

0459

BOX:

107

FOLDER:

1140

DESCRIPTION:

Abler, Louis

DATE:

07/13/83



1140

POOR QUALITY
ORIGINAL

0460

95-
Counsel, 20/1/1883
Filed 13 day of July
Pleads Not guilty

THE PEOPLE
vs.
Lewis Allen
Assault in the Second Degree.
(Section 218, Penal Code).

JOHN McKEON,
District Attorney.

A True Bill.

J. M. Connaughton

Respondent.

Sept 15-1883

Fixed & Connected

S. P. 2 1/2 year

0461

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Sonis Abler

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

Sonis Abler

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

The said *Sonis Abler*

late of the City and County of New York, on the *twenty ninth* day of
June, in the year of our Lord one thousand eight hundred and
eighty-~~seven~~ with force and arms, at the City and County aforesaid, in and upon one

John Kollermer

in the peace of the people of the said State then and there being, feloniously did
willfully and wrongfully make an assault: and the said

Sonis Abler

with a certain *knife* which ~~he~~ the said

Sonis Abler

in ~~his~~ right hand then and there had and held, the same being then and there an
~~instrument~~ likely to produce grievous bodily harm, *knife*,
the said *John Kollermer* then and there feloniously
did willfully and wrongfully strike, beat, ~~strike~~, *cut*, bruise and wound,
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity.

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SECOND COUNT.

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

_____ Louis Allen _____

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

The said Louis Allen _____

late of the City and County of New York, afterwards to wit: on the twenty ninth
day of June in the year of our Lord one thousand eight hundred and
eighty-three at the City and County aforesaid, with force and arms, in and
upon one John Kollermer _____

in the peace of the People of the State of New York then and there being, feloniously
did willfully and wrongfully make an assault: and the said Louis Allen
_____ him the said John Kollermer _____

with a certain knife _____
which he ~~the said~~ in his right hand then and there had and held, in
and upon the head and breast _____
of him the said John Kollermer _____

then and there feloniously did willfully and wrongfully strike, beat stab, cut
bruise and wound, thereby then and there willfully and wrongfully, feloniously inflicting
upon the said John Kollermer _____
grievous bodily harm, to wit: thrusting then and there
stabbing and cutting the face and
breast of the said John Kollermer _____

against the form of the Statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity.

JOHN McKEON, District Attorney.

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

Police Court- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John D. Williams
John D. Williams
John D. Williams

1 _____
2 _____
3 _____
4 _____

Offence, *Felony Assault*

Dated *June 29* 1883

Wardens Magistrate.

Burdley 10 Officer.

Clerk.

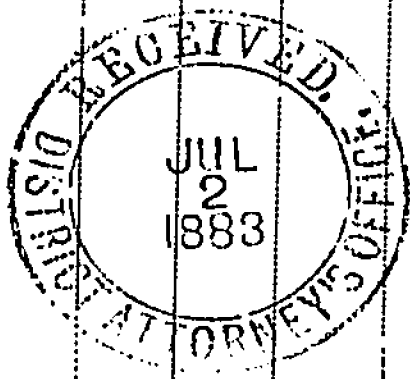
Witnesses, _____

No. _____ Street, •

No. _____ Street, •

No. _____ Street, •

No. _____ to answer _____
June 1 _____



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 *Lucius Abler*

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

Dated *June 29* 1883 *Hugh J. Gardner* Police Justice.

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

Dated _____ 1883 _____ 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 _____ 1883 _____ Police Justice.

0464

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3 District Police Court.

Louis Abler 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. Louis Abler.

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. Brooklyn

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

Answer. 118 Allen Street 6 months

Question. What is your business or profession?

Answer. Truck driver

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

Louis Abler
(Mark)

Taken before me this

day of

June

1888

George H. Carter

Police Justice.

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Police Court— 3rd District.

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

years

of No. 26 Delancy

John Hollmer aged 28

Street,

being duly sworn, deposes and says, that
on Friday the 29 day of June
in the year 1883 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Louis Abler

(nowhere) who cut and stabbed
deponent in the breast and face
with a knife he held in his hand

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

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

Sworn to before me this 29 day

of June

1883

Myh. Gorman
POLICE JUSTICE.

John Hollmer

0466

Testimony in the
case of
Louis Adler.

filed July

1883

0467

610

The People v. Court of General Sessions. Part I
 Louis Adler Before Judge Cowing Sept. 19. 1883
 Indictment for assault in the second degree
 John Kollner, sworn and examined. I saw
 the prisoner on the 29th of June in Mr.
 Patterson's liquor store. When I first saw
 him it was between 1/4 and 1/2 past eleven
 at night. That was not when the assault
 took place. I was talking with Mr. Patterson
 standing at the door. We had a glass of
 beer together. That was about 20 minutes to
 twelve. The prisoner came to me and
 tapped me on the shoulder and said, "Halloo
 Jack, don't you know me?" I looked at him
 and I says, "I don't know you." He said,
 "Give me your flipper." I looked towards Mr.
 Patterson and said, "Are these the kind
 of men you have in your place?" He says
 to this man, "You clear out of here." I stood
 talking with Patterson fully ten minutes after
 that. I came outside the door and I saw
 this man about twenty feet from Patterson's
 towards Essex st. He called me over and
 he says, "You son of a b h. I have a
 good mind to kill you." I said, "What are
 you going to do that for?" He had a
 knife in his right hand. I said, "Don't
 you go to be killing so quick." He made

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a run at me. I had a straw hat on. As soon as he made a jab and I "downed" him because he had cut me in the hat. He got up and made another run for me. I downed him; again he got up and I downed him again. By this time he was at the corner of Essex St. I told him to go about his business. He walked up towards Essex and Ludlow Sts. He came back. I was about two feet from Pattersons. They have a big lamp post there. I examined my hat. I heard this man run I did not know it was this man at the time. I turned round. "Take that you son of a b—h," and he stabbed me in the chest and over the left eye. with a jack knife in the breast on the left hand side. The doctor examined the wound in Chamber St. Hospital. It touched the bone and glanced off the bone. I only stayed at the hospital long enough to get my wound dressed. They trusted me to my wife. I stayed there about an hour. They called the head doctor down. He said, if the man wants to go, let him go. My wounds were dressed and I went home. Cross Examined. I "downed" him three times. I mean by that I hit him.

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with my clinched fist. Patterson is not here. I did not think it necessary to have him here. I suppose I was in Patterson's saloon about an hour that night. Before that I was home in bed. I suppose I got out of my bed about 10 minutes to 11. I got up and got a drink. I saw the prisoner every night for a year and a half. I did not know him, I don't know what he worked at I don't know that he is very hard of hearing. I was not very much under the influence of liquor that night. I quit work at 5 1/2 every night. I did not drink anything after I left work. I retired about 9 o'clock. All I drank at Patterson's was two glasses of ale. I did not knock the prisoner down and "downed" him before ~~he~~ touched me with a knife. There was an interval between the first and the second interview when he stabbed me; the interval was about 15 minutes. During that time I did not see him at all. Mr. Patterson was not present upon the occasion of the stabbing. He does not know anything about it.

Louis Spiller, sworn and examined in his own behalf testified. Why did you cut this man? Because he hit me over the head. That is the reason I cut him.

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Counsel

Did he hit you over the head before you cut him? No sir.

He does not understand. I will have to get near him; he is very deaf. Did that man hit you over the head before you cut him? Yes sir. Where were you when you cut him? I was in Delancey St. alongside of Paterson's. Will you tell us what he said to you before you cut him, everything that occurred there? He said, "You son of a b h get out of my way" everything like that. Tell us all that occurred? He called me a son of a b h and everything. How many times did he knock you down? He did not knock me down at all. How many times did he strike you? About six or seven times. Were you ever arrested before? I was down in Essex Court once. For what? For being drunk. But you never have been arrested before? No sir. What do you work at? I work at Washington Market on an ice cart for Thomas Sullivan. I have been locked up eighty two days today. The jury rendered a verdict of guilty of assault in the second degree. He was sentenced to the State prison for two years and six months.