. Did you ever examine it at any time? A. I put it under the counter before that, that counter had a bar, and there is a place where they wash the glasses, there I put it in, I did not pay attention any more to it.

By Mr. McIntyre. Q. How long had the man who gave you this revolver been eating in your place? A. I cannot tell exactly, I had many customers and so I could not tell.

Q. Do you know his name? A. NO.

Q. You trusted a man whom you did not know and did not know his name and could not tell how long he had been eating in your place? A. Yes I did, I knew that he was in the tannery, there was a big tannery there and there are so many tanneries there and they used to come and when it happened they had no money I strued them and they always paid me Saturday.

By the Court. Q. Was this man in the habit of paying you on Saturday? A. He always came Saturday but that Saturday he did not come any more, I think he placed himself somewhere else to work.

Q. Did he sleep in that restaurant? A. No sir; no one lived with me, I only furnished meals.

Q. This six dollars was a debt, wasn't it, that resulted from a number of small debts? A. Six dollars for the tickets for two weeks meals.

Q. Were all the meals eaten up when he gave you the revolver?

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A. Five days before he gave it to me when he took the second ticket, then he could not pay for the first one, he took the second and then he gave me the revolver.

Q. Had you any idea of the value of the revolver?

A. No sir, I never bought a revolver, I never had anything to do with fire arms.

By Mr. Howe. Q. When you handed the revolver to Langeheine did you know it was loaded? A. No, for sure not.

Q. But you do know that the pistol went off and killed the man?

A. Yes sir, I know it now.

Q. Do you know that Langeheine dropped the pistol on the sawdust on your floor, is that true or do you know anything about it? A. I do not know anything about that.

Q. You do not know where it was found then?

A. I do not know.

Q. When it was produced before the Coroner, you do know, as the officers know, and is written there, that there were six empty chambers in it, is not that so?

A. I do not know, I did not see anything in the revolver.

Q. Then the revolver was empty when you were at the Coroner's office? A. Yes sir. it was empty, thoroughly empty.

Mr. Moss: We have closed our case your Honor.

PETER E. JAMES, recalled by Mr. McIntyre.

Q. Officer James, on the 12th of February of last year did you go to 168 Houston Street in company with Officer Issing?

A. Yes sir.

Q. What time was that?
twelve.

A. About five minutes to

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Q. Did you see Koenigsberger there? A. Yes sir.

Q. You saw the body of a deceased person on the floor?

A. Yes sir.

Q. Did you and Officer Issing take Koenigsberger to the Station House? A. Yes sir.

Q. At that time was he in liquor or not? A. He had been drinking.

Q. Was he under the influence of liquor? A. Yes sir, a little.

By Mr. Howe. Q. Scheurman went along too, didn't he?

A. Yes sir.

Mr. McIntyre: The people rest, your Honor.

Counsel: I ask your Honor to charge the jury as matter of law, to advise the jury to acquit this defendant upon the evidence of manslaughter in the second degree.

The Court: Motion denied.

Counsel: Give me the benefit of an exception.

The Counsel summed up to the jury.

The Jury rendered a verdict of guilty of manslaughter in the second degree.

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Testimony in the
case of
Charles Koenigsberger

filed May 1891

no. 62

Coroner's Office.

TESTIMONY.

Officer Michael Bissert 14 Precinct
being sworn says:
I received information that Jacob
Goldschmidt living at 285 East
Houston Street - a glazier went to
Charles Koenigsbergers restaurant
168 East Houston Street to put in
two panes of glass. After the job was
completed a dispute arose about
the price - Koenigsberger wanted
to give deceased 65 cents & Goldschmidt
demanded \$1.05 -
Koenigsberger picked up a pistol
from behind the counter & handed
it to William Langeheine
saying that the pistol is not loaded
there is nothing in it & then
spoke out loud saying "Shoot
the man dead" The man Lange-
heine pulled the trigger & the
deceased was shot - Goldschmidt
dropped dead - I charge William
Langeheine with causing the
death of Jacob Goldschmidt
I also charge Charles Koenigsberger
with being an accessory -
Michael Bissert

Taken before me

this 12th day of February 1887

Ferdinand Henry CORONER.

Witness my hand and seal at New York this 12th day of February 1887

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*Jacob Goedreumst
Feby 12/91*

He stated to me that the man that shot the man in Houston Street he had him in the 10th Precinct Station house; one of the witnesses followed the man and had him arrested at the corner of Houston and Mulberry Streets; I placed Mr. Konigsberger under arrest.

Q Where is he, - is he here? A. That is the man there. (Pointing to the prisoner, Konigsberger.) I went over to the 10th Precinct and got the other man.

Q Is that the other man? (indicating to Langenhaine, the other prisoner) A. Yes, sir.

Q Do you recognize him? A. Yes, sir.

Q Konigsberger was the proprietor? A. Yes, sir.

Q And the other man was the assistant, as far as you know of?

A. Yes, sir; I brought both down to the Essex Market Court and had him remanded to this office.

Q That is all you know about the case? A. The next day afterwards a lady came there from the restaurant and handed me a pistol which she said she found in the corner.

Objected to by Mr. Howe:

Mr. Lynn: We had better hear what was said there.

Mr. Howe objects to the testimony and asks that the stenographer note his objection and the grounds thereof.

The objection of Mr. Howe is overruled and the Coroner orders the witness to proceed with his testimony.

The Coroner: Is the lady in the room, officer?

Officer: Yes, sir; she is.

Q Go right on, officer? A. I asked the lady where she found the pistol.

Mr. Howe renews his objection to this testimony.

The Coroner: The officer will please proceed. A. I asked the lady where she found it and she stated to me she found it in a corner among a pile of saw-dust; I then received the pistol and I have it in my possession yet.

Q Is that the pistol the lady handed you? (Pistol shown witness)

A. Yes, sir.

Q Have you examined it? A. Yes, sir.

Q Were there any bullets in that pistol at the time? A. This is the way I received it.

The Coroner: I wish to state to the Jury that the bullet that the deputy coroner extracted from the body of the deceased is in the office and the Clerk has it.

BY MR. LYNN:-

Q You don't know whether that is the pistol with which the shooting was done, other than what she stated? A. That is all, sir.

Q And it was found in the place? A. Yes, sir.

Q Who is this lady? A. The wife of the defendant here.

Q Do you know her name - her first name? A. I don't know.

Q The wife of which defendant here? A. The wife of Konigsberger.

Q What time was this when you got that pistol? A. The day after.

Q Did they send ~~to~~ the station house after you? A. No, sir.

Q You went down there yourself? A. Yes, sir; when I had charge of this prisoner here, Langenheine, I asked him what he did

with the pistol and he said I dropped it in the saloon and I ran out.

Q Did you ask him whose pistol it was? A. Yes, sir.

Q What did he say? A. He stated to me that it was handed to him by Konigsberger.

Q (By Mr. Howe:- This question intervenes - was Konigsberger present or the other defendant when that statement was made?

A. No, sir.

Mr. Howe: I object to the introduction of that evidence on the ground that Konigsberger was not present, and that the evidence as against Konigsberger is incompetent.

Mr. Lynn: Let it go on record as to the other man.

Q Did you arrest Konigsberger? A. I put him under arrest, yes.

Q Where? A. In the station house.

Q He had been there part of the night, at his place? A. Not at his place.

Q Did you speak to him? A. I did, sir.

Q What did he have to say? A. He stated to me that he was innocent - had nothing to do with it, and it was an all accident and did not intend -

Q He said he had nothing to do with it? A. Yes.

Q Did he use the words, "nothing to do with it"? A. Yes, sir; he spoke in German, yes, sir.

Q You understand German? A. Yes.

Q And that is the correct translation of the language he used?

A. Yes, sir.

Q He was innocent and had nothing to do with it? A. Yes.

Q What else did he say? A. That was about all the conversation I had with him at the time.

Q Did he say anything about who shot the man? A. He did, he mentioned this man's name.

Q What did he say? A. He said this Langenheine, he was fooling with the pistol and the pistol went off and shot the man.

Q Did he say anything else? A. That is about all the conversation I had with him.

Q Did he explain how they were fooling? A. No, sir.

Q Did he say anything concerning the deceased person, Morris Goldsmith? A. I left the station house and went to the 10th Precinct, after this man, and the conversation I had with the other prisoner, Langenheine, coming over - -

Q Did you have any further conversation with Konigsberger?

A. Not at that time.

Q Subsequent to that? A. No, sir.

Q You had none since? A. No, sir.

Q And all the conversation you had with him is what you told us?

A. Yes, sir.

Q Those five or six sentences? A. Yes, sir.

Q He was innocent and knew nothing about it? A. He said I had nothing to do with it, I am innocent, and mentioned this man's name that he was the one that shot him.

BY MR. HOWE:-

Q And that it was an accident? A. Yes, sir.

BY MR. LYNN:-

Q Did he say anything about this man putting any glass in the premises? A. I had the conversation with Langenheine about that.

Q Is that all the conversation you had with Mr. Konigsberger?

A. That is all the conversation I had with Mr. Konigsberger.

Q Tell us what Langenheine said? A. On the way coming over I asked him, what did you do with the pistol, he said, I dropped it in the saloon; I asked him how did you come to shoot that man; he said the deceased came in there and he was a glazier and they had a dispute.

Q Who had the dispute? A. The two defendants and the deceased, about the price, he said the deceased demanded \$1.05 and Konigsberger only wanted to give him \$.65; then Konigsberger handed Langenheine the pistol, stating there was nothing in it, in a low tone of voice, and then he spoke out loud, he said, "Shoot the man."

Q Who said that? A. That is the conversation I had with Langenheine.

Q Langenheine said that they had a quarrel? A. They had a dispute about the price.

Q About the \$1.05? A. This man demanded \$1.05 and he offered him .65.

Q Did he say what the deceased then did after he was offered the 65 cents? A. He did not, he wouldn't accept it.

Q Did he say anything that the glazier had done there after he demanded the \$1.05? A. No, sir.

Q He said then that Konigsberger handed him the pistol?

A. Yes, sir; from behind the counter and said to him, there is nothing in it, and he said out loud then and said, "Shoot the man, dead;" shoot the man dead."

Q Did he say what he did? A. He said he pulled the trigger several times and the shot went off and the man fell and I dropped the pistol and run out of the place.

Q Did you ask him why he ran out? A. He said I got scared;

Mr. Howe: I have no questions.

Mr. Howe: I now demand that the stenographer read over to this witness the testimony which he has given; the law requires that and he shall then sign it.

At the request of Mr. Howe the testimony is read over to the witness by the stenographer

After the testimony was read over to the witness he subscribed his name to the stenographic notes and stated that it was a correct record of the testimony which he had given.

-----oOo-----

ABRAHAM GOLDSMITH, being called as a witness by the Coroner, duly sworn, testified as follows:

BY THE CORONER:-

Q Where do you live? A. 282 East Houston Street.

Q What relation are you to the deceased, Morris Goldsmith?

A. His son.

Q When did you see your father prior to the accident which led to his death? A. It was about nine o'clock when they brought him home in the evening.

Q When did you see him prior to the shooting? A. Before I went to work, in the morning.

Q What time was that? A. About seven o'clock in the morning.

Q Do you remember the date? A. I think it was Thursday morning, February 12th.

- Q Was your father in good health at that time? A. Yes, sir.
- Q Nothing was the matter with him? A. No, sir.
- Q When you saw him next he was dead? A. Yes, sir.
- Q Where? A. Home, when they brought him home.
- Q At your house? A. No. 282 East Houston Street.
- Q And you fully identified the body as that of your father, Morris Goldsmith? A. Yes, sir.

The testimony is read over to the witness and he states that it is a ^{correct} record statement of the testimony he has given.

-----oOo-----

GUSTAV EDWARDS, being duly sworn, testified:

By THE CORONER:

- Q Where do you live? A. *West Brighton Hotel Boney Island, No. 280 Brewery, at present. Lunch Counter.*
- Q What is your business? A. I have been acting as waiter.
- Q Where? A. At 168 Houston Street, for Mr. Konigsberger.
- Q Did you see the alleged shooting that took place at 168 East Houston Street, on the 12th of February? A. Yes, sir; I was in the saloon.
- Q Take your time, and tell these gentlemen what you saw and what you know about the case of your own personal knowledge? A. It was about ten o'clock in the morning when this glazier was passing our restaurant; I don't know his name; I never seen the man before; a couple of panes of glass were broken in our window. Mr. Konigsberger and I seen him pass and Mr. Konigsberger called the glazier in and asked him what he would charge to put a pane of glass - I don't know about the charge, he said put in the pane of glass; I don't know what they agreed upon; Konigsberger had some

old glass at his home No. 226 Chrystie Street, and he and the glazier went over there, the glazier came back and finished his job, Mr. Konigsberger also came back during the time the man was doing his work, and after the man did his work, finished his work, he asked Mr. Konigsberger for the price of the pane of glass, and then I heard him agree to 1.05.

Q You heard them say they agreed to \$1.05? A. Out of Mr. Goldsmith's mouth; Mr. Konigsberger, he had been drinking, when he came into the restaurant, and whether out of a joke or not, I cannot tell, he put sixty-five cents on the bar, and asked Goldsmith in a kind of a jocular manner, "Please take this money, the 65 cents. Goldsmith refused, and Langenheine, he was in the restaurant at the same time, so he put in his word too and commenced ^{asking} at the man to take the sixty-five cents; not in a *threatening* manner, just in a joke; it was all done as I say, in a jocular way.

Objected to.

BY THE CORONER:

Q We ask this witness to tell what he knows about that case.

(Witness continuing) As it was near dinner time I had some work to do to get ready for my dinner, and I didn't pay any more attention, I was pouring out milk when I heard a shot, at the same moment I turned around and seen the man drop and Langenheine standing in front of the man with the revolver in his hand.

Q Whom did you see drop? A. Goldsmith, the deceased; Mr. Konigsberger at the same time was behind the bar; I took the revolver out of Langenheine's hand, put it on the table behind me, and was going to notify the police; I didn't go myself, but there was a butcher next door he asked me what is the matter and I told

him that a man had been shot. So he ran to the station house and notified the police, and during that time Langenheine he walked out; that is all I know about the shooting.

BY MR. LYNN:-

- Q You went after Langenheine? A. I did not, sir.
- Q You did not cause his arrest? A. No, sir.
- Q Did you walk back to pour the milk out in the saloon - you said your attention required you elsewhere - where did you go, did you go back in the restaurant? A. Back to my work.
- Q How far back did you go? A. Here is the ~~door~~^{bar}, it can be about five feet.
- Q The bar is in front of the restaurant? A. Yes, sir.
- Q Near the door? A. Yes, and the table milk pitcher is about five feet away from the bar.
- Q About five feet? A. Yes, sir..
- Q How far were you away from this defendant here that shot the man? A. I was away about from here to there - from here to that railing.
- Q He was standing at the end of the bar, nearest the door?
- A. He was not, he was near the window, Konigsberger was behind the bar.
- Q How far was Konigsberger from you? A. About five feet.
- Q How far was Morris Goldsmith? A. Just in front of Langenheine.
- Q As far as from here to the railing? A. Yes, sir.
- Q You think that was about fifteen feet? A. I don't know anything about that; I cannot say exactly.
- Q After you had heard Langenheine say to this deceased man in this jocular way, "Take the sixty-five cents," what did you hear *after that?*

- A. Nothing; I didn't pay any more attention.
- Q I ask you what you heard? A. Nothing.
- Q The next you heard was the report of a pistol? A. Yes, sir.
- Q Are you sure of that? A. Yes, sir, I am.
- Q Now, you pay attention to me, do you hear that? A. Yes, sir.
- Q How many were in the saloon at that time? A. Mr. Konigsberger and two more witnesses, and Goldsmith and Langenheine.
- Q What are the names of the witnesses that were there?
- A. Gustav Schearman, No. 169 and 171 Central Avenue, Brooklyn.
- Q What is the name of the other witness? A. Victor Vollmer, No. 255 Jay Street, Brooklyn.
- Q Are those the two men that were there? A. Yes, sir.
- Q Were there any other persons there? A. Mrs. Konigsberger was in the back, in the kitchen.
- Q Now, ^{where} were the two witnesses that you have mentioned here, and ^{where} stood up, where were they - were they standing at the time?
- A. Vollmer came in about five minutes before the shooting occurred or two minutes or three minutes; I cannot say exactly; he came in and ordered a cup of coffee; I waited on him and placed the coffee before him.
- Q Where was he sitting? A. He was sitting at one of the tables in the restaurant.
- Q Was he nearer to Konigsberger and Langenheine than you were?
- A. He was nearer Langenheine and Goldsmith than he was to Konigsberger.
- Q Was he nearer to Langenheine and Goldsmith than you were?
- A. Yes, sir.
- Q The table was between? A. The table is on one side; it was nearer Langenheine than I was; not at the time when I put the cup

of coffee on ^{his} ~~the~~ table.

Q What time of the day was this? A. It was about half past eleven or twenty minutes of twelve.

Q You are sure it was before twelve o'clock? A. I am positive.

Q Have you stated all the persons that were in there at the time? A. To my knowledge.

Q Wouldn't you know who was in there? A. I don't know of anybody else that was in there at that time.

Q You and Konigsberger, Langenheiner, Mrs. Konigsberger, Mr. Goldsmith, Mr. Vollmer, and Scheerman, ^{and yourself,} that is seven? A. Yes, sir.

Q Now, the kitchen you speak of, Mrs. Konigsberger being, in, is in the back? A. Yes, sir.

Q What is the depth? A. I cannot tell you by the feet, I have no idea.

Q Is it as long as this room, where the witnesses are from where you are sitting? A. About from here on.

Q Would that be 25 or 30 feet? A. I cannot say.

Q But she was there? A. Yes, sir.

Q Is there any partition between the kitchen as you call it and the restaurant proper? A. Yes, sir.

Q Has it any opening? A. Yes, sir.

Q Openings that run from the floor to the ceiling or merely sluices? A. A door and besides a small hole where the food is passed out to the waiter.

Q Was there any loud noise in the restaurant at that time?

A. I cannot swear to it; I didn't pay no attention to it.

Q What you .

Q When you left and turned your back did you turn your back when you were looking at Langenheine passing the 65 cents to Goldsmith? A. Yes, sir.

Q Did you turn your back? A. Yes, sir; I walked right over where the ~~milk~~ ~~were~~ standing.

Q What was the last word that you heard Langenheine say to Goldsmith, any speech? A. I cannot tell; I haven't heard nothing.

Q Did you hear him say anything? A. I heard him saying something in a joke.

Q I want to know what he said? A. "Please accept this money," something like that.

Q Did you hear Goldsmith say anything? A. Not that I recollect.

Q Did you hear anything else between that time that you turned around and you heard the shot? A. Not that I recollect.

Q The next you heard was the report of the pistol? A. Yes, sir.

Q How long a time intervened between the time that you turned your back on Langenheine and Goldsmith and the time you went to that table and poured out the milk - poured the milk out - did you hear the shot? A. Not very long.

Q Have you any conception how long a minute is? A. Yes, sir.

Q Give us, if you can, the time that elapsed between the time that you saw him shove that money and say please take it to the time you went back to the table and poured the milk out? A. About one or two minutes.

Q And you heard nothing intervene? A. No, sir.

Q Do you know how far that distance is from Langenheine and Goldsmith to where you were? A. To about here ;

(illustrating)

Q That is about it? A. Yes, sir.

Q You saw where I stood? A. Yes, sir.

Q When I clicked that pistol? A. Yes, sir.

Q Did you hear any person click that pistol that day before that shot was fired like I clicked it? A. Not ~~like~~ that I recollect.

Q You didn't hear it - you didn't hear it as you recollect?

A. No, sir.

Q When you turned around what were the positions of Langenheine and Goldsmith? A. Goldsmith was lying on the floor.

Q Did you see him fall? A. I just saw him fall.

Q On the floor prostrate or sitting up? A. He was lying.

Q Straight? A. Yes, sir.

Q What position was Langenheine in? A. Standing in front of him.

Q Over him or in front of him? A. In front of him.

Q Was he on the floor at that time? A. Goldsmith, yes, sir.

Q Langenheine stood in front of him? A. Yes, sir.

Q Facing downwards to him? A. Yes, sir.

Q How was his hand? A. His right hand was down on the side with the revolver in his hand.

Q How did Konigsberger stand? A. He was standing behind the bar, Konigsberger was behind the bar.

Q ^{Middle or} ~~Near~~ the end of the bar? A. Near to the end.

Q Nearest to the kitchen? A. Nearest to the kitchen.

Q And nearest to you? A. Yes, sir, nearest to me.

Q What position were his hands in? A. I don't recollect.

- Q Had Mrs. Konigsberger been in the kitchen at that time when the shot was fired? A. Yes, sir.
- Q Be hind the partition? A. Yes, sir.
- Q Did you say anything to this defendant Langenheine when you came out? CA. I think I said, "You have shot this man dead."
- Q And what reply did he make - what reply did he make to that when you said those words? A. He was excited -
- Q Answer the question; I want to know what he said when he made use of those words? A. I said, "You have shot him dead."
- Q What did he say? A. "I didn't mean to do it."
- Q English or German? A. I don't recollect now.
- Q Can he speak English? A. A little.
- Q You don't recollect whether he spoke English or German?
A. No, sir.
- Q Your best recollection is what? ^{now?} A. I said to him, "You shot this man dead now," then he said, "I didn't mean to do it - I thought the pistol was not loaded."
- Q What was the last remark? A. "I thought the pistol was not loaded."
- Q Was not loaded, is that it? A. "Was not loaded."
- Q What else did he say? A. I don't recollect.
- Q You do not recall? A. No, sir.
- Q Did Konigsberger say anything? A. Konigsberger he came from behind the bar and commenced crying and wringing his hands.
- Q Now, you are an intelligent man, I ask you what was said?
A. He said, "He thought the revolver was not loaded."
- Q Who said that? A. Konigsberger, you know, he said to me, "I thought the revolver was not loaded."
- Q ^{Who was he speaking to when he said that?} ~~I thought the revolver was not loaded.~~ A. He said, "You know"

Q What did Langenheine say then? A. Langenheine was about that time out of the place.

Q When you grabbed the pistol away from him or took it away from him did you examine the pistol? A. No, sir.

Q Did you examine the pistol when you took it away from Langenheine? A. No, sir.

Q You didn't feel called upon to examine it after he told you I thought it was not loaded? A. I was too much excited, because I was too excited, just to notify the police.

Q What did you do with the pistol after you seized it or took it out of the hands of Langenheine? A. As far as I recollect I put it on the table right behind me.

Q The table you poured the milk from? A. At another table in the middle of the floor, the first table right behind the bar as you come in.

Q Was there any person at that table? A. No, sir.

Q It was unoccupied? A. Yes, sir.

Q And you laid it you think on top of that table? A. Yes, sir; I think so.

Q Had Mrs. Konigsberger come from the kitchen at that time?

A. Yes, sir.

Q What did she say at that time when Langenheine and Konigsberger were there if she said anything? A. I don't recollect.

Q Did she say anything that you recall? A. No, sir; I don't recall anything.

Q You mean by that that she said nothing or that she said something? A. No.

Q Or that she said something that you cannot recall? A. I cannot recall that she said anything.

- Q Now, had you ever seen that pistol before? A. Yes, sir.
- Q Where? A. I seen it behind the bar.
- Q And where behind the bar? A. On top of the bar, there is a shelf there, I seen it lying there.
- Q Under the bar? A. Yes, sir.
- Q And in view of a person passing behind the bar? A. In view of a person passing behind the bar.
- Q On a shelf on top of the bar? A. Yes, sir.
- Q How long ago is it that you first saw that pistol? A. It was on the same day when the shooting occurred.
- Q Was that the first time you saw that pistol? A. Yes, sir.
- Q The same day the shooting occurred on the 12th of February, 1891? A. Yes, sir.
- Q What time of the day was it you saw it? A. About 11 o'clock
- Q You were behind the bar when you saw it? A. Yes, sir;
I had some matches or something to get and I just seen the pistol lying there.
- Q And that was the first time you ever knew that Konigsberger had a pistol behind there? A. Yes, sir; or had a pistol.
- Q Did you say anything to him when your ~~eyes~~^{attention} was drawn to that - when your attention was drawn to that? A. I told him to be careful with the revolver.
- Q You said to Konigsberger to be careful with the revolver?
A. Yes, sir.
- Q And that was 11 o'clock the same day? A. Yes, sir.
- Q And before this shooting? A. Yes, sir.
- Q And that was before this glazier came in, was it not, or was the glazier working there, then? A. That was ~~why~~ when the Glazier had finished his work.

- Q And before any of this dispute began? A. No, sir, right through the dispute while the dispute was going on.
- Q That you went behind the bar about 11 o'clock? A. A little after eleven.
- Q And saw the pistol? A. Yes, sir.
- Q Behind the bar? A. Yes, sir; on the shelf.
- Q You said to him what? A. I said, "Konigsberger, be careful, ~~it~~ may be loaded - the revolver may be loaded."
- Q What did he say? A. Konigsberger pushed ~~me~~ a little and said, "Oh, I know it is not loaded."
- Q Did Konigsberger have the pistol in his hand at that time or was it on the shelf? A. It was on the shelf.
- Q And that was some few minutes before this dispute you have mentioned took place? A. Yes, sir.
- Q You came from behind the bar then and went about your duties? A. Yes, sir.
- Q Did you ask ~~them~~ ^{him} that day when you saw the pistol for the first time where he had got it? A. No, sir.
- Q Did he say to you where he had got it? A. No, sir.
- Q Did ~~he~~ tell you about what he had it there for? A. No, sir.
- Q What was it that led you to say to Konigsberger when you saw the revolver for the first time, to say to Konigsberger, "Be careful for that revolver, it may be loaded?" A. Because he was drunk.
- Q He was drunk? A. Yes, sir.
- Q (By Mr. Howe) Konigsberger was drunk? A. Yes, sir.
- BY MR. LYNN:-
- Q Was that the reason you said it? A. Yes, sir.
- Q Was there anything else said that you have not testified to

about that revolver? A. Not that I know of.

Q You do not recall? A. I do not recall.

Q You did not take the revolver in your hand when you saw it on the shelf for the first time? A. I did.

Q You took it out? A. I only held it in my hand and told Konigsberger to be careful with it, I didn't take it from behind the bar, I stayed right where it laid and said be careful with that revolver, and put it back again.

Q You don't know how many cartridges were in it then? A. I cannot say.

Q Have you told all you know about this transaction? A. I have.

BY THE CORONER:-

Q Is that the revolver? A. I couldn't swear to it.

BY MR. LYNN:-

Q Was it in good order that day, if you know? A. I don't know.

BY A JUROR:-

Q Did you ever see a pistol in his place before? A. No, sir.

Q Did he have any other pistol besides that? A. No, sir.

Q How long have you been employed there? A. When the shooting occurred about a week and a half.

Q You are working there now? A. The place is sold out.

Q (BY MR. FRIEND) Where do you live? A. No. 280 Bowery, at present.

Q You are receiving pay from Mr. Konigsberger's people?

A. Not that I know of.

BY MR. LYNN:-

Q You have testified that Mr. Konigsberger was drunk? A. Yes, sir.

Q Was he in the habit of getting that way? A. He was in the habit of taking his glass of beer, because I know the man was

drunk that morning for the first time since I was there, in the morning he commenced singing what he never did before, and he ~~staggered~~ and went in the back yard and laid down.

Q What did he say, did he say anything or did you say anything to him about it? A. It was none of my business, he was my employer

Q Do you know whether or not he rought the revolver with him to the store that morning? A. I don't know.

Q You didn't see it the day before? A. No, sir.

Q Were you behind the bar the day before? A. Yes, sir.

Q Pretty much every day? A. Occasionally.

Q When you went behind the bar the day of the shooting you could see it readily? A. Yes, sir; right on the shelf.

Q And it was where it could be seen behind the bar? A. Yes, sir.

Q you had ~~an~~ occasion to go behind the bar prior to that?

A. Yes, sir; that was the first time I ever seen a revolver in the house.

BY MR. HOWE:-

Q What time was this shooting? A. About ten minutes of twelve or fifteen minutes of twelve.

Q In the middle of the day? A. Yes, sir.

Q What time did Konigsberger come to the store that morning?

A. About half past ten.

Q And he was then drunk? A. Yes, sir.

Q ~~He was~~^{so} drunk and he went out? A. He didn't go out again, he went in the back yard singing and went to sleep.

Q You told Mr. Lym , and he objected to it, you say immediately after the shooting you saw Konigsberger crying and wringing his hands, those were your words, as I took them down, that was the truth, was it - that was true, was it? A. Yes, sir.

BY MR. FRIEND:-

Q You say the deceased, the dead man, come into the place?

A. Yes, sir.

Q And you saw and heard them talk about the price? A. No, sir.

Q You saw the dead man in his life time on that morning go with Konigsberger to Chrystie Street? A. I seen them passing out of the place.

Q The two of them? A. Yes, sir.

Q You first heard them have a conversation? A. Yes, sir; about the glass.

Q And the result of that conversation was that Konigsberger, this prisoner, and the dead man, Goldsmith, they went out together?

A. Yes, sir.

Q And they went to Chrystie Street? A. Yes, sir.

Q And in Chrystie Street Goldsmith received a pane of glass from Konigsberger? A. Yes, sir.

Q Konigsberger was not too drunk to go to Chrystie Street accompanied by Mr. Goldsmith? A. I don't know.

Q But you do know they went there? A. Yes, sir.

BY THE CORONER:-

Q And they came back together? A. Yes, sir.

BY MR. FRIEND:-

Q And Konigsberger was drunk? A. He commenced singing, he went to the back yard and laid down.

Q Is that the only thing you noticed? A. It is the only thing I noticed - I noticed him stagger.

Q You don't know whether he was sick? A. I don't know, he has not felt like that ^{the last} for 14 days.

Q You don't know whether he was sick or drunk, as a matter of fact? A. He seemed to me to be drunk.

Q Did you smell his breath? A. I cannot tell.

Q You did not see him drink anything? A. A pint of beer was drunk in the place between Langenbeine and somebody else.

Q Whether Konigsberger drank any of it you don't know?

A. I don't remember seeing it.

Q And then simply from the fact that he was singing and felt in a jocular mood, you say he was in a jocular mood? A. Jocular mood.

Q He went into the back yard? A. Yes, sir.

Q Did you see him lay down under a shed? A. Where the butcher shop is; I never seen him lay there before.

Q He was in quite a jocular mood that morning? A. He commenced singing about love -

Q In love with all mankind?

MR. HOWE: No, womankind.

BY A JUROR:-

Q Were you behind the bar when Mr. Konigsberger went out with the glazier? A. To my recollection I was not.

BY MR. LYNN:-

Q Who tended bar when he was away? A. The lady, Mrs. Konigsberger.

Q You say they worked the growler in the saloon? A. I say they had a pint of beer.

BY THE CORONER:-

Q Do they sell beer in the saloon? A. No, sir.

BY MR. LYNN:-

Q What was the bar there for? A. To receive cash.

BY MR. FRIEND:-

Q And to hold the revolver with which to shoot people?

BY THE CORONER:-

Q There was no beer sold in the place at all? A. No, sir.

Q And no liquor? A. To one gentleman in the morning, a guest.

Q Did you have liquor in the place? A. A ^{flask} ~~glass~~ of whiskey.

Q You serve no bottled beer with the dinner? A. No, sir.

BY A JUROR:-

Q Were you behind the bar at all that morning before 11 o'clock?

A. Not that I recollect.

Q Do you ever go behind the bar there? A. Occasionally, yes, sir.

Q How often in the day? A. It may happen not at all, and it may happen once or twice.

BY THE CORONER:-

Q What time were you behind the counter that morning? A. About eleven o'clock.

BY A JUROR:-

Q Were you drinking that morning? A. No, sir.

BY MR. LYNN:-

Q Who was drinking the pint of beer? A. Langenheine and somebody else, I don't know.

Q Was he drunk? A. He didn't seem to be very sober.

Q Who was drinking the beer with Langenheine? A. I cannot recollect - it seems to me -

Q Was it Vollmer? A. It seems to me, Mr. Schearman did, I think.

-----oOo-----

**POOR QUALITY
ORIGINAL**

0320

The testimony is read to the witness
at which he states that it is a correct
statement of which he has given.

-----oO-----

**POOR QUALITY
ORIGINAL**

0321

DR. PHILIP F. DONLIN, duly sworn, testified:

On February 13th, 1891, at No. 282 East Houston Street, I made a post mortem examination of the body of Morris Goldsmith, about fifty years of age, and found a pistol shot wound of the left eye-brow, immediately over outer canthus of left eye; bullet wound extended through brain and lodged in the posterior fossa of right side; there was an extravasation of blood two inches one way, and two inches long over the left ear; under the scalp; a fracture of the left side of the skull extending from the wound directly backwards an inch and a half behind the left ear. The heart was ~~hypertrophied~~ hypertrophied; kidneys changed; other organs normal; death due to pistol shot wound of brain.

This is the bullet I extracted from the head of the deceased.

-----oOo-----

Inquest into the Death

- of -

MORRIS GOLDSMITH.

) Before
) HON. DANIEL HANLEY,
) and a Jury.
)
)
)

Inquest resumed.

Same appearances.

New York, February 19th 1891.

GUSTAVE SCHIRMANN, duly sworn, testified:

Adolph B. Ehrlich is sworn to interpret the testimony of this witness.

BY THE CORONER:-

Q Where do you live? A. In Brooklyn, No. 165 Central Avenue.

Q What is your business? A. Pastry cook.

Q Where do you work? A. At present I work with my brother in Brooklyn.

Q What is his name? A. August Schirmann.

Q Where does he live? A. In the same house.

Q Did you see the shooting take place which caused the death of Morris Goldsmith? A. I did.

Q Where did it take place and what time of the day was it?

A. In Houston Street, No. 168.

Q Was it East Houston Street? A. Yes, sir.

Q What time of the day? A. Between eleven and twelve o'clock in the morning.

Q Tell the Jury how it occurred and what you saw? A. In the morning I was taking my breakfast at the restaurant of Mr. Konigsberger, when the glazier came in to put in a pane of glass; then Konigsberger said he had an old pane of glass that might be of

great use yet and they both went out to have a look at that pane of glass; then after a while the glazier came bak alone and after him Mr. Konigsberger came; Mr. Konigsberger seemed to be in merriment and they had been drinking and he began singing; when the glazier demanded his pay for the work Konigsberger put down sixty-five cents and said that was enough; the glazier insisted upon having \$1.05 for his work; Konigsberger began to poke fun at him and began to make jokes and said he would get no more than 65 cents; then the waiter Williams joined in the joke; and they began to make fund of the man.

Q Who is that man Williams? A. It is William Langenheine; then the waiter Langenheine said he must take the money whih was offered him; and then I saw that Langenheine had a knife, he approached Goldsmith in a joking way telling him that he would cut his throat; then at once I noticed a revolver lying at the corner of the counter of the bar.

Q Was it on top of the cunter? A. There was a vessel on top of the counter and near by the revolver was lying; then I saw that Langenheine brandished the revolver over the head of the deceased and said to him, "You take your money or I will kill you;" then I heard a pistol report and thereupon the man fell down shot dead; I heard the report and then a pistol shot.

By the Coroner:-

Q Did you hear a click before the shot? A. I cannot tell.

Q What was the first you heard, the report of the pistol shot?

A. I heard a click.

Q What was the next you heard? A. Then I said to Edwards you must call in the police; then a few policemen came in and found the man dead, and we were arrested.

BY MR. HAGEMAN:-

Q Where was Langenheine at the time you were arrested?

A. When the man fell down Langenheine ran away through the door.

BY MR. LYNN:-

Q What time did you get to that restaurant that morning?

A. Between nine and ten o'clock in the morning.

Q Were you there before Konigsberger or did Konigsberger come in after you? A. Konigsberger was there before I came; I found him there.

Q What did Konigsberger do when he came there first? A. He was behind the bar, I didn't pay particular attention to what he was doing.

Q Was Langenheine there at that time? A. Langenheine came afterwards; he came in later.

Q How late? A. Well, I should judge it was about a half an hour later that Langenheine came in.

Q About half past ten? A. I don't know the right time.

Q Where did you stand at the time you heard the conversation between the glazier and the two men, the defendants? A. Right at the entrance, there is a table, and at that table I was sitting when the conversation with the deceased and the two prisoners took place.

Q How long a time was it when the glazier came in first and the time he got through with his work? A. About a half an hour.

Q And that includes the interval at the time that he was absent for the pane of glass that he brought back? A. Yes, sir; it might be included.

Q What did Konigsberger say when the glazier got through and asked for his money? A. Konigsberger then said that 65 cents

was enough for his work.

Q The glazier -did the glazier say anything before that?

A. Nothing that I know of - he didn't say anything.

Q Did you hear Konigsberger say anything to Langenheine?

A. No, sir; I didn't hear anything.

Q Did you see Konigsberger do anything with the pistol?

A. I did not.

Q You first attention was drawn to the pistol when you saw it on top of the bar? A. Yes, sir; that was the first time I noticed the revolver.

Q Did you notice who put the revolver on top of the bar?

A. I didn't notice anything about it or before my attention was ~~called~~ - being riveted to the knife that Langenheine had and was brandishing.

Q What kind of a knife was it? A. It was a long knife which is used in cutting bread.

Q Was it a carving knife? A. Yes, sir; it was a kind of a carving knife ^{that} was used in that restaurant for cutting bread.

Q When Langenheine said to Goldsmith that he would cut his throat unless he took sixty-five cents, what did Goldsmith say to that?

A. The glazier took that as a joke and was warding off the attempts of the approach of the knife and laughed.

Q Did you see Langenheine take the knife down and take the pistol up? A. I didn't notice that - I didn't see him put away the knife and take the pistol.

Q Do you know whether or not Konigsberger handed the pistol to Langenheine or not? A. I didn't see that.

Q How long was it between the time that you first saw this pistol in Langenheine's hands until the shot went off? A. Several minutes.

Q Between the time that you first saw the pistol in Langenheine's hand until the shot was fired? A. Yes, sir.

Q What did you hear Konigsberger say, if you heard anything said by him at the time Langenheine had the pistol in his hand? A. I cannot tell that I heard Konigsberger at that time say anything, the whole proceedings there seemed to be too stupid to deserve any attention.

Q Was your back to the people that were there at the time?

A. I was in the yard several times during their quarrels.

Q When you heard the shot did you turn your face towards Konigsberger and Langenheine? A. Then when I heard the report I had my face turned to them.

Q Where was Konigsberger then? A. Konigsberger was behind the bar at that time.

Q What did he say? A. When the man fell Konigsberger exclaimed, "He is dead, he is dead," and made a sad face.

Q Is that all he did? A. That is all that I can remember that he said.

Q What did Langenheine say right after the shooting? A. Langenheine ran away to the door.

Q Did he run or did he walk? A. He ran away.

Q And was that directly after the shot was fired or just a moment or so? A. About a half a minute may have elapsed from the time of the shooting and his running away.

Q Did you see what he did with the pistol? A. No, sir.

Q Did you see the pistol after the shooting occurred?

A. No, sir; I didn't see the pistol.

Q How far were you from Langenheine when the shot was fired - when the shot was fired? A. About three steps, I stood from him

Q That would be how much, nine feet? A. About from 7 to 8 feet was the distance between us.

Q Tell me what Goldsmith said, I want the language used by Goldsmith at any time he had a conversation between Konigsberger and Langenheine? A. He had fixed there, I think, four panes of glass and he then insisted that for the labor bestowed on that job a dollar and five cents was not much, that is all I can recollect that Goldsmith said.

H
Q When Langenheine said take that fifty-five cents or I will cut your throat did Goldsmith say anything then? A. Goldsmith tried to evade, to parry, to ward off any approach with the knife and laughed.

Q Had Langenheine approached Goldsmith getting towards him with the knife in his hand? A. Langenheine was standing right in front of Goldsmith having the back of the knife or the dull side of it turned to him when he was over his jokes with the man - he had the dull or the back side of the knife turned to the man.

BY A JUROR:-

Q The witness has said to the best of his knowledge; he didn't exactly say that.

The Coroner: The interpreter may repeat it.

A. Langenheine was standing in front of Goldsmith when he played with that knife, having as I think the back side turned towards the man.

Q Did he advance towards Goldsmith a step or not, or did he make a thrust? A. He stood near Goldsmith brandishing it.

Q Take that knife and show how far he held that knife; illustrate the position; now take it and show how he joked with the glazier?

The witness now takes the knife and illustrates the action of Langenheine at the time of the occurrence.

Q He took the glazier by the head or hair, did he? A. Yes, sir; by his head and by his shoulder.

Q Did he bring the knife near to his neck? A. Not quite near.

Q Within an inch or two? A. I cannot tell that exactly

Q Did Goldsmith back away - did he retreat? A. Goldsmith was withdrawing and laughing, and at the same time taking it to be a joke.

Q What did Konigsberger say when Langenheine was doing this knife business - this knife performance on Goldsmith? A. I cannot tell.

Q Did you hear him make an exclamation or remark? A. I did not.

Q Did you see Langenheine put that knife down after that thing was through? The incident that you have now described?

A. I didn't see it.

Q Your attention then was next drawn to that shot? A. Yes, sir; then my attention was attracted to the report of the pistol.

Q How far was Langenheine from the place where the pistol rested at the time he was using the knife? A. About 6 or 7 feet was the distance.

Q What position was Langenheine in when the shot was fired, was he in the same position as he stood when he used the knife or when he walked over towards the door? A. When the shooting had taken place Langenheine looked taken aback.

Q I want to know what he did; not about his expression or his looks; I want to know the position he was in at the time?

A. When the shooting took place Langenheine was not in the same place where he had been brandishing the knife, he had withdrawn.

Q How many feet? A. I cannot tell exactly, perhaps several feet.

Q Would that several feet be five feet or six feet? A. Between 2 1/2 and 3 feet, the distance might have been.

BY A JUROR:-

Q Were you a guest there? A. I was merely a guest there, I was not working there.

Q Did you see the glazier doing the work there? A. I ~~was~~ saw about half of the work.

Q Did you notice the size of the glass there? A. It was a little larger than that there; it was larger than that pane here; they were wider.

By the Coroner:-

Q About how many inches wide were they? A. There were two kinds of panes, some side panes and front panes, the side panes were narrower than the front panes.

Q When you came in which way did you sit, with your face towards the kitchen or towards the window? A. Towards the entrance.

Q Have you been in the habit of coming in there taking your meals? A. I usually ate there.

By Mr. Friend:-

Q What time did you get there that morning? A. Between nine and ten o'clock.

Q Was Konigsberger there then? A. Yes, sir.

Q Did you ~~stay~~ ^{all} there ~~right~~ that morning until the glazier came in? A. Yes, sir.

Q And Konigsberger was there all the time, was he not? A. No, sir; he went out.

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ORIGINAL.

0330

Q Up to the time that he went out with the glazier he remained at his place of business, is that true? A. Up to the moment he went out with the glazier he was in the room.

Q And attended to his business, did he? A. Yes, sir, in the kitchen and in the restaurant.

Q And he did, ^{quite} ~~quite~~ a good deal of business that morning, did he not? A. There were no guests there, there was not much to do.

Q After the glazier came back and Konigsberger came back and the poor glazier had finished putting in the glass did you see Konigsberger come from behind the bar? A. Yes, sir.

Q Show me or show the Court and Jury how Konigsberger placed his hands on the glazier when he was fooling with him?

Objected to.

Q Did you see Konigsberger put his hands on Goldsmith? A. Yes, sir; he was fooling with him.

Q Now, I will be the dead glazier, you are Konigsberger, now show me and show the Jury how Konigsberger placed his hands in fooling upon the deceased Mr. Goldsmith? A. He took him this way slapping him on the back and saying that ~~65 cents was enough, come along, come along, 65 cents is enough.~~

Q After you noticed the revolver on the counter, did you see Konigsberger hand the revolver from the bar to Langenheine?

A. No, sir.

Q Did you see Langenheine take the revolver from the bar?

A. No, sir.

Q But you did see the revolver in the hands of Langenheine?

A. Yes, sir.

Q Now, show me what position Langenheine held the revolver at the time the shot was fired? A. If I am right he was holding the revolver in his right hand and was brandishing it this way.

Q And how close to the head of the deceased? A. I cannot tell exactly, but it was the way I showed it.

BY MR. LYNN:-

Q What remark was Langenheine using at the time he was brandishing it this way? A. He said, "Take 65 cents or I will shoot you dead."

Q How soon after you heard Langenheine say that, did you hear the report of the revolver? A. I cannot tell.

Q Was it a second? A. I cannot tell.

Q You know whether it was an hour, don't you? A. I cannot tell.

Q You saw Langenheine fool with the deceased you say? A. Yes, sir; I saw that.

Q And did you see Langenheine thrust his hand upon the person of the deceased before the shot was fired? A. With the knife.

BY MR. MOSS:-

Q What part of the conversation was it that you first saw the revolver? A. About when he was fooling with the knife, I noticed the revolver.

Q When Langenheine was fooling with the knife you saw the revolver lying on the counter? A. Yes, sir.

Q How far away from that revolver was the man Konigsberger at the time you saw Langenheine fooling with the knife? A. About one foot.

Q Was he behind the bar? A. Yes, sir.

Q What did you see Langenheine do after he laid the knife down?

A. I didn't see Langenheine lay down the knife.

Q After he was through fooling with the knife in which direction from the bar did he walk? A. I cannot tell.

Q Did you see him take a few steps away you said?

A. That was after the shooting.

Q After he was fooling with the knife what next did you see Langenheine do? A. I cannot tell.

Q Were you looking at him - were you not looking at him?

A. No, sir; the whole proceeding seemed to me too ridiculous, and I didn't pay much attention.

Q How long a time elapsed between the time of the fooling with the knife and the time of the shot? A. I ~~HE~~ cannot tell the exact time.

BY MR. LYNN:-

Q Is the knife shown to you now similar in any respect to the one you saw in Langenheine's hands that day - is it in any way similar to the one spoken of upon that day? A. No, sir; it is not similar.

Q Was it larger or smaller than that knife? A. It was much larger and also stouter built.

Q Was it pointed around or round at the edge? A. It was rounded at the edge; - it was a bread knife.

Q This knife is a foot in length - the other one was bigger?

A. Yes, sir; it was much larger and of a stronger make.

BY MR. HAGEMAN:-

Q Just describe if you will where you sat at the time of this joking as you term it between the glazier, Konigsberger and Langenheine? A. At that time I was not sitting, I was standing.

Q Where did you stand? A. I had left the room and went to the water closet and coming back I stood in different places.

Q At the time that Langenheine had this so called knife did you see a revolver on the counter or behind the bar? A. I saw it on the bar.

POOR QUALITY
ORIGINAL

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Q Who put that there, did you see anybody put it there?

A. No, sir; I didn't see that.

Q State to the Court and Jury ^{whether} ~~when~~ you were here as one of the witnesses before Coroner Levy on the day of the arrest of these defendants, when they were brought before Coroner Levy? A. I was present here.

Q Before Coroner Levy? A. That I cannot tell exactly.

Q Well, before one of the judges or coroners? A. Yes, sir.

Q Were you not placed upon the stand and sworn upon that day?

A. My name was taken here and a pledge report here.

Q Did you see officer Bissert here that day? A. Yes, sir.

Q Will you kindly state whether you did not say in the presence of Coroner Levy that Konigsberger told or gave the revolver to Langenheine and told him to shoot this man? A. Not that I know of.

Q Is your memory of the last week as good as it has heretofore been? A. It is not weaker now.

By the Coroner:-

Q It is just as good now? A. Yes, sir.

BY MR. HAGEMAN:-

Q You positively swear you did not make that assertion here that Konigsberger handed the revolver to Langenheine and said to Langenheine to shoot this man? A. No, sir.

-----oOo-----

**POOR QUALITY
ORIGINAL**

0334

VICTOR MOLNAR, duly sworn:

I live No. 255 Jay Street, Brooklyn.

BY THE CORONER:-

Q What is your business? A. I am in the restaurant business and work as a waiter most of the time.

Q Did you see the alleged shooting take place on the 12th of February, at No. 168 East Houston Street? A. Yes, sir.

Q Tell the Jury what you saw on that day and what you heard of your own personal knowledge? A. I entered the place No. 168 East Houston Street, New York, about quarter past eleven o'clock in the morning, on the 12th of February, 1891. I sat at the table and ordered a cup of coffee of the man, of the waiter there and had it placed in front of me; almost immediately and as soon as I had the cup placed in front of me my eyes struck Langenheine; I noticed Langenheine standing in front of a glazier, the man in question, holding a pistol in his hand into the man's left eye - into the glazier's left eye; I thought it was about time to leave the place then; I did not touch my coffee; I got up to leave the place, and while I walked, I don't think I took the first step I heard the snap of the revolver and after the snap a report; not leaving my eyes off the revolver. The man that stood in front of Langenheine against the window dropped, I suppose dead:

Q That was the glazier? A. Yes, sir; at that time Langenheine passed out of the place in front of me and I followed him on the street.

Q Did he run out after the shot was fired? A. No, sir; he walked out.

Q Quickly or slow? A. A general gait anyone would walk on the street; I followed him through Houston into Second Avenue, crossing Second Avenue into First Street, crossing the Bowery,

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38,

POOR QUALITY
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into Bleecker Street, and then when I seen him take this way I thought he would go and deliver himself up in police headquarters; he crossed Mulberry Street on Bleecker and then I couldn't do any other way than to call the first officer; I met Officer Carson of the 10th Precinct, I called him with ^{my left hand} ~~my right~~ and pointed to Langerheine with my right and told the officer he shot a man; the officer took Langerheine and myself down to the 10th Precinct.

BY MR. LYNN:-

Q What did Langerheine say? A. He admitted the shooting.

Q What did he say? A. It was all fooling, it was all playing, he said.

Q Go on? A. He went to the station house on Mulberry Street and from there the detective of that station house and myself went over to Houston Street again to the place where the shooting occurred in. Konigsberger and the other witnesses had been taken away from the place already before and the detective of the 10th Precinct and myself went to the station house on 5th Street. The There I stated that I had seen the shooting and I was held there until Coroner Levy opened his Court and I had to pledge my word to appear at the inquest.

BY THE CORONER:-

Q Did you make a statement to Coroner Levy that day?

A. No, sir, I did not.

BY MR. LYNN:-

Q What time did you get there that day first? A. About a quarter past eleven to the best of my knowledge.

Q Was the glazier there? A. The glazier was there holding a rule in his hand, holding a rule in his hand and smoking a pipe;

POOR QUALITY
ORIGINAL

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He was smoking a pipe at the time.

Q What directed your attention to the glazier? A. The glazier to my knowledge was silent; he didn't make any remark, he only smoked.

Q Anything about prices that day? A. No, sir.

Q How near was Langerheine to the glazier when you went in?

A. When I went in I didn't notice Langerheine, ~~only the~~ ^{was} glazier *at once* after I got light I noticed Langerheine standing in front of the Glazier.

Q Anything in his hand? A. I saw the revolver in Langerheines hands.

Q You know nothing about any knife incident that happened that day? A. I didn't see it.

Q What did you hear Langerheine say when your attention was called to the revolver? A. Langerheine said to Goldsmith, "Now, I will shoot you dead."

Q Did you hear Konigsberger - what did you hear Konigsberger say before that? A. I didn't hear him say a word.

Q You didn't see Langerheine take the revolver from any place?

A. No, sir; at the time I noticed him with the revolver he stood in front of Goldsmith.

Q How far in front? A. Directly in front of Goldsmith.

Q How close - did they touch one another? A. Not exactly.

Q Could they extend their hands and touch one another?

A. Yes, sir.

Q Near enough to reach out and touch each other with their hands?

A. Yes, sir.

Q Was the glazier smoking his pipe then? A. Yes, sir.

Q And his rule in his hand? A. Yes, sir; a kind of leaning against the window.

Q Did you hear Goldsmith, the glazier say anything? A. I have not heard Goldsmith say a word.

Q And the first thing you heard was what Langenheine said?

A. What Langenheine said, "Now I will shoot you dead;" he said it in German.

Q You were looking at them then? A. That attracted my attention more than anything else.

Q And you saw the revolver? A. Yes, sir.

Q Langenheine had a revolver in ~~his~~^{what} hand? A. In his right hand.

Q And he had it pointed at whom? A. At the glazier's head in position of the left eye.

Q How close to his eye was that revolver? A. Probably an inch.

Q What was Langenheine doing with his left hand, if anything?

A. It was hanging - he did nothing with that.

Q By his side? A. Yes.

Q Where was Konigsberger then? A. Behind the counter.

Q This all followed within a few seconds after you came in?

A. I was not in the place more than a minute and a half.

Q You can walk a whole block in a minute? A. Yes.

Q Commence to count now and begin to count now - about how long it was you noticed this thing?

The witness now counts the interval that elapsed.

A. This would be about long enough.

Q That is just thirty seconds; it is a half a minute. Konigsberger was behind the bar how far was Langenheine away from the bar? A. About 4 or 5 feet.

Q what did Konigsberger say after the shooting? A. I was not in the place after the shooting; I walked right after Langenheine; I was in the act of going out following Langenheine.

Q Did you look at Konigsberger? A. No, sir; my attention was drawn to the man that did the shooting.

Q You didn't hear Konigsberger say anything? A. I didn't hear him say a word.

Q You followed right immediately after? A. Yes, sir.

Q And you were about going out when this thing occurred?
A. Yes, sir.

BY A JUROR:-

Q Have you ever been in that place before? A. Not that I know of.

BY A JUROR:-

Q What were they doing when ~~they~~^{you} came in there? A. When I first got in there I couldn't see anything; coming from the street into a basement that is not lit up your eyes is blinded; mine was blinded at the time.

Q Tell me what condition that Konigsberger and Langenheine was at the time, sober or drunk? A. I was not in the place long enough to notice it.

Q You formed no opinion as to their condition? A. No, sir.

Q Nor are you able to state now? A. No, sir.

Q Did Langenheine show any signs of intoxication at the time the policeman took him? A. No, sir, he seemed perfectly sober.

BY MR. FRIEND:-

Q Did you see him hand the pistol down? A. No, sir.

Q Had he dropped it? A. No, sir.

POOR QUALITY ORIGINAL

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Q Hear him drop it? A. No, sir.

-----oOo-----

MR. HAGFMAN: My client prefers to take the stand and testify.

THE CORONER: (To the prisoner Langenheine) I understand that you want to take the stand and make a statement, voluntarily on your own part?

The witness desires to testify in spite of the admonition of the Coroner that whatever he may testify to may be used against him at the Court below.

FRANCIS NEKARDA, duly sworn; to interpret the testimony of William Langenheine, one of the prisoners.

WILLIAM LANGENHEINE, duly sworn:

BY THE CORONER:-

~~Qxxxwheerexdxxxxxixxx~~ The prisoner after further consultation with his lawyer decides not to testify at the inquest.

-----oOo-----

The Coroner: I will now ask counsel who represents Mr. Konigsberger whether his client desires to take the stand?

MR. MOSS: No, sir, he will not take the stand.

-----oOo-----

**POOR QUALITY
ORIGINAL**

0340

The Coroner: Gentlemen of the Jury: You have heard the testimony of Deputy Coroner Donlin on the last day of the examination and the Jury will please give this case their most earnest consideration; and when you retire to frame your verdict I would ask you to consider the evidence of the witnesses very carefully as you have sworn to do when you took your seats here as jurors, and bring in a verdict in accordance with the evidence before you.

-----oOo-----

POOR QUALITY
ORIGINAL

0341

In the matter of Morris Goldsmith.

V e r d i c t:

We, the undersigned jurors find that Morris Goldsmith came to his death on the 12th day of February 1891, at 168 East Houston Street, from a pistol shot wound ^{of the head.} inflicted by William Langeheine, and aided and abetted by Charles Koenigsberg.

POOR QUALITY ORIGINAL

0342

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of Coroners Office No. 124 Second Avenue Street, in the 17th Ward of the City of New York, in the County of New York, the 17th + 19th days of February in the year of our Lord one thousand eight hundred and 91 before Daniel Hanly — Coroner, of the City and County aforesaid, on view of the Body of Morris Goldsmith

Eight

Upon the Oaths and Affirmations of 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 Morris Goldsmith — — — came to his death, do upon their Oaths and Affirmations, say: That the said Morris Goldsmith

came to his death by on the 12th day of February 1891, at 168 East Houston Street from a pistol shot wound of the head, inflicted by William Langeheing, and aided and abetted by Charles Koerigsberg.

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.

Mayor Hutzberg 145 Park Row

John Burns 154 Park Row

Samuel Franklin 146 Park Row

Jacob L. Linn

Paul Miller 245 Baver

Joseph Joseph 142 Park Row

Thomas Seiler

Morris Franklin 141 Park Row

Daniel Hanly

CORONER, ss.

POOR QUALITY
ORIGINAL

0343

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

William Langheim 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—*William Langheim*

Question—How old are you?

Answer—*Thirty-three years & six months*

Question—Where were you born?

Answer—*Hanover, Germany*

Question—Where do you live?

Answer—*No. 430 E. Seventeenth Street*

Question—What is your occupation?

Answer—*Waiter*

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

*I have nothing to say at present—
Mr Langheim*

Taken before me, this *19* day of *July*, *1887*

Daniel Hanly CORONER.

POOR QUALITY ORIGINAL

0344

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
Years	Months	Days			

HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

*whenever it is found that, he came to
to Death by the hands of*

*Inquest taken on the _____ day
of _____ 1888
before _____*

Coroner:

Committed

Bound

Discharged

Date of death

POOR QUALITY
ORIGINAL

0345

Coroner's Office,

CITY AND COUNTY } ss.
OF NEW YORK, }

Charles Koenigsberger 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?

Charles Koenigsberger.

Answer—*Charles Koenigsberger.*

Question—How old are you?

Answer—*Forty-four.*

Question—Where were you born?

Answer—*Germany.*

Question—Where do you live?

Answer—*226 Christie Street.*

Question—What is your occupation?

Answer—*Confectioner.*

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

By advice of Counsel I decline to say anything.

The defendant declines to sign his name.

Taken before me, this

19th day of *February* 188*1*
Daniel Henry
CORONER.

POOR QUALITY ORIGINAL

0346

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
Years	Months	Days			
50			Germany	282 Houston St	Feb 13/99

10-1891

MICRIDE

AN INQUISITION.

VIEW of the BODY of

Charles Goodwin

whereby it is found that he came to

his death by the hands of

Charles Goodwin

examined on the 17th 19th day

of February 1891

Charles Goodwin

Charles Goodwin

Charles Goodwin

Charles Goodwin

POOR QUALITY ORIGINAL

0347

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 Horningberger and William Sanjourne

The Grand Jury of the City and County of New York, by this indictment, accuse Charles Horningberger and William Sanjourne of the CRIME OF Murder in the First Degree, committed as follows:

The said Charles and William, both

late of the City of New York, in the County of New York aforesaid, on the 2nd day of February, in the year of our Lord one thousand eight hundred and eighty-one, at the City and County aforesaid, with force and arms, in and upon one Morris, in the peace of the said People then and there being, wilfully, feloniously, and of their malice aforethought, did make an assault, and the said Charles and William, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said Charles and William in their right hands then and there had and held, to, at, against, and upon the said Morris, then and there feloniously, wilfully, and of their malice aforethought, did shoot off and discharge, and the said Charles and William, 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 Morris, in and upon the head of him the said Morris, then and there feloniously, wilfully, and of their malice aforethought, did strike, penetrate and wound, giving to him, the said Morris, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

POOR QUALITY ORIGINAL

0348

said *Charles and William*, in and upon the *head* of
 the said *Morris*, — one mortal wound of the breadth of
 one inch, and of the depth of six inches, of which said mortal wound, *the* the
 said *Morris*, at the 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, on which said
 day of *in the year aforesaid*, the said
at the City and County aforesaid, of the said mortal wound did die.
then and there died.

And so the Grand Jury aforesaid do say: That the said

Charles and William,
 the said *Morris*, — in the manner and form, and by
 the means aforesaid, wilfully, feloniously, and of *their* 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.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse
 the said *Charles* *William* and
William —

of the same CRIME OF Murder in the First Degree, committed as follows:

The said *Charles and William*, both

late of the City and County aforesaid, afterwards, to wit: on the said *Twenty*
 day of *February*, in the year of our Lord one thousand eight hundred and
 eighty *one*, at the City and County aforesaid, with force and arms, in and upon the
 said *Morris*, in the peace of the said People then and there
 being, wilfully, feloniously, and with a deliberate and premeditated design to effect
 the death of the said *Morris*, did make an assault, and the said

POOR QUALITY ORIGINAL

0349

Rhader and William, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said *Rhader and William* in *their* right hands, then and there had and held to, at, against, and upon the said *Morris*, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said *Morris*, did shoot off and discharge, and the said *Rhader and William*, 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, *him* the said *Morris*, in and upon the *head* of *him* the said *Morris*, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said *Morris*, did strike, penetrate, and wound, giving to *him* the said *Morris*, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said *Rhader and William*, in and upon the *head* of the said *Morris*, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound *he* the said *Morris*, at the 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, on which said *day* of *in* the year aforesaid, the said *Morris* at the City and County aforesaid, of the said mortal wound did die. *Then and there died.*

And so the Grand Jury aforesaid do say: That the said

Rhader and William, him, the said *Morris*, in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said *Morris*, did kill, and murder, against the form of the Statute in such made and provided, and against the peace of the people of the State of New York and their dignity.

John R. Fellows
JOHN R. FELLOWS,

District Attorney.

0350

BOX:

438

FOLDER:

4035

DESCRIPTION:

Kolasinski, Alexander

DATE:

05/15/91



4035

POOR QUALITY ORIGINAL

0351

145

Witnesses:

Eduid Becker

Sophie Kominski

Mrs Sophie Kominski

Counsel,

Filed

15 day of May 1887

Pleads,

W. E. Bidmon

THE PEOPLE

42
14-12-87
W. E. Bidmon

ABDUCTION [Section 282, Sub. 1, Penal Code.]

Alexander Kotamochi

De Lancey Thell,
JOHN R. BELLONS,

District Attorney.

A True Bill.

W. E. Bidmon

Foreman,

Sub. 11 May 21, 87

Pleads Guilty, Thaupt

Abduction

2 yrs 7 mos 10 days

POOR QUALITY ORIGINAL

0352

3^d District Police Court.

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

Edward Becker

of Number 100 East 93^d Street being duly sworn,
~~that he has just cause to believe and does believe~~
deposes and says, that on the 4th day of May 1891, at the
City of New York, in the County of New York, one Alexander

Kolasinski, now present, did unlawfully
take, receive, harbor and attempt to use
a certain female, called Sophie Kaminski,
now present, said female being then and
then actually and apparently under the
age of six teen years, to wit; of the age of
fourteen years, for the purpose of sexual
intercourse, not being her husband, in
violation of section 287 of the Penal
Code of the State of New York.

Deposant further states that he has
been informed by the said Sophie
Kaminski, that the said Alexander
Kolasinski took her to his room
situated in number 14 First Street in said
City and did then attempt to have sexual
intercourse with her -

Wherefore the complainant prays that the said Alexander Kolasinski

may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 6th } Edward Becker
day of May 1891 }
W. W. Mead
Police Justice.

POOR QUALITY ORIGINAL

0353

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

Augusta Katzenstein

of No. *14 First Street* being duly sworn, deposes and says,
that on the *fourth* day of *May* 18 *91* at the city of
New York, in the County of New York.

Sworn before me this

of *May* 18 *91*
Police Justice

at about the hour of
5.45 o'clock p. m. while in the hall
way on the second floor of premises
number 14 First Street deponent
saw Alexander Stolasinski, and a
female, whom deponent now identifies
as Sophie Kaminski, in company
with each other in said hallway
going up stairs - About 5 or ten minutes
later while deponent was going up
stairs, deponent saw said Sophie
Kaminski leave the hall way of
said house and go into the street
alone -

Augusta Katzenstein

POOR QUALITY ORIGINAL

0354

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 14 years, occupation Sophie Kaminiski of No. Artificial flower maker
331 East 106th Street, being duly sworn deposes and

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

Sworn to before me, this 6th day of May 1891 } Sophie Kaminiski
Rowman
Police Justice.

POOR QUALITY ORIGINAL

0355

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Alexander Kolosinski

Question. How old are you?

Answer.

42 years old

Question. Where were you born?

Answer.

Russia

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

Answer.

14 1/2 St 3 years

Question. What is your business or profession?

Answer.

Flourist

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
Alexander Kolosinski*

Taken before me this

[Signature]
1897

Police Justice

POOR QUALITY ORIGINAL

0356

BAILED,

No. 1, by _____
Residence _____ Street _____

No. 2, by _____
Residence _____ Street _____

No. 3, by _____
Residence _____ Street _____

No. 4, by _____
Residence _____ Street _____

Police Court... 3 B
District... 631

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Edward J. Becker
vs. East 23rd St
Alex Polanski

1
2
3
4

Offence... Abduction

Dated... May 6 1891
Murray & Meade
Magistrate

Witnesses: Arthur Kaminetzki
No. 231 E. 106 St
Cognate Paganteris
No. 14 St

District Court
No. 102 Chambers St
No. 15720
Street

1570. E. May 8. 5. P.M.
1111
MAY 11 1891
DISTRICT ATTORNEY'S OFFICE

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

Alfred Deut

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

Dated... May 12 1891 W. Murray Police Justice.

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

Dated... 18 _____ Police Justice.

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

Dated... 18 _____ Police Justice.

POOR QUALITY ORIGINAL

0357

Court of General Sessions of the Peace,
in and for the City and County of New York.

The People vs
against
Alexander Kolasinski

City and County of New York ss -
Frank Gzieszkiewicz of said
City and County being duly sworn says -
I am personally acquainted with Alexander
Kolasinski: and have been for 16 years
last past - said Alexander Kolasinski
is a hard working man, honest and
industrious - and strictly temperate, he
was up to the time of his arrest en-
gaged in the flower business - and kept
a stand for the sale of flowers on
the South East corner of Houston Street
and the Bowery in said City: to my
knowledge the said Alexander Kolasinski
has never been arrested - charged with
any crime: My occupation is a manufacture
of harts - and the defendant was on my employ:

Sworn to before me this
21 day of May 1891.

Frank Gzieszkiewicz

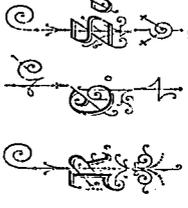
JOHN C. ...
JUN 21 1891

John C. ...
John C. ...

POOR QUALITY ORIGINAL

0358

City and County of New York ss:
 J. C. Rogers - of said City
 and County of New York being duly
 sworn says. I am personally acquainted
 with Alexander Stolasinski mentioned in
 the foregoing affidavit. I have known
 him for 4 years last past. he is
 a sober honest and hard working man
 he has never been arrested before this
 charge for any cause to my knowledge.
 Sworn to before me this
 20th day of May 1891 } A. C. Rogers
 John C. Frasers }
 Notary Public
 n.c.


 Rogers,
 325 East 10th Street,
 New York.

POOR QUALITY ORIGINAL

0359

City and County of New York ss:
 Thomas Iniquiel of said
 City and County being duly sworn
 says. I am personally acquainted
 with Alexander Stokowski the
 defendant herein: I have known
 him for 10 years last past: he
 has never been arrested to my
 knowledge prior to this charge:
 He has always been a hard
 working man. The affidavits
 foregoing as to the character of
 the defendant are true
 sworn to before me
 May 20: 1891.
 John C. Fraser } Thomas Iniquiel
 Notary Public

J. Iniquiel,

LINCOLN HALL.

Wines, Liquors & Lager Beer

SALOON,

Fine Cigars, &c.,

138 LUDLOW STREET,

NEW YORK.

Near Irvington Street,

Meeting Room for Societies, Private Parties, &c.

22 & Co

City and County of New York ss:
 Mrs. Bronie W. Wencuska
 of 112 Humboldt Street, Jamaica
 Queens County being duly sworn
 says I am personally acquainted
 with Alexander Wencuski, the
 defendant herein. I have known
 him for about 20 years last
 past. to my knowledge he has
 always borne a good character.

He is sober and industrious.
 Sworn to before me
 May 28 1897.
 John C. Fraser
 Notary Public
 W. H. Co.

Bronie Wencuska

POOR QUALITY ORIGINAL

0361

My General Services Court.

The people vs

Plaintiff

against

Alexander Kolesnik

Defendant

John C. Fraser vs

JOHN C. FRASER,

Attorney for *John C. Fraser*

215 BOWERY,

CORNER RIVINGTON ST.

NEW YORK CITY.

To Esq.,

Attorney for

Due and timely service of

..... is hereby admitted,

Dated New York, 189

Attorney for

POOR QUALITY
ORIGINAL

0362

*The New York Society for the
Prevention of Cruelty to Children.*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, *May 14th* 1891

*Court of General Sessions of the Peace in and for the
City and County of New York.*

*The People
against
Alexander Kolasmiski*

Notice of Prosecution.

*To the District Attorney of the
City and County of New York,*

*Sir: This Society is interested in the prosecution of
the above defendant, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to the Grand Jury, fixing the day of trial, consenting to
any postponement thereof, or to any reduction of bail, or
final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1886, Chapter 30, Section 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

*Elbridge T. Gerry,
President, &c.*

POOR QUALITY ORIGINAL

0363

N. Y. GENERAL SESSIONS

THE PEOPLE



Admirer
COURTESY TO CHILDREN.

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,
President, &c.

POOR QUALITY
ORIGINAL

0364

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Alexander Kharindai

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

Alexander Kharindai

of the CRIME OF ABDUCTION, committed as follows:

The said *Alexander Kharindai*,

late of the City of New York, in the County of New York aforesaid, on the
fourth day of *May*, in the year of our Lord one
thousand eight hundred and ~~eighty~~ *ninety-one*, at the City and County aforesaid, did
feloniously take, receive, harbor, ^{and} employ and use one *Sadie Kharindai*,
who was then and there a female under the age of sixteen years. to wit: of the age of
fourteen years, for the purpose of sexual intercourse, he, the
said *Alexander Kharindai*, not being then and there
the husband of the said *Sadie Kharindai*,
against the form of the Statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

De Lancey Todd
~~JOHN R. FELLOWS,~~

District Attorney.

0365

BOX:

438

FOLDER:

4035

DESCRIPTION:

Kopp, William

DATE:

05/05/91



4035

POOR QUALITY ORIGINAL

0366

Witnesses

Eugene Price

Counsel,

Filed

5th day of May 1891

Pleads,

FOR THE PEOPLE

vs.

Wm. H. Price

William H. Price

Grand Larceny, First Degree. [Sections 528, 530, Pennl Code].

DE LOUCEY NICOLL,
JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. S. Shidmore

Foreman.

Sub 2 - May 8, 1891

Sub 1 - G. L. & C. Co.

Elmira Ref. B.M.

174

POOR QUALITY ORIGINAL

0367

Police Court 3 District. Affidavit-Larceny.

City and County of New York, ss:

of No. 60 Orange Price Street, aged 34 years, occupation clerk being duly sworn,

deposes and says, that on the 29 day of April 1891 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Good and lawful money of the United States of the amount and value of fifty dollars and one gold plated watch and one gold ring all together of the value of seven thirty dollars & 3 100

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by William Kopp (number 12345),

from the fact that all said property was in a trunk in a sleeping room occupied by deponent and defendant at above numbered premises, and defendant had access to said room, that at about 9 o'clock P.M. of said date deponent found said trunk unlocked and seized said property.

Deponent is informed by officer James Brady of the 11th Precinct that he arrested defendant and found concealed upon his person a passport representing a

Sworn to before me this 30 day of April 1891 Police Justice.

POOR QUALITY ORIGINAL

0368

watch, that defendant has since seen the watch represented by said ticket and fully and positively identifies the same as his property.

Defendant further says that defendant admitted and confessed in open court that he took said watch and said ring.

Wherefore defendant prays that defendant be held to answer and be dealt with as the law directs.

Subscribed before me this 1st day of May 1891. Eugene P. Pils
C. C. Meacham
Police Justice

POOR QUALITY ORIGINAL

0369

CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation James Brady
Police Officer of No. _____

11th Avenue Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Augustine

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

Sworn to before me, this _____ day of May 1890, James Brady

McMeara
Police Justice.

POOR QUALITY ORIGINAL

0370

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William Kopp*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *No 46 Rize St 2 days*

Question. What is your business or profession?

Answer. *Chick*

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*
Wijzig Koytt

Taken before me this

day of

1897

Police Justice

POOR QUALITY ORIGINAL

0371

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

Police Court... District.

THE PEOPLE, Ac., ON THE COMPLAINT OF

August Mack
64th St. Ave.
Wm. K. Kopp

2 _____
 3 _____
 4 _____
 Offence *Grand Larceny*

Date *May 1 1891*

St. Paul Magistrate,
 Precinct *11*, Officer *Stady*

Witness *William Segar*
 No. *64th St. Ave.* Street *Stady*

David Spicer
 No. _____ Street _____

No. *1008* Street *Stady*
 RECEIVED
 MAY 1 1891
 DISTRICT ATTORNEY'S OFFICE

Wm. K. Kopp
 64th St. Ave.

587

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

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

Dated *May 1 1891* *Reonard* Police Justice

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY ORIGINAL

0372

COURT OF GENERAL SESSIONS OF THE PEACE, OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

William Kopp

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *William Kopp*

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

The said *William Kopp*,
17th Ward of the late of the City of New York, in the County of New York aforesaid, on the *29th*
day of *April* in the year of our Lord one thousand eight hundred and
ninety-one, at the City and County aforesaid, with force and arms, in the
night-time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
\$50.00 payment of and of the value of *fifty*

dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of *fifty*

dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *fifty*

dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *fifty*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *fifty dollars, one watch*

*of the value of fifteen dollars and
one finger-ring of the value of
eight dollars*

of the goods, chattels and personal property of one *Eugene Price*, in the
dwelling-house of the said Eugene Price, then situate, then and there being found,
from the dwelling-house aforesaid,
then and there feloniously did steal, take and carry away, against the form of the
Statute in such case made and provided, and against the peace of the People of the State
of New York and their dignity.

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

0373

BOX:

438

FOLDER:

4035

DESCRIPTION:

Kramer, Joseph

DATE:

05/12/91



4035

POOR QUALITY ORIGINAL

0374

Witnesses:

Lizzie Brimmskoff

Counsel,

Filed

1897

W. E. Kelly
Pleads, *Maguly 13*

THE PEOPLE

vs.

P

Joseph Kramer.

May 20/97
Sent to the Court of Special Sessions for trial, by request of ~~Joseph Kramer~~ Defendant.

ASSAULT IN THE THIRD DEGREE

(Section 219, Penal Code)

DE LORELY NICOLL,

JOHN R. FELLOWS,

District Attorney

A True Bill.

W. E. Skidmore

Foreman.

109.

POOR QUALITY ORIGINAL

0375

Police Court, 3rd District.

City and County } ss.
of New York,

of No. 159 East 67th Street, aged 50 years,
occupation Fire Marshal being duly sworn, deposes and says,
that on the 29th day of July 1890, at the City of New
York, in the County of New York, one Solomon Warshaw

and his wife Hannah Warshaw did willfully and maliciously conspire to set on fire and did actually set on fire the premises known as No. 114 Willist Street in the Eleventh ward of the City of New York a tenement house in which twenty or more families were residing at the time; that the fires were set between the hour of 3 and 4 o'clock on the afternoon of that day, and that the defendants employed were bladders filled with benzine and paper and matches putting scattered with the same, all of which the deponent charges on information & belief -

J. Mitchell

Sworn to before me
this 31st day of July 31
1890
Police Justice

in violation of Section 487 of the Penal Code of the State of New York

POOR QUALITY ORIGINAL

0376

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. Isidor Warshaw

Question. How old are you?

Answer. 45 years

Question. Where were you born?

Answer. Russia

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

Answer. 114 Willez Street New York 3 months

Question. What is your business or profession?

Answer. Peddler

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
Isidor Warshaw
mark

Taken before me this 31
day of April 1897
Place Justice

POOR QUALITY
ORIGINAL

0378

The within testimony
of Joseph Krammer is
that on which the
Perjury is based.

Police Justice

B 1

Subscribed to the discharge of the statutory duty
from my job in investigations and
cases of the fire department

Facts in the case of Joseph Katz, alias Kramer, who pleaded guilty to the charge of Perjury, November 24th, 1890, and was sentenced to seven years State Prison.

On the afternoon of July 29th, 1890 an incendiary fire started by means of bladders filled with benzine was discovered in the apartment of Solomon and Hannah Warshaw, 114 Willett Street, in this City. The Warshaws were arrested. A full account of the circumstances attending the fire was published in the next morning's papers. On that day July 30th, the prisoner Katz or Kramer, volunteered a statement to the Fire Marshal's bureau to the effect that on the day of the fire about nine o'clock in the morning he was standing on the corner of Houston and Willett Streets, when he was approached by a woman, whom he afterwards identified as Hannah Warshaw. She asked him to get her three bladders, giving him fifty cents for that purpose. He went to the slaughter house of Schwartzchild and Sulzberger, on First Avenue, and got the bladders, returned to Willett Street and delivered them to Mrs. Warshaw at ten o'clock that evening. He swore to the same statement before Police Justice Hogan, and also that he had never been arrested for crime. An examination by the Fire Marshal proved both statements to be wholly false. He was subpoenaed to appear at Essex Market Police Court, at an adjournment of the case; but, he got out of the way and was not arrested till some weeks afterwards, when he was committed for the Grand Jury and indicted for Perjury.

last flight

Conspiracy

Upon looking into the man's career at the time it was learned that he had been in the habit of writing letters to the Police Captains, offering to make their reputations for \$25. In a letter to a Brooklyn Captain, he offered to put up a job to rob a house and catch the man in the act. The Captain was to get all the credit for the arrest. This appears to have been the favorite scheme of his.

The following is the record of Kramer's in possession of the New York Police and pronounced in Court at the time of his pleading:

Sept. 1881- arrested for Grand Larceny by Patrolman Weinberg--City Hall Station, complaint withdrawn. ...

Oct. 1883-arrested for collecting money from customers of Haller & Co., six months penitentiary--Jan. 23rd, 1884.

Sept. 1887-arrested for disorderly conduct--ten days City Prison...

April 1889-arrested for stealing wagon load of fish, - complaint withdrawn.

May 1889-stole twenty dollars C O D package from Dunlape's express 86 Woorster, -complaint still pending.

August 1889- stole two overcoats, two suits men's clothing, one double barrel gun, six fancy fould from house of Mr. McRoberts 33 S. 5th Ave., of which he had charge at the time, -still pending..

... ..

**POOR QUALITY
ORIGINAL**

0380

2

March 1890-collected money for ton of coal from Mr. Browning, 119 Werster St., still pending.

March 1890- stole some harness from Henry Rheinhardt at Hetchkiss' stand , Gansevoorth Market, still pending.

Stole two sheep from Mr. Larkey, Wallabout, Brooklyn, complaint pending.

POOR QUALITY
ORIGINAL

0381

Court of General Sessions
Clerk's Office

PEOPLE

vs.

Joseph Kramer

indictment filed Sept 1892
indictment and
all papers sent to Dist Atty.
Dec 17. 1892

complaint without indict-
ment returned Dec 13/93

2
District Attorney's Office.

PEOPLE

vs.

Officer
Wm Moore
30th Precinct.
Stenographer Trace
Essex Market.
Officer Wm J. McCormack,
13 Precinct.
Capt. Fisher
Engine No 11
Dist House No 14
~~Officer~~ Precincting

POOR QUALITY
ORIGINAL

0382

District Attorney's Office.

PEOPLE

vs.

Mr. Jerome

Ad. to the
list of witnesses,
to be called in
the Boardman
proceedings, that
James Fisher
of Room No. 11
East Houston St.
He can testify
as to the particulars
concerning the

POOR QUALITY
ORIGINAL

0383

mentioned by
Kraemer -

I will be ready
for the case
any day but
Tuesday next
Respectfully
J. A. Mitchell

Will it be necessary
to prove his in-
carceration, and, though
the boarder records
of the Penitentiary?
J. A.

District Attorney's Office.

PEOPLE

vs.

Joseph [unclear]
alias

Joseph Katz

~~Samuel~~
Mrs. Washauer,
12 Essex St.
comph. swear she did
not employ him to get
bladder, etc.

John Reinhardt,
205 E. 46th St.
Superintendent & driver
at slaughter house,
but not see left etc.

Lewis idler,
Schwartz, Rubin & Sulzberger
slaughter house
45th St. + 7th Ave.
will swear as to [unclear]
of bladder, etc.

POOR QUALITY
ORIGINAL

0385

Coroner's Hoebel deposes
certificate showing conviction
of one Joseph Kraemer for
perjury in 1890. —

He was tried before Judge
Coring

~~and~~ Mr. Hodge or Mr
Lennell with a view
to call for the

POOR QUALITY
ORIGINAL

0386

Nov- 24 90

Sept- 23/90

Washburn

POOR QUALITY ORIGINAL

0387

Dist.

SUBPENA.

City and County } ss.
of New York, }

CORONERS' OFFICE,

Criminal Court Building,
CENTRE STREET.

The People of the State of New York, to



John J. Carroll

WE COMMAND YOU, that laying all other matters aside, you appear in your proper person, before **EMIL W. HOEBER**, one of our CORONERS for the City and County of New York, at the Coroners' Office, Criminal Court Building, Centre St.

at 10.30 am on Wednesday, January 8th 1896

to testify the truth, and give evidence according to your knowledge, in relation to the cause of the death of *Mrs John Russell*

lying dead at _____ Street, and this you are not to omit under the penalty of the law.

if an affidavit is made to produce the record of coronation of John J. Carroll, 24th Nov. 1890.

WITNESS my hand and seal this _____ day of *January* 1896

A. W. Hoerber

Coroner of the City and County of New York.

Coroner.

Precinct please serve.

Bring this Subpoena with you.

If this Subpoena be disobeyed, an Attachment will immediately issue.

New York Aug 11th 1890
Third District Police
Court
Hon Edward Hogan
Residing Justice.

James Mitchell
Solomon Warshawer
Stannah Warshawer

August Springer being
dearly sworn deposer and
says, I live at 42 1/2
Willet St.

Q. Were you in the
neighborhood of this
fire on the evening of
July 29th 1890?

A. Yes Sir,
What hour?

A. I came home
at half past three

Q

Q. O'clock from work
Will you please state
what you saw when
you were there?

A. When I came
home, I went in my
room; there was a cry
of "fire" and I ran
over into R-114 Hillcott St,
with another young
man, we put our
hand to the door and
we could not open it;
we got in and threw
water on the flames;
and we threw rags on
the flames, and the
other young man
saw another fire in
the bedroom, and he
said there is another
fire in the front room.
There was a bladder in

W

I

The kitchen, along the floor there was Fly Net, the door was ornamented with, Benjamine; He looked around and saw four lamps overflowing with Oil, and a pot of Lard on top of the stove; when the fire man came in he said some one had hollered "a kerosene stove burst, I said no, it was a bladder that went off; the other bladder was covered with a table cloth and the Fly Net was cut up in pieces.

Q. Are these the bladders? (White bladders shown)

(3)

4

A. Q. Yes Sir,
This is some of the
cloth you found
there?

A. Q. Yes Sir,
And this is the Fly
Net you found there?

A. Q. Yes Sir,
This is some of the
paper you found
there?

A. Q. Yes Sir,
Now is that all you know
about it?

A. Yes Sir,
Cross Examination

Q. Where are you employ-
ed?

A. With Mr. Petty 46
Av. C.

Q. You live in the
neighborhood (of the fire)

4

5

A. Q. Yes Sir,
When you went into
the room ^{it was} full of smoke?

A. Q. Yes Sir
How long were you
in the room?

A. I was not in
2 minutes I had to
come out again.

Q. How many rooms
are there?

A. Q. Three
Who broke into the
middle room?

A. I ran into
the front room and
me opened one of the
windows.

Q. Did you find
anyone in that room?

A. Q. No Sir,
Did you look?

A. Yes Sir,
5

6

Q. How long were you there, when the other people came in?

A. We were the first in - about five minutes, when the firemen came in,

Q. How many?

A. Two or three, I cannot tell.

Q. Were there any but firemen in the room?

A. Yes Sir, two officers.

Q. Anyone else?

A. I cannot say that. Lots came in when the fire was out.

Q. You examined all the rooms when you went in?

A. After the fire

6

7

was out, we looked around; the officers were there.

Q. Was the Fire-Marshal there?

A. No Sir, Mr

Q. Brennan, the Officer
Was it you discover-
ed the Bladders?

A. Yes Sir, I found
the two

Q. Can you identify
the Bladders?

A. Yes Sir, one
was at the table.

Q. Did you put any
peculiar mark on it?

A. I did not put
any marks on it?

Q. Did you ever see
the Defendants before?

A. No Sir,

Q. At whose request did

7

8

Q. You come here?

A. I got a subpoena
Q. Here these Bladders
empty when you
saw them?

A. One was full
and the other burst.

Q. How do you know
it contained benzine?

A. I tried it with
my finger, I knew
what it was,

Q. How many others
were in the room
when you tested it and
found it was benzine?

A. The Officers, The
fireman and the
Chief of the Department,

Q. Are they here
now?

A. I cannot say
Q. Is that the only
(8)

9

Examination you made when you entered the room?

A. I looked to see if there was fire any where else

Q. Did you examine the material cooking on the stove?

A. There was a pot of lard

Q. Are you sure it was lard?

A. Yes Sir,
Q. Do you know the difference between fat and lard?

A. Yes Sir,
Q. Did you taste this peculiar material on the stove?

A. It was lard
Q. What test did you

9

10

a. make I took my hand
and lifted it up
Q. Was it hot?

a. I took the handle
of the pot and drop-
ped it little on the
stove and it began to
blaze

Q. You do not know
the Defendants?

a. I do not.

Sworn to before me
this 11th day of Aug 1890

Police Justice

10

11

Frank Frederick of No
263 Second Street
being duly sworn,
deposes ^{and says,} I
am a Hunter.

Q. Were you in the
neighborhood of this
fire in the afternoon
of July 29th 1890?

A. Yes Sir, I was
in a Saloon No 124
Willet, St, and some
one hollered fire, I
ran towards the house

Q. What did you do?

A. I saw a party had
the door broken in
and they got some
water, I went in
with some rags,
Springer went into the
front room, and put
the fire out there,

11

12

we found the bladder
on the floor in the
front room and
one in the kitchen, the
one in first room was
scorched, the bladder
contained benzine,
I know it was
benzine, because I
use it.

Q. One these the
bladders (shown)

A. Yes Sir, that
big one was in the
front room

Q. You have
seen them before?

A. Yes Sir, that
one had a hole in
the top and it leaked

Q. Did you see any
thing else?

A. The netting

12

13

was along the floor into the closet and into the bedroom and all the place was shut tight. I saw the netting burning on the floor.

Q. ~~What~~ What kind of a house is it?

A. There are four families to a floor, a five story building, a new building.

Q. Did you examine the clothes closet in the bedroom?

A. I ~~can~~ saw mosquito netting running along the room and in a closet.

Q. Anything else?

A. I No Sir, when you went in

13

14

The room who were in?

A. Dolger and Springer, they ran for water, I told them not to put water on it

Q Had you discovered the bladder?

A. No, Springer found the bladder first

Q Had you seen the bladder before any one else went into the room?

A. We saw it after the fire was out

Q. Was anyone but you three in the room?

A. No Sir, Cross Examination

Q For whom do you

15

Q. work? For whom do you

A. work? For my father
in a paint shop, I
got through work.

Q. When you went
to these rooms, was
the door open?

A. Yes, Sir
Q. You had nothing to
do with breaking
the door?

A. Yes, Sir,
Q. You do not know
how long the door
was open?

A. No, Sir,
Q. Did you find the
rooms filled with
smoke?

A. Yes, Sir, if
was to advise you

15

16

You could see
nothing, I suppose
it must burn in 5
minutes

Q. During
that time did you
make any exami-
-nation?

A. No, the fire
man did

Q. There was a
spot of fat on the
stove, are you sure
it was fat?

A. I am sure

Q. it was fat
Do you know
the difference between
lard and fat?

A. Yes Sir.
Q. You are certain it
was not lard?

A. I am pretty
certain of that

Q. Did you examine
the room personally?

A. No Sir,

Q. Did you first discover
the bladder?

A. No Sir,

Q. Did you examine
the bladder, as to the
contents?

A. Yes Sir, and

Q. found it was benign
Was that the
only examination
you made?

A. That was all.

Q. You found the room
very dirty?

A. Yes Sir,

Q. That building is
occupied by poor
people?

A. Some are poor
and some are fixed

18

Q. Better, Jesus and Christian
live there

Q. Did you see the
defendants there?

A. No I never saw them
before, I was subpoenaed
here by the Fire Marshal

Q. Did you see what
was in all the rooms

A. Yes Sir, I had in
the bedroom, a stove,
an ice box, there was

Q. a coal fire burning
Do you know any
thing about the value
of the furniture?

A. There was a
Sofa, a table and a
bureau, — not worth
much.

Q. How much
was it all worth?

A. I would not

18

19

Q. giving \$50. (Fifty Dollars)
You do not think it
was worth fifty dollars

A. No, Sir,

Q. Was that Soup in the
pot you examined?

A. No, it was not

Q. Soup Did you see
any portion of the
floor burning?

A. Yes Sir, in the
front of the stove.

Q. Was there fire
under the stove

A. I did not
examine

Q. What time
was it?

A. About Four (4)
o'clock in the after
noon

Q. How do you

19

20

Q. At the time?
A. I looked at the
Q. time it happened.
A. How long before that
A. About ten minutes
before four (4) P.M.

Subscribed before me }
this 11th day of Aug 1890 }

Police Justice

20

Q 1

William D. Kushner
being duly sworn
deposes and says, I
am a fireman in
engine company No 11

Q. Do you remember
getting an alarm
of fire on the 29th
of July?

A. Yes Sir,
Q. What did you do?

A. I was standing
in front of Quarters
when a man came
up and said there
was a fire on Hallett
St. I ran up to the
place, when I got to
the corner I met a
man and he said
the fire was a large,
I gave the signal
for the engine, when

Q. 1

22

Q. I got to place where the fire was, I found the place open and the fire partly out. Who was in the room?

A. No citizens, when I got there I put the remaining fire out.

Q. Did you examine the room?

A. Yes sir, I found a part of the green getting hot but it was laid as a trail along the floor, I saw the bladder leaking some kind of liquid or fluid.

Q. Do you know or recognize that? (Bladder) W W

23

Q. Per Sir, with a hole on the side that was where the stove was, alongside of it. — not exactly between the stove and the entrance

Q. Did you see this bladder?

A. Yes Sir, I removed the stuff

Q. Did you notice if the pitcher of floor was bumped?

A. Yes Sir,
Q. Did you go into the bedroom?

A. Yes Sir
Q. Did you examine the closet in the rear room?

A. Yes Sir, I found the netting

23

24

in the sitting room,
next to the kitchen.

Q. Did you see this
Dress in the room
in the case?

A. Yes Sir,
Q. After you had done
that, what did you
do?

A. After extinguishing
the fire, I went into
the room, when the
captain arrived, I
called his attention to
the Bladder and put
it on the table in the
rear room.

Q. Was any
one else in the room
then, except the two
citizens of whom you
spoke?

A. There might
24

25

have been more, I put several out
Cross Examination

Q. What time did you get to the fire?

A. According to the record I cannot tell you now, it was my the after noon

Q. When you got there you found the room open?

A. Yes Sir,
Q. Do you know how many people were there?

A. Two.
Q. Are they here now?

A. Springer was in the room

Q. Are you sure there was no other

25

26

person in the room
but the one you

Q. identify, I could
only see one, because
of the smoke,

Q. there might have
been more than two
there?

A. There could
not have been,

Q. there were two (n)
rooms?

A. Yes Sir,
Q. This was the kitchen
where the store was?

A. Yes Sir,
Q. Did you notice
any substance on
the stove?

A. Yes Sir,
Q. What was it?

A. It seemed to be
some sort of oil (n)

27

Q. Was it in a pan?

A. Some sort of
pan or boiler

Q. Will you swear
it was oil or soup?

A. I would not say
it was soup

Q. Have you got any
of it?

A. No Sir,
Did you bottle ^{any} of the
stuff that was in
the bladder?

Q. All the evidence
you have of what
was in the bladder
is the bladder itself?

A. Yes Sir,
Q. Did you see if there
was fire under the
stove?

A. There was a
box, soap box, (27)

Q & A

Q. Where you found the boiler, it was near the stove?

A. Yes Sir,

Q. How far was it from the stove?

A. About 8 feet,

Q. Was there a partition between the kitchen and the bedroom?

A. There is,

Q. These bladders were in sight of the door way?

A. Yes, about 8 feet from the door

Q. What examination did you make of the bladder?

A. I picked it up and laid it on the table and I called the captain

Q & A

29

Q. attention to it.
Did you know
whether the substance
was Neurosene or
Benzine?

A. I do not know
In your judgment
was it benzine?

A. It smelled like
it.

Q. Did you ever see
the Defendants before?

A. No Sir.
Did you discover
anything else there
besides the bladder?

A. I found a
trail along the
floor from the
door to the centre
of the room.

Q. Were
the rooms clean

(29)

So

Q. or dirty? About mid

Q. may Do you know whether the Defendants were insured or not?

Q. I do not

Spouse before me }
this 11th day of Aug 1890 }
Police Justice

So

31

Patrick Brennan
being July 29th or
30th and says
I am an officer
attached to the 13th
District I am a
Detective

Were you
called to the fire
on the evening of
July 29th 1890?

Q. Yes Sir,
Please tell the Court
what you did, what
you ~~say~~ saw

A. A party came
and told the
Captain there was
a fire, and he sent
Officer McCormack
myself there, we
went to the place and
found five or six

31

B2

people there, Capt
Asher and the two
first witnesses and
another named Tolson
He examined the rooms
on a table we found
a Bladder, on the
table cloth hung off
the table and was
on fire; it was out
when I was there,
and there was paper
on the floor and
there was some Fly
Net, attached to a Chair
that was burned, and
the Net ran along
the floor to a chest,
in the front room,
there is a kitchen in
the center and there
was a piece of Bladder
on the floor, and

B2

33

The floor was scorched
about ten inches in
diameter, or more; the
Netting ran from
there into a bedroom,
We waited quite a
while to see the owner,
The owner did not
come for half an hour,
This lady (Wife) came
in with her
Daly, I took her to the
Station House, and
went back, We found
this bladder half full
of Oil, I cannot say
whether it was Turpentine
or not, there was a
red hot stove in the
kitchen and a pot
of fat of some kind
boiling on it

2

You spoke with

(33)

BH

Q. a lady there?
A. I asked several

Q. ladies. Do you know
the names of the
ladies?

A. Mrs Pitta and
a couple more

Q. Was it with Mrs
Pitta you had the
conversation about
the defendants?

A. Yes Sir,
Q. Did you speak with
Glazel and Stater?

A. I spoke to these
three ladies, there
were five or six in
the room, Officer Clark,
McComack and myself
went in together.

Q. These exhibits were
taken possession by

BH

35

you?

A. Q. All but the dress.

Q. Did you examine the floor in the kitchen?

A. Q. Yes Sir,

Q. Did you find evidence of burning?

A. Q. Yes Sir,

Q. Did you examine the closet?

A. Q. Yes Sir, I saw nothing running towards the closet.

Q. What furniture did you see in the apartment?

A. Q. A table, a few chairs, lounge and bedstead, I would not give much over \$50, I think I could duplicate it for that.

35

26

Q. What ^{time} did you get there?

A. 15 or 20 minutes past four o'clock

Q. When you got there, you found the door open?

A. Yes Sir,
Q. Was there a large crowd?

A. There was 5 or 6 on the stoop,

Q. Do you identify the last witness as the person who was in the group?

A. Yes Sir, there was no smoke when I got there, nothing was burning, only I saw what had been burning.

Q. Did you see
36

34

- Q. That meeting?
A. Yes Sir, it
Q. was out, no fire.
Q. Where did you
find the big bladder?
A. In the front
Q. room
Q. Was there any
oil in it?
A. It was full
Q. Did you take any
of the substance?
A. No Sir,
Q. Do you know
whether it was Benzine
or kerosene?
A. I cannot
tell, it smelled like
Kerosene, it was
eight or ten feet
Q. from the stove
Q. Did you
examine the stove

34

38

Q. When you went in?
A. I did not, I
knew there was a
big fire and a pot
on the stove.

Q. Was the
stove resting on a
pot?

Q. I cannot say,
I did not examine
the substance on the
stove.

Q. Was it Lead?

Q. I cannot say,
Q. Can you say
it was not Lead?

Q. I know it was
not Lead.

Q. Did you make
any further examination

Q. No, this
Q. You say there
was some substance

(38)

34

Q. in the Bladder?
A. Yes Sir, it looked like oil. The small bladder was picked up in the center of the kitchen, I did not examine it there. I do not know what was in the small bladder.

Q. Did you have any conversation with the Defendant (the Negro)?

A. I tried to, but she could not understand me.

Q. Did you ever see these Defendants before?

A. Not before.

Q. That night?

That time

39

HO

Q. Did you get there?
A. About 15 or 20
minutes past four
(4) o'clock

Q. Did you arrest
him?

A. Yes Sir, Officer
McLornick arrested
him the next day
I was to become
his 11 day of August
Police Justice

HO

H

Julia Spitz being
daily worn, depose
and says, I am a
married woman
and I live at No.
114 Melety St.

Q. Do you
live there with your
family?

A. Yes Sir,
Q. What part of the
house do you live
in?

A. The 4th floor.
Q. Do you recollect
the blizzard of fire
on the evening of
July 29th?

A. Yes Sir,
Q. Where were you when
you heard it?
A. Sitting on the stoop
with my two children

H2

Q. Before you heard the Alarm of Fire, did you see Mrs. Harshen (one of the Defendants) leave the house?

A. She went out. I cannot tell whether it was an hour or half an hour, after she had gone, a little came down and said there was a fire up stairs.

Q. During the time you were sitting on the stoop did you see any strangers go up stairs?

A. That is what I cannot tell, there might have been

Q. Did you remain on the stoop from

1/2

H 3

The time the Defendant
went out till the
alarm of fire was
given?

A. I was sitting
on the Stoop from
the time she went
away till the fire
broke out.

Q. Did you
see the man (the
Defendant) on that
day at all?

A. No, I do not
know the man or the
lady.

Q. Did you see
the man after the
fire?

A. No, I cannot
tell what I did not
see.

Q. Do you know the
H 3

H H

Q. Defendant (Woman)?
by sight? I know they
live there, I know the
man by sight.

Q. During all the
time you were on
the stoop did you see
the Defendant (man)
go into the house?

A. No Sir,
Q. Here you ever in the
room of the Defendant
Never.

A. I
Sworn to before me }
this 11th day of Aug 1890 }
Police Justice

H H

45

Frederick Dalsen, being
duly sworn deposes
that he lives at No
113 Millett St. & drive
a Benz Wagon

Q. You were on
Millett St. on July 29?

A. Yes Sir,
Q. What did you do
after the alarm was
given?

A. I heard a little
girl call fire, then
I ran and burst the
door in. I had a
couple of men helping
me. I saw the Bladder
lying there, and it
got so hot I could
not stand it, then
got the other Bladder
in the front room,
in the sitting room

45

46

Q. Did you make a close examination of the room?

A. I saw this

Q. Bladder in the kitchen who went into the room with you?

A. Springer

Q. Did anyone else go in?

A. A few more, I cannot tell, when I broke the door the flame came right out, and I ran and opened the window, this bladder was found in the front room, the benzine was in it, and the table cover over it, the netting was burning,

Q. How do you know

46

Q. it was Benzine?
A. The Painter knew
it and he told me,

Q. Did you examine
the closet where the
clothes were?

A. Yes Sir, there
was a little opening
where the getting was

Q. in. Did you see
any fire in the bed
room?

A. Just at the end
of the door around the

Q. kitchen. Was there fire
in the stove?

A. Yes Sir, red
hot and fat on the
top, it looked like
beef fat, these people
seldom use pork
fat. I was the first

48

To get in, that was
the condition of things.

Q. Cross Examination
That time did you
get there?

A. About 4 o'clock

Q. When the girl called

How many were
with you?

A. I ran in
first and a crowd
followed me, two (2)
went with me, the others
could not stand the
smoke and heat.

Q. How many were out
side?

A. I cannot tell

Q. Was the fire hot
enough to drive you
out?

A. I was pulled
out by the German
48

119

Q. Can you identify anyone else that was there?

Q. Yes Sir, How long did it take you to discover

A. The positions of things, I tried the door and I found the big bladder in the sitting room

Q. How far from the kitchen stove?

A. A good distance, about twenty feet, the small bladder was just as I opened the door.

Q. Did you examine the substance that was in the bladder?

A. I test it for kerosene oil

119

50

Q. How did you examine it.

A. I picked it up and it flopped.

Q. Did you examine the other bladder? the contents of it?

A. Yes Sir, that is the one that I hit, with my hat, I looked in it, and I put my finger in it and the painter said it was genuine, I took a piece of beef fat out with a stick.

Q. Did you see any oil in cans?

A. No, there were bottles and cans, but we could not find any oil but in the bladder.

(50)

POOR QUALITY ORIGINAL

0438

51

Q. Did you ever see these Defendants before?

a. No Sir,

Sworn to before me }
this 11th day of Aug 1890 }

Price Justice

57

POOR QUALITY ORIGINAL

0439

51

Q. Did you ever see these Defendants before?

A. Yes Sir,

Sworn to before me }
this 11th day of Aug 1890 }

Price Justice

57

52

Joseph Warner
 being duly sworn
 deposes and says, I
 am a Divorced, I live
 at 314 Denver. I am
 not employed now.
 Q. Do you recollect the
 7th of July last?

A. Yes Sir, On
 Tuesday morning, I
 was standing on the
 N. corner of Mill & N
 and a lady came to
 me, she had two children
 she walked around me
 two or three times, and
 asked me "are you Joe"
 I said "yes" then she
 gave me ~~two~~^{two} 25
 cent pieces and
 told me to get three
 bladders, I got them
 and she met me at
 One O'clock

52

53

Q. Have you seen that woman since?

A. That is the woman (the defendant)

Q. Did she tell you what she wanted the bladders for?

A. No Sir, Did you suspect what she wanted them for?

A. No Sir, Did you see where the woman went to?

A. I paid no more attention to her, the next time I saw her was in the Station House, the next day

Q. Did you speak to her, or hear you?

A. No Sir, Who were present

A. Detectives McComack and Brennan,

Q. Will you identify the defendant here as the man Gray gave the bladder to?

A. Yes Sir, I described her.

Q. How did you come to appear here as a witness?

A. I read the account in the Morning Journal of bladder being used, and I thought that was the party who got me to get her the bladder.

Q. Is there any one here who knows you got the bladder?

A. Yes Sir, Joseph Cohen, I think.

55

To the Headquarters
of the Marshal,
Cross Examination

Q. What business are
you in?

A. A Truck Driver,
for whom?

H. H. Legger &
West Broadway, I
am not employed
now. I was there
a year ago.

Q. What
have you been doing
since?

A. Everything,
peddling.

Q. Are you
in any business
now?

A. No Sir,
When did you

56

56

Q. Saddle last? Three

Q. week ago. Where you employed when you saw this lady (one of the Defendants)?

Q. No, I saw her first on Tuesday morning.

Q. What date of the month was it?

Q. I do not know, it was half past five o'clock, I saw her on Willett and Houston Street.

Q. Was it the Tuesday before the fire?

Q. It was the morning of the day of the fire, I know it was on the

56

57

Q. A day of the fire
Where did you
see her?

A. Willett and
Houston streets

Q. Do you remember
the conversation you
had with her?

A. Yes Sir,
Did she speak to
you in English or
German?

Q. A. In German.
Can you remember
everything that occurred?

Q. A. Yes Sir,
Can you remember
everything she said
you said?

Q. A. Yes Sir,
How long did the
conversation take?

A. About ten (10)
minutes

58

Q. Please, state every thing she said?

A. She looked at me and asked me if I could speak German, she asked me if I were a "Jew" and if I would like to make a few pennies, and if I would go to the Slaughter House and get three (3) bladders, and (3) she gave me ~~three~~ (3) 2.5 Cent pieces, and I got the bladders and gave them to her on the corner of the street.

Q. Did you see her at one o'clock that day?

A. Yes Sir,
Q. Are you sure?
A. Yes Sir, because

(58)

59

it was a quarter
after One when I
got to the house No
317 Bowery Lodging
House

Q. Can you
remember what
she said at One
o'clock?

A. Nothing. She said

Q. What did
you do?

A. She came to
me, took the bladder
and walked about
her business, that
was all.

Q. After you
left her on the first
day, after she gave
you the 2 marbles,
what did you do?

59

60

Q I went about my business, I went to Houston, Tex, to 42nd St^{ny} 3rd Ave^{ny} then to the Slaughter House,

Q. When did you buy the bladder from?

A. I did not buy the bladder, I picked the bladder up, no one saw me take them I went into the Refuse room and picked them up, no one saw me take them

Q. Do you know any one in the Slaughter House?

A. I know Mr. Merrihart, Superintendent

Q. Did you ever tell him that

(61)

A. You took the bladders
I told you I
came for three (3)
bladders. He lives at

Q. Stapleton Street and
You do not know
where she took the
bladders do you?

A. Yes Sir,
Q. Can you identify
the bladders?

A. I do not
think I can.

Q. You had a con-
-versation with the
Fire Marshal as to
what you should
testify to here?

A. No I saw
him in the engine
house

Q. Did you have
a conversation with
(61)

62

Q. the Fire Marshal?
A. Yes Sir,
Did you ever see
this man (Defendant)
before?

Q. Yes Sir,
Do you know where
the woman (Defendant)
lives?

A. Yes, I know
where she lives now.
Respect.

Q. Before you
saw the Fire Marshal
you made a written
Statement?

A. Yes Sir to
Capt Fisher

Q. That brought
you in the neighbor-
hood of Millett and
Houstan Sts?

(62)

63

A. I go there looking for odd jobs

Q. When this lady (the Defendant) gave you the money, (50¢) did she expect any security that you would carry out your commission?

A. Yes Sir,
Q. Were you ever arrested?

A. Once,
Q. What for?

A. Warrant document,
Q. Were you arrested for any other crime?

Q. Yes Sir,
Q. There was an illumination in that case in which you were arrested?

A. Yes Sir,
Q. What is the date

63

POOR QUALITY
ORIGINAL

0452

64

a of that statement &
July 30th

Sworn to before me
this 11th day of Aug 1891

Police Justice

W. J. Greaney
Stenographer

~~64~~

~~a of that statement & July 30th~~

~~sworn to before me }
this 11th day of Aug 1890 }~~

~~Police Justice~~

James Magor of No. 114 Fillet St. being duly sworn deposes and says

Q. What part of the house do you live in?

A. First floor, & one the Housekeeper

Q. Where were you on the afternoon of July 29th when the alarm of fire was given?

A. I was in the Grocery in the same

65

Q Street, the same block
How many doors
from the place,
A. About four or
five or six doors from
the house?

Q. Did you
see the Defendant
(Woman) go out that
afternoon with her
children?

A. Yes Sir,
Q. About what hour?

A. That I cannot
tell, I went to the
~~Store~~ Grocery for
potatoes.

Q. Do you
remember the Fire
marshal being in the
Defendant's room?

A. Yes Sir,
Q. Do you remember

65

66

Was Harbener (the
Defendant) going
down to Mrs Hoffmann
while the fire marshal
was there, and then
her going away?

a. All I can
remember is that
I saw a man, and
the policeman asked
me to go up, that
is all I know.

Q. What
time was that?

a. In the evening,

Q. The Defendant came
here you ever
in the room of the
Defendants?

a. Certainly I have
been there and told

Q. her to scrub, here
66

64

you in the room
before, or after the
fire?

A. Got in their
room, but in the
next room and I
spoke to this woman,
that time

Q. Did you speak
to the woman (Dependant
on the day of the fire?

A. Yes Sir, she was

Q. washing. Did you
notice if there was
anything cooking on
the stove?

A. I did not
look around to see
that, I went in and
spoke to her,

Q. Did you ever
see any stuff, like

64

68

A. This green netting?
I never looked
around the room
cross Examination

Q. Was it your habit
to pass the Defendants
door several times
a day?

A. Yes Sir, very

Q. Often, During that
day did you pass
the door frequently?

A. An hour before
that, I was on the
same floor with
Mrs. Dummett, the
Defendants door was
open wide, she borrow-
ed some clothes pins
from Mrs. Dummett,

Q. Was he (Defendant)

68

69

Q. There? He went away
early in the morning,
I did not see him
going away that
morning, but I saw
him going away
other mornings, he
carried slippers on
his arm, I saw
him when he came
home.

Q. How long was
that after the fire?

A. I cannot

Q. tell. Probably you
can tell whether
it was the time
that he came home
he met the fire
marshal?

A. No, I do not
know

69

70

Marshal Mitchell, I received a dispatch from Capt Fisher of engine No 11

Officer H. L. Comack of the 18th Precinct Police, being duty sworn deposes and says,

Q. Do you know the two defendants?

A. Yes, Sir, Q. Do you know the prisoner in question?

A. Yes, Sir, Q. When did you first see the defend-ants?

A. I saw the woman about two hours after discover-
ing the fire and

70

71

The man the next morning in another room in the house,

Q. Who opened the room where he was?

A. I think a lady named Hoffman,

Q. What time was that?

A. About half past eight o'clock.

Q. You arrested him there?

A. Yes Sir.

Q. Did you tell him he was under arrest?

A. Yes Sir, I told him in English, he talked a little English.

Q. Did he make any statement to you?

71

172

Q No more than the
statement that he
was insured for a
thousand dollars,
when I put the question
to him.

Q. Was anything
said, when he was
first arrested, about
the fire?

Q. No Sir,
Was anything said
about where he had
spent the night?

Q He did not say,
I did not question

Q. him. Have you since
learned anything
about where he was
during the fire?

Q He said he
went up to see his

172

73

brother the night
before.

Q. Does he speak
English well enough
to understand you?

A. Yes Sir,

Cross Examination

Q. Do you know
of the apartment
he occupied being
closed to him?

A. I have been
made aware of it

Q. since he took shelter
in a neighbor
s room?

A. I do not

Q. know. Did you
examine the apart-
-ments

73

74

A

Yes Sir, about
half past six o'clock
that evening, she
came in afterwards
about a quarter to
seven o'clock

Q

Did you have any
conversation with
her (Defendant)?

A

No Sir,
Q. Did the Firemarshal
have any conversation with her?

A

I cannot recall
any he had
Q. Were you
there when they examin-
ed the place?

A

Yes Sir,
Q. How much of a
family have they?

A

I believe they
have five children

74

45

Q. Were any of the family there when the fire was there?

No Sir.

Q. Did you find out where they were?

A. No Sir, I asked her what she had with the key she said she gave it to her young son.

Q. You never saw these people before?

A. No Sir.

Sworn to before me }
this 11th day of Aug 1890 }

Police Justice

45

Aug 12/90

Rose Hoffman & Co
114 Wilcox St, West

Q. How do you live
on?

A. First floor
Q. Do you know the
Referents?

Q. Yes Sir,
Do you recollect the
day of May (1890) the
day on which the
fire occurred in the
building?

A. I know
there was a fire, I
did not see it

Q. Did you see
either of the Referents
on that day?

Q. No Sir,
Did you see them

1/17

Q. That night?
A. I saw them in the night. The two of them, when she came home I saw her.

Q. Did you have a conversation with either of them?

A. I did speak to the man some time previously, but not to the woman.

Q. Did you speak to the man that night after the fire?

A. Yes, Sir.
Q. About what time was it?

A. Once I saw him about seven (7) o'clock.

Q. Did you talk to him then?

78

Q The second time I saw him at eleven o'clock, the first time I said "there was a fire".

Q Did he make any money?

A He said, I will go to my brother and see how the fire originated.

Q There was his brother?

A 8th Co, he wanted to go there and find out how the fire took place, he wanted to go because he could not speak English and his brother could speak for him.

Q You saw him

78

79

Q. at 11 o'clock?
A. Yes, he came, and slept with me, he wanted to go to his own room and they would not let him, and I made a bed for him, his wife was arrested,

Q. How do you know he knew his wife was arrested?

A. I told him, that did he say, or you say?

A. When he came I told him there was a fire in his house and his wife was arrested. He told me he would go to his brother so he could come over

79

80

Q. Do you know anything about the Insurance Agent?

A. Yes Sir,

I was before me this 12th day of Aug 1890

Police Justice

Josiah Crossman, being duly sworn deposes and says, I live at No 114 Merritt St,

Q. That is where the fire was?

A. Yes Sir,
Q. Do you recollect the day of the fire, July 29th? the day of the fire

Q. A. Yes Sir,
Q. Were you at home at the time of the fire?
(80)

81

A. Yes Sir, I was
home

Q. Did you see the
Defendant there that
day?

A. No, I saw the
lady when she was
arrested, and the
man in the evening
when he came home.

Q. What time did he
come home?

A. I cannot
tell exactly, I think
it was about seven
(7) o'clock.

Q. Did you
hear anything said
to him about the fire?

A. I did not
hear anything about
the fire, I was
milling at the millow

81

82

Q and I did not speak to the man who was anything said about his wife having been arrested?

A. When he came home he was told

Q his wife was arrested was anything said as to where his wife was?

A. I did not hear

Q that what did he do when he was told that his wife was arrested?

A. I do not know what he did, he stayed there a little while and then went away

82

83

Q. And he seems startled by the news?

A. He was surprised

Sworn to before me }
this 10th day of Aug 1890 }

Police Justice

Amie Peruckin
being duly sworn deposes
and says, I live at
No 114 Wilcox Street

Q. Do you live on
the same floor with
the defendants?

A. Yes Sir,
Do you recollect
the day of the fire?
July 29th?

Q. Where were you at
the time of the fire

83

84

Q. I was on the street with my children. How long had you been away from your own apartment?

A. It might have been an hour more, or less, I can not tell.

Q. Do you know anything of an insurance agent being through that house?

A. No Sir, I did not see the defendants on that day.

Q. I saw the woman when she went away.

P5

Q How long was that before the alarm of fire was given?

A I cannot tell exactly, it might have been any hour or more.

Q Was it your little daughter who first discovered the fire?

A I gave her, my daughter the key, to get some bread and when she came down she told me she saw smoke.

Q Did you see the man Defendant during the day?

A He came some very evening and went out in the

P5

86

morning, I cannot
tell the time.

Q. How long before
the fire did you
see the woman
Defendant?

A. It might
have been an hour
or more.

Q. How long
before she put the
wig on?

A. She put
the wig on and
she followed me
down.

Q. Was that on
the day of the fire?
The same day?

A. Q. You were in the
room where this
lady (Defendant)
lives on that day

86

87

A. Yes Sir, she
asked me to lend
her a hand

Q. How long
before the fire was
that?

A. I cannot tell,
it might have been
an hour or an hour
and a half

Q. Did you
notice anything
cooking on the stove?

A. I did not
look around

Q. When
was the oil on the
floor, — if you knew
anything about it
being spilled on the
floor?

A. The defendant's
child spilled on the

DS

floor Hirose and the Defendant asked me how it could be cleaned, that was the day before the fire.

Q. Do you know that the Defendant was washing that day?

A. Yes Sir, she borrowed clothes from

Q. ~~from~~ me. Was she wash-
ing all the morning?

A. I can not tell.

Q. Were you home all the morning?

A. All the morning and in the afternoon I went out.

Q. If the Defendant had gone out, you

DS

89

Q would have seen her?
A She did not go
out in the morning
Court - If any strangers
had gone into the rooms
of the Defendant you
would have seen them

Q I saw no one
Q. Go in Has your room
door open?

Q. Not all the
time
Q. Counsel Did you see the
Defendant (Man)?
About the house
during the day?

Q I saw him before me
this 12th day of Aug 189
Police Justice

(89)

90

Mr Reinhard being
away upon business and
safe & work at
Schmartzchild's
Refrigerator Company
at 116th Street and
First Av.

Q. Do you know
Joseph Kummer?

A. No Sir,

Q. Do you remember
having a conversation
with any person on
July 29th 1890, in regard
to the bladder?

Q. No Sir,
How long have you
been employed here?

Q. Nine (9) years
Do you know anyone
by the name of Kummer?

Q. No Sir,
You are sure you

90

91

had no conversation with Kravetz in reference to bladder?

Q. Do you know anything about the Stanger House?

A. Yes, they keep the bladder down stairs

Q. Are they put in a refuse barrel?

A. I cannot tell that. I had a conversation with no one. No one could take bladders without paying for Corp Examination.

Q. Do you live at Maptory Island?

A. No Sir

91

92

Q. Is there any one else by your name, employed by your firm?

A. No, I am the only one by that name there.

Q. You do not know this Mr. [Name] the foreman, I have charge of the stables?

Q. If any one of your name was employed in your firm, you would know it?

A. No one by that name, but myself in that place.

Subscribed before me }
this 17th day of Aug 1891 }
Police Justice

92

93

Examination Aug 14/90

The Marshal Mitchell, said
"in relation to this
particular feature of
the case, you are
aware that I am
responsible for the
production of Sawyer,
He came to my office,
to make his statement,
I was not there, he
was sent to Engine
House No 11 where I
was supposed to be,
before I had reached
there, he had made
a written statement,
he had discovered
and identified the
defendant in the
Station House, he
made his statement

(93)

94

to me afterwards, I had no reason to doubt him; every thing led me to believe that he was telling the truth; I no longer doubt him till Mr Reinhard gave his testimony, I have carefully looked into the matter; I now doubt Warner's statement and I am not willing to be responsible for Warner's testimony - in justice to the Defendants, in justice to the Court, I make this statement, and I hope the Court will throw Warner's testimony out, I will not

94

95

willing to rest my
case on any such
testimony.

Rejoinder - I move for the
discharge of these
Defendants -
Court - So far as the
male Defendant is
concerned, no evi-
-dence has been
offered to show that
he has had any
thing to do with the
arson, everything he
did just after the
fire seems to be in
his favor, the simple
fact that his wife
went out of the house
an hour before the
fire, proves nothing,
I, therefore, discharge
the man ^{and} woman, the
Defendants.

POOR QUALITY
ORIGINAL

0485

Testimony
of
Joseph Kramer
taken out of
here

Hannah Warshaw being duly sworn
 says that she is the wife of Solomon
 Warshaw. That on or about 30th day of
 July last I was arrested and charged
 with setting fire to my premises at no
 114 Willst St in the City of New York. That
 one Joseph Kramer appeared at my
 examination before Justice Hogan at
 Essex Market Court and gave testimony
 as to my asking said Kramer to
 purchase for me at a slaughter house
 some ox bladders, that I gave said
 Joseph Kramer three twenty five cent
 pieces with which to purchase said
 bladders. That said Kramer identified
 me as being the person with whom
 he had the above conversation and
 hereby charge said Joseph Kramer
 with willful and malicious perjury
 as I never saw or ever knew of
 said Kramer as the first time I
 ever saw Joseph Kramer was when
 he testified against me in Court, that
 I never met said Kramer at
 the corner of Houston and Miller St

that he never gave me three
or blades nor did I ever give
said Kramer three twenty five
cent pieces. That said Joseph
Kramer's testimony in reference
to any conversation taking place
on the corner of Miller street and
Houston is false and untrue
and I therefore charge him with
corrupt willful and malicious

perjury.

Sworn to before me

this 9th day of Sept 1890. Hannan & Watschauer

[Signature]
Police Justice

That said
being duly sworn
deposes and says
I live at 50 5 East
46th St. New York
City, for the past
year, I have heard
the testimony of one
Joseph Kramer, who
appeared as a witness
for the People in the
case of the Marshal
Mitchell vs Solomon
and Hannah Harbun
of 114 Hill St
New York City, charged
with Green, I do
not, and never did
know said Kramer,
and I never believe
all of said Kramer's
testimony absolutely
false, untrue and
willfully malicious

1

POOR QUALITY ORIGINAL

0490

Sec. 192-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Joseph Kramer*

Question. How old are you?

Answer. *28 years, 4 age*

Question. Where were you born?

Answer. *New York City*

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

Answer. *51st Street (6 Months)*

Question. What is your business or profession?

Answer. *None*

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

Answer. *Am not guilty*

Joseph Kramer

Taken before me this

188

Police Justice.

[Signature]

POOR QUALITY ORIGINAL

0491

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

William McCormick of No. 13th Avenue Street, aged 32 years, occupation Police Officer being duly sworn deposes and says, that on the 7th day of September 1887 at the City of New York, in the County of New York, he arrested

Joseph Kramer charged with Burglary. Deponent prays that the defendants be held in order to enable deponent to produce further evidence

William J. McCormick

Sworn to before me, this

of [Signature]

1887 (day)

[Signature] Police Justice.

POOR QUALITY ORIGINAL

0492

Police Court, 149th St District.

9 3 P.M. Sept 8th

THE PEOPLE, & c.,

ON THE COMPLAINT OF

Muho McCormick

vs.

Joseph Kramer

AFFIDAVIT.

Corpus

Dated Sept 8th 1888

Hogan Magistrate.

McCormick Officer.

13th Precinct

Witness, _____

Disposition, _____

POOR QUALITY ORIGINAL

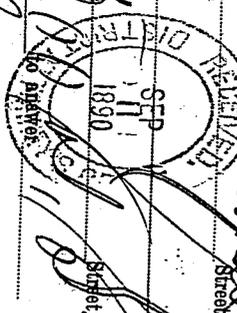
0493

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

Police Court
 District
 9
 1884

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

James Mitchell
 17 Sooy St
James Mitchell
 13th Precinct
James Mitchell
 188



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 Mitchell
 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 *Sept 9* 188 *James Mitchell* 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0494

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Kramer

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

Joseph Kramer

of the CRIME OF ASSAULT IN THE THIRD DEGREE, committed as follows.

The said *Joseph Kramer*

late of the City of New York, in the County of New York, aforesaid, on the *fourth*
day of *May* in the year of our Lord one thousand eight hundred and
ninety-one at the City and County aforesaid, in and upon the body of one
Lizzie Brunckof in the peace of the said People then and there being, with force
and arms, unlawfully did make an assault, and *her* the said *Lizzie*
Brunckof did then and there unlawfully beat, wound and ill-treat, to the great damage
of the said *Lizzie Brunckof* against the form of the
statute in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~

District Attorney.

0495

BOX:

438

FOLDER:

4035

DESCRIPTION:

Kuby, John W.

DATE:

05/05/91



4035

Just of Berger
O. a. S. 1891

Comise
Day of May 1891
Filed

[Section 528, and 532, Penal Code]

THE PEOPLE

21
vs
312

John W. Hubby

De Saucy, Nicole
JOHN R. HUBBY

District Attorney

A True Bill

W. S. Skidmore

June 10, 1891

Shil and Comitted Foreman

James R. Jones

Witness:

Mr. James Jones
I certify that
the above are
the only persons
to whom I refer
to in my report
to the Court
in the case of
Hubby vs. Jones
at New York
on the 10th of
June 1891
James R. Jones

W. J. Higgins
R. A. Gadd

Counsel
Filed May 1891
Pleds

THE PEOPLE
vs.
John W. Stuby

27
324 2/4
I

De Quincy Nicol
JOHN R. FELLOWS
District Attorney

A True Bill
1891

W. S. Skidmore
June 1st 1891
Trial and Committed Foreman
James R. Jones

Witnesses:

Mr. James Lamm
I am the witness
the case was
to and I report
Recog. and
to floor, & this
is true & correct
and I am
it helped the
of the
James R. Jones

POOR QUALITY ORIGINAL

0498

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena 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.]

To see Recorder Smyth

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

L. L.

To *J. J. Finnegan*

of No. _____ Street _____

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *June* 189*9*, at the hour of *11* in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

John W. Ruby

Dated at the City of New York, the first Monday of *June* in the year of our Lord 189*9*.

DE LANCEY NICOLL, District Attorney.

**POOR QUALITY
ORIGINAL**

0499

John Ruby

Should the case not be called on for trial, and no reason assigned in Court please inquire at the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney in the Court.

If ill when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

June 4th / 91
Officer Hingaw is on his
vacation and will not be
back on duty until
6 P.M. ~~July~~ June 10th 1891.
Respectfully,
Thomas Boyle,
Serg't. 22nd Prec't.

POOR QUALITY ORIGINAL

0500

COURT OF GENERAL SESSIONS OF THE PEACE,
CITY AND COUNTY OF NEW YORK.

.....

T h e P e o p l e,)	Before
)	
vs.)	Hon. Frederick Smyth,
)	
JOHN W. KUBY.)	and a Jury.
)	

.....

Tried June 1st, 1891.

Indicted for PETTY LARCENY.

Indictment filed May 5th, 1891.

APPEARANCES:

Assistant District Attorney Macdona, for The People.

James M. Bigger, Esq., and Mr. Wade, for The Defense.

**POOR QUALITY
ORIGINAL**

0501

2

MARY CONNOLLY, the COMPLAINANT, testified that she lived at 323 West 67th Street, and that she was a widow. She had a son, but he was dead. On the 21st of April, 1891, her son, Joseph, was living. She had had his life insured for nearly twelve years--- since he was a child. His life was insured in the Metropolitan Life Insurance Company of New York. During the 12 years preceding his death she paid the premiums on his life insurance regularly. She had known the defendant from the fall of 1890, when the Company first sent him to collect her premiums. He represented himself as the Collector for the Company. On the 21st of April she went to the defendant's house in 27th Street. She paid him ninety cents, which was in advance, for the week ending April 27th. She told the defendant that she wanted to get her re-

**POOR QUALITY
ORIGINAL**

0502

3

ceipt book from him. The defendant said that it was in his drawer at the office, and that if she, the complainant, would call on the following evening, he would have it ready for her. She had given the book to him, the defendant. She could not recall the date when she gave it to the defendant. She also had an insurance on her own life in the Company, and the ninety cents that she paid was the premium on both lives. She gave the defendant the book, because sometimes when he called she would not be in, and she would go to his house to make the payments of premiums. She gave him the book about January 1st, 1891. The defendant said he would take care of it, and see that everything was all right. When she called later for the book, after the 21st of April, he said that he had been so busy that he had not got to the office yet, and had not got the book. She went there again on the 24th of April, her boy having died on the

**POOR QUALITY
ORIGINAL**

0503

4

23rd. She saw the defendant on the sidewalk, in front of his house. She asked him to give her her book, as her son was dead. The defendant said that he was very busy, and he had not been to his office that day, and, he added, "I will come up with the book to you to-morrow," and that was Saturday, and she, the complainant, waited all day, and he did not come, and she went down on Saturday even when she thought he would be back to his house. It was about 6 o'clock when she got there, and he was not there yet. She, the complainant, went into the house with a lady friend, and talked to the defendant's wife. Between 6 and 7 o'clock she saw the defendant. He was very polite, and said that he was very busy, as before, and that she, the complainant, must meet him on Monday night, at his house, and he would make every thing straight about the book. She, the complainant, was accompanied by a friend, Mrs. Smith. She, the complainant,

**POOR QUALITY
ORIGINAL**

0504

5

went there again to the defendant's house, on Monday evening, and he did not appear. She remained there until 10 o'clock, but he did not come home. On the following Wednesday evening, at about 8 o'clock, she waited for the defendant outside of his house, and met him at the corner, as he got off a car. Then the defendant said to her that the Company was a lot of frauds, and that they had her book at their office. She last saw the book in the defendant's possession about a month before the 21st of April. She, the complainant, gave her policy on her son's life, together with the doctor's certificate, on or about April 24th, to the Company, represented by Mr. Williams. Mr. Williams was Superintendent of the Company, and she gave him the policy and the doctor's certificate in the offices of the Company. She received nothing from the Company, and was compelled to come down to court every day, though she had to borrow her car fare. In

**POOR QUALITY
ORIGINAL**

0505

6

C r o s s - E x a m i n a t i o n .

the complainant testified that during the 12 years that she paid the premiums on the policy on her son's life there were many collectors sent by the Company to her in succession. She had given her book to other collectors before she gave it to the defendant. She was not notified shortly before her son's death that she was in arrears to the Company. The defendant said, on the 21st of April, when she called at his house to make a payment, that she was in arrears five weeks. She, the complainant, thought it was only four, but she did not make any objection, and gave him what he asked. Her son died a day or two after this, and she notified the Company of her son's death on the 24th of April, and took the policy down to the Company's office. At the office she was informed by the Superintendent that the defendant had lapsed her policy, and

**POOR QUALITY
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they would not pay her anything.

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CLARK P. WILLIAMS, testified that he was Superintendent of Agents for the Metropolitan Life Insurance Company of the City of New York, the office of the Company being at 32 Park Place. He, the witness, was not located at that office, but at 2 West 14th Street, a branch office. As Superintendent of Agents, he had charge of collections made on the West side of the City for the Company. The agents made their return to him, and he remitted to the Company. He, the witness, knew the defendant. The defendant had been in the employ of the Company, and he, the witness, was familiar with the defendant's handwriting. He identified a book which was handed to him as a

**POOR QUALITY
ORIGINAL**

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book in which agents kept a record of payments made to them and of their collections. The book had been used by Kuby, and the writing on page 100 was that of Kuby's---at least the figures certainly were his, and they related to the policy of Mrs. Connolly upon the life of her son. The defendant left the Company's employ about the middle of March, 1891, and the Company got the book in question from the defendant about a week or two later. The defendant was discharged for embezzlement, and the Company immediately closed out his account. It was closed out on the 23rd of March. After that date he had no authority to represent the Company. In the book, under the date of April 21st, 1891, there appeared no entry relating to the policy in question. The last date in relation to the policy in question was January 26th, 1891. On the 29th of December, 1891, the defendant sent a notice lapsing the policy to the Company, and

**POOR QUALITY
ORIGINAL**

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it was lapsed off the books of the Company. In

C r o s s - E x a m i n a t i o n,

the witness testified that up to March 13th, or thereabouts, the defendant was authorized to collect money for the Company. The defendant discharged himself by running away with the Company's money. He, the witness, did not see Kuby again until he saw him in the police court, under arrest. It was customary for the Company to take bonds for their collectors, in the sum of \$100. or \$200. The Company had inquired of Kuby's bondsman where Kuby was. The bondsman said that he would bring down the defendant to the Company on the Wednesday following the 16th of March. He, the witness, went to the defendant's house twice, and saw his wife, and sent an assistant there, but neither he nor his assistant could learn of the defendant's whereabouts. The bondsman said that he had

**POOR QUALITY
ORIGINAL**

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seen Kuby in the City.

FOR THE DEFENSE,

JOHN W. KUBY, the DEFENDANT, testified that he had resided in New York about nine years, and he was first employed by the Metropolitan Life Insurance Company in September, 1890. Previously he had been employed in the cigar business. He had made collections from the complainant. He represented himself as an agent of the Company, in September, 1890, first, for the purpose of collecting the premiums on her policies. She was always behindhand in her payments, and he told

**POOR QUALITY
ORIGINAL**

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her often, "Mrs. Kuby, if you don't keep up your payments, I will have to lapse you." The complainant was a poor woman, and he himself kept up her payments for her. On February 19th he had to lapse her. She was then five weeks in arrears. She had paid up to December 29th, and, according to the instructions of the Company, he lapsed her on February 9th or 19th. In the latter part of March she made a payment of thirty cents---in the latter part of February--- and he, the witness, gave her a revival receipt for it. The meaning of that receipt was, that the policies were revived, but, after that, she made no more payments. She did not pay him 90 cents on April 21st. She did not pay him a penny after the latter part of February, after he gave her the revival receipt. He could not remember whether he had reported giving the revival receipt to the Company. The complainant did not call at his house until after her son was dead.

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The complainant said, "What shall I do?" He, the defendant, said, "You have your policy, and if you have your book, go down to the Company. I have nothing more to do with the Company." In

C r o s s - E x a m i n a t i o n,

the defendant testified that this conversation occurred on the 24th or 25th of April---at any rate, in the latter part of April. The complainant saw him then in the street, in front of Dr. Miller's house; not his own house. It was about a quarter past 8, or half-past 8, in the evening. Then the complainant told him, the defendant, that her son was dead. Mrs. Smith was not present at the time. Mrs. Smith came there two days later. He, the defendant, did not hand her her receipt book. He did not tell her that he had her book in his drawer in the office of the Company, and that he would make the entry

**POOR QUALITY
ORIGINAL**

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of the 90 cents in the book, and give her back the book. He never had her book in his possession. When he told the complainant that she had better go down to see the Company, with her policy and her book, he knew that her policy was lapsed. He knew that she could not get any money upon the policy, but he referred her to the Company any way. He referred her to the Company, because he had nothing to do with the Company any more. For all he knew, the policy might have been revived before that time, and all paid up. He, the defendant, did not tell her that her policy was lapsed. He, the defendant, had never been arrested before in his life, on any charge.

**POOR QUALITY
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IN REBUTTAL.

MARGARET SMITH, testified that she lived in Brooklyn. She had known the complainant, Mrs. Connolly, for a long time, and they were friends. On the 24th of April she went with the complainant to call upon the defendant, and they saw him. Mrs. Connolly first went down to the basement where the defendant lived, and she, the witness, stood upon the sidewalk, and a man said to her, the witness, "There's the man you are looking for, at the bottom of the street. There is crooked work. Keep your eye on him, or he will steal away from you." She, the witness, kept her eye on him, and told the defendant to "Go down stairs into the basement, as there's a lady there who wanted to see him. The defendant said, "What does she want of me?" And he turned up the steps again,

**POOR QUALITY
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and she, the witness, put her hand on his arm and said, "Stop and speak to her, any way," and she, the witness, called Mrs. Connolly out of the basement, and the defendant was confused when she came up. She asked the defendant for her book, and the defendant said, "It is in the office, in my drawer." The complainant said, "I want it, and want you come down with me now, and get it?" The defendant said, "No; I will go down with you. I will go and get it, and come on Monday night, at 6 o'clock, and I will be here, and I will have it for you. It is all right." In

C r o s s - E x a m i n a t i o n,

the witness testified that she had known Mrs. Connolly about forty years, and had known her people in Ireland.

.....

POOR QUALITY ORIGINAL

0515

Police Court 5 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Mary Connolly
of No. 67th Street 323 Street, aged 47 years,
occupation Washing & Ironing being duly sworn,

deposes and says, that on the 21 day of April 1899 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Gold and lawful money of the United States of the amount and value of ninety cents and a record book value of one cent the whole being value of \$.90

the property of Refrigerator

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 W. Ruby for the

reasons following to-wit: on the said date the deponent who represents that he was collecting premiums for the Metropolitan Life Insurance Company collected the said money from deponent, representing that the said money was to be paid to the said Insurance Company as premium on a policy issued by said company. Deponent is informed by certain officers of the said Company that the said Ruby has not been in their employ for two months last past and that the money

Sworn to before me this 21 day of April 1899
Police Justice

POOR QUALITY
ORIGINAL

0516

was not paid to said Company
by said Party. Wherefore defendant
prays that the said defendant
and ~~said~~ ^{said} ~~party~~ ^{party} be apprehended and bound
to answer the said Complaint.
Defendant further says that the defendant
^{of date and name}
took away the said ~~sum~~

Sum to be paid me ^{of the}
This 29th day of April 1891 } Wm. Connolly
Clerk.

P. P. Jones
Police Justice

POOR QUALITY ORIGINAL

0517

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 38 years, occupation Insurance Manager of No. Clark P. Williams

2 West - 14th Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Mary Connolly and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 30 day of April 1888 Clark P. Williams


Police Justice.

POOR QUALITY ORIGINAL

0518

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *John M. Kubly*

Question. How old are you?

Answer. *27 yrs*

Question. Where were you born?

Answer. *Germany*

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

Answer. *312 - W - 27th St. 6 months*

Question. What is your business or profession?

Answer. *Janitor*

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

Answer. *I am not guilty
John M. Kubly*

Taken before me this *30* day of *Sept* 1937
Police Justice

POOR QUALITY ORIGINAL

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Sec. 151.

Police Court 5 District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Mary Connolly
of No. 373 W-67th Street, that on the 29 day of April
1889 at the City of New York, in the County of New York, the following article to wit:

Myself and lawful money
of the United States and one
silver coin

of the value of Twenty-one Dollars,
the property of Complainant
was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by John M. Fluby

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

These are I therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the bodies of the said Defendant
and forthwith bring him before me, at the 5th DISTRICT POLICE COURT, in the said City, or in
case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the
said charge, and to be dealt with according to law.

Dated at the City of New York, this 29 day of April 1889.

[Signature] Police Justice

POOR QUALITY ORIGINAL

0520

27 Gen 312 17 27

The within named

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

Dated _____ 188

Police Justice.

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.

Warrant-Larceny.

Dated _____ 188

Magistrate

Officer.

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

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at
night.



Police Justice.

POOR QUALITY ORIGINAL

0521

BAILED,

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

Police Court
109
584
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

325 7th St
67th St

John W. Kelly

2
3
4

Offence
John W. Kelly

Dated
April 30 1891

James Magistrate
James Officer

one subpoena sent to 22nd St
Witness: *Clark P. Williams*

No. *9* *35 W 17th St*
No. *9* *35 W 17th St*
Street *35 W 17th St*

No. _____
Street _____
to answer *EGJ*

300 E 4th St
2:30 P.M.

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

Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of _____ 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 *April 30* 1891 *[Signature]* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY ORIGINAL

0522

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 W. Tudor

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

John W. Tudor

of the CRIME OF Petit LARCENY, committed as follows:

The said John W. Tudor

late of the City of New York, in the County of New York aforesaid, on the ~~Monday~~ day of ~~April~~ ^{April} in the year of our Lord one thousand eight hundred and ~~eighty~~ ^{eighty one} at the City and County aforesaid, with force and arms, with intent to deprive and defraud ~~one Mary Connolly, who was~~

~~then and there indebted to the Metropolitan Life Insurance Company in a sum of money~~

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to ~~his~~ own use, did then and there feloniously, fraudulently and falsely pretend and represent to ~~the said~~ ^{Mary Connolly}

That ~~one~~ ^{the} ~~said~~ ^{said} John W. Tudor was then employed ~~by and in the employ of the said~~ Metropolitan Life Insurance Company, and was then and there authorized by the said company to make collections ~~for and~~ on its behalf and to receive from ~~her~~ the said Mary Connolly the sum of ~~money~~ cents ~~for and~~ on behalf of the said company.

POOR QUALITY ORIGINAL

0523

And the said *Mary Donnelly*

then and there ^{there} believing the said false and fraudulent pretenses and representations so made as aforesaid by the said *John W. Tuttle*

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said *John W. Tuttle*, the sum of ninety cents in money, lawful money of the United States of America, and of the value of ninety cents, and one dollar and the value of one cent

of the proper moneys, goods, chattels and personal property of the said

And the said *John W. Tuttle* did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said *Mary Donnelly*

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said *Mary Donnelly*

of the same, and of the use and benefit thereof, and to appropriate the same to his own use

Whereas, in truth and in fact, the said *John W. Tuttle* was not then employed in the employ of the said Metropolitan Life Insurance Company, and was not then and there

POOR QUALITY ORIGINAL

0524

authorized by the said company to make
collections for and on its behalf, or to
receive from the said company
the said sum of money, or any sum,
for and on behalf of the said company.

And Whereas, in truth and in fact, the pretenses and representations so made
as aforesaid by the said John W. Kelly
to the said Mary Connolly was and were
then and there in all respects utterly false and untrue, as she the said
John W. Kelly
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said
John W. Kelly
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said Mary Connolly
then and there feloniously did STEAL, against the form of the Statute in such case made and
provided, and against the peace and dignity of the said people.

John R. Fellows
JOHN R. FELLOWS,

District Attorney.

0525

BOX:

438

FOLDER:

4035

DESCRIPTION:

Kueher, Jacob

DATE:

05/07/91



4035

POOR QUALITY ORIGINAL

0526

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Counsel,
Filed 7 day of May 1897
Pleads,

Witness:
Wm. Kohn
Street

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday.)
[U. Rev. Stat. (7th Edition), Page 1089, Sec. 5.]

THE PEOPLE
vs. B
Jacob Archer
Chapman sent to the Court
of Special Sessions
June 6 1897

DE LANCEY NEULL,
day of JOHN R. FELLOWS,
and April District Attorney.

A True Bill.

W. L. Skidmore
Foreman.

POOR QUALITY ORIGINAL

0527

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Counsel,
Filed 7 day of May 1897
Pleads,

Witnesses:
Officer Moran
& Prec

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), Page 1889, Sec. 5.]

THE PEOPLE

vs. B

Jacob Fischer

Complaint sent to the Court
of Special Sessions,

June 6 1897

DE LANCEY NICOLL,
by JOHN R. FELLOWS,
Att. Gen. District Attorney.

A True Bill.

W. S. Skidmore

Foreman.

POOR QUALITY
ORIGINAL

0528

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Jacob Kueher

The Grand Jury of the City and County of New York, by this indictment, accuse—Jacob Kueher— of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Jacob Kueher— late of the City of New York, in the County of New York aforesaid, on the Twentythird day of June— in the year of our Lord one thousand eight hundred and eighty-nine, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure, and suffer and permit to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLI
JOHN R. FELLOWS,

District Attorney.