

0786

**BOX:**

370

**FOLDER:**

3471

**DESCRIPTION:**

Sampalikova, Marie

**DATE:**

10/07/89



3471

Witnesses:

G. H. Young  
Marie Tynes  
C. G. Street

#10  
Counsel, W. C. Goodheart  
Filed 7  
Pleads, 188  
Aax of 188  
1889

THE PEOPLE  
vs.  
Marie Sampilikova  
VIOLATION OF EXCISE LAW  
(SELLING TO MINOR)  
[LIT. REG. ST. (11th Ed.) p. 1882, § 15-1]  
[Section 90 (Amended)]

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

M. L. Lode Foreman.

Complaint sent to the Court  
of Special Sessions,  
Part III, Dec 10 1889.

0787



0788

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Marie Sampalikova*

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

*Marie Sampalikova*

of a MISDEMEANOR, committed as follows:

The said

*Marie Sampalikova*

late of the City of New York, in the County of New York aforesaid, on the

*twenty-fourth* day of *June* in the year of our Lord  
one thousand eight hundred and eighty-*nine*, at the City and County aforesaid,

certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury

aforesaid unknown, unlawfully did sell to one *Musie Syner*  
*actually and apparently* *sixteen*  
who was then and there a minor under the age of ~~fourteen~~ years, to wit: of the age of

*fourteen* years, as *the* said *Marie Sampalikova*  
then and there well knew and had reason to believe; against the form of the statute in such  
case made and provided, and against the peace of the People of the State of New York,  
and their dignity.

JOHN R. FELLOWS,

District Attorney.

0789

**BOX:**

370

**FOLDER:**

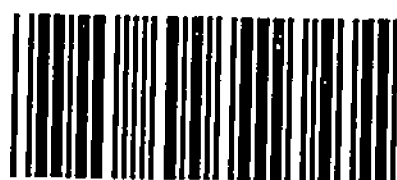
3471

**DESCRIPTION:**

Samsel, Robert

**DATE:**

10/09/89



3471

0790

**BOX:**

370

**FOLDER:**

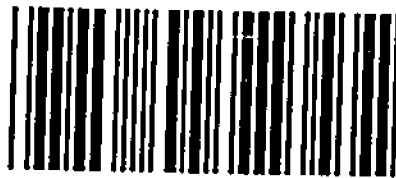
3471

**DESCRIPTION:**

Vaughan, Tony

**DATE:**

10/09/89



3471

0791

Witnesses:

Wm Elias

38

2 Pity

Counsel,

Filed

9 day of Oct 1889

Pleads,

at City of New York

THE PEOPLE

vs.

Robert Samuel

and

Sony Vaughan

both living.

Burglary in the Third degree.  
Grand Larceny and  
Degree & Receiving  
[Section 498, 496, 525, 531, 532]

JOHN R. FELLOWS,

Dec 1889 District Attorney.

No 2 pleads Bur 3.

No 1 Elmira Reformatory

A True Bill

Dec 1889

Mr L. Cole, Foreman.

Dec 1889

No 2.

Pleads Bur 3

State Reformatory

Oct 23, 1889



0792

Court of General Sessions  
The People etc

vs  
Tony Vaugh

City and County of New York } ss  
Joseph Mangini being duly sworn.  
says he lives in #233 Elizabeth Street  
That he has known the defendant  
about 15 years. That Defendant has  
always been a good honest indust-  
rious boy and has a good repu-  
tation with all who know him.  
Sworn to before me this Joseph Mangini  
21<sup>st</sup> day of Oct 1889.

Louis Joseph Anthony Puliti  
for the N.Y. Court 135



0793

Court of General Sessions  
The People etc.

vs

Tony Vaughan

City and County of New York S.S.

Joseph Marcus being duly sworn says  
he lives at #314 Mott St. He has known the  
Defendant for about 6 years. That the  
Defendant was always a good boy and  
hard working and industrious and  
helped as he could his father and mother.  
That Defendant has a good reputation -  
with all who know him for honesty and  
industry

Joseph Moreno

Sworn to before me this  
21<sup>st</sup> day of Oct. 1889

Louis J. Smith Notary Public  
for the City of New York

0794

Court of General Sessions  
The People etc

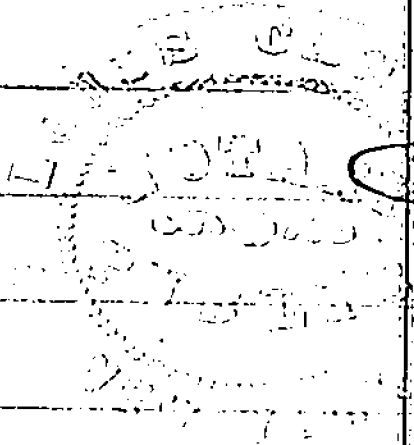
<sup>vs</sup>  
Amy Vaughan

City & County of New York & ss

Nicola Caggiano being duly sworn  
says the late in #13 Pell Street. That  
he has known the defendant about 15 yrs  
That his reputation for honesty and  
industry has been excellent

Sworn to before me this Nicola Caggiano  
21<sup>st</sup> day of Oct 1889

Louis J. ...  
for the N.Y. Co. 1135



0795

Court of General Sessions  
The People etc

vs  
Jony Vaughan

City and County of New York ss  
Antonio Pucciarelli being duly  
sworn, says he lives in #236 Elizabeth St  
He <sup>has</sup> known the Defendant since he was  
born, that the Defendant was always  
a good boy and obedient to his parents  
and this is the first trouble of any kind  
that he has been in. That Defendant  
has never been arrested to Deponent's  
knowledge before the present case and  
he bears a good character with all who  
know him

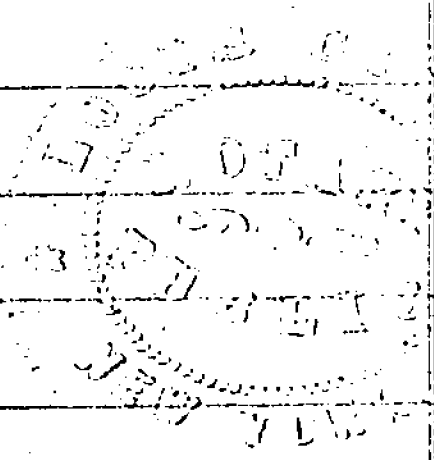
Sworn to before me.

on this 21<sup>st</sup> day of Oct/1889. Antonio Pucciarelli

Sworn, Justice of the Peace

for the N.Y. Co. 135





0796

Court of General Sessions  
The People etc

vs

Dmy Vaughan

City & County of New York § 55

Joseph Vaughan being duly sworn says  
he lives in #360 Mott Street. That Defen-  
dant is the father of the above named  
defendant. that defendant has never  
been arrested or charged with any offense  
heretofore that he has always been an  
honest industrious obedient boy, that  
he has always helped as well as he could  
to earn something to support the family  
That if sentence is suspended, Defendant  
will immediately get him employment  
and see that he does not do anything  
that will bring him before a Court of  
Justice again

Joseph Vaughan  
Sworn to before me this  
31<sup>st</sup> day of Oct 1889  
Louis French Notary Public  
for the N.Y.C. 1889



0797

Court of General Sessions  
The People etc

vs  
Amy Vaughan

City and County of New York, S.S.

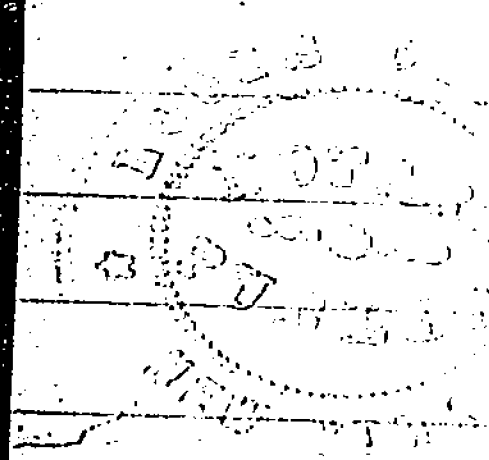
Frank Pichemonda being duly sworn  
says he is in the Wholesale & Retail Grocery  
business at # 24 Bleeker St. that he knows  
the Defendant for about 15 years. That dur-  
ing that time the Defendant has been  
a good boy, and always had the reputat-  
ion of being an honest, industrious boy.  
That notwithstanding the present  
charge I will give him employment in  
my store, if the Court in its mercy-  
see fit to suspend sentence

Sworn to before me on  
this 21<sup>st</sup> day of Oct 1889 Frank Pichemonda

Louis French Notary Public

for the City of N.Y.

135





0798

N. Y. General Sessions Court

*The People*

Plaintiff,

against

*Amy Vaughan*

Defendant

*Affidavit as to good  
character*

PURDY & McLAUGHLIN,

Attorneys for

No. 280 BROADWAY, New York City.

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

To .....

0799

Police Court— District.

City and County } ss.:  
of New York,of No. 112 East 4<sup>th</sup> Street, aged 31 years,  
occupation Barber being duly sworndeposes and says, that the premises No. 656 Broadway Street, Ward  
in the City and County aforesaid the said being a three story brick  
building in part and which was occupied by deponent as a barber shop  
and in which there was at the time no human being, ~~by name~~were BURGLARIOUSLY entered by means of forcibly unlocking the  
door leading from the street into deponent's  
barber shop in the basement of said  
premises by means of false keys.on the 22<sup>nd</sup> day of September 1889 in the Night time, and the  
following property feloniously taken, stolen, and carried away, viz:Thirty five razors. three pairs of hair  
cutters. one pair of pincers. small knife  
three crabs razor hone. eighty cents in  
good and lawful money of the United States.  
six keys. together of the value of fifty  
dollars.(\$50.00)the property of deponentand 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 byRobert Samuel and Larry Vaughan  
(both now here) and another by not yet arrested

for the reasons following, to wit:

That at the hour of 1 O'clock  
P.M. said date deponent locked and  
securely fastened the door of his shop and  
left said clearing all of said property  
therein. and at the hour of 7 O'clock A.M.  
September 23<sup>rd</sup> deponent discovered that said  
premises had been entered as aforesaid and  
said property taken stolen and carried away  
therefrom. Deponent is informed by Officer

0800

Thomas Dolan. that he arrested the defendant Samuel on suspicion of having committed said burglary and in searching him Samuel he the Officer found two razors one comb one small knife one pair of pincers and one razor hone. and he Samuel then admitted and confessed to him the Officer that he Samuel the defendant Tony Vaughan and another boy not yet arrested had entered said shop and taken said property therefrom. he the Officer then arrested the said Tony Vaughan. when he Tony admitted and confessed to him the Officer that he had been in said shop and had taken seven razors therefrom and that the defendant Samuel and the boy not arrested had also been in said shop and he the Officer recovered seven razors upon the information received from the said Tony Vaughan. Dependent further says that he has since seen the property recovered from the defendants and fully identifies said property as his.

Wherefore dependent charges the said defendants and the said boy not yet arrested with being together and acting in concert with each other and burglariously entering said premises as aforesaid and feloniously taking stealing and carrying away said property.

Sworn to before me  
this 22nd day of Sept 1889

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

William Elias.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Police Justice

Office—BURGLARY.

1  
2  
3  
4

Dated

188

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.



0801

CITY AND COUNTY }  
OF NEW YORK, } ss.

Thomas Dolan  
aged \_\_\_\_\_ years, occupation Police Officer of No. \_\_\_\_\_

15th Precinct Police Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of William Elias

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

Sworn to before me, this

28

day of

Sept

1889

Thomas Dolan  
Police Justice.

0802

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

*Robert Samuel* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am guilty*  
*Robert Samuel*

Taken before me this

day of

188

Police Justice.



0003

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

*Jerry Vaughan* 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, if he see fit to answer the charge and explain the facts alleged against him, that the statement is designed to enable him to be 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.

*Jerry Vaughan*

Question. How old are you?

Answer.

*17 years old*

Question. Where were you born?

Answer.

*Italy*

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

Answer.

*312 Mott St. 2 years*

Question. What is your business or profession?

Answer.

*bootblack*

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

Answer.

*I am not guilty the other boy not arrested whose name is Jerry unlocked the door and pulled me in this shop.*

*Jerry Vaughan*  
*Mundy*

Taken before me this

day of

188

Police Justice.

0804

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

Amuel and Mary Vaughan  
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, each 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 25 1887 J. H. Murphy 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.

0805

Police Court---

2/1469 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Elias  
423. East 4 St  
Robert Samuel  
Tony Vaughan

Offence

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Dated

Sept 28

1889

Ford

Magistrate.

Mrs Dolan

Officer.

1st

Precinct.

Witnesses

Mrs Dolan

No.

15th Precinct

Street.

No.

SEP 30 1889

Street.

No.

lackey

Street.

\$

1000

to answer

OM

pm 21  
9/21  
pm



0806

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Robert Sammel and  
Tony Vaughan

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

Robert Sammel and Tony Vaughan

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

The said

Robert Sammel and Tony  
Vaughan, both

late of the Fifteenth Ward of the City of New York, in the County of  
New York, aforesaid, on the twenty-second day of September in the year of  
our Lord one thousand eight hundred and eighty-nine, with force and arms, at the  
Ward, City and County aforesaid, a certain building there situate, to wit: the shop of one

William Elias

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

William Elias

in the said shop 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.

0007

SECOND COUNT—

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

Robert Sammel and Tony Vaughan  
of the CRIME OF *Grand* LARCENY *in the second degree*, committed as follows:  
The said Robert Sammel and Tony Vaughan, both

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

*thirty-five razors of the value  
of one dollar each, three pair  
of hair cutters of the value of  
two dollars each, one pair of pincers  
of the value of one dollar, one knife  
of the value of fifty cents, three  
combs of the value of twenty five  
cents each, one razor hone of the  
value of one dollar, and the sum  
of eighty cents in money, lawful  
money of the United States and  
of the value of eighty cents*

of the goods, chattels and personal property of one

in the *shop* of the said

*William Elias*  
*William Elias*

there situate, then and there being found, *in the shop* 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.



0000

THIRD COUNT—

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

*Robert Sammel and Tony Vaughan*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

*Robert Sammel and Tony Vaughan*

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

*thirty-five razors of the value  
of one dollar each, three pair of  
haircutters of the value of two dollars  
each, one pair of pincers of the value of  
one dollar, one knife of the value of fifty  
cents, three combs of the value of twenty-  
five cents each, one razor hone of the value  
of one dollar, and the sum of eighty  
cents in money, lawful money of  
the United States, and of the value of  
eighty cents*

of the goods, chattels and personal property of one

*William Elias*

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

*William Elias*

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

*Robert*

*Sammel and Tony Vaughan*

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

JOHN R. FELLOWS,  
District Attorney.

0009

**BOX:**

370

**FOLDER:**

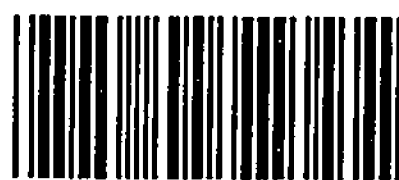
3471

**DESCRIPTION:**

Sauberlich, Oscar

**DATE:**

10/15/89



3471

6th. Pref.

V.P. 2 yrs - BB.M

Barbary in the Third degree.  
Degree Freedom.  
[Section 498, Art. 1, 1875, 1876.]

0810



0811

Police Court—*First* District.

City and County { ss.:  
of New York,

of No. *135 Canal* Street, aged *40* years,  
occupation *Restaurant Keeper* being duly sworn  
deposes and says, that the premises No. *44 Bayard* Street, *6* Ward  
in the City and County aforesaid the said being a *Brick Building*  
*the basement of*  
~~which~~ *not* which was occupied by deponent as a *Restaurant*  
and in which there was at the time a human being, by ~~name~~

*Barke and*  
were BURGLARIOUSLY entered by means of forcibly *(breaking the*  
*lock securing the basement door*  
*and breaking open said door, at*  
*about the hour of 3 o'clock A.M.*

on the *2<sup>nd</sup>* day of *October* 188*9* in the *night* time, and the  
following property feloniously taken, stolen, and carried away, viz:

*a quantity of mens clothing, Table*  
*linen and plated spoons, property*  
*of deponent, and of the value of*  
*one hundred dollars, and a sack*  
*of property of deponent, and a*  
*box containing pocket-books*  
*buttons and other articles of*  
*value in the care and charge*  
*of deponent*

~~the property of~~

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

*Oscar Gamberlich, now here,*

for the reasons following, to wit: *That deponents said*  
*restaurant was broken open*  
*at the time aforesaid and said*  
*property purloined and feloniously*  
*stolen and carried away*  
*therefrom. That Officer Reppert,*  
*here present, informs deponent*  
*that at the hour of 3 1/2 o'clock*  
*A.M. on said day, the said officer,*



08 12

apprehended said defendant in  
Elizabeth Street with said Box  
containing said Pocket-Books  
Buttons and other articles in  
his possession; And the said hat  
now here found by the defendant  
is the stolen hat of defendant  
aforesaid

Subscribed before me this { A Cashland.  
2 day of October 1889 }

E. B. Hagan

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 1889 Police Justice.

I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1889 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 1889 Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

1  
2  
3  
4

Dated

1889

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

to answer General Sessions.

08 13

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged \_\_\_\_\_ years, occupation John H. Reppu  
Police officer of No.

6<sup>th</sup> Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Alfred Rosklau

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

Sworn to before me, this 2<sup>nd</sup>  
day of October 1889

[Signature]  
Police Justice.

John H. Reppu

08 14

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Oscar Fauberlich* 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.

*Oscar Fauberlich*

Question. How old are you?

Answer.

*36 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*148 W. Houston Street. 8 weeks*

Question. What is your business or profession?

Answer.

*Book Keeper*

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*

*Oscar Fauberlich*

Taken before me this *2nd*  
day of *October* 188*8*

Police Justice.

*[Signature]*

08 15

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 *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 *Dec 2* 18*9* *[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.



08 16

BAILED,

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

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

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

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

Police Court---

1514  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Albert Boshland*  
*133<sup>rd</sup> Canal*  
*Oscar Sauberlich*

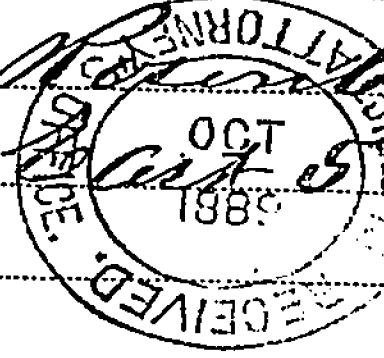
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

*Burglary*  
Officer

Dated *Oct 2* 188*9*  
*Hogan* Magistrate.  
*Repper* Officer.  
*6* Precinct.

Witnesses *John H. Repper*  
No. *6* Precinct Street.

*Isaac Rosenberg*  
No. *420* Street.



No. \_\_\_\_\_ Street.  
\$ *2000* to answer *G. S. M.*

*Command*  
*W. H. M.*  
*W. H. M.*

0817

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Oscar Sauberlich*

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

*Oscar Sauberlich*

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

The said

*Oscar Sauberlich*

late of the *Sixth* Ward of the City of New York, in the County of New York, aforesaid, on the *second* day of *October* in the year of our Lord one thousand eight hundred and *eighty-nine*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *restaurant* of one

*Albert Goshland*

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

*Albert Goshland*

in the said *restaurant* 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.

08 18

SECOND COUNT—

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

*Oscar Sauberlich*  
of the CRIME OF *Grand LARCENY* in the second degree committed as follows:  
The said *Oscar Sauberlich*

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

*one hat of the value of eight dollars,  
divers articles of clothing, of a number and  
description to the Grand Jury aforesaid  
unknown of the value of sixty dollars,  
a quantity of table linen, a more particular  
description whereof is to the Grand Jury  
aforesaid unknown of the value of  
twenty five dollars, one hundred spoons  
of the value of ten cents each, five  
pocketbooks of the value of fifty cents  
each, one hundred buttons of the value of  
one cent each and one box of the value  
of one dollar*

of the goods, chattels and personal property of one

*Albert Coshland*

in the *restaurant* of the said

*Albert Coshland*

there situate, then and there being found, *in* the *restaurant* 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.



08 19

THIRD COUNT—

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

*Oscar Sauberlich*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

*Oscar Sauberlich*

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

*one hat of the value of eight dollars, divers articles of clothing, of a number and description to the Grand Jury aforesaid unknown of the value of sixty dollars, a quantity of table linen, a more particular description whereof is to the Grand Jury aforesaid unknown, of the value of twenty-five dollars, one hundred spoons of the value of ten cents each, five pocketbooks of the value of fifty cents each, one hundred buttons of the value of one cent each and one box of the value of one dollar*

of the goods, chattels and personal property of one

*Albert Coshland*

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

*Albert Coshland*

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

*Oscar Sauberlich*

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

JOHN R. FELLOWS,  
District Attorney.



0820

**BOX:**

370

**FOLDER:**

3471

**DESCRIPTION:**

Schade, Bertha

**DATE:**

10/21/89



3471

0821

**BOX:**

370

**FOLDER:**

3471

**DESCRIPTION:**

Schade, Matilda

**DATE:**

10/21/89



3471

0822

BOX:

370

FOLDER:

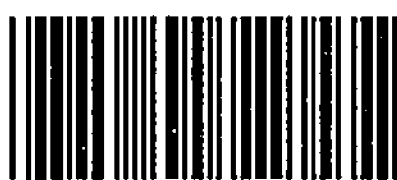
3471

DESCRIPTION:

Schade, Edward

DATE:

10/21/89



3471

0823

154

Counsel,  
Hempelman

Filed all day of Oct 18 89

Plead *Myself*

THE PEOPLE

vs.

*Bertha Schade*

*Marilda Schade*

and

*Edward Schade*

Grand Larceny *first degree*  
[Sections 528, 530, 502 Penal Code]

JOHN R. FELLOWS,

*Part III November 4<sup>th</sup> District Attorney*

*Part II Pleads - Rec. stolen goods*

*Part II Pen one yr 18*

*Oct 28<sup>th</sup> 89*

*Part 2 Nov 12. 1889.*

*Nov 8 tried & acquitted*

**A True Bill.**

*Part 3 Nov. 7 1887*

*W. J. L. Cole*

*Foreman.*

*172 Oct 28. 1889*

*Nov 1 Tried and convicted*

*P. L.*

*Pen: one year.*

*Nov 8, 89*

*Thomas Hank*

*Geo Doran*

*27<sup>th</sup> Peck*



0024

Court of General Sessions.

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The People etc

against

Matilda Scheide,impleaded

with Edward Schadie and

Bertha Schadie.

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City and County of New York SS.

Matilda Schadie being duly sworn says, that she is one of the defendants in the above entitled action , and has plead guilty to the crime of Receiving stolen goods,

Deponent further says that her co-defendants are her brother and sister,that her sister was convicted in this Court of petty larceny and her brother upon a trial acquitted of the crime charged against him. That deponent arrived from Europe about 5 years ago and ever since has been actively engaged at her occupation of dressmaker at number 34 Eighth Street in this City,excepting about a month prior to her arrest when she resided at number 237 East 79 th. Street .,That in the month of April last deponents sister arrived in this City and almost immediately thereafter obtained employment at the residence of Mr.Hunt the complainant as a domestic where she was employed up to within a day or two of her arrest,that during all of the time my sister was so employed,she frequently visited me,and at times brought to me goods consisting of pieces of china ware and other small articles of small value and presented them to me and invariably stated that she had

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either purchased them or had received them as a gift from her mistress which I verily believed.

In the month of September last my sister informed me that she was sick and unable to endure the labor imposed upon her and that she intended to leave her employment at the expiration of her month which would be on the third of October 1889 and that she proposed to send her trunk and other articles belonging to her home to deponent within a few days, that deponent consented to this, and when a trunk bearing her said sister's name arrived, she (deponent) received the same without questions and took charge of the same and never opened it or attempted to do so until the time hereinafter set forth. That in the latter part of September or possibly the first day of October last they arrived at deponent's residence a large trunk and large hamper which were quite heavy and required two men to handle, that the expressmen informed deponent that they had been sent from Mr. Hunt's residence and deponent believing they were the property of her sister took charge of said articles also, and kept them in the same condition as delivered to her and did not attempt to open them having no key for either of the trunks or hampers.

That a few days thereafter Mr. Hunt and his wife called at our home and stated that his house had been robbed and that suspicion rested on my sister, that in the presence of Mr. Hunt I demanded an explanation of my sister and she confessed to the larceny of the articles then mentioned by Mr. Hunt and going to one of said trunks she produced them, I then begged Mr. Hunt to forgive her, having no knowledge at that time of the contents of the other trunk) which he readily did, and he left my home, that immediately thereafter I demanded of my sister

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that she inform<sup>me</sup> of the contents of the other trunks and hamper and when the same were opened I discovered that a large quantity of other articles belonging to Mr. Hunt were their a large number of dresses, valuable jewelry, laces and goods of every description I became greatly aggitated and frightened and was greatly perplexed as to what course to pursue, and determined to quietly remain and await developements and not to do any thing whatever that would cause my sisters arrest and imprisonment or mine either, that subsequently thereto I tried to hide as much of the articles as I possibly could and did so yet keeping all of the goods in my apartments, were they were found a few days thereafter by the police.

Deponent most solemnly avers even though appearances are against her that she did not know the contents of the trunks at the time they arrived at her home, that she had the fullest confidence in the honesty of her sister and never for a moment suspected that she had purloined any property from her employer, and that the only criminal act she committed was in keeping in her possession the said property after she had discovered that they were stolen and that she did that, for the purpose of shielding her sister from the result of her crime. Deponent further says that every article so stolen aggregating as she has learned upon the trial of her brother amounting in value ~~xxxxxxx~~ to the sum of about One Thousand Seven Hundred Dollars have been fully restored to the complainant without any expense whatever, by this deponent upon demand of the police authorities.

That deponent has never been accused of the commission of any crime whatever and has always lived an honest and industrious

0027

life.

Deponent prays this Court in the exercise of its <sup>Authority</sup> ~~humanity~~, that if it has any doubts as to the truth of all the foregoing to make such inquiries as it may deem fit, feeling certain that nothing herein contained can upon such investigation be found otherwise than here narrated.

That deponent feels keenly the disgrace brought upon her by her arrest and imprisonment, and most solemnly assures th is Court that any lienieny shown her will be appreciated and that her future conduct will never permit even the breath of suspicion to rest upon her.

Sworn to before me this

Matilda Schrade

18th. day of November 1889

John C. Fraser  
Notary Public  
n & co



County of General  
Residence

The People vs  
Agst

Martina Schaefer

Applicant of  
Defendant

John R. Heinzelman  
Left City  
280 Broadway  
New York City

0020

0029

1

COURT OF GENERAL SESSION,  
City and County of New York.

THE PEOPLE  
VS.  
BERTHA SCHADE  
jointly indicted with  
*Natona*  
~~MATHEA~~ & EDWARD SCHADE.  
BEFORE THE HONORABLE  
HENRY A. GILDERSLEEVE,  
AND A JURY.

Indictment filed Oct. 21st, 1889.

Indicted for Grand Larceny in the First Degree.

APPEARANCES:

Assistant District Attorney MacDona for the People.

John J. Heinzelman, Esq., for the defense.

Tried Oct. 28th, 1889.

THOMAS HUNT, the complainant, testified that he was  
private secretary to the Collector of the Port of New York.  
He lived at 420 West 22nd Street and had lived there about  
a year.

0830

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79th Street.

The day after the defendant <sup>left</sup> his employ he missed a number of articles. Besides the articles already enumerated, he missed his wife's parasol. There were also three plates taken from a very expensive set of china used for serving game. The total value of the china missed was about \$80.

The defendant left his employ on the 3rd of October and his suspicions were excited on the 4th of October and the various articles were missed. He went to see Inspector Byrnes. On the same day Detective Sergeant Titus returned the property that he had enumerated, with the exception of the Dresden china figure and the u<sup>l</sup>ster.

He missed also a very costly table cloth and twelve napkins, and seven of the napkins were returned by Detective Sergeant Titus.

The umbrella was also not returned.

When he returned from business on the afternoon of the 4th, he found the defendant sitting in one of the rooms of his house. She was accompanied by her sister, Matilda. The defendant did not speak English and he could not speak German and Matilda acted as interpreter.

Matilda asked him, the complainant, to let Bertha off.

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She, Matilda, did not know what was the matter with Bertha and thought that she must be crazy and couldn't see why she had stolen the articles. He said that he had no wish to prosecute her, in view of her parents, upon whose account his sympathy was asked for, and that he would like to know if all the articles stolen had been returned.

Matilda then asked Bertha if there was anything more and Bertha said no.

Then he, the complainant, said that he would forgive Bertha, on condition that she and Matilda brought back anything that might be subsequently discovered to be lost.

Matilda translated this into German to the defendant, and his, the complainant's, wife also said it to the defendant in German.

Matilda promised to bring back everything Bertha had taken away, but nothing was returned, and on the following day, when more things were missed, he, the complainant, determined to go up to the sister, Matilda's house.

He went up with Mrs. Hunt and Mr. Robbins to 237 ~~West~~ 79th Street and entered the apartment of the defendant's sister. In the dining room, in the china cupboard, he discovered a great many pieces of china that he had not



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known had been taken from his house. With the exception of three pieces, all of the china in the cupboard had been taken from his house.

And he also discovered a lot of glassware and kitchen utensils stolen from his house and four bottles of wine and two boxes of cigars.

In a closet he discovered two of his Prince Albert coats, a vest and a black cutaway coat belonging to his brother, whose trunk had been left in his, the complainant's, charge.

He also found four pairs of his brother's trousers and two overcoats, one being a new spring overcoat.

He also discovered sheets, pillow cases, towels and clothing of all kinds belonging to his wife, including ten dresses and a set of corals, including necklace and earrings, belonging to his wife.

He also found all of his winter underclothing and some of his summer underclothing which he had not worn.

He found also a pair of his best black silk socks, with the heels all worn off, lying soiled in the bath tub.

He found some of his shirts with somebody's sleeve buttons in the sleeves.

And he found shirts with the tags cut off where his

0033

UPON A CROSS-EXAMINATION, the complainant testified that he did not see any of the property stolen taken from his house by anybody. He had seen the brother, Edward, in his house cleaning windows.

OFFICER GEORGE F. TITUS testified that on the 4th of October he went to the house at 237 <sup>East</sup> ~~West~~ 79th Street and he saw the defendant and her sister, Matilda, in Matilda's rooms. He went there between 12 and one o'clock in the day time. He had an interpreter with him and conversed, through the interpreter, with Matilda.

Bertha stood by and did not speak to any extent. He heard Matilda speak in German to Bertha, and then Matilda brought out different articles which she said had been brought to the house.

Bertha also lent a hand in bringing out the things from the places where they were. Matilda said that these articles had been brought to the house by Bertha and did not belong to Bertha or herself.

The sisters, working together, produced ten or eleven plates. He had a list of the missing plates and he said that there ought to be another one, but Matilda said that

0034

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initial had been.

Exclusive of the jewelry, which he did not know the value of, the lot of stolen property found was worth at least \$200.

The defendant was in the room when he made these discoveries. Her sister, Matilda, was also there, and so was a police officer whom we did not know, and Mr. Robbins and the complainant and his wife. He did not know the officer's name. The officer was called in after he, the complainant, began to find his property.

There were trunks, wardrobes, drawers full of his property, and after he opened one place and found property in it Matilda would say, "That is all now; there is nothing more."

Matilda's first statement as to the things that he found was, that she had bought the articles.

After he had gathered together his property, he put it into two trunks, a barrel and a basket---a clothes basket---and the property was taken to the police station. There he gave a receipt for the property and it was taken to his own house. After the property was packed, the officer arrested the two women.

0835

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it must have been broken and that was all that she had at the time.

Another plate belonging to this set was found on the following day in the china closet by Mr. Hunt. He left some of the property purposely to be returned by the sisters in the afternoon to Mr. Hunt, so that Mr. Hunt would have an opportunity to question the women.

OFFICER JOHN A. FINAN testified that he belonged to the 27th Precinct. On the 4th of October he was called in the house at 237 ~~West~~<sup>East</sup> 79th Street about 11 o'clock in the morning by Mr. Hunt. He, the witness, was then at 3rd Avenue and 83rd Street. He, the witness, was present at the time that the various articles were found.

JULIAN W. ROBBINS testified he lived at 134 East 39th Street. On the 4th day of October he accompanied Mr. and Mrs. Hunt to the flat of Matilda Schade and saw Mr. and Mrs. Hunt discover their property there. A part of the jewelry stolen from the house belonged to him, the witness, and his wife.



0836

9

ELIZA GOLDEY testified that she was the janitress of the house at 237 East 79th Street and she knew Matilda Schade.

Matilda Schade hired the top flat on the west side of the house. Her brother, Edward Schade, lived with her. She, the witness, had seen the defendant in the house but twice, on the day she was arrested and sometime before, when the defendant and her sister took a trunk down into the cellar. It was either the Thursday or Friday evening previous. The two sisters carried the trunk down together. She afterwards saw the same trunk taken charge of by the police.

UNDER CROSS-EXAMINATION, she testified that Matilda Schade had been living in the flat from the 6th of September, 1889.

-----OXO-----  
NO DEFENSE.

0037

Police Court

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Thomas Hunt  
 of No. 420 West 32<sup>nd</sup> Street, aged 34 years,  
 occupation Private Secretary to Talley, being duly sworn  
 deposes and says, that on the <sup>or about 3<sup>rd</sup> day of</sup> 10<sup>th</sup> day of October 1887 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 <sup>night</sup> time, the following property, viz:

Clothing, jewelry and household effects  
 together of the value of Twenty  
Hundred dollars

the property of

deponent and his family

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 Bertha Schade, Matilda Schade  
and Edward Schade (all now here) from

the fact that said Bertha was  
 in the employ as a servant  
 and in the habit of receiving  
 visits from said Matilda and Edward  
 at deponent's premises at above  
 address that on or about said  
 3<sup>rd</sup> day of October deponent discovered  
 the loss of said property and suspecting  
 said Bertha visited the premises of  
 her brother and sister at 237 East 79<sup>th</sup>  
 and therein discovered the major  
 portion of said stolen property

Thomas Hunt.

Sworn to before me this  
 10<sup>th</sup> day of October 1887  
 of  
 Police Justice.

0030

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Bertie Schuch* 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. *Bertie Schuch*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *237 E. 79 St New York*

Question. What is your business or profession?

Answer. *Cook*

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

Answer. *I Am not Guilty  
and ask for an acquittal*

*Bertie Schuch*  
*Bertie Schuch.*

Taken before me this

day of

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Police Justice.

0839

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

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

Question. What is your name?

Answer. *Matilda Schade*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *237 East 79 St New York*

Question. What is your business or profession?

Answer. *Housekeeper*

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  
and ask for an acquittal**Matilda Schade*

Taken before me this

day of

188

Police Justice



0040

TORN PAGE

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

District Police Court.

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

Question. What is your name?

Answer. *Edward Schuch*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *3 Ave 6 9 West*

Question. What is your business or profession?

Answer.  *Clerk*

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*  
*and ask for an examination*

*Mr. W. Cor. Haas*

*Edward Schuch*

Taken before me this  
day of *Oct* 188*8*

Police Justice

0841

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 Offenders

Henry guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.  
Dated October 9 1889 J. J. White 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.

0842

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

27

169  
Police Court---

529  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas Hunt  
#20 West 22<sup>nd</sup> St  
Bertha Shade  
Matilda Shade  
Edward Shade

Dated

1889

White  
Officer  
Jimmie Boyler  
Noran

Magistrate

Officer

Precinct

Witnesses

No.

No.

No.

\$

Julian W. Robbins  
35 Wall Street  
Mary Lynch  
20 Union Street  
Mrs. Gold  
237 10<sup>th</sup> St  
David Gillis  
1689  
2000  
If Oct 9 9.34  
9.34

0043

DR. MATTHEW D. FIELD,  
115 EAST 40TH ST.

New York, Oct. 24<sup>th</sup> 1889  
Hon. Henry A. Tildersleeve  
Justice Court of General Sessions  
Dear Sir:

At your request,  
I have twice visited  
Bertha Schade, now con-  
fined in the City Prison  
& have made a careful  
Examination of her physi-  
cal & mental condition.  
I find her to be in rather  
poor physical condition.  
She is mentally somewhat  
depressed but not more so  
than her present unfortunate  
position would account for.

I believe her to be of  
sound mind & responsible  
before the law.  
Respectfully Submitted,  
Matthew D. Field M.D.



0844

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Bertha Schade, Matilda  
Schade and Edward Schade*

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

*Bertha Schade, Matilda  
Schade and Edward Schade*

of the CRIME OF GRAND LARCENY IN THE *first* DEGREE, committed  
as follows :

The said

*Bertha Schade, Matilda  
Schade and Edward Schade, all*

late of the City of New York, in the County of New York aforesaid, on the *third*  
day of *October* in the year of our Lord one thousand eight hundred and *eighty*  
*nine*, at the City and County aforesaid, with force and arms,

*divers articles of clothing and  
wearing apparel of a number and  
description to the Grand Jury aforesaid  
unknown of the value of five hundred  
dollars, divers articles of jewelry of a  
number and description to the Grand  
Jury aforesaid unknown of the value of  
five hundred dollars, and divers other goods,  
chattels and personal property, a more par-  
ticular description whereof is to the Grand  
Jury aforesaid unknown, of the value  
of five hundred dollars*

of the goods, chattels and personal property of one

*Thomas Hunt*

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

0045

SECOND COUNT—

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

*Bertha Schade, Matilda Schade and Edward Schade*

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

*Bertha Schade, Matilda Schade and Edward Schade, all*

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

*divers articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of five hundred dollars, divers articles of jewelry of a number and description to the Grand Jury aforesaid unknown of the value of five hundred dollars, and divers other goods, chattels and personal property, a more particular description whereof is to the Grand Jury aforesaid unknown of the value of five hundred dollars*

of the goods, chattels and personal property of one

*Thomas Hunt*

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

*Thomas Hunt*

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

*Bertha Schade, Matilda Schade and Edward Schade*

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

JOHN R. FELLOWS,

District Attorney.

0046

**BOX:**

370

**FOLDER:**

3471

**DESCRIPTION:**

Schaefer, Oscar

**DATE:**

10/31/89



3471

Witness :

Off. Geo H. Young  
Society - for. cruelty children

305

Counsel,

Filed

31 day of Oct 1889

Pleads,

Indignity - Nov 14/9

THE PEOPLE

vs.

VIOLATION OF EXCISE LAW.  
(Selling to Minors).  
[III Rev. Stat. (7th Ed.) p. 1082, § 15.]

Oscar Schaefer

JOHN R. FELLOWS,

District Attorney.

**A True Bill.**

W. L. Cole Foreman.

Complained sent to the Court  
of Special Sessions,

Term III, ... Nov. 6 ..... 1889.

0847



0040

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Oscar Schaefer*

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

*Oscar Schaefer*

of a MISDEMEANOR, committed as follows:

The said

*Oscar Schaefer*

late of the City of New York, in the County of New York aforesaid, on the

*ten*th day of *October* in the year of our Lord  
one thousand eight hundred and eighty-*nine*, at the City and County aforesaid,

certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury

aforesaid unknown, unlawfully did sell to one

*John Babel*  
*child actually and apparently sixteen*  
who was then and there a ~~minor~~ under the age of fourteen years, to wit: of the age of

*twelve* years, as ~~the said~~

~~then and there well knew and had reason to believe;~~ against the form of the statute in such  
case made and provided, and against the peace of the People of the State of New York,  
and their dignity.

JOHN R. FELLOWS,

District Attorney.

0849

**BOX:**

370

**FOLDER:**

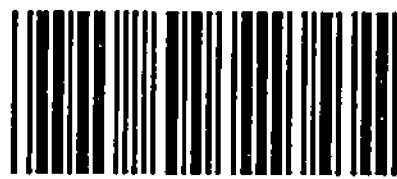
3471

**DESCRIPTION:**

Schellenschlayer, Peter

**DATE:**

10/28/89



3471

POOR QUALITY  
ORIGINAL

0850

Witnesses:

Edward Hagen

Joseph Santomas

244 Stecker

Counsel,

Filed

1889

Pleads

Whitely 24

THE PEOPLE

vs.

B

Peter Schellenbach

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

24 bond no. 100

JOHN R. FELLOWS,

Dec 18 1889

District Attorney.

Dec 18 1889

Speed & Keyholder

A True Bill

M. L. Bode, Foreman.

Counsel engaged  
off for the term  
Dated

0851

7-1889

200

THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs.

PETER SCHELLENSCHLAGER. BEFORE JUDGE GILDERSLEEVE.

Wednesday, December 18, 1889.

Indictment for assault in the first degree.

Asst. Dist. Atty. Parker for the People.

Judge Steckler for the Defendant.

A Jury was empanelled and sworn.

EWALD HAGEN, was the first witness examined.

ERNEST BARTRO, sworn and examined.

By Mr. Parker. Q. You live at where? A. I live 426 West 19th Street.

Q. And your business is what? A. My business at the time was at 59th Street.

Q. August 19? A. Yes sir.

Q. What was your business then? A. Book-keeper.

Q. And still? A. I am not there any more.

Q. Are you a book-keeper still? A. Yes sir.

Q. On the 19th of August at about 6.30 where were you?

A. At the window looking out of the Beaver Street side, 35 Beaver.

Q. And did you see any part of this assault, Mr. Bartro?

A. Yes sir.

Q. Please tell me all you saw in the order of events, as you saw them and all the circumstances? A. About half past six I was sending my boy to get me some sandwiches because I expected to work late and I was at the window, and I was sitting at the window overlooking Hagan's saloon; I seen the crowd on the sidewalk and I seen Mr. Peter -- I don't



0852

know his other name --- --

Q. Where was the crowd? A. Just in front of Hagen's saloon, I saw Peter, the defendant, and he was out about three or four steps from Hagen.

Q. Did they have hold of each other at that time?

A. No sir.

Q. Were they facing each other? A. Facing each other, the defendant was facing toward Broad Street and Hagen toward William. Then I seen the defendant put his hand in his hip pocket and draw a revolver; at that time they were about three or four feet apart; I seen it and I can swear to it, he drew the revolver from his pocket and then at the time Hagen approached him to take the revolver away.

Q. Tell me what Hagen did, he came toward him? A. He came toward him and got hold of his arm; at that time they turned around and the defendant was facing toward William Street at the time; it is when the first shot was fired.

Q. Now then, at the time that that shot was fired did Hagen threaten to strike the defendant?

A. I could not see from the window where I was.

Q. The window, was it closed or open? A. Open.

Q. About four feet away from you, you say? A. Yes sir, about four feet away.

Q. Did he attempt to strike the defendant? A. I could not see that, sir.

Q. Well, he pulled the pistol and fired one shot?

A. One shot, yes sir.

Q. Now then go on from that point? A. Well, from that point I thought of going down to separate them, but as I had to go

0053

all around the corner I thought I would not have time, so I remained at the window and I seen that they were struggling and coming just right in the middle of the street and I heard Hagen say, "don't shoot, don't shoot", and I yelled, "separate them"; but there was nobody did it, everybody skedaddled.

Q. Everybody skedaddled when the shot came? A. Yes sir; so as I called to separate them the defendant at that time shot the second shot towards the window where I stood.

Q. And do you know where that bullet struck? A. The next house.

Q. The next house? A. Yes sir.

Q. When Hagen had his arms around the defendant where was Hagen's head? A. The time the second shot was fired Hagen was holding the defendant the way he showed; he had his arms around the waist and his head under the neck of the other to protect his head under the neck.

Q. After the second shot was fired what did Hagen do?

A. Hagen was holding the defendant at the same time the defendant was striking his head with the butt end of the revolver and the trigger; I could see that perfectly well.

Q. At that time did Hagen attempt to strike him?

A. He could not.

Q. He just had hold of him? A. Yes sir, hold of him, holding like grim death.

Q. You saw these blows struck with the iron part of the revolver,

A. Yes, I did.

Q. Were they heavy or light blows? A. Well, heavy enough to draw blood.

0854

Q. How many strokes were there?  
way.

A. Well, I seen two any-

By the court. Q. Strokes with what?  
the trigger of the revolver.

A. With the butt end and

By Mr. Parker. Q. Do you mean the woodwork or the ironwork?

A. The iron work.

Q. The barrel and the cylinder?

A. And the trigger.

Q. What was the condition of Hagen's face after that?

A. Full of blood, I thought he had been shot through  
the head.

Counsel: I ask that be stricken out, what he thought.

The Court: Strike that out.

By Mr. Parker. Q. It was full of blood?

A. Full of blood, yes.

Q. Did you at any time from the time of the shooting see Hagen  
attempt to strike the Defendant?

A. No sir.

Q. Did you see the officer come up and arrest him?

A. Yes sir.

Q. Did you see this man there (pointing to Mr. Gartman)?

A. No sir.

Q. You do not recollect him?

A. No sir..

#### CROSS EXAMINED.

By Counsel. Q. What floor were you working upon on this day?

A. On the first floor.

Q. The first floor?

A. Yes sir.

Q. At 59 Broad Street?

A. Yes sir.

Q. Where this trouble occurred was 32 Beaver Street?

A. I suppose that is the number, in Hagen's saloon.

Q. Hagen's saloon is 32 Beaver Street?

A. Well, yes, it is  
there then.

0855

- Q. You did not see the beginning of this trouble? A. No sir.
- Q. You do not know who struck the first blow? A. No sir.
- Q. And the first that you saw was when the pistol was drawn? .  
A. Yes sir.
- Q. Was there a crowd of people around the street at that time?  
A. Yes sir.
- Q. How many people were there. twenty, thirty, forty or fifty?  
A. Not quite as much as that.
- Q. How many? A. About twenty.
- Q. They were around these two men, were they? A. Yes sir.
- Q. You were looking out of the window? A. Yes sir.
- Q. You could see everything clearly and distinctly in Broad St.  
A. Yes sir, not in Broad Street, in Beaver Street.
- Q. Where were you working at this time? A. In Beaver St.,  
the entrance is 59 Broad Street and the window is over-  
looking Beaver Street.
- Q. What are you doing now for a living? A. I am working.
- Q. Where are you working? A. I work at 357 Canal Street.
- Q. For whom? A. The Great American Confectionery Com-  
pany.
- Q. What do you do there? A. I am book-keeper, cashier,  
and do everything.
- Q. How long have you been working there? A. Ten years.
- Q. I thought you worked at 59 Beaver Street? A. Yes sir,  
but I kept the books of the Confectionery Company for ten  
years. I was going there evenings and mornings.
- Q. The Confectionery work you do at night? A. Yes sir ---  
now I am fully in the Confectionery Company.
- Q. How long do you know the complainant Hagen? A. The first



0056

time I seen him was the night of the affair, I seen him  
sometime in front of his store but never looked at him.

Q. You were not a witness in the Police Court for Hagen the  
day after? A. No sir, I was not.

Q. Who asked you to come here to-day? A. A subpoena.

Q. Who did you speak to about this case first? A. I made an  
affidavit.

Q. I want the name. to whom did you first speak about this case  
since you were not a witness in the Police Court?

A. I spoke to the boy in our office.

Q. And after that did Mr. Hagen come to see you? A. No sir,  
it is only three weeks afterwads.

Q. Did Mr. Hagen ever speak to you and ask you to come here to  
Court for him? A. Yes sir..

Q. Where did you see Hagen? A. I seen him in his place.

Q. In his place? A. Yes sir.

Q. He sent for you, did he? A. He sir.

Q. You went there voluntarily? A. Yes sir, to get a sand-  
wich.

Q. And then you spoke about this case three weeks ago?

A. I did not say that, I said three weeks after the  
occurrence.

Q. Three weeks after the occurrence you spoke to Hagen about  
this trouble? A. He spoke to me and I answered.

Q. Was that the time you went in to get the sandwich?

A. Yes sir.

Q. Before that time you had never been in his place as you say.

A. Yes sir, I had been once or twice before the occur-  
rence to get something.

0857

Q. Then you did know Mr. Hagen before the occurrence?

A. No sir, I did not.

Q. Did he wait upon you when you went in? A. No sir.

Q. You never spoke to him before the occurrence? A. No sir.

Q. How many times did you go into his saloon after the occurrence? A. Three times.

Q. Did you upon each of those occasions have a conversation with Mr. Hagen? A. No sir.

Q. How many times did you converse with him about this case? A. Twice.

Q. On what occasions were the conversations held?

A. In the saloon.

Q. Where was the conversation held? A. In his saloon.

Q. Both conversations? A. Both.

Q. Was there anybody else present but you and he?

A. Another one, yes.

Q. Who was the other one? A. I do not know him.

Q. Is he in Court now? A. I have seen him a little while ago, I suppose he is.

Q. Please see if you can find him, if you can identify him?

A. He is away behind there.

Q. Which one is it? A. The last one of them.

Q. Is that the one (pointing to a man who stood up)?

A. That is the one.

Counsel: His name is Edsel.

Q. Did he take part in this conversation too?

A. Yes sir.

Q. Did you see that man Edsel there upon the night of the occurrence? A. No sir.

0858

By the Court. Q. You saw them fighting when you first saw them?

A. Yes sir.

Q. Each making an effort to injure the other, is that the fact?

A. No, I did not see Hagen trying to fight the defendant, he was only trying to save himself from the shot.

Q. Did you see Hagen inflict any blows at all?

A. No, your Honor.

By Mr. Parker. Q. You did not see the occurrence until at the stage just before the pistol was drawn?

A. Just before the pistol was shot.

By the Court. Q. From that time on you saw what occurred?

A. Yes sir.

Q. All that occurred?

A. Yes sir, until they were both arrested.

The Court took a recess.

0859

HENRY BLANKEN, sworn and examined.

- By Mr. Parker. Q. Where do you live? A. No. 32 Beaver St.
- Q. What is your business? A. An operator.
- Q. An operator for whom? A. Kunehart & Co.
- Q. They are steamship agents? A. They are commission agents, formerly steamship.
- Q. At that place? A. 32 Beaver Street.
- Q. You lived in that house? A. Yes sir.
- Q. What part of it? A. The top floor.
- Q. Do you know the complainant, Mr. Hagen? A. Yes sir.
- Q. How long have you known him? A. I have known him since he had that saloon in the basement, that is a little over three years.
- Q. And the defendant, did you know him? A. Yes sir.
- Q. How long have you known him? A. I have known him five years.
- Q. A watchman in that vicinity? A. In that vicinity and for that building also.
- Q. Now Mr. Blanken, were you in your premises, your home, on the 18th of August last? A. Yes sir.
- Q. At about 8.30 o'clock in the afternoon? A. Yes sir.
- Q. Did you witness any part of the assault with which the defendant is here charged? A. Yes sir.
- Q. You please tell us all that you saw and heard at that time? A. I heard a shot fired.
- Q. Just tell us where you were, please? A. I was up in my apartment on the top floor.
- Q. You heard a shot fired from which direction? A. From the street right below and I looked out of the window.



0860

Q. On to the street? A. Yes sir, in the street and I saw Mr. Hagen and the defendant clinched in the middle of the street wrangling.

Q. Please describe their position respectively?

A. I think Mr. Hagen described it, that is about as nearly correct as I could make it.

Q. You tell us yourself the position. A. Mr. Hagen had hold of the defendant by his arms and had his hand up on the defendant's arm folding him close up to him.

Q. Where was Hagen's head? A. It was close up to the defendant's, like to his breast.

Q. And what was the defendant's position? A. Well, he was of course -----

Q. Not of course, just tell us how it was?

A. It is hard to tell.

Q. In the first place he was standing up? A. Oh yes, certainly standing up and had his hand back of Hagen's.

Q. Had his hand back of Hagen's hand? A. Hagen's body, his back.

Q. Did he have his hands around Hagen? A. He had his hands around Hagen, yes sir.

Q. Over Hagen's shoulders or body? A. Over his shoulders, he had his hand over his shoulders and he had a pistol in his right hand.

Q. Now then go on from that and tell us all they did?

A. Of course having the pistol in his hand and apparently trying to aim at Hagen? .

Counsel: I ask that that be stricken out.

The Court: Yes.

0861

- By Mr. Parker. Q. Tell us what he did? A. He had the pistol.
- Q. You say he apparently, that is not right, tell us what he did? A. He had the pistol in his hand turning somewhat in the direction of his wrist towards Hagen's body.
- Q. He had his arm around over Hagen? A. Yes sir.
- Q. So that his hand was back of Hagen's head and he turned the pistol that way? A. Yes sir, back of Hagen in this position like (illustrating).
- Q. What happened then while they were in that position? A. The pistol went off, fired off.
- Q. What happened after that? A. After the pistol was fired off the defendant struck Hagen two or three times, I could not say positively, I know two or three times with the pistol on the back of his head.
- Q. You saw that, did you? A. Yes sir.
- Q. Well then what happened? A. I started to run down stairs to attempt to take the pistol away from him or do something to prevent it.
- Q. You went down stairs? A. I went down stairs.
- Q. Where did you go to? A. When I got down to the second floor I saw a policeman coming to arrest Hagen and the Defendant.
- Q. Did you go down all the way then? A. No, I did not, I only got down to the second story.
- Q. You stopped at the second story and went upstairs again? A. Yes sir.
- Q. Did you see Hagen after the affair was all over? A. I did not see Hagen, not that day, no.
- Q. Did you notice or were you able to see the condition of

0862

Hagen's head? A. Yes sir, the following day.

Q. There was no blood on it then I suppose, I am asking you about the day before? A. No blood on his face, no.

Q. During all this time did Mr. Hagen so far as you saw strike or attempt to strike the defendant? A. No sir.

Q. He had hold of the defendant around the body and put his head down all the time? A. Trying to prevent him from shooting him.

Counsel: I ask that that be stricken out, "trying to prevent him from shooting him".

The Court: Yes, strike that out.

CROSS EXAMINED.

By Counsel. Q. You are a friend of Hagen's, are you not, yes or no?

A. Well, I say no.

Q. Do you go to his saloon? A. Yes sir.

Q. You are in the same building with him, you live there?

A. Yes, I do.

Q. You go to his saloon quite often. A. I am compelled to go in there quite often.

Q. Have you talked with him about this case? A. In a general way, yes sir.

Q. How often since it occurred? A. Possibly two or three times.

Q. You were not a witness in the Police Court either, were you for Mr. Hagen? A. I had a subpoena to be there.

Q. Were you there? A. I was, yes sir.

Q. Were you examined? A. I was not called on the stand.

Q. This is the first time you have given testimony in this case?

0863

A. Yes sir.

Q. You were on the top floor? A. Yes sir.

Q. How many stories high is that house? A. Four stories.

Q. And your attention was first attracted by hearing the shot?

A. Yes sir.

Q. And after that you looked down stairs and you saw these two men clinched? A. Yes sir.

Q. Clear daylight wasn't it? A. It was.

Q. Do you know the time A. Half past six in the evening.

Q. How do you know it was half past six o'clock? A. Well, because I left the office at six o'clock and I was just about sitting down to get my supper, it was not any more than half past six in the evening.

Q. You are sure you did not see Hagen strike the defendant at all? A. I am sure of that.

Q. Was the pistol pointed in the air? A. No sir.

Q. It was not? A. It was not pointed in the air.

Q. Was the pistol raised up, was the defendant's hand raised up in this direction (showing)? A. It was not raised up, no sir.

Q. It was not? A. NO.

Q. Where did he have the pistol? A. Right back of Hagens shoulders like.

Q. Was the pistol pointed upward or downward? A. It was pointed cross like, back like, not upward but more downward.

Q. Did you see any blood on the defendant's face that night, yes or no? A. No, I did not go down.

Q. Was there a crowd around these people at the time that you first saw them and before the policeman came? A. No sir.

Q. The policeman came and there was a crowd, was there? A. Yes sir.



0064

JOSEPH GARTMANN, sworn and examined.

By Mr. Parker. Q. You live where? A. In 29 Frankfort Street.

Q. And your business is what? A. I work in Delmonico's cellar.

Q. What at? A. Wine business.

Q. How long have you worked there? A. I have been working there for over five years.

Q. And your business is what, what do you do there?

A. Washing bottles and bottling wine, everything like that.

Q. Were you working there upon the 19th of August last?

A. Yes sir.

Q. And on the 19th of August last at 8.30 did you see any of this assault, did you see any of this trouble?

A. I was watching that night there until seven o'clock and at seven o'clock I came out and passed down the street, Beaver Street on the right side.

Q. Are you sure it was seven o'clock? A. Yes sir, they wont let me off before seven.

Q. At seven o'clock you went where? A. I went out and passed down Beaver Street on the right side.

Q. Tell me what you saw and heard at that time?

A. The first I saw Peter.

Q. Do you ~~knew~~ mean the defendant by Peter? A. Yes, and Mr. Hagen, I saw those two men there, one had each of them on the neck, wringing each other by the throat and the other hand they had up on the breast like that and I went near them; I know Peter so long as I was working down there and the other fellow I never knew before.

0065

- Q. You never know Hagen before? A. No sir.
- Q. Go on and tell me what happened? A. I go near and try to put them apart, to catch each one's hand like that and tried to pull it down and I tried three times and I could not; so I went back a little bit and I saw Peter went down with the hand in his pocket for a revolver and Hagen say, "don't you take out any revolver", and then I passed Peter and walked up, ran up the street about fifteen feet and then I turned back and got a shot in here.
- Q. Tell me where that shot went? A. That shot went in here.
- Q. Went through your coat? A. Through my coat.
- Q. Have you on the same coat now? A. Yes sir.
- Q. Show me the place? A. It is the same coat here.  
(Pointing.)
- Q. Is this the place on the edge, the left hand side of the coat? A. Yes sir.
- Q. It came out of the coat here? A. It came out here and went through the vest here.
- Q. Through the vest and through the shirt on the left side? A. Yes sir.
- Q. And did it inflict any wound upon your body? A. Yes sir.
- Q. Did you have that wound dressed thereafter? A. Yes sir.
- Q. When that shot struck you where were you? A. I were about fifteen feet away from Peter.
- Q. On the sidewalk? A. On the sidewalk, yes sir.
- Q. And when that shot struck you after that happened, what did you do then? A. After I turned around I heard a lady there call me into an office to sit down and then I went in and sat down and I got a little courage and I got up again

0066

and walked up to the house.

Q. You were nervous, were you frightened? A. Yes sir, frightened.

Q. Did you see any fight after that shot was struck?  
A. No sir.

CROSS EXAMINED.

By Counsel. Q. You were in the Police Court the next morning, were you not? A. Yes sir.

Q. You were not hurt. you came into Court the next morning, you were all right the next morning?

Objected to.

Q. You were in the Police Court the next morning, were you?  
A. Yes sir.

Q. Now where were those two men when you first saw them, were they on the sidewalk or in the middle of the street?

A. They were on the sidewalk just opposite the door where Mr. Hagen has his steps to go down in the cellar.

Q. Right in front of Hagen's basement? A. Not in front, they were just like that, the door was here and they were up like that (illustrating), Hagen was standing like that and Peter like this.

Q. You did not see the beginning of the trouble, did you?  
A. No sir.

Q. And when you saw them, you saw each of them have each other by the throat? A. Yes sir.

Q. And you tried to separate them? A. Yes sir.

Q. You could not do that? A. No sir.

Q. And then you walked away? A. I did not walk away, I just came back two steps.

0067

Q. How far did you go back? A. I did not go off the sidewalk, I just go into the sidewalk like.

Q. You did not see the pistol discharged, did you? A. No sir.

Q. Did you try to chase Hagen away from the defendant?

A. Well, I tried to part the two just the same.

Q. Did you try to part Hagen away? A. I tried both.

Q. What did Hagen do while you were there, did he strike the defendant?

Objected to.

A. No sir, they had grabbed the other in the neck, that is what I saw, that was all.

Q. Did you see either one of them strike any blows?

A. No sir.

Q. Was it dark? A. It was not dark yet but commenced just a little, not dark, no.

Q. Were the gaslamps lit? A. Oh, no.

By Mr. Parker. Q. You only got there at the time the pistol was fired, when they had begun that part of it, you did not see when they struck each other in the face, you were not there?

A. No sir.



0058

By consent of the District Attorney, Counsel for the defence called a witness out of order.

HORACE R. KELLY, sworn and examined.

By Counsel. Q. What is your business? A. Importers of cigars and manufacturers at Key West.

Q. Where is your place of business? A. In New York.

Q. Where? A. No. 28 South William Street.

Q. Do you know the prisoner at the bar, Peter? A. Yes sir.

Q. How long have you known him? A. I think he has been watching for us for the last three or four years or perhaps more.

By Mr. Parker-

erQ. Is that the extent of your acquaintance with him?

A. Yes sir.

By Counsel. Q. You know him during that time? A. During that time.

Q. What is his reputation for peace and quietness?

Mr. Parker: I ask that the question be put in the manner prescribed by law.

By Counsel. Q. Do you know what is his reputation for peace and quietness, yes or no? A. I have always understood that he was very -----

By Mr. Parker. Q. Do you know his reputation for peace and quietness? A. No, I do not.

By Counsel. Q. You have known him as watchman there?

A. Yes sir.

Q. And have seen him how often? A. He comes once a month for his money and I see him perhaps two or three times during the month.

0069

Q. You have always considered him an orderly man?

A. Yes sir, thoroughly so, and honest.

Q. Quiet as far as you know?

A. Yes sir, that is his

reputation.

Q. Peaceable?

A. Perfectly so.

Mr. Parker: The last three questions are incompetent, I ask that  
the questions and answers be stricken out.

The Court: Strike them out.

Counsel: I except to that.

0070

HENRY LANE, sworn and examined.

By Mr. Parker. Q. Mr. Lane, where do you live? A. No. 57 Clark-  
son Street.

Q. How old are you? A. I am twenty-nine.

Q. What is your business? A. I am a carman.

Q. And doing business where? A. Beaver Street.

Q. Are you a married man? A. No sir.

Q. Do you know the defendant in this case? A. I know him  
by sight, yes sir.

Q. You know the complainant by sight? A. Yes sir.

Q. You know him more than by sight, are you acquainted with him  
further? A. Yes sir.

Q. How long have you known him? A. About three or four  
years.

Q. And the defendant how long? A. About the same time.

Q. Upon the 19th of August last about 6.30 o'clock were you  
present in Beaver Street? A. Yes sir.

Q. Will you please tell me what you saw and heard at that time,  
take your time and go slowly at it.

A. Well. I was in Mr. Hagen's place at that time, it  
was about dusk, towards the evening and I started to go up  
the stairs. I believe Mr. Hagen came right up directly  
after me. and I walked off leisurely towards the corner.

At that time the watchman came up and they started argu-  
ing; I stood there smoking a cigar.

Q. Tell me what they said if you heard it?

A. I cannot tell what they said, I did not pay no at-  
tention to what the arguing was.

Q. What did you first hear or see? A. They were arguing  
about something. I don't know what it was, at any rate they

0071

started to fight.

Q. What did they do? A. Well, they were fighting.

Q. Did you see them commence to fight? A. Yes sir.

Q. Will you tell me what you saw, I would like to know how the fight began, who struck first and who struck second?

A. To the best of my knowledge I saw Peter strike Hagen

Q. You say to the best of your knowledge, is there any doubt about it in your mind? A. NO.

Q. You saw him strike Hagen? A. Yes sir.

Q. With his hands, with his fist? A. Yes sir.

Q. Where? A. Right in front of the steps.

Q. What part of him did he hit? A. In the face.

Q. How many times? A. I cannot say how many times he hit him.

Q. As near as you can tell? A. I suppose two or three times.

Q. You can tell me what Hagen did then? A. He fought back.

Q. Tell me what he did? A. He struck him back.

Q. Where? A. In his face with his hands.

Q. How many times? A. Oh, I have no idea.

Q. As near as you can tell? A. Two or three times.

Q. Then what happened when they had exchanged blows that way?

A. There was a man jumped in and started to part them and I went in to give him a hand, we had them partly parted and they went out again and then he went into his pocket for his pistol.

Q. Who went into his pocket for his pistol? A. The watchman.

Q. The defendant went into his pocket for a pistol?

A. Yes sir.



0072

- Q. Did he take the pistol out? A. He did.
- Q. Now then when he took that pistol out what, if anything, was said by either of them? A. Hagen called out not to use the pistol, take it away from him, I believe.
- Q. Those were the words that Hagen used as near as you can remember? A. That is as near as I can remember.
- Q. What did he say? A. "Take the pistol away from him, don't let him use it."
- Q. Then what happened? A. They were clinched and he turned around.
- Q. How did he have hold of him, can you describe?  
A. Hagen had him around the body, close around the body.
- Q. And how was the other man standing, the defendant?  
A. He had his arms around Hagen with the pistol in his hand and he turned around and fired it.
- Q. Can you stand up and show me just about how the defendant stood when he did that? A. The defendant was standing the same as you are now with Hagen in front of him, Hagen had him around the body this way.
- Q. Around under the arm? A. Yes sir, and the watchman had him with the pistol around that way (showing). He turned around towards me and the pistol went off and after that I ran away.
- Q. And how many shots did you see fired? A. I heard one shot fired after that.
- Q. The first shot according to your statement was the one that was fired when he had the defendant around the waist, is that correct? A. Yes sir.
- Q. Then when was the second one fired? A. Shortly afterwards I ran away.

0073

Q. You are positive that was the first shot fired, are you?

A. Yes sir.

Q. Then you ran away? A. Yes sir.

Q. When the shot was fired when they had their arms around each other, what happened immediately after that, if you saw anything?

A. I saw nothing after the shot was fired because I ran away, I was afraid and I got out of the way.

Q. After the blows were struck by Hagen and the defendant at the beginning of the assault with their fists, did you see Hagen strike him after those blows you have described?

A. No sir, there was not any striking after that that I saw.

Q. Did he attempt to strike him so far as you saw?

A. Not that I know of, they were clinched at that time.

CROSS EXAMINED by Counsel.

Q. You are a friend of Hagen's, are you? A. Well, partly so, I patronize his place.

Q. You were in about this time this trouble arose that same evening?

A. Yes sir.

Q. You came up out of the saloon a short time before Hagen came up, is that so?

A. Hagen came out right after me.

Q. You stood upon the stairs, on the steps of the sidewalk?

A. I stood on the sidewalk.

Q. Hagen came up? A. Yes sir.

Q. Were you and Hagen talking as the defendant passed by?

A. No, I was not.

Q. What were you doing there? A. I was standing close to the corner smoking a cigar.

0074

- Q. What was Hagen doing? A. He was not doing anything particular, standing in front of his steps there.
- Q. How long had he been standing there before the defendant came by? A. Oh, it could not have been half a minute.
- Q. You do not know who first spoke? A. I do not.
- Q. You do not know what was said? A. No sir.
- Q. You do not know who struck the first blow? A. Yes sir.
- Q. You said before to the best of your knowledge Peter struck the first blow? A. Yes sir.
- Q. Might you be mistaken about that? A. I do not think so, no sir.
- Q. The thing happened very quickly there, in an instant, you and another man tried to separate them but could not? A. Yes sir.
- Q. Did you testify in the Police Court that the defendant had the pistol raised, the hand raised in the air and that it went off? A. I did not.
- Q. Was his hand elevated, raised up at the time the shot went off? A. No sir.
- Q. It was behind his back. A. Yes sir, pointed sideways.
- Q. And after that you left? A. I did.
- Q. You did not see any more of the trouble? A. No sir.
- Q. Did you see the scuffle on the middle of the street? A. No sir.
- Q. All that you saw was what occurred on the sidewalk? A. That is all.
- Q. You knew the defendant as a watchman? A. Yes sir.
- Q. You knew that he carried a watchman's club, didn't you? A. Yes sir.

0075

Q. Did he have a club there that day? A. Yes sir, there

was a club the time he called and rapped for the police.

Q. Did you take it out of his hand? A. No sir, the club

was dropped in the scuffle and went down stairs.

Q. You did not take it away from him? A. No sir.

By Mr. Parker. Q. How was Hagen dressed at the time of the assault?

A. I do not think he had a coat on, I think he was in his shirt sleeves.



0876

WILLIAM BLOOD, sworn and examined.

- By Mr. Parker. Q. Where do you live? A. 121 East 119th St.
- Q. What is your business Mr. Blood? A. Plumber.
- Q. Where do you do business? A. No. 66 Broad Street.
- Q. Do you know the defendant? A. Only by seeing him there evenings.
- Q. How long have you known him that way? A. About a year and a half.
- Q. Do you know the complainant, Mr. Hagen? A. Yes sir.
- Q. How long have you known him? A. About two years.
- Q. Did you see anything of this trouble that day in the street?  
A. Part of it, yes sir.
- Q. Please tell me what you saw and heard? A. I was going up the stairs of the saloon and I saw a scuffle.
- Q. Which saloon? A. Mr. Hagen's saloon, and I seen Mr. Hagen and the defendant scuffling there.
- Q. Did you see them before they had hold of each other?  
A. Yes sir, at the time.
- Q. Did you see them before they had hold of each other?  
A. No sir.
- Q. You did not go there at all then? A. NO.
- Q. Where were they at that time? A. Right at the head of the steps of the saloon, right by the side of the railing.
- Q. Please tell me the position in which they stood respectively?  
A. They were clinched, that is, they had their arms around each other.
- Q. Tell me in what way Hagen had his arms around this man, how he had his arms around Hagen? A. The way I noticed it he grabbed him around the body.

0077

Q. Hagen grabbed him? A. No, he did not grab him but he had his arms around the defendant's body.

Q. How did the defendant have hold of him? A. He had his arms around the body also.

Q. Were Hagen's arms above or below this man? A. Below, under the arms.

Q. Somewhere in the neighborhood of the wound? A. Yes sir.

Q. Where was Hagen's head? A. It was in front of him the same as you and I are now.

Q. Was it above or below? A. It was a little below.

Q. How about the defendant's arms, where were they?

A. They were over Hagen's arms.

Q. What happened, what did you see and hear?

A. They had a club between them and it was dropped and went down the stairs somehow or other.

Q. Did anyone take it away from the defendant? A. I seen no one take it away.

Q. Did it drop? A. It must have been dropped between the two of them.

Q. This was the time the club was out? A. Yes sir.

Q. The club having fallen how did they stand then?

A. Well, the defendant took one hand away from around the body and put his hand in his hip pocket and took out a revolver.

Q. Was anything said by either of them? A. Hagen said not to use the revolver fr God's sake not to use the revolver "don't shoot".

Q. Then what? A. In taking his hand out of his pocket he turned his arms and so the pistol went off pointing towards

0070

the street. They got scuffling and they got into the middle of the street and the defendant he fired a shot off about so --- had his arms around Mr. Hagen's neck, not around the neck, around here (illustrating).

Q. Above Hagen's arm? A. Yes, above Hagen's arm.

Q. Where was Hagen's head? A. It was close up to the defendant's breast.

Q. Under his chin? A. Under his chin, yes, it was low.

Q. Then how was his hand when he fired the second shot?

A. Just like in this way (illustrating).

Q. Around the back of his head? A. Around the back of Mr. Hagen's head, so (illustrating).

Q. Up? A. That is about up, that is the angle.

Q. Did he fire again? A. He fired a shot.

Q. Now then after that second shot was fired what happened?

A. He hit Hagen with the revolver on the back of his head two or three times.

Q. And after that what happened then? A. The policeman came along and arrested them.

Q. What was the condition of Hagen's face? A. He had a couple of black eyes.

Q. Anything else? A. Well, no.

Q. Let me ask you did you see any blood on Hagen? A. There was a spot or two and there was a spot or two on the defendant's face.

Q. Where was the spot on Hagen? A. I could not exactly explain where it was on his face, it was on his face I seen it.

Q. Did you see the back of his head at all? A. I seen the blood coming out, I saw that bleeding.

0079

Q. When I say the head I include the whole thing, where was spots of blood on his face and it was bleeding back here on the head? A. Yes sir

Q. Now the defendant had black eyes too, didn't he? A. Yes sir.

Q. There were a few spots of blood on his face? A. There was, right around here.

Q. Did you see the blows exchanged with fists at the beginning of the assault? A. No, I did not.

CROSS EXAMINED by Counsel.

Q. When you came there they were clinched? A. Yes sir.

Q. And one shot was fired down the street? A. Yes sir.

Q. Away from Hagen in what street? A. In Beaver Street.

Q. Where was the prisoner at the time that that shot was fired, in what position? A. They were clinched just the same as this gentleman facing me now and this man supposed to be the watchman. ----- they were standing just a little off on an angle, and that hand was put in the pocket and the pistol drawn out and changed in that way (illustrating) and it went down the street on a level about so.

Q. And the other one was raised? A. On an angle.

Q. And the shot went up in the air? A. Yes sir, went in the air.

By Mr. Parker. Q. There was a question asked you just a moment ago which you did not answer which it would be right to answer, the first shot was that pointed away from Hagen?

A. Well, it was, yes sir.

Q. How far away? A. It was about a foot.



0000

Q. A foot away from Hagen? A. Here was Hagen and here was Peter, it was just so (illustrating).

Q. Just about a foot? A. About a foot.

By Counsel. Q. Who took the club out of the defendant's hand?

A. I do not know, sir, I do not know as anyone took it up.

Q. Lane, the last witness, took hold of the defendant in trying to separate them, did you see that? A

Objected to.

Q. Did you see Lane take hold of the defendant and Hagen in his effort to separate them, did you see that?

A. I did not see it, that is, he was between the two of them, I don't know whether he put his hands on them or not, that I won't say.

Q. At that time did the defendant have a club in his hand?

A. Yes sir, both had hold of the club, Hagen and the defendant.

Q. Did Lane take hold of the club? A. That I cannot say.

Q. You will not swear that he did? A. No sir, I will not.

Q. But the club dropped and went down in the basement?

A. It went down stairs, yes sir.

Q. Did you notice anyone throw it down stairs? A. No sir, I did not.

By Mr. Parker. Q. It rolled down of itself? A. It went down there, it was lying at the bottom of the stairs.

0001

GEORGE W. GODSON, sworn and examined.

By Mr. Parker. Q. Officer, you are attached to the first precinct,  
are you not? A. Yes sir.

Q. You arrested the defendant? A. Yes sir.

Q. What other officer was with you? A. Officer William  
Boose.

Q. And did you see at that time the condition of Hagen's head?  
A. Yes sir.

Q. What was it? A. He had a pair of black eyes and he had  
a cut in the back of the head and a little blood around him.

Q. On the ground around him? A. No, on his shirt.

Q. Did he have as much blood as there is on that shirt?

(Shirt shown to witness.) A. Well, no, not in  
my opinion..

Q. Would you be surprised if you were told that was his shirt?  
A. Yes sir.

Q. Both of them had black eyes? A. Yes sir, both had  
black eyes.

Q. Did you see any pistol with the defendant? A. Yes sir,  
it was taken out of his hand by Officer Boose.

Q. What kind of a pistol was it? A. It was an English  
Bull Dog.

Q. A Bull Dog? A. Yes sir.

Q. How many chambers? A. Five.

Q. How many empty? A. There was two empty.

Q. The remainder were loaded? A. Yes sir.

Q. You took him to the station house A. Yes sir.

Q. That is about all you know of the case? A. That is all,  
yes sir.

0002

CROSS EXAMINED.

By Counsel. Q..Did you see any part of this trouble, Officer?

A. No sir, none at all.

Q. Who was there first? A. I was.

Q. Were you or the other officer there first. A. We got there about the same time.

Q. And were both arrested, Hagen and the defendant?

A. Yes sir.

Q. Did you see them scuffling at the time you came up?

A. They were only clinched together, they were holding one another.

Q. Clinched together? A. Yes sir.

Q. When you took them to the station house did Hagen say anything? A. No sir, not to my knowledge, I do not recollect him saying anything.

Q. Did he say anything in the station house? A. Not to my knowledge, no sir.

Mr. Parker: Will you admit that that is the indictment against Mr. Hagen, will you admit that he was discharged on his own recognizance? I ask your Honor to admit as proof that the defendant was discharged upon his own recognizance.

I will call the clerk.

Counsel: I object, it is incompetent and irrelevant and has nothing to do with this issue. The other man has never been tried.

Mr. Parker: He has been discharged.

Counsel: I object, it has nothing to do with this case.

Mr. Parker: That is the Peoples' case.

0003

EWALD HAGEN, sworn and examined.

By Mr Parker. Q. Where do you live? A. No. 9 South William Street.

Q. Are you a married man? A. No sir.

Q. What is your business? A. I got a bar and lunch room at 32 Beaver Street.

Q. How long have you carried on business there? A. Three years going on four on the 25th of July.

Q. Will you describe the position of that lunch room and bar room? A. It is a basement under the Hamburg Steamship Company office.

Q. It is approached by steps? A. Yes sir, about twelve or fifteen steps I believe.

Q. Do you know the defendant? A. Yes sir.

Q. How long have you known him? A. Just as long as I am down there.

Q. What is his business, if you know? A. Night watchman.

Q. Have you ever had any conversations with him concerning his business, yes or no?

Objected to as incompetent and irrelevant unless confined to the time of the assault. Objection overruled. Exception.

A. Yes sir.

Q. Did you ever employ him? A. No sir.

Counsel: Objected to as immaterial.

The Court: It may have some bearing, I will allow the question.

Counsel: Exception.

By Mr. Parker. Q. Upon the day of the alleged assault, the 19th of  
al



0004

August I think, did you have any conversation with him concerning his business                      A. He asked me whether he could watch the place for me again.

Q. What did you say to that? A. I said "no sir, I want you to leave me alone and do not interfere with me any more, go away."

Q. Had you ever previously refused him? A. Yes sir, my mother refused him.

Counsel: Objected to.

The Court: Strike that out.

By Mr. Parker. Q. Had you ever previously refused him?

Objected to as immaterial. incompetent and irrelevant.

A. Yes sir.

The Court: I do not see how that is material.

Counsel: Will you give me an exception?

The Court: Yes sir.

By the Court. Q. He asked you that he might watch your place and you told him he could not, is that it?

A. Yes sir.

Counsel: Give me an exception to that question and answer.

The Court: Yes.

By Mr. Parker. Q. Please state the circumstances of this assault that you claim the defendant made upon you?

A. He hit me.

Q. Start right from the beginning, where you were, what time it was and all about it? A. About half past six in the evening or a quarter to seven, something like that, of the 19th of August -----

0085

- Q. Where were you? A. I was standing one foot down having my arm on the post and smoking a cigar.
- Q. And one foot up where? A. On the sidewalk.
- Q. And one foot down where? A. On the step.
- Q. The step of what? A. The step of my stoop, the step going down.
- Q. The step leading down to the basement? A. Yes sir, to the basement.
- Q. Had you at that time finished the business for the day?  
A. No, but I have a bar-keeper can take care of it.
- Q. The rush of business was over, wasn't it? A. The rush of business was over.
- Q. How were you dressed at that time? A. I was dressed just like that without a vest.
- Q. Did you have a vest? A. No sir, I never wear a vest in summer time.
- By the Court. Q. This was 6.30 in the evening? A. Yes sir.
- Q. What was the date, I did not get the date? A. The 19th of August.
- By Mr. Parker. Q. Go right on, you were standing there smoking a cigar in the evening? A. Yes, and he came and asked me that question which I mentioned before.
- Q. Who came along? A. Mr. Schellenschlager; I refused and he put his hand down and he hit me.
- Q. Did he have a can? A. I seen he had a can.
- Q. He came along and had a can in his hand, is that right?  
A. Yes sir.
- Q. Did you have any talk with him? A. He spoke to me about watching the place.

0006

- Q. What did he say? A. He says whether he could watch this place . I says, "no, go away, I don't want to have nothing to do with you whatever, go away"; and he put his can down and he hit me.
- Q. What did he hit you with? A. With his fist.
- Q. Where? A. In the face and eye.
- Q. How often after? A. Two or three times.
- Q. That was the first blow in the eye? A. The first blow in the eye.
- Q. Where did he hit you afterwards? A. He hit me in the face and eye.
- Q. And with what? A. With his fist, then he hit me three or four times on my head.
- Q. Had you made any motion to strike him? A. I protected myself the best I could after he struck me.
- Q. Up to the time he struck you had you made any motion to strike him ---- do you understand English perfectly?
- A. Yes sir.
- Q. He came along and struck you with his fist three or four times? A. Yes sir.
- Q. Before he struck you had you made any motion to strike him?
- A. No sir.
- Q. Had you threatened to strike him? A. No sir.
- Q. Then when he struck you, you say you grabbed him?
- A. Yes sir.
- Q. Now then what did you do when you grabbed him?
- A. I grabbed him and he hit me and I hit him.
- Q. Where did you hit him? A. I hit him in the eye too as I saw afterwards.
- Q. How many times? A. Twice and after that a couple of

0007

gentlemen came up and separated us as he could not hit me any more, I was the length of the room away from him and he took me by the collar and I says, "let go"; so as I went to go away from him he pulled a club out of his side and as soon as he pulled it I grabbed hold of that club and people said, "don't hit him with the club, let him go." The club was dropped and I saw him put his hand in his pocket and I seen that (meaning a pistol) come out.

Q. Which pocket? A. The right hip pocket. I jumped out and I grabbed him round.

Q. Where were you standing when he put his hand in the hip pocket? A. I was on the sidewalk.

Q. How far from him? A. A good arm's length.

Q. Did you have hold of him at that time, at the time he put his hand in his hip pocket? A. I really could not say exactly because I wanted to get away from him.

Q. You put out your hand and jumped for him? A. No, as soon as he put his hand in his pocket I jumped for him and before I could wrest his hand he fired that and wanted to shoot me through the side.

Counsel: I move to strike that out.

The Court: Yes, strike it out.

By Mr. Parker. Q. Tell what he did? A. He put his hand in his pocket and pulled out the pistol, he was pulling out the pistol and I says, "for God's sake don't use that pistol. In the meantime the shot went off.

Q. Mr. Hagen, he pulled out the pistol and the shot went off? A. Yes sir.

Q. Describe as nearly as you can recollect the position in which he was and his arm when he fired that shot?



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A. He was standing about there and I here (illustrating).

Q. You were standing about arm's length? A. Yes sir, arm's length apart; I saw him put the hand in his pocket, I says, "for God's sake don't use the pistol", and in the meantime I had my arms around his body and he fired.

Q. Describe to me his position and the position of his arm and the pistol when he fired the first shot? A. About that (showing).

Q. Did he have his arm out towards you or away from you or what? A. Towards me certainly.

Q. Was it the right or the left side? A. The left side.

Q. He fired a shot? A. Yes sir.

Q. How high up was the pistol pointed at the time he fired? was it up in the air straight or down? A. No sir, to the middle of my body.

Q. It was pointed about even with the middle of your body towards you and a little to your left side? A. Yes sir.

Q. About how far from your body was the muzzle of the pistol when he fired? A. I could not say that.

Q. About how far, can you tell that? A. I do not know because I had to look at him.

Q. You did not have time to notice? A. No sir.

Q. What did he do when he fired the shot? A. I grabbed him on the body.

Q. ~~With me~~ Were your arms above or below his? A. Below his, my hand over his arm, I could show you the position.

Q. You put your arms around him underneath? A. This is the way I had him, I grabbed him and in the meantime the shot went off.

0009

Q. You turned your hand over his arm? A. Yes sir.

Q. He put your head where? A. Right under his chin because he wanted to shoot me through the head.

Counsel: I move to strike that out. "he wanted to shoot me through the head."

The Court: Yes.

By Mr. Parker. Q. While you were in that position what happened then? A. He hit me three or four times with the pistol in the back of my head.

Q. He fired the pistol how many times? A. Twice.

Q. What happened then when you had hold of him by the arm?

A. He pointed the pistol and it shot off.

Q. He shot the pistol off again? A. Yes sir.

Q. What happened then after the second shot of the pistol?

A. Then he hit me three or four times on the back of the head.

Q. What with? A. With the pistol.

Q. What was the result of those blows? A. I was bleeding and he cut me three or four times with the revolver.

Q. When he hit you with the pistol it made three or four wounds on your head? A. Yes sir.

Q. Are those marks still visible?---- put your fingers in the neighborhood of where they are? A. About there.

Q. Then what happened when he struck you three or four times? A. The police came and took the pistol out of his hand.

Q. Did you say anything while he was attacking you other than what you have already said? A. I hollered for somebody to take his pistol away.

Q. Now after the time that you struck him with your fist and  
a7 when he struck you, did you make any attempt to strike him?

0090

A. I wanted to get away from him.

Q. Did you break away at all at any time? A. I was almost away from him excepting he held me by the collar.

Q. Did you try at any time to strike him except those two blows  
A. No.

Q. Did you have any pistol with you? A. No sir, I had no occasion to use it.

CROSS EXAMINED.

By Counsel. Q. What time of night was this? A. About half past six, I think.

Q. Was it dark or light that time? A. No. it was not dark.

Q. Light yet? A. Pretty light yet.

Q. The defendant came by with a can in his hand? A. Yes sir.

Q. And did you make any remark about him not buying beer off you and buying beer at another place, did you speak to him about that?  
A. No sir.

Q. You did not? A. No sir.

Q. You found no fault with him at that time, you said nothing at that time about him keeping out of your store and buying his beer elsewhere, did you?  
A. No.

Q. Not a word was said? A. No, not a word about my business.

Q. Who spoke first as he passed by your basement?  
A. He did.

Q. He had not spoken to you before that for a year?  
A. He spoke to me first.

Q. Had he spoken to you before that night? A. No, I did not see him before.

0091

- Q. You have known the defendant for three or four years, haven't you?      A. Yes sir.
- Q. He was a night watchman there?      A. Yes sir.
- Q. Passing your place was part of his beat, wasn't it?      A. Yes sir.
- Q. He is a watchman there for the Corn Exchange Bank and for the other banks around there?      A. I do not know that.
- Q. You have seen him go by night after night for years?      A. Yes sir, I seen him.
- Q. He is there yet as a watchman, isn't he?      A. Yes sir.
- Q. Were not you angry because he did not go into your saloon for some days before that?      A. No sir.
- Q. You did not say anything to him about it that night?      A. No sir.
- Q. You did not strike him either?      A. No sir.
- Q. There was ice-cream in that can, was there not?      A. I do not know.
- Q. Did you find out afterwards?      A. I heard it in Court.
- Q. You did not hit the defendant at all, did you?      A. After he hit me I tried to protect myself, certainly.
- Q. Did you protect yourself?      A. The best way I could.
- Q. Did you hit him?      A. Yes.
- Q. Did you black his eyes?      A. Yes sir.
- Q. Did you cut his head with a ring?      A. That is the only ring I have got on my finger.
- Q. Will you swear you did not cut his head with a ring?      A. I could not say, that is the ring I had, I cannot cut anybody with that.



0092

Q. How many times did you strike the defendant? A. Twice to my knowledge.

Q. Will you swear it was not more than that? A. It is pretty hard to swear that.

Q. You were very much excited that night, weren't you? A. Not until he hit me.

Q. Were you much excited after he hit you? A. Why, yes, anybody would be.

Q. Do you recollect everything that occurred that night? A. Pretty fair, yes sir.

Q. How many times did you strike him in all? A. Twice to my knowledge.

Q. Will you swear that you did not strike him more than twice? A. I told you before I could not do that because of the excitement.

Q. The reason why you can't tell whether you hit him more than twice or not is because of the excitement, is that so?

A. That is so.

Q. Now did you see the face of the defendant in court the next morning? A. Yes sir.

Q. Was his face swollen. A. Yes, and so was mine.

Counsel: I ask your Honor to strike out "so was mine", it is not responsive to my question.

The Court: Strike it out.

By Counsel. Q. His eyes were blackened, weren't they?

A. Yes sir.

Q. There was a cut over the forehead, was there not?

A. I did not see that.

Q. Was there a swelling? A. I did not see that because I did not care much for looking at it.

a10

0093

RE-DIRECT EXAMINATION.

By Mr. Parker. Q. What was your condition in the Police Court?

A. My two eyes was terrible; the condition is pretty near showed there on that picture; I did not sleep for four or five days.

Q. When was this picture taken? A. About two days after.

Q. Had you any fight in the meanwhile? A. Oh no.

Mr. Parker to Counsel: Will you allow that picture to go to the Jury?

Counsel: Yes, if you will allow his to go to the Jury.

Mr. Parker: Let both go to the Jury.

Q. You struck him with your hand? A. Yes sir.

Q. Nothing else? A. Nothing else.

Q. If he was cut with the ring on your hand it was when you struck him at that time, is that so? A. Yes sir, that is the only ring I had on my finger.

Q. Let us see your hand, this is a square ring?

A. That is a square ring.

Q. And the black eyes that you gave him were given at the time when you struck in self-defence? A. Yes sir.

Q. Did your excitement arise from any other cause than the assault upon you?

Objected to as incompetent and leading.

Objection overruled. Exception.

A. No sir.

Q. It arose entirely from the assault? A. Yes sir.

By Counsel. Q. In the Station House right after the alleged assault was the defendant's face covered with blood and did not you tell him to go to the basin and wash the blood off, do you

0894

recollect that?

A. No sir, I did not see that, I

took care of myself, I was all full of blood.

Q. Was he full of blood?

A. I think so.

Q. Now don't you know he was, Hagen, don't you know he was covered with blood?

A. If he was covered with blood

it was my blood he was covered with.

Q. Wasn't it his blood, wasn't he cut?

A. As I told

you before, I never looked at him so particular.

Q. You never looked at him so particular?

A. NO.

Q. He made a charge against you at the Police Court of assaulting him, is that so?

A. I heard so.

Q. You heard so?

A. Yes sir.

Q. Don't you know that you were held for trial by Judge O'Reilly at the same time you made a charge against him, you were held for assaulting him?

A. Yes sir.

Q. Do you know what became of that charge since?

A. No sir, not positively.

Q. You came down here and pleaded not guilty, didn't you?

A. Yes sir.

0095

The Case for the Defence.

Counsel opened the case for the Defendant.

BARNETTA PARKER, sworn and examined.

By Counsel. Q. Miss Parker, where do you live? A. No. 32 Beaver Street.

Q. What floor do you live on? A. The top floor.

Q. You live with your parents? A. Yes sir.

Q. What do your parents do for a living? A. My father is a clerk and janitor.

Q. A janitor of that building? A. No sir, in another office in Beaver Street.

Q. For whom is he janitor? A. For Chubbs & Sons.

Q. Where is their place of business? A. 77 Beaver Street.

Q. What is their business? A. Marine underwriters.

Q. You live in this building with your parents? A. Yes sir.

Q. Do you know Hagen's saloon? A. Yes, I have seen it.

Q. You know the defendant, do you? A. Yes sir.

Q. He is a watchman on that building there where you reside?

A. Yes sir.

Q. Did you see any part of this difficulty? A. I saw some of it, yes sir.

Q. Where were you at the time? A. I was on the second floor in the window.

Q. What did you see of this trouble, tell the Court and Jury in your own way?

A. When I saw them they were standing on the sidewalk, they were clinching on the sidewalk, and Hagen had Peter by the throat, had the defendant by the throat, by the shoulder and Hagen had one arm around Peter, had his arm around Hagen and then they went out into the



0096

middle of the street and the defendant pulled the pistol out of his pocket and pointed it away from him down the street.

There was two men trying to separate them and one of them put his hand in the pocket, the men drew away from him and went away and then they drew out into the street and he fired again into the air, and just as the first shot came the policeman started to run from the next block.

Q. Now show to the Court and Jury how he held the pistol at the time the second shot was fired?

A. He held it

right up over Hagen's head, off that way (illustrating).

Q. Did you see anything else?

A. No sir.

CROSS EXAMINED by Mr. Parker.

Q. Straight up?

A. Yes sir, as straight as he could hold it.

Q. Did not he hold it about this way, so that it went off with an angle?

A. No sir, he could not.

Q. It would not have hit any house, he held it so straight?

A. It might have hit the house.

Q. How far away was he from any house?

A. I could not tell

how far he was away but he was in the middle of the street.

Q. Do you know that one shot that he fired went across the street and hit the house on the second story?

A. No sir, I do not.

Q. Would you have thought that from the way he held it?

A. No sir, I would not.

Q. You would not?

A. No sir.

Q. If that be so, then you did not observe the direction of his hand very accurately, did you?

A. Yes sir, I noticed

0097

he held his hand up straight like that (illustrating).

- Q. How long have you known Hagen? A. I have only known him about four years and that is only by sight.
- Q. How long have you known the defendant? A. Ever since I can remember anything.
- Q. You have known him ever since you were a little girl around that neighborhood? A. Yes sir.
- Q. You see him a great deal, don't you? A. Yes sir.
- Q. And your parents see him I suppose too? A. Yes sir.
- Q. What do you do for a living? A. I go to school.
- Q. How old are you? A. Sixteen years old.
- Q. And you were at the window when this began, were you?
- A. No sir, I was not at the window when it began.
- Q. The first thing you saw was when the pistol was pulled, is that it?
- A. No sir, just before the pistol was pulled when the men were trying to separate them.
- Q. You did not see any blows struck? A. No sir, I did not.
- Q. Did you see Mr. Hagen get struck with the pistol on the head?
- A. No sir, I did not.
- Q. You looked until the officers came, didn't you?
- A. Yes sir.
- Q. You could not see that? A. I never noticed it, no sir.
- Q. Did you see it at all? A. No sir, I did not see him strike at all.
- Q. You saw the precise direction he fired this shot in, didn't you?
- A. Yes sir.
- Q. You could not see him hit on the head with the pistol?
- A. No sir.
- Q. Did you see the club there at all? A. No sir, I did not

0098

notice the club.

- Q. You did not notice that? A. No sir.
- Q. Did you see Hagen's head after the officer came up?  
A. No sir.
- Q. You saw the defendant had black eyes? A. I saw him the next day, I did not see any of them until the next day.
- Q. How far off were you from the two at the time you noticed them? A. I was about five houses away.
- Q. Peter comes to your house once in a while, doesn't he?  
A. No sir.
- Q. He knows your parents? A. He knows my parents.
- Q. Were you at the Police Court the next day? A. Yes sir.
- Q. You testified there? A. Yes sir.
- Q. You testified against Mr. Hagen, didn't you? A. I do not know it.
- Q. Did you testify for Mr. Hagen? A. No sir.
- Q. Hagen was arrested too, was he not? A. I believe they were both arrested.
- Q. The defendant made a charge against him? A. I do not know which it was, I was a witness for the Defendant.

MARIA RIDELLS, sworn and examined.

- By Counsel. Q. Where do you live, Mrs. Ridells? A. 22 Beaver St.
- Q. What is your business? A. I am janitress at 22 Beaver St.
- Q. For whom, for the owners of the building? A. Yes sir, Aspinwall is the owner of the building. Mr. Wilson is ---
- Q. How long have you been such? A. Six years in that place.
- b4

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Q Were you in the building on the day of this occurrence?

A. Yes sir.

Q. Where were you at the time?

A. I was down at the door.

Q. On the ground floor?

A. Yes sir.

Q. What number is that, 22 isn't it?

A. Yes sir, 22.

Q. Did you see any part of this trouble between Hagen and the defendant?

A. After the first shot was fired -----

Q. Tell the Court and Jury in your own way just what you saw?

A. I was told that they were fighting.

Mr. Parker: Objected to.

Witness: I want to come to the point.

Mr. Parker: I ask that that be stricken out.

The Court: Yes, strike that out.

By Counsel. Q. I simply ask you to state to the Court and Jury what you saw --- somebody told you something?

A. I went to

see, that is what brought me to the door; I went to the door after I heard the first shot, I got there time enough to see the second; they were struggling together, embracing each other very fondly, very closely and I saw the defendant fire one shot holding his hand up.

Q. In the position that you have got it now?

A. Up.

Q. The shot went upwards?

A. Yes sir, and they still

continued struggling and in a short while the policeman arrested them, that is all I know.

CROSS EXAMINED by Mr. P arker.

Q. You did not see anything until the second shot?

A. No sir.

Q. After the second shot was fired did you see what happened then?

A. They were still struggling together, they



0900

were not separated until the policeman came.

Q. Did you see Hagen hit the defendant at all?

A. No sir.

Q. After the second shot was fired did you see the defendant hit Hagen?

A. No sir.

Q. Did not you see the defendant hit him with the iron part of the pistol?

A. No sir.

Q. How far were you away?  
you can term it a block.

A. I am at 22 Beaver Street

Q. How far do you term it.  
taking across the street.

A. You might say half a block

Q. You did not see anything before the last shot was fired, did you see the first shot?

A. I say I did not see any-

thing before the first shot; I did not see that but I heard it, I was down to the door but I was busy.

By Counsel. Q. Your attention was attracted by the first shot?

A. By the first shot.

Q. And then afterwards you saw the second shot fired in the air?

A. Then I left down what I was doing and stepped to the door; they were struggling and then in a moment or two the other shot was fired.

Q. The second shot, you heard two shots fired?  
two.

A. I heard

Q. Your number is 22 and Hagen's is 32.

A. Yes sir.

Q. You were five houses from there?

A. That is it, right

across Broad Street.

0901

MICHEAL SULLIVAN sworn and examined.

By Counsel. Q. Where do you live? A. No. 152 York Street,  
Brooklyn.

Q. What is your business? A. I am tally clerk alongshore,  
Pier 20, East River.

Q. Who do you work for? A. C.H. Mallory & Co.

Q. The New Orleans line? A. No sir, the Galveston and  
Florida line.

Q. How long have you worked for them? A. Nearly twelve  
years.

Q. Did you see any part of this trouble between Hagen and the  
defendant? A. Yes sir, I saw it all.

Q. Where were you? A. I was going through Beaver Street  
crossing Broad Street and I saw this watchman.

Q. The Defendant? A. Yes, the watchman coming up with a  
can in his hand and this man Hagen was standing in a posi-  
tion of that kind (illustrating) with the hand on a round  
post, the round bar.

Q. Where? A. On his stoop door, and he grabbed this man  
by the throat and struck him twice or three times in the face.

This old man tried to unbutton his coat to get his club,  
and he made to take the club from him, he put his hand behind  
the pocket and pulled out a pistol and got it about in that  
position (illustrating); his hand was knocked down that way  
and the shot went down on the sidewalk and the second shot  
was fired directly in the air.

Q. Did you hear what was said between Hagen and the defendant  
before he grabbed him? A. I did not hear, I would  
not swear.

0902

Q. Who struck the first blow? A. The man who owns the  
lager beer saloon.

Q. Hagon, the complainant? A. Yes sir.

CROSS EXAMINED by Mr. Parker.

Q. How long have you known the defendant? A. I know him  
quite a while.

Q. How long? A. About five weeks.

Q. How did you first come to meet him? A. When I first  
saw the trouble - --- I was one day sitting down in a beer  
saloon and ~~heard~~ <sup>read</sup> about a man getting shot; I did not know  
about anybody getting shot and I went through Broad Street  
about my business, I did not want to be mixed up in the  
matter and I read of a man who was shot accidentally in the  
leg, I came to this man voluntarily myself.

Q. Was that article about this man? A. Yes sir, I saw  
this man getting ~~the best~~ abused.

Q. Where did you see him getting abused? A. On the corner  
of Broad and Beaver Streets. From what I saw in the paper  
I did not think there was anybody hurt, I thought it was only  
a street brawl ~~between~~ and I went about my business. When  
I saw it in the paper where the man was shot accidentally,  
then I came voluntarily to Mr. ---, I don't know the gen-  
tleman's name, the watchman, and told him that I saw the oc-  
currence and if I could be of benefit to him I would volun-  
teer my evidence.

Q. How did you find out where he lived? A. I do not know  
where he lived yet, I did not know where he lived.

Q. Where did you find him? A. I found him outside of  
Delmonico's eating saloon.

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0903

- Q. Did you hunt for him? A. No sir, I stood on the corner of Old Slip and Water Street and they told me where he was.
- Q. Did you know his name? A. No sir, I did not know his name yet.
- Q. Who did you ask for? A. The watchman.
- Q. You did not see Schellenschlager, did you? A. No sir, I did not know his name yet, I could not pronounce it.
- Q. You only saw a truckman and a great many others and you found him then on the street? A. Yes sir.
- Q. That was five weeks ago? A. I wont swear how long ago it was, it must be six weeks ago.
- Q. A month and a half ago? A. Yes sir.
- Q. You know this thing took place four months ago?
- A. It happened on a Monday evening, I remember it well because we used to get paid then on Monday evening.
- Q. It happened. I think there is no dispute about it, on the 19th of August, which is lacking one day four months ago, now you let that thing go for two months and a half before you said anything about it to anybody? A. I wont swear how long, I cannot recollect how long it was since I first saw this man, this watchman.
- Q. Did you ever see him before the day of the assault?
- A. Not before the assault, never.
- Q. When did you speak to him about it? A. That is what I cannot tell, how long ago it was.
- Q. If it was not six weeks was it two months? A. It might probably be that long.
- Q. You let it stand two months before you said anything?
- A. Certainly let it go at that.



0904

Q. You saw them both arrested? A. I did not see the defendant arrested, I went away before they were arrested, I saw the two policemen coming.

Q. What did you think the policemen were coming there for?

A. To arrest them of course.

Q. You thought the defendant had the right of it all the way through? A. I thought that he was getting ill used.

Q. You saw two policemen coming to arrest somebody? A. Yes sir, to arrest somebody, certainly.

Q. You stood there through the whole assault and watched them?

A. I stood there during the assault and when the policemen came I went away.

Q. Did not you have an interest to see what happened to the men?

A. Yes sir, I thought it was a drunken brawl, I left there, I saw nobody hurt or damaged of any account, there was a couple of blows struck, it did not amount to anything in my estimation and I went about my business.

Q. Do you mean the blows the old man got did not amount to anything ----- do you know that the man got a couple of black eyes, the old man? A. That ended every damage, I

tell you, Mr. District Attorney. you misunderstand me, what I mean is this; that I did not think the man was hurt enough to bother about. I have often got a broken leg in my business and chucked into an ambulance and taken to the hospital and that was all about it.

Q. How many times did you have broken legs? A. Twice.

By Counsel. Q. You do not think anything of a broken leg?

A. Not for the company I work for.

By Mr. Parker. Q. You did not see the defendant strike Hagen at all  
b10 did you?

0905

A. Well, I do not think he did hit him.

Q. You said you saw it from the beginning? A. I did, yes sir, let me show you the position. I do not think he could strike Hagen; if he was here (illustrating) then he could not strike him in the face.

Q. Because he was higher up than Hagen he could not hit him in the face? A. Yes sir, he was not on the stoop, they were on the sidewalk and Hagen jumped from the step to the sidewalk, he was a smaller man.

Q. That is your reason for believing that he did not hit him?

A. Yes sir.

Q. As matter of fact, did not you see him hit Hagen in the face?

A. No sir, I did not.

Q. You were looking all the time? A. Yes sir, I looked at the whole concern, the whole business.

Q. You have heard two or three witnesses testify? A. I have heard some of them people make very curious remarks about this case.

Q. It struck you as being very curious? A. Yes sir.

Q. Did not you hear a couple of witnesses testify that Hagen was struck three or four times by the defendant in his face at the very beginning of the quarrel? A. I heard that.

Is that the reason I will swear to what they said?

Q. I have not asked you. You think that they have either made a mistake or sworn falsely? A. I do, yes.

Counsel: I object to that as incompetent and ask that the answer be stricken out.

The court: What th witness thinks about the testimony of some of the other witnesses is not important. I will allow the latter part of the answer to stand.

0906

Counsel: Note an exception.

By Mr. Parker. Q. You say you were paid on that night? A. It was our pay night, I did not have nothing coming to me on that Monday evening.

Q. Had not you been working? A. Not that week I was not.

Q. From where did you come when you approached the scene of the quarrel? A. From the Battery.

Q. Had you been working there that day. A. No sir, I was loafing all that week.

Q. How did you pass the time loafing? A. Walking around.

Q. Nothing but walking around? A. Occasionally ---- I do not like to tell what I was doing.

Q. You do not like to tell what you were doing? A. No sir.

Q. Anything wrong? A. No, I was doing wrong to myself.

Q. What do you mean, drinking? A. Yes sir.

Q. Drinking that whole week, weren't you? A. Yes sir.

Q. What was your condition when you approached the scene of that quarrel, were you drunk or sober? A. I was sober.

Q. When did you let up on the drink? A. I let up drinking Saturday night.

Q. Did you have time enough to get sober? A. Yes sir, Sunday and Monday.

Q. Did you see Hagen's head at the time the quarrel ended? A. No sir, I did not.

Q. As I understand you, Hagen was the aggressor, the man who struck first? A. Yes sir.

Q. The old man did not strike him at all. A. To my knowledge he did not.

Q. Well, you know all about what happened, don't you?

0907

A. Yes sir, I did not see him hit him, that is all I can say, I did not see him strike him.

Q. And did you see the club pulled out? A. I saw the club taken from the old watchman.

Q. By whom? A. I could not say by whom it was.

Q. Didn't drop and run down in the cellar? A. No sir, it was taken from him by force.

Q. You do not know who did it? A. No sir, the club was taken, two or three men got around him and which ever took the club I do not know, I was standing from him.

Q. When you spoke to the defendant about this case after seeing the newspaper article what talk did you have with him?

A. I told him I saw the occurrence and would give my evidence if it would benefit him any; he said it would.

Q. Did you tell him what you knew? A. I do not know, I do not think I did tell him what I knew.

Q. Did not he ask you? A. He asked me if I saw it and I told him yes, the whole of it.

Q. Did you tell him the whole of it? A. I did not tell him.

Q. Who did you tell it to? A. To you.

Q. This is the first time you have told it? A. Yes sir, told the details as I have told it.

Q. Never before you came on this stand did you tell the story? A. No sir, never before.

Q. You merely came to him and you said, "I have seen the occurrence" and he accepted you without knowing what you knew?

A. Yes, he asked me if I saw it all from the commencement; I said I did; he did not ask me who struck.



0908

Q. That is all the talk you had? A. Yes sir, we had some talk; he asked me where it was, how it happened and who hit first, I mean he did not ask me the whole of it.

Q. Tell me what he did ask you, that is a plain question?

A. He asked me if I saw the whole occurrence and I told him yes; he asked me did I see Hagen strike him and I said I did.

Q. Did he ask you if you saw him strike Hagen? A. No sir, he did not ask me like that.

Q. Did he ask you whether you saw who struck the first blow?

A. I think he did ask me that question.

Q. Don't you know whether he did or not? A. I wont say for a certainty whether he did or not, he probably might have asked me ; I will not say what I do not fully realize, it is the first time I ever was in a witness chair and I do not understand it, I am puzzled all up now.

By Counsel. Q. You have no interest in this case except to tell what you saw? A. That is all.

Q. And are you working for the Mallory line now?

A. Yes sir.

Q. And have been for twelve years? A. Yes sir.

Q. With the exception of you going off, as you say, once in a while? A. Occasionally I go off.

Q. And have a quiet time by yourself? A. Yes sir.

By Mr. Parker. Q. Is it a quiet time? A. Well, sometimes it is pretty noisy.

0909

MORRIS SULLIVAN, sworn and examined.

By Counsel. Q. Where do you live, Sullivan? A. 26 Washington Street.

Q. Are you a relative of the last witness? A. No sir.

Q. Did you ever see him before to-day? A. No sir.

Q. He is a perfect stranger to you? A. Yes sir.

Q. What do you do for a living? A. Light street lamps.

Q. In the employ of the city? A. No sir, just for a man.

Q. You work for a man? A. Yes sir.

Q. What is your district in lighting the lamps? A. From Broad and Beaver Street through New Street down Wall Street as far as South Street.

Q. Do you know the watchman, the defendant? A. Yes sir, but never to speak to him, just seen him on the street.

Q. You have seen him often, have you? A. Yes sir.

Q. How long have you known him by sight? A. About two years.

Q. Do you know the complainant Hagen? A. Only to see him.

Q. You know him by sight also? A. Yes sir.

Q. You know him the same length of time? A. Yes sir.

Q. Did you see any of this trouble upon this day? A. Yes sir.

Q. Tell the court and Jury in your own way what you saw?

A. I was standing on the corner of Beaver and Broad Streets the 19th of August right against a lamp-post, I seen Peter, the watchman come up Broad Street with a can in his hand and I seen Hagen, this man who keeps the saloon, come upstairs; he said something to Peter and he shoved Peter aside and Peter come towards him again with his can in his hand and he struck Peter and Peter left down his can and the

09 10

two of them clinched together; he had Peter by the throat over the railing, he hit Peter two or three times in the face on the bridge of the nose and the two of them stood that way and they kept twisting and twisting until they went out into the middle of the street. Peter opened up his coat, he had his club down here in a kind of a little pocket, he pulled up his club, I suppose he meant to rap on the street but he did not get a chance and two men came along---

Mr. Parker: I object and move to strike that out.

The Court: Yes.

By Counsel. Q. You say you saw him take the club out of his pocket?

A. Yes.

Q. And as he did that what did they do? A. The two men took the club out of his hand.

Q. What became of the club? A. I could not see what became of the club.

Q. The last you saw of it was in his hand? A. Yes, in his hand, I saw Peter put his hand back in his hip pocket and pull his revolver out and as he did the revolver was knocked down and the shot glanced off in the sidewalk, in the middle of the street and he held up the revolver like that; I ran as soon as I could to the corner, I turned around again, I saw the second shot going off and Hagen clinging onto his arm like this (illustrating), and the two of them stood that way until the two policemen came running up Beaver Street and the officer over there on the top seat took the revolver out of his hand.

Q. Is that the officer who took the revolver out of the defendant's hand? (Pointing to an officer.) A. Yes sir.

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- Q. Did you see the shot that was fired discharged at the time you had the hand raised? A. Yes sir.
- Q. The first blow as struck by Hagen? A. By Hagen.
- Q. Have you any interest in this case? A. No sir, not any.
- Q. How did you happen to become a witness in this case?

A. He saw me with the ice-cream, I followed him down as far as Pearl Street, that is as far as I could go.

- Q. When the defendant put the can down on the ground what happened, what became of the can, who picked it up?

A. I picked the can up.

- Q. What was in that can? A. Ice-cream.
- Q. What did you do with the ice cream? A. I ate it, he told me I could have it.
- Q. Who told you you could have it? A. Peter.

CROSS EXAMINED by Mr. Parker.

- Q. You say that the defendant went up and spoke to Hagen? A. No sir, Hagen said something to the defendant.
- Q. Did not the defendant ask him something, was it a reply to Hagen? A. I could not say, I saw Hagen's mouth moving saying something to him, but I could not understand it.
- Q. And then he pushed him away? A. Pushed him away.
- Q. Then this man came back toward Hagen? A. Yes sir, toward him.
- Q. And then you saw Hagen strike him without any provocation at all? A. Yes sir.
- Q. You did not see him strike Hagen at all? A. I could not say, the two of them were together all the time and I could not see any blows, they clinched.



0912

- Q. I mean before they were clinched did not you see the defendant strike Hagen before Hagen struck him? A. No sir.
- Q. Are you positive he did not strike him? A. He did not strike him.
- Q. You stayed there until the whole thing was through, didn't you? A. Yes sir.
- Q. Did you see any blood upon Hagen? A. Yes sir, I seen blood on his shirt.
- Q. Did you see any blood upon the front of his face? A. Yes sir.
- Q. How did that blood get there? A. I could not say.
- Q. He was not struck in the face? A. No sir, I did not see him struck in the face.
- Q. You positively say so? A. I did not see him get struck at all but there was blood on his face and blood on Peter's face.
- Q. Peter was struck? A. Peter was struck.
- Q. Hagen was not struck in the face at all? A. I could not say that but I saw the blood on his face.
- Q. You were there all the time and were there when it ended? A. Yes sir.
- Q. If Hagen had been struck you could have seen it, could you? A. Not very well.
- Q. You do not know whether Hagen was struck or not, is that it? A. No sir, I could not see whether Hagen got struck or not.

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HENRY KINSELLA, sworn and examined.

By Counsel. Q. What is your business?

A. Assistant foreman of

the New York fire department.

Q. What engine?

A. Engine 32 in 108 John Street.

Q. How long have you been connected with the Fire Department of

the city of New York?

A. Going on eight years.

Q. You are still a member of the department and assistant fore-

man?

A. Yes sir.

Q. Do you know Hagen, the complainant?

A. I know him

just slightly, I know him to see him outside of his own  
door, that is about all.

Q. You know him by sight?

A. Yes sir.

Q. You never spoke to him?

A. No sir.

Q. Do you know the defendant?

A. Yes sir.

Q. How long have you known him?

A. I know him about eight

years.

Q. Did you see any part of this difficulty?

A. Yes sir.

Q. Tell the Court and Jury in your own way what you saw?

A. I was returning from my supper on August 19 about a  
quarter to seven o'clock and I saw this watchman Peter coming  
up Broad Street. I crossed right over from the upper end  
of Beaver, I went in after the watchman turning around going  
towards this Hagen's place right on the corner, and the first  
thing I saw was Hagen catch hold of this man Peter by the  
throat and hit him two or three times in the eyes and call  
him a very foul name.

Q. What did he say?

A. He called him a bastard.

Q. Hagen did?

A. Yes, then they clinched; before  
they clinched this watchman he left his ice cream can down

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and they clinched then and Peter defended himself the best he could, he struck back after he got struck three times in the eyes.

Q. He hit Hagen? A. Yes sir, Hagen struck first.

Q. What happened after that? A. So then they kind of boxed around the street.

Q. They clinched? A. Clinched and in the clinch this watchman had his club down as near as I could see through the pocket.

Q. Inside the pocket? A. Yes, and this liquor saloon keeper he seen it and he grabbed for the club, Peter meant I understand -----

Q. Never mind what Peter meant, just tell us what you saw?

A. I seen him just going to take the club when Hagen let go of one hand and grabbed for the club; some other people came in between them and took the club from this man Peter as he was about to rap.

Q. What position did he have the club in at the time it was taken from him? A. He had it about that way (showing) It was grabbed from him.

Q. Do you know who grabbed it from him? A. No sir, I could not rightly say, there was two or three there around him.

Q. What occurred after that? A. Hagen had Peter by the throat and Peter halloood, "police, police", as hard as he could. Peter put his hand in the hip pocket and drew his revolver and he fired the first shot in the ground and the next shot he was firing up in the air when Hagen let go of one hand and he fired a shot.

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Q. What became of the can, do you know who took it away?

A. No sir, the can was laid down, then the officers came up and I walked up in the rear, I did not have time to go down to the police station at the time.

Q. You had to report for duty? A. Yes sir.

Q. What time were you due at the engine house? A. I was due about a quarter after seven that night.

Q. You were not a witness in the police Court, were you?

A. No sir, I could not get away.

Q. This is the first time you have given your evidence in this case? A. Yes sir.

CROSS EXAMINED by Mr. Parker.

Q. Did the watchman's clothes become torn? A. Yes sir.

Q. What was torn, what part of his clothes? A. I believe the button, as near as I could see, was pulled apart.

Q. Did not he unbutton his coat? A. No sir.

Q. You are sure of that? A. Yes sir, he did not have a chance.

Q. Did you hear Sullivan say that he unbuttoned his coat?

A. I could not hear, I was on the other side, I was not paying much attention.

Q. If Sullivan says that that man unbuttoned his coat he is wrong.

Objected to. Objection overruled. Exception.

A. I could not altogether say that because I saw this witness standing almost alongside of me at the time.

Q. Then if you cannot say that he ~~unbuttoned~~ <sup>is wrong</sup>, are you certain that he did not unbutton his coat? A. All I could see was the coat opening and his club sticking out; he might have



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unbuttoned it but I do not see how he could very well be-  
cause this man was clinched around him so that he could not  
have unbuttoned his coat very well.

Q. So that it is a conclusion of yours rather than anything you  
saw? A. I guess it is.

Mr. Parker: If it is a conclusion I ask that that question may be  
stricken out.

The Court: Yes, strike it out.

Counsel: Note an exception.

By Mr. Parker. Q. You described, if I am not mistaken, that the  
position of the defendant at the time he drew the club and  
when it was taken away from him was that the club was in this  
position (showing).

A. He was about going to send  
out a rap, I could see him attempting, being around the police  
officers all the time; I could understand what the watchman  
meant when he was going to look down on the ground he was  
going to send out a rap.

Q. It is a conclusion on your part that he was going to send  
out a rap? A. I would be willing almost to swear so.

Q. You have sworn so, I believe? A. That is right.

Q. At that time it was taken away from him as I understand?

A. Yes sir.

Q. Did not you see the defendant hit Hagen at all?

A. Yes sir, after.

Q. No, but at first? A. No sir.

Q. You are positive he did not? A. Yes sir.

Q. Where did he hit him afterwards? A. After they  
clinched he hit him in the head.

Q. What part of the head? A. Somewheres around here  
I believe (pointing) with his revolver.

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- Q. With the iron part of the revolver? A. I could not say which part it was.
- Q. He struck him how many times? A. Maybe once or twice.
- Q. At least once? A. Yes sir, once.
- Q. Was it twice? A. I could not say.
- Q. Was it four times? A. No sir, it was not, it could not be.
- Q. Did you see Hagen's face in front? A. Yes sir.
- Q. Was there any blood on it afterwards. A. Yes sir.
- Q. Do you know how the blood got there? A. Yes sir.
- Q. How? A. By getting struck in the nose.
- Q. When did the defendant strike him in the nose? A. When they were clinched ---- before this revolver was drawn at all several blows were exchanged.
- Q. You differ from the witnesses for the prosecution if I understand in the fact that you say Hagen struck first whereas they say the defendant struck first? A. No sir, it aint right.
- Q. What is your version of it? A. This watchman got struck in the eyes first.
- Q. How many times did Hagen get struck in the face by the defendant? A. It may be once or twice, he could not have a chance to strike him because this man Hagen -----
- Q. He could not have a chance to strike him? A. No sir.
- Q. He did strike him? A. He only struck him about once or twice because this man Hagen fought as much with his head as he did with his hands.
- Q. He butted him? A. Yes sir.
- Q. Did not he try to keep his head down out of the range of the

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pistol shot? A. He did afterwards.

Q. At the time the first shot was fired which you say was fired toward the ground. A. Yes sir.

Q. Was Hagen trying to strike him? A. No sir, not at that time.

Q. Was he trying to strike him at the time the second shot was fired? A. Yes, he was.

Q. What was he doing, how was he trying to strike him?

A. He was trying to strike him with his head.

Q. Was he not trying to do that to get his head out of the way?

A. No sir, he kept cursing.

Q. Did not you hear him say, "don't use the revolver for God's sake"? A. No sir.

Q. How far were you away? A. I was maybe ten feet when he had the revolver.

Q. Did not you hear Hagen say that then? A. No sir, I did not.

Q. Did you hear Hagen call for somebody to take the revolver away? A. Yes sir, I heard him say, "take this revolver away out of his hand."

Q. Will you swear that Hagen did not say, "don't use the revolver for God's sake"? A. I did not hear him say so.

Q. Were you close enough? A. I was close enough yes sir;

when this man drew the revolver I tried to get away as far as I possibly could, he might have said it but I did not hear.

By Counsel. Q. At the time that the defendant hit the complainant on the back of the head with the butt end of the revolver, did Hagen have him by the throat? A. Yes sir.

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JOHN LUDWIG, sworn and examined.

By Counsel. Q. Where do you live? A. No. 233 East 99th Street.

Q. What is your business? A. Porter.

Q. For whom? A. T.C. Nicholas.

Q. What is his business? A. Wholesale liquor house.

Q. Where? A. 43 Beaver Street.

Q. How long have you been a workman for them? A. Almost ten years.

Q. Are you working for them now? A. Yes sir.

Q. You left your business and work to come up here to-day?  
A. Yes sir.

Q. You know the watchman? A. Yes sir.

Q. You know Hagen the saloon keeper? A. Yes sir.

Q. You are a friend of Hagen's aren't you, as well as of the defendant?  
A. Yes sir.

Q. A friend of both of those men? A. I know both of them, yes sir.

Q. Were you in Hagen's saloon a short time before this trouble between him and the defendant arose? A. Yes sir.

Q. The same night, the same day? A. Yes sir.

Q. How long before the trouble did you see Hagen in the saloon?  
A. About twenty minutes before.

Q. About what time was that? A. It was around seven o'clock.

Q. You do not know particularly about the time? A. No sir.

Q. You did not keep track of the time, did you? A. No sir.

Q. What did Hagen say to you? A. He only said a few words to me in the conversation; we were talking together and while we were talking he passed the remark about the



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defendant that he would meet him.

Mr Parker: If this is to show motive I wont object.

Counsel: It is.

The Court: Go on.

By Counsel. Q. What did he say? A. He said that he would meet him some day and settle with him.

Q. When did you find out about this trouble between him and the defendant? A. After it was all over.

Q. When did you find out, the same night? A. Yes sir, the same night.

Q. Is that all that Hagen said? A. Yes sir.

CROSS EXAMINED by Mr Parker.

Q. That is all that he said sure now? A. Yes sir.

Q. What did he mean, did he owe the defendant anything?

A. No sir, I do not know what he meant by it because I did not pay any attention to it.

Q. You paid enough attention to hear it? A. He said that anyway, that is all I remember.

Q. You do not know what he referred to, do you? A. I do not know what he meant by it, I do not know whether it was meant good or not, I never seen anything of the affair.

Q. When did you tell Peter what you heard? A. I never told Peter, Peter found out by somebody else.

Q. Peter told you of what you had heard? A. Yes sir.

Q. Do you understand my question fully? A. Yes sir.

Q. I asked you when did you tell Peter about what you had heard?

A. I never told him until Peter told me and I admitted that I was told so.

Q. When did Peter tell you that? A. Peter says that he

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heard it off somebody and he just told me what was said.

Q. What did Peter say to you when he told you that?

A. He said that he was told so and so and I have to appear in Court to say that; that is all, and I know it was so.

Q. And you did not know what he meant by it at all?

A. No, I did not know whether it was good or not.

By Counsel. Q. You have simply told the Court what Hagen told you?

A. Yes sir.

Q. And you were a witness in the police Court, were you?

A. Yes sir.

WILLIAM MEAD, sworn and examined.

By Counsel. Q. Where do you reside? A. 653 Greene Avenue,  
Brooklyn.

Q. Your business? A. Bank messenger.

Q. What bank? A. Corn Exchange.

Q. Where is that bank situated? A. Corner of Beaver  
and William Streets.

Q. How long have you been a messenger? A. Three years.

Q. Who is president of the bank? A. William A. Nash.

Q. Do you know the accused? A. Yes sir.

Q. How long have you known him? A. Three years.

Q. He has been a watchman for the bank with other houses in  
that neighborhood? A. So I had always understood.

Q. How long have you known him? A. Since I have been in the  
bank.

Q. That is how many years? A. Three years.

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Q. Do you know what his reputation is for peace and quiet?

A. I have always understood -----

Q. Answer yes or no, do you know what it is? A. I know he has a reputation for that.

Q. Do you know what his reputation is for peace and quietness?

A. Yes sir.

Q. What is it, good or bad? A. Always peaceable, good.

Q. A quiet, orderly man? A. Yes sir.

Q. You were sent up here by the president to give testimony?

A. I understood so.

Q. The president said he could not come and requested you to come?

Objected to. Objection sustained.

PETER SCHELLENSCHLAGER, sworn and examined:

By Counsel. Q. How old are you? A. Sixty-one years.

Q. Have you before this time ever been in trouble? A. No sir.

Q. Have you been even charged with any violation of law?

A. NO.

Q. This is the first time you have ever been arrested?

A. Yes sir.

Q. How long have you known Mr. Hagen? A. About four years.

Q. What is your business? A. Private watchman.

Q. How long have you been a private watchman? A. Seventeen years.

Q. Where have you been employed as a watchman, what part of the city?

A. Always Beaver Street, South William Street, Exchange Place and Borad Street.

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Q. And as such watchman do you carry a club and pistol?

A. Yes sir.

Q. How long have you carried a club and pistol? A. Seven-  
teen years.

Q. Just tell the court and Jury in your own way how this trou-  
ble arose between you and Mr. Hagen, come right down to  
that day? A. Yes sir. I came up Broad Street and

turned into Beaver and there stood Hagen with four or five  
men and as soon as I came there he stopped me and said,  
"you spend your money in other places, I will get square  
with you, you damn bastard", and he grabbed me by the  
throat; I had an ice-cream kettle in my hand and my cigar-  
holder with a cigar in the other hand, and I dropped it  
certainly when he got me by the throat and hit me twice in  
my eyes; certainly I have to defend myself, I cannot let  
him go.

Mr Parker: I object to that.

By Counsel. Q. What did you do after he hit you, you defended  
yourself, what did you do to him?

A. I hit him,

I do not deny it, I defended myself.

Q. What did you hit him with at that time?  
fist.

A. With my

Q. What happened after that? A. Then I seen that man who  
helped me to get Hagen away, I went to take out my club to  
rap, and the two witnesses, Lane and that other man, they  
grabbed the club with the two hands and tore it out of my  
hand and went behind me and then I was afraid that they might  
commence and take the club and hit me, then I took out my  
revolver and tried to fire in the air to get the assistance  
of the police. By that time when I was firing I turned



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around certainly and the revolver went off and hit my friend accidentally.

Q. The man who was hit was your friend? A. Yes sir, he was a friend, he was willing to help me to get Hagen away from me. Finally my arm was over and I held my arm up the second time and fired; I done it that way the second shot (showing).

Q. You fired it in the air? A. This way, in the air.

I asked the Court whether I have not got a right to defend my life?

Mr. Parker: I ask that that be stricken out.

The Court: Yes.

Counsel: Note an exception.

By Counsel. Q. Did you intend to shoot Mr. Hagen? A. No sir.

He stated in the Court when the judge asked him -----

Q. Answer my question, I know you are excited and worried, keep cool as much as you possibly can. A. Oh yes, with the greatest of pleasure.

Q. Answer my question and no more, did you intend to shoot Mr. Hagen? A. No sir.

Q. Did you point a pistol at him with the intention of shooting him? A. No sir. Could not I shoot him if I wanted to, but I did not want to shoot nobody, I did not want to hit nobody neither. My God, if I wanted to hit anybody I could hit him.

Mr. Parker: I ask the court to stop the witness.

The Court: Yes.

By Counsel. Q. Now he had you by the throat? A. Yes.

Q. And then you tried to get the club out? A. The club out.

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Q. You could not do it, they took it away from you?

A. Certainly.

Q. Did he continue to keep you by the throat? A. Yes sir.

Q. You struck him on the back of the head they say with the butt end of the revolver? A. No sir.

Q. How did that happen? A. I had my hand around him this way (showing). I did not hit him, they must have thought I hit him, if I would hit him with that revolver I could knock ----

Mr. Parker: Objected to.

By Counsel. Q. Just tell the jury how it was that he got hurt in the back of the head with the revolver, how you had the revolver. A. He only said so, I did not hit him.

Q. Did you hit him with the revolver at any time? A. No sir.

Q. Did you hit him in the face with the revolver? A. No sir.

Q. All that you did was to strike him with your fist? A. With my fist.

Q. What did he do to you? A. He caught me by the throat and hit me several times.

Q. How did he hit you? A. With his ring, he hit me right there (pointing) and cut my two eyes.

Q. Did he strike you with his fist? A. With his fist.

Q. And did the ring cut you? A. The ring cut my two eyes, it was bleeding the whole night.

Q. Was your eyes black and blue and your face swollen? A. Yes sir.

Q. How long did you have that injury about you? A. About two weeks.

Q. Those signs of violence were visible for two weeks?

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A. O yes.

Q. Did you have your photograph taken? A. The next day.

Q. The day after you came out of the police Court?

A. Yes sir.

Q. Was it the day after the trouble? A. After the assault.

CROSS EXAMINED by Mr. Parker.

Q. You wear a ring too, don't you? A. I do.

Q. A square seal? A. Yes sir.

Q. Which hand did you strike him with? A. I struck him with the right hand.

Q. Did you cut his face? A. No sir, I only hit him this way you know, I did not want to hit him, I did not want to injure him.

Q. But you struck him with your fist, your right hand?

A. With my fist, I do not deny it, certainly.

Q. You struck him how many times? A. Perhaps twice.

Q. Not more than that? A. NO.

Q. The same as he struck you? A. He struck me more than that, that is a sure thing I know.

Q. He struck you four times? A. He did at first because I had a kettle of ice cream and a cigar holder in my hand.

Q. You have known Hagen how long? A. About four years.

Q. You have applied to Hagen, haven't you, for the job of watching his place? A. No sir, I did not, it is a lie.

Q. You never did that? A. No sir.

Q. Don't you recollect being refused that job? A. No sir, I did not ask him.

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- Q. Did you ask Hagen's mother? A. No sir.
- Q. Never? A. No sir, God will be my witness, I may not go out of this court if I have asked him or asked her.
- Q. Why would not you? A. I did not want it, it is a miserable place ---- the meanest words you can hear there.
- Q. And Hagen is a miserable fellow too? A. You can't call him a gentleman.
- Q. You have pleasant feelings towards him, haven't you?
- A. We never had words together..
- Q. You had a pleasant feeling toward him? A. I went there and had a glass of Rhine wine or a cigar, that is all.
- Q. You were not unfriendly toward him? A. No.
- Q. Can you understand why he should want to do you any injury?
- A. He thought it was lager beer.
- Q. How much would that pail hold that he you had?
- A. He thought I was going to another lager beer saloon.
- Q. How much will that pail hold? A. About a quart.
- Q. He commenced to assault you and struck you in the face because he thought you bought lager in another place?
- A. Yes sir.
- Q. What did he call you? A. A Dutch bastard.
- Q. He is Dutch himself, German? A. That is what he said.
- Q. Did not you get mad when he said that? A. No sir, I stood there with my ice cream kettle in my hand, if it was lager beer I would have thought something else.
- Q. That did not make you mad when he called you a Dutch bastard?
- A. No sir; you can call me any names but I don't want anybody to hit me, you can call me a miserable stinking Dutchman, but don't hit me.



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- Q. How tall are you? A. I am about five feet eight or nine inches.
- Q. A pretty strong man? A. I am, sir.
- Q. How big is Hagen? A. Hagen would be no man in a fight for me; he held me like a tiger and hit me twice in my eyes.
- Q. How tall is Hagen? A. I do not know, sir, he might be five feet and a couple of inches.
- Q. You say that two men took away the club from you?
- A. Yes sir.
- Q. Who were they? A. That was Lane and that plumber Blood, they both took the club away from me.
- Q. You did not say anything to him that caused him to strike you, you did not do anything, you did not threaten to strike him at all? A. No sir.
- Q. And he just said, "why do you buy your beer somewhere else, you Dutch bastard", and he hauled off and hit you?
- A. Yes sir, no sir, he first grabbed me by the throat and hit me twice in the face in my eyes.
- Q. Mr. Gartman is your friend, the man who was hit with the bullet? A. Yes sir, he passed me and said, good evening or good morning, that was all ever passed between us.
- Q. He passed the time of day? A. Yes sir.
- Q. Did you tell your Counsel that it just hit the buttons of Gartman's clothes, the bullet? A. I could not say that because I did not see when the hand was turned this way and he stood behind me, he was hurt, he was shot, he stood behind me.
- Q. Did you tell your counsel that the bullet only hit the buttons of Gartman's clothes? A. I could not say that, I did not.

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- Q. You did not tell him that? A. No sir.
- Q. The second shot that you fired tell me in what position your arm was when you fired that? A. He had me by the throat, I had my arm over and I fired straight in the middle of the street into the air and then as soon as I fired the second shot Officer Boose seen it, he came and I handed him my revolver in his hand.
- Q. You are a peaceable man, are you not? A. I am.
- Q. You never get into any difficulties down there with anybody? A. No sir.
- Q. Did not you get into trouble about firing at a man on your boat sometime ago? A. No sir.
- Q. Did not you fire at a man named Dessel on your boat sometime ago? A. No sir, it is a lie. He sent a dog after me, I have not got the gentleman here.
- Q. Did not you fire a shot towards him? A. No sir, he got a Newfoundland dog, the dog came to me and I had my pistol in my pocket, I fired at him. Will you allow me to defend myself when such a big animal comes at me in such a spot and let him take a piece out of my body? I guess you would not like that, would you.
- Q. You pointed a pistol at the dog? A. I held it that way accidentally.
- Q. Your counsel asked you how did the bruises come on Mr. Hagen's head? A. I do not know, I cannot say, we were both excited, he says many things; he says I asked him -- I watched him a couple of days, he is a stinking liar, I did not, sir.

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Q Do you know how those wounds come on the back of his head?

A. No sir.

Q. You did not inflict them? A. It might be in the excitement, I cannot swear to it, there is no use of talking.

Q. You were excited? A. Certainly, both was excited.

Q. You are a pretty excitable man? A. No sir; you are mistaken as to that very much, if you knowed me you would not speak to me that way.

Q. I would be afraid? A. I tell you the truth.

WILLIAM BOOS, sworn and examined.

By Counsel. Q. What precinct are you attached to, Officer?

A. The first.

Q How long have you been connected with the department?

A. Going on eight years, between seven and eight years.

Q. Did you see any part of this trouble? A. No sir, only -----

Q. Tell your connection with the case? A. I seen Officer Cartman running through Beaver Street.

Q. That was the officer who was first on the stand?

A. Yes sir, he was crossing my post, I was on William Street, I seen the officer running and hearing the shot I followed him, he ran sometime and I beat him down and when I came there there were two men in the middle of the street, one of them had a pistol in his right hand like this and the other one had the other man by the throat around his arm.

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- Q. Who had the man by the throat? A. Mr. Hagen had.
- Q. He had the defendant by the throat? A. By the throat.
- Q. And the defendant's hand was lifted up with the pistol?

A. Yes sir, lifted up, and with that I seen who they was. I said, "Peter, give me the pistol", I took the pistol and took Hagen and pulled him off. With that Officer Gartman takes hold of Peter and then we did not know that there was anybody hurt. We had taken them to the station house and it being Officer Gartman's post he made the charge of fighting in the street against two of them. Going to the station house Hagen said, "let me go", this is all foolishness", and he was taking his shirt off which had blood on it, and he wiped his face. Says I to Hagen, "I hear someone is shot, are you shot?" He said, "no, it is all foolishness, let me go." There was a diamond stud in his shirt and he wanted to look for that. By that time Officer Gart an and Peter was over near the station house, and about three or four minutes later we found out there was a man in the back room shot.

- Q. That was the waiter at Delmonico's? A. Yes sir.
- Q. There was blood on Hagen and there was blood on the defendant? A. Yes sir.
- Q. You have known both of these men have you, for years? A. Yes sir.
- Q. And did you notice Hagen's face? A. Hagen's face was bleeding, yes sir.
- Q. Were his eyes discolored, black and blue? A. Yes sir, appeared to be, his nose was bleeding very freely.
- Q. Hagen was bruised about the face too? A. Yes sir.



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Q. Were they both locked up that night for fighting in the street? A. Yes sir.

Q. At that time you did not know that anybody had been shot?

A. No, until we came to the house and heard that there was a greater crime committed; the Sergeant committed him on the officer's statement for fighting in the street. Hagen asked to have this thing dropped and let him go. He said, "you tell Peter not to make a charge against you and I suppose the sergeant will discharge you", but when we came to the house there was a man in the back room claimed to have been shot.

CROSS EXAMINED by Mr. Parker.

Q. Then you held both of them? A. Held both of them.

Q. Is that the shirt? (Shirt shown.) A. Yes, that was the shirt, it appears to be.

Q. At the time that you took Hagen away from the defendant, he had his arms around Hagen? A. Hagen had his arm around Peter and the right arm was in the air and the left arm behind the body of Hagen and the other hand by the throat.

Q. Where was Hagen's head? A. Hagen's head was against Peter's shoulder.

Q. Was Hagen looking up at the pistol like that? A. Yes sir.

Q. With his head crouched down? A. On the shoulder.

Q. Did you see any blows exchanged? A. No blows.

Q. Did you see the back of Hagen's head? A. Yes sir.

Q. Was that wounded at all? A. Yes sir, it was bleeding. I asked him if he was shot, I thought he was shot first off and he said no; says he, "I want you to let me go, you know

0933

I am a business man here and this is only a piece of foolishness." I said, "the only way you can do that is at the Station House; he wanted me to let him go and Peter make no charge, he did not want to make a charge, he wanted to stop it.

Q. You thought the Delmonico waiter was shot? A. No, we found that out after we went to the station house, an ambulance was sent for and that is the first I know a man was shot.

Q. You found a greater crime was committed, a man had been actually shot? A. Yes sir.

Q. You were not a witness for Hagen against the defendant? A. No sir.

By Counsel. Q. Did not the defendant insist upon going to the station house and making the charge against Hagen?

A. Yes sir, I heard him say that to Officer Gartman.

Q. What did he say to him? A. He said, "I want to make a charge against him."

By Mr. Parker. Q. What else did he say? A. That is all I heard; Gartman took him as a prisoner and I had Hagen.

Q. They made counter charges, each made a charge against the other at the station house? A. Yes sir.

The Jury rendered a verdict of not guilty.

0934

Testimony in the  
case of  
Peter Schellenschlager

filed  
Oct. 1889

13 - 1 - 2 - 1 -

2 - 2 - 2 - 1 -  
1929  
Schellenschlager

0935

Edmund Hogan

1898

Peter Schellongelloger

Tell us

Before Hon

Samuel O'Reilly

Police Justice

Aug 22/1889

Complaint Examined by Mr  
House?

Q Did this defendant intend to shoot  
you?

A The shot went right by my body so  
he must have intended to kill me  
Q It hit another man, and shot  
went past my head and after  
past my body?

Q Did he mean those shots for you  
A certainly & the man he missed was  
not shot.

Q At the time the first shot was fired  
did he have the pistol pointed towards  
you?

Yes Sir

Q And at that time you had been  
him? And were trying to push



0936

✓  
Push the pistol away?

Ayesu

Q And when the first shot was fired  
he pointed the pistol at you?

A Yesu I grabbed him he wanted to  
shoot me, "W the shot went this way  
The policeman came after the second  
shot Ay took the pistol from him

Q Did he strike you at any time  
with the pistol?

A Yes right here (showing) W then  
here.)

Q And when the trouble first commenced did  
he strike you first?

A Yesu He struck me before &  
put a hand on him

Q And did he strike you with his  
club?

A He wanted to hit me with his club  
and people went to port us, and  
when I saw the pistol I reached  
for him to save myself

~

0937

3

William Blood being duly sworn  
deposes <sup>as</sup> says

I resided at 124 East 119 Street

<sup>as</sup> am a plumber

Were you present at the time of  
this trouble?

Yes Sir

Whereabouts were you standing at  
the time?

A. I was coming up the stairs of the  
saloon and I saw Peter the watch  
man hit Hogan with his fist in  
the face <sup>as</sup> Hogan hit him back <sup>as</sup>  
they came together <sup>as</sup> they were  
poked <sup>as</sup> Peter got his club out  
and wanted to hit Hogan <sup>as</sup> Hogan  
got hold of the club and in the  
scuffle the club got away from  
him <sup>as</sup> fell down stairs <sup>as</sup> Peter  
pulled a revolver <sup>as</sup> shot

How many shots did he fire?

A. Two shots altogether

How did he lose his arm when  
the first shot was fired?

0938

14

A. In front of him like this

Q. And what was Hogan?

A. In front of him like this (resembling)  
Hogan had held up his hands like  
this (showing)

Q. When they first climbed did you see  
any attempts to separate them?

A. Yes I saw one

Q. And were they separated?

A. Yes, in the club face down and then  
he passed his pistol

Q. Examined by the jury? Yes  
Q. When you talked with Hogan about  
this matter inside?

A. Yes

Q. You are a friend of him?

A. I only go in his place occasionally

Q. You didn't see the beginning of the  
trouble?

A. I didn't see the beginning

Q. You don't know whether any blows  
were exchanged between them

before you got there or not do you?

A. I cannot guess to that.

0939

Q The prisoner before you came?  
A Yes

Q And you saw there was not some  
blows struck before you came up  
A No Sir

Q Is it a fact that the prisoner and  
defendant were slunked into the  
(showing) at the time the pistol  
was discharged?

A Yes Sir There were 2 shots fired  
in the position they were in, at the  
second shot Hogan got back of  
Peter and they got in the middle  
of the street & this is the way they  
stood (showing) When hitting  
Hogan in the back of the head  
and the pistol was fired in the  
air

Q That shot went into the air?  
A Yes Sir

Q Was the revolver pointed in the air  
the second time?

A Yes up in the air but Hogan  
had back of <sup>him</sup> this way (showing)



0940

6

When Peter the watchman saw you all  
him pursued him out of the store  
to go towards Hogan  
A. They were just this way (showing)

*[Signature]*

0941

7

Henry Stone being duly sworn  
deposes & says

I am 29 years of age reside  
at 37 Clarkson St. I am aorman.  
I was present at the time of the  
alleged assault.

And in

I state what occurred there:

A shortening of the occurrence was  
in Hogan's place. I was about going  
home and we started to go up the  
stairs together. When we got there  
the watchman came along and  
Hogan & him started to argue, and  
I saw the watchman strike Hogan  
in the face. When they got hammering  
one another I myself and rather  
stronger tried to part them. When  
they were partly away they got together  
again. The club was thrown  
away. There was a scuffle for it.  
When the watchman lost his  
club he drew his pistol and I ran  
and turning around saw him

0942

8

fire it. When was my response  
Q. How were you present when the  
second shot was fired?

A. Sir

Q. But you and the other City men  
did succeed in separating them  
apart and as a result they came  
together again?

Cop Examined

Q. He took the club away from the  
prisoner?

A. No sir

Q. Will you see if this Hogan didn't  
have him by the throat and take the  
club away from him and throw it  
down his basement will you  
swear that didn't happen?

A. Yes Sir

Q. How did the club get out of the  
watchman's hands?

A. It was dropped in the scuffle

Q. You will swear that Hogan didn't  
take it out of his hands?

A. Yes Sir

0943

9

Q How long have you known Hogan?  
A About 34 years.

Q I asked of this?

A Partly.

Q And you and Hogan came up  
during the same time the Lupton  
Case was on.

Q And did Hogan say anything to  
you that he was going to lose a  
man with the watchman just  
before he came up?

A Yes.

Q Did not he say he was going to lose a man?  
A He did not say anything to me  
Q When the club dropped in the scuffle  
did you see Mr Hogan grapple with  
the watchman? Did he take him by the  
throat before the pistol was dis-  
charged?

A Yes.

Q Did Hogan admit punching him at all?  
A They were striking at one another  
Q And where the first shot was  
discharged Hogan was right up



0944

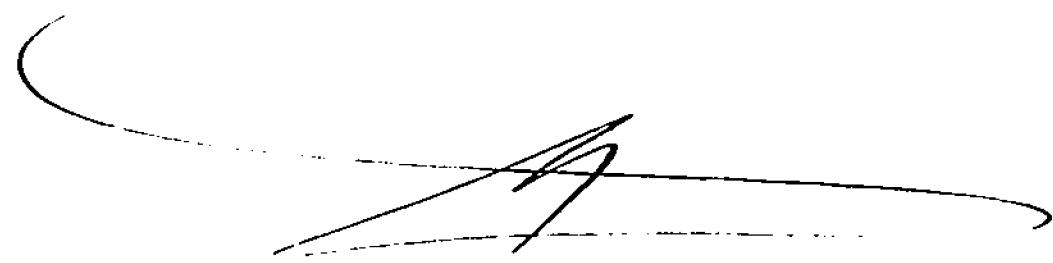
10

to the prisoner

Arrest

In what way was the pistol discharged  
just show us how he had his  
hand.

A This way (showing)



0945

11

Joseph Dochmann being duly sworn  
deposes & says

I reside at 29 Frankfurt Street  
and am at the time seller of  
Helmreich's Am am 28 years of age  
Gave you present at the time of  
the alleged assault?

Answer

I don't tell you what occurred between  
the complainant & defendants

A I just passed down the street on the  
right hand side of the street when  
Joan Peter who I knew and the  
other man having each other  
around the neck here this was  
(showing) and the other one <sup>was</sup> ~~was~~  
this (showing) the other man I  
didn't know I knew Peter just  
yesterday when I saw him I moved  
over to the other side I got in the  
middle and I caught the hands  
they had around the neck and  
tried to separate them I tried  
3 times I could not do it

0946

12

it was too much for me "I saw  
Pete put his hand down and then  
and I got away and when I was  
upset away I turned back and  
just at that time I heard the shot  
fired & it hit me here (showing  
it went through my clothing and  
left a black mark on my skin  
Q Did you see him with the pistol  
in his hand?

A Yes I was away before he  
got the pistol out.

Cap Examined.

Q Did you see the beginning of the  
trouble?

A No I did not.

Q When you got there what was the  
first thing you saw?

A They were grappling.

Q How did Hogan have the prisoner?

A By the throat.

Q And how did the prisoner  
have Hogan?

A Around the neck.

0947

13

Q And you see what took the club  
away from the prisoner?

A Yes sir.

Q And you see very aptly the photo  
discharged your self?

A I saw this one I saw 15 feet away  
I and at this time Hogan had  
him by the throat <sup>and</sup> Peter had him  
the same way.

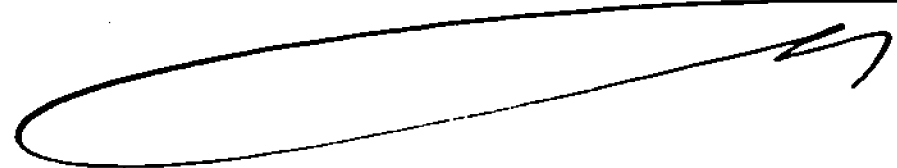
Q Were you in front of the prisoner  
or behind him at the time the  
shots struck your clothing?  
A I cannot say.

Q Were you facing him or behind him?  
A I cannot say.

Q Was it light or dark?

A It was kind of dark.

True for the people





0948

14

Edwin Truck being duly sworn  
deposes and says

That is your business?  
A I am bookkeeper & cashier for  
Brown Greene & Adams 40 Beavers  
Street.

Do you know the prisoner here?  
A Yes Sir I know him for 34 years  
and you know that he is a real stunner  
in the best?

A Yes Sir

Q How far off any part of this trouble?  
A I saw the flash of the pistol that  
was what attracted my attention.  
I was about 20 yards away from  
where it took place I was standing  
in my doorway I was attracted  
then by the shot. It seems that  
they were crushed <sup>all</sup> from which  
neither one could exonerate himself  
I only saw the flash of the shot  
as it was discharged that is all

I know of it  
for which way was the pistol pointed?

0949

155

What I can only say judging it from  
the flash?

Do you now whether it was in the  
air?

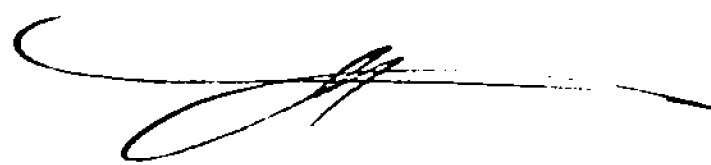
Yes it was from the elevation  
of the flash?

By the tank

Could you tell us your answer? Could  
you see the shot fired in the pistol  
A. No Sir

Do you not know in what position  
the pistol was in when it was  
discharged?

Yes Sir



0950

16

Alpendant being duly sworn  
deposes & says

If you are a right or a wrong man?

Yes Sir

Where were you at the time of the  
assault?

A I was coming up Broad Street with  
a can of shoe cream for a sick  
friend of mine Mr. Hogan saw  
me and he said you damn thief  
you spend your money in other  
places you devil. He told me then  
he grabbed me by the throat and  
hit me two or three times with his  
fist in quick succession. I  
tried to get my club to wrap for  
assistance. He took it away  
from me, and I took my  
movies to find it in the air to  
call for the police and at that  
time the gentleman that was  
hurt stood behind me. At the  
second shot I threw it over  
and fired in the air so as to

17

appeared coming.

Q How did you get those scars on your  
neck <sup>the</sup> these marks and bruises  
on your face how did it happen

A Mr Hogan done it

Q Did he do it?

A Yes sir When my tongue when he  
had me by the throat was  
laughing out of my mouth.

Q Did you intend to shoot the two  
plumbers or any body else?

A No sir

Q And when you discharged your  
pistol you done it to get help?

A Yes sir

Q Who took the club away from  
you?

A Hogan and the doctor man  
Prof. Examined.

Q Have you got a permit to carry  
this pistol?

A Yes sir

Q How long have you carried it?

A 17 years.



18

Q And how long have you served the  
Club?

A Same time.

Q How old are you?

A 61 years.

Q How heavy do you weigh?

A 190 pounds.

Q You are a pretty heavy man?

A Yes Sir.

Q And you are not sick or weak?

A I had the summer complaint very  
bad.

Q As a general rule you are a strong  
healthy man?

A Yes Sir.

Q And you are able to take care of  
yourself with any ordinary man?

A Yes Sir.

Q How did you get the black eyes?

A When he hit me I defended  
myself.

Q How many times did you strike  
him?

A Twice.

0953

19

Q Didnt you strike him on the back  
of the head with a pistol?  
A Yes Sir

Q Didnt you hold your tongue out  
of your mouth 15 minutes?  
A Yes Sir

Q How many people were around  
there?

A I dont say perhaps 15.

Q And you are pretty well known there  
A Yes Sir

Q How long have you been in that  
neighborhood?

A 30 years.

Q And yet you mean to say that  
there were 15 to 20 people around  
there at your being well known  
and that this complaint had  
you by the throat & your tongue was  
sticking out of your mouth for  
15 minutes & no body to help you  
A Yes Sir

Q How many times have you been in  
trouble?

0954

20

Answer me.

Are you a married man?

Answer

Are you living with your wife now

Answer

J

0955

21

John Ludwig being duly sworn  
deposes & says

What is your business?

A Porter in a liquor store for C.S.

Nichols 43 Beaver Street

Where do you live?

A 733 East 99th Street

Do you know both the complainant  
the defendant?

A Yes Sir

How long have you known Mustogan  
About 3 years.

And the prisoner how long?  
About 10 years about.

Did you see any of this trouble?  
Anno Sir

How long before this trouble did you  
see Mustogan associated with  
him?

About 20 minutes before

Where did you see Hogan?

A In his room?

Where on the

A Yes Sir



W

of the Court what conversation you  
had with Hogan 20 minutes before  
this trouble occurred?

A I was in Hogan's place drinking a  
glass of beer <sup>Q</sup> and we were talking  
about different things <sup>Q</sup> he started  
to talk about the defendant he  
called him so <sup>Q</sup> and he was  
talking, I was for his beer & I  
don't remember the advice taken  
<sup>Q</sup> he said I would meet him  
some day and get square with  
him settle with him. That is  
all I know about the advice  
giving?

No questions.

0957

26

Barrett & Lean Parker being

only provisions & soup

How did they get?

At Keyes

Where do you live?

At 22 Beaver Street with my parents

Did you see any of the tanks?

Access

Where were you at the time?

At the house & door from

then looking out of the second

story window

Did the court what you saw?

At the night I saw them they were

on the sidewalk corner of Broad

& Beers Street. At that time there were 2

men trying to separate them. And

6157.5 Peter pulled his pistol and fired

a shot into the air. At that time a policeman

came.

Did you see Hogan's horse head of

the prisoner?

Access

How did he behave of him?

0958

24

A By the throat & shoulder

Q Did you know how long he held him  
by the throat before the pistol was  
discharged?

A ~5 or 3 minute all the way

Q And were they close to each other?

A Yes sir

Q How far away from these men  
were you?

A 5000

Q Did you hear the first shot when  
it was fired?

A No

Q In what position was the pistol?

A It was pointed down to the ground.

Q Right straight to the ground?

A I cannot say that it went to  
the ground.

Q You say that you saw 2 men trying  
to separate them?

A Yes sir

Q You are sure of that?

A I am

—

0959

25

Thom Riddell being duly sworn  
deposes & says

Q How old are you?

A 34 years

Q Where do you live?

A 22 Bears Street

Q What is your business?

A Janitor for Mrs. William

Q Did you see any part of this  
trouble between the complainant  
& respondent?

A I saw them clinched together and  
heard the report of the pistol  
twice

Q Where were you when the shot were  
fired?

A I was standing at the door & saw  
Peter put them up in the air  
they were clinched together and  
he fired the shot in the air.

Q How far away were you?

A Half a block

Q What time of night was this?

A I think it was between 10 o'clock



0960

26

Q How many shots did you hear?  
A 2.

Q And do you mean to say that  
both of those shots were fired  
deliberately in the air?

A Yes sir.

Q And was the first shot fired  
A I cannot say, I don't know

H

0961

37

Annie Lincoln being duly  
sworn deposes & says

Where do you reside?  
At the Beaver Hotel

Q Did you see any of the trouble  
between the Complainant & defendant?

A I didn't see it but I saw this one  
shot fired from the window of the room where I saw this one  
shot fired in the air that is all I  
saw.

Case closed. Defendant  
has to bail in sum of \$1500  
for trial.

0962

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Daniel O'Reilly a Police Justice  
of the City of New York, charging Peter Schellenschlager Defendant with  
the offence of Real Assault

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We, Peter Schellenschlager Defendant of No. 17  
Stone Street; by occupation a Private Watchman  
and August Struck of No. 18 State  
Street, by occupation a Quiltman Surety, hereby jointly and severally undertake that  
the above named Peter Schellenschlager Defendant  
shall personally appear before the said Justice, at the 1 District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of \_\_\_\_\_  
Hundred Dollars.

Taken and acknowledged before me, this 21 October 1889

day of August

1889

Do J. C. Reilly POLICE JUSTICE.

0963

CITY AND COUNTY }  
OF NEW YORK, } ss.

day of August 1889  
St. Paul Police Justice.

*Sworn to before me, this..*

the within named Bail and Surety being duly sworn, says, that he is a resident and ~~owner~~  
holder within the said County and State, and is worth Thirty Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of a house and lot on

exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of a house and lot of  
land at No 241 South Street in  
said City of the Value of  
Twenty thousand dollars

August Strunk

**District Police Court.**

THE, PEOPLE, &c.,

## ON THE COMPLAINT OF

**US.**

*Undertaking to appear during the Examination.*

Taken the..... day of..... 1888

*Justice.*



0964

Police Court— / — District.

CITY AND COUNTY { ss.  
OF NEW YORK,

of No. 32 Beaver Street,

Restaurant Keeper being duly sworn, deposes and says, that

on Monday 19<sup>th</sup> day of August

in the year 1889 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and DECEIVED~~ by Peter

Schellenschlager (now here) who  
pointed and aimed a loaded  
revolving pistol at and against  
the body deponent and discharged  
two cartridges from said pistol, con-  
taining powder and leaden balls,

Pl  
161

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

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

Sworn to before me, this 20 day of August 1889 Ewald Hagen

John J. Schell POLICE JUSTICE.

0965

Sec. 199-200.

CITY AND COUNTY  
OF NEW YORK,

District Police Court.

*Peter Schellenschlager* 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.

*Peter Schellenschlager*

Question. How old are you?

Answer.

*61 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*17 Stone St. 7 years*

Question. What is your business or profession?

Answer.

*Private Watchman*

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

Answer.

*I am not guilty  
of that variety of  
Peter Schellenschlager*

Taken before me this

*20*

day of August 188

Police Justice

*J. H. J. J. J.*

POOR QUALITY  
ORIGINAL

0966

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 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 August 22 1889 To J. C. B. R. L. L. Police Justice.

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

Dated August 22 1889 To J. C. B. R. L. L. 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.



0967

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Edward Hagen  
32 13 Beaver St  
Peter Schellenschlager

2

3

4

Dated

August 20 1889

J. Reilly, Magistrate.

Godson, Officer.

Precinct.

Witnesses

No.

No.

No.

No.

No.

\$1500 to answer

Bailed

Officer  
J. A. Assaut

RECEIVED  
JUL 22 1889  
CLERK'S OFFICE



0968

This is to certify that I Ernest Barbis residing at No 426, West 15<sup>th</sup> Street in the City of New York County and State of New York was a witness of the affray which took place at the corner of Beaver & Broad Streets New York City on the 15<sup>th</sup> of August 1899 and that the following facts are true in every respect. On the evening above mentioned having to work late in the office of J. O. Boyd, No. 38, Beaver Street, I sent the office boy to buy some sandwiches in Haggin's Saloon opposite. While the boy was gone I stood at a window overlooking Haggin's place and saw a crowd on the sidewalk in front of it. It looked like if there was going to be a fight. I waited for a few seconds and saw one of the crowd which I learned afterwards was named Peter a watchman pull a revolver from his hip pocket. The bystanders shouted, look out he has a revolver and they scattered away. Haggin was then standing about two paces apart from Peter when he saw the revolver he seized Peter by the waist and tried to take the revolver away at that moment the revolver was discharged and the bullet struck a Delmonico's waiter who with a friend was trying to reach cover in the hallway of No 38 Beaver St. Then Haggin seized

0969

the waist of Peter in a tight grip and put  
his head well under the chin of said  
Peter so as to shield it as much as possible  
the firing brought them in the middle  
of the street. I then shouted from the window  
for some one to separate the men, but  
no one was in sight. Just at that  
moment the second shot was fired  
towards the window where I stood.  
I supposed it was not intended to harm  
me but was a mere chance shot. After  
this second report I could see Hagin  
holding to Peter for dear life, his head  
as low down on the breast of Peter as  
the position could allow. I expected every  
second to see Hagin killed but for some  
reasons no more shots were fired.  
Peter contenting himself with trying to  
crush the skull of Hagin with the revolver.  
The men remained thus two minutes  
when at last the police arrived, separated  
them and took them to the station house.  
I could then see that Hagin had blood

0970

over his face with a pocket and  
thought after all he had been shot.  
The whole affair from beginning to  
end lasted no more than six or seven  
minutes.

Ernest Bastro  
Wing of November 1889  
Quoted to me this }  
14th day of November 1889 } Ernest Bastro  
J. J. Henry  
Vol. 10 (25)  
my to





0972

[illegible]

0973

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Peter Schellenschlager*

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

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

The said

*Peter Schellenschlager*  
late of the City of New York, in the County of New York aforesaid, on the  
*nineteenth* day of *August*, in the year of our Lord  
one thousand eight hundred and eighty-nine, with force and arms, at the City and County  
aforesaid, in and upon the body of one *Edward Hagen*  
in the peace of the said People then and there being, feloniously did make an assault and  
to, at and against *him* the said *Edward Hagen*  
a certain pistol then and there loaded and charged with gunpowder and one leaden  
bullet, which the said *Peter Schellenschlager*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon wilfully and feloniously did then and there shoot off and discharge,  
with intent *him* the said *Edward Hagen*  
thereby then and there feloniously and wilfully to kill, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*Peter Schellenschlager*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Peter Schellenschlager*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of  
the said *Edward Hagen* in the peace of  
the said People then and there being, feloniously did wilfully and wrongfully make  
another assault, and to, at and against *him* the said  
*Edward Hagen*  
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,  
which the said *Peter Schellenschlager*  
in *his* right hand then and there had and held, the same being a weapon and  
an instrument likely to produce grievous bodily harm, then and there feloniously did  
wilfully and wrongfully shoot off and discharge, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and  
their dignity.

JOHN R. FELLOWS,

District Attorney.

0974

**BOX:**

370

**FOLDER:**

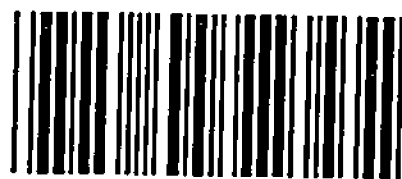
3471

**DESCRIPTION:**

Schlossman, Joseph

**DATE:**

10/31/89



3471

Witnesses:

Sgt. Weidling  
Central office

After an examination of this case  
I have come to the conclusion  
that there can be no conviction  
of the alleged receiver Schlossman.  
I therefore recommend his  
discharge upon his own  
recognition.

N.Y. Apr. 22. 1890

Vernon M. Davis -  
Deut.

#156 *Playden Bm*

Counsel, *J. J. Oet.* 1889  
Filed, *Sept. 11*  
Pleads, *Guilty. Chas. H. B.*

THE PEOPLE,

vs.  
RECEIVING STOLEN GOODS.  
(Section 550, Penal Code.)

*B*

Joseph Schlossman

*Nov 15 1889*  
JOHN H. FELLOWS.

District Attorney.

*W. J. Tamm*

A True Bill. *11 21*  
April 22. 1890 *P.M.D.*

*W. J. Tamm*  
Foreman.  
*Sept. 11 1889*  
*Recd. on file of W. J. Tamm*  
*See records*

0975



0976

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Albert Soher* 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 u; that the statement is designed to  
enable h u if he see fit to answer the charge and explain the facts alleged against h s'  
that he is at liberty to waive making a statement, and that h u waiver cannot be used  
against h u on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*  
*Albert Soher*

Taken before me this

day of September 1898

Police Justice.

0977

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Thomas Weimer* 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. *Thomas Weimer*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *84 Essex Street 6 months*

Question. What is your business or profession?

Answer. *Sailor*

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

Answer. *I am not guilty*

*Thomas Weimer*

Taken before me this

19

day of September 1889

Police Justice.

0978

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer.

Joseph Schlooman

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

Austria

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

Answer.

70 Orchard St 1 month

Question. What is your business or profession?

Answer.

Balcon Keeper

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

Joseph Schlooman

Taken before me this

day of

188

Police Justice.

0979

Sec. 192.

First District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK,

An information having been laid before Daniel O'Reilly a Police Justice  
of the City of New York, charging Joseph Schlooman Defendant with  
the offence of Receiving Stolen property

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned.

We, Joseph Schlooman Defendant of No. 7 Bondman  
Archard Street; by occupation a Saloon Keeper  
and Samuel Stern of No. 162 E 95th

Street, by occupation a Manufacturer Surety, hereby jointly and severally undertake that  
the above named Schlooman Defendant  
shall personally appear before the said Justice at the First District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Ten  
Hundred Dollars.

Taken and acknowledged before me, this 19

day of September 1889

Daniel O'Reilly POLICE JUSTICE.



0980

CITY AND COUNTY } ss.  
OF NEW YORK,

Sworn to before me, this 19  
day of Sept  
1889  
J. McArthur  
Police Justice.

*Solomon Stern*

the within named Bail and Surety being duly sworn, says, that he is a resident and *free*  
holder within the said County and State, and is worth *Twenty* Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of *a house and lot of land*  
*situated No 384 336 E 86th Street*  
*of the value of \$24,000 (Incumbrances*  
*only \$14,000)* *Solomon Stern*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the day of 188

Justice.

*Surety identified by*  
*Joseph M. Steiner*  
*Deputy*

0981

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 Defendants

Robert W. W. W.

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of one Hundred Dollars, each 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 19 1889

*It appearing to me by the within deposition and statements that the crime therein mentioned has been committed and there is sufficient cause to believe that Joseph S. S. S. is guilty thereof I order that he be held to answer and he be admitted to bail in the sum of one hundred dollars and be committed to the Warden of the City Prison of New York until he give such bail.*

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

Dated Sept 21 1889

Police Justice.

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

Dated Sept 21 1889

Police Justice.

0982

BAILED.

No. 1, Abraham Schwab  
Residence 41 Greene Street.

No. 2, by Abraham Schwab  
Residence 41 Greene Street.

No. 3, by Solomon Stern  
Residence 162 E. 95 Street.

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

Police Court---

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Gabriel Schwab

vs.

1. Albert Becker +  
2. Max Wein +  
3. Joseph Schlossman

Dated

Sept 2

188

Magistrate

Witnesses

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No.

Street.

No 3 \$ 500  
Bailed

RECEIVED  
CLERK  
OCT 18 1889  
DISTRICT ATTORNEYS

Office of the  
Receiving Station for  
Council for the  
District



0983

Sec. 508.

District Police Court.

UNDERTAKING TO ANSWER

General Sessions.

CITY AND COUNTY OF NEW YORK, ss.

An order having been made on the 30 day of September 1889 by Council O'Reilly, a Police Justice of the City of New York. That Morris Weimer be held to answer upon a charge of

upon which he has been duly admitted to bail, in the sum of One Hundred Dollars.

We, Morris Weimer Defendant of No. 84

Essex Street; Occupation Tailor, and

Abraham Schwalb of No. 41 Greene Street,

Occupation Merchant Surety, hereby undertake jointly and severally,

that the above named Morris Weimer shall appear and answer the charge above-

mentioned, in whatever Court it may be prosecuted : and shall at all times render h

self amenable to the orders and process of the Court ; and if convicted, shall appear for judgment, and render h

self in execution thereof, or if he fail to perform either of these conditions that we will pay to the People of the State of New York, the sum

of One Hundred Dollars.

Taken and acknowledged before me, this 29 day of September 1889

Police Justice.

Abraham Schwalb  
Morris Weimer  
Defendant



0984

CITY AND COUNTY {  
OF NEW YORK, } ss,

*John J. Schuch*  
Police Justice

the within named Bail and Surety, being duly sworn, says, that he is a resident and Lease  
holder within the said County and State, and is worth Two Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of The one third interest

in the Crown business situated at  
41 Greene Street New York  
thousand dollar clear all expenses

*Abraham Schuch*

New York Sessions.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

Undertaking to Answer.

*Morris Weiner*

Taken the day of 188

Justice,

Filed 24 day of Sep 188

0985

Sec. 568.

District Police Court.

UNDERTAKING TO ANSWER

SESSIONS.

CITY AND COUNTY } ss.  
OF NEW YORK,

An order having been made on the 20 day of September 1889 by  
Samuel E. Keating a Police Justice of the City of New York. That  
Albert Baker be held to answer upon a charge of

Larceny  
upon which he has been duly admitted to bail, in the sum of One Hundred Dollars.

We,

Albert Baker Defendant of No. 418 East  
73d Street; Occupation Taxi, and

Abraham Schwab of No. 411 Greene Street,  
Occupation Wheeler Surety, hereby undertake jointly and severally,

that the above named Albert Baker shall appear and answer the charge above-  
mentioned, in whatever Court it may be prosecuted : and shall at all times render him self amenable to the orders  
and process of the Court ; and if convicted, shall appear for judgment, and render him self in execution thereof,  
or if he fail to perform either of these conditions that we will pay to the People of the State of New York, the sum  
of One Hundred Dollars.

Taken and acknowledged before me, this 20  
day of September 1889

Samuel E. Keating POLICE JUSTICE.

Abraham Schwab

Albert Baker Defendant

0986

CITY AND COUNTY  
OF NEW YORK, } ss,

day of  
September 1889  
Judge Justice  
Doyle Justice

Sworn to before me, this

the within named Bail and Surety, being duly sworn, says, that he is resident and  
holder within the said County and State, and is worth Two Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of the one third interest  
in the cloak business situated at  
41 Greene Street NY in worth Ten  
thousand dollars clear of all  
encumbrances

Albert Schuch  
Lease

Abraham Schuch

New York Sessions.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to Answer.

vs,

Abraham Schuch

Taken the day of 188

Justice,

Filed 24 day of Sept 1889



0987

Police Court

District

Affidavit—Larceny.

City and County } ss.:  
of New York,

Gabriel Schwab

of No. 41 Greene Street, aged 48 years,

occupation Manufacturer being duly sworn

deposes and says, that on the 1<sup>st</sup> day of September 1889 at the City of New

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

One cloth jacket of the value of \$4  
dollars

the property of Deponent &amp; Copartners

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 ~~Albati Becker and Morris Weiner~~Albati Becker and Morris Weiner (both  
nicknames) from the fact that said defendants  
acknowledged and confessed to him in  
the presence and hearing of Charles Heidelberg  
and Patrick Dolan that they took, stole  
and carried away said property and  
sold the same to Joseph Schloosman.  
Deponent further says that said defendants  
also admitted that they stole divers coats  
at divers times of the amount and value  
of one hundred dollars which they also  
sold to said Schloosman. Deponent says  
that he is informed by Charles Heidelberg  
that he found Esplanade jacket in the

Sworn to before me, this

188

Police Justice



0488

premises No 70 Orchard Street occupied by  
said Schlossman and he said Schlossman  
acknowledged that he purchased said  
property from said defendants  
whereby defendant charges said  
defendants with feloniously stealing the  
aforesaid property at divers times and  
said Joseph Schlossman with feloniously  
receiving the same from said defendants  
he well knowing at the time that  
the aforesaid property was feloniously  
stolen

Hubert Scherer  
Sworn to before me  
this 19 day of Sept- 1889  
Saml. C. [Signature] Police Justice

0989

1453  
District Attorney's Office.

Dec 6/89

PEOPLE

1. Albert J. Oher
2. Morris Werner
3. Joseph Slossman

Lancaster & R. S. Goods

Dear Sir

When the cases  
against No 1 & 2. are  
disposed of, Please  
return papers to this  
office so as No 3. can  
be disposed of at  
General Sessions.

Respectfully

H. Alexander

Clerk

Dist Atty. Office

To Clerk of Special Sessions

0990

**Court of Special Sessions,**  
THE PEOPLE, &c., ON THE COMPLAINT OF

against

*John  
Mann  
Mann*

*I hereby acknowledge to have received satisfaction for  
the injury done to me by the above named defendant; and  
I request that no further proceedings be had against him,  
and that he be discharged.*

Dated, New York,

*Dec 18* 188 *9*

*Alfred Schwab*

*The complainant having received full satisfaction for  
the injury inflicted on him by the defendant, Ordered that  
all proceedings be stayed upon the prosecution; and the  
defendant be discharged therefrom.*

Clerk.

0991

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged ..... years, occupation Charles Heidelberg  
Police officer of No.

300 Mulberry Street, being duly sworn deposes and

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

Sworn to before me, this 19  
day of Sept 188 8

Wm H. H. H. H.

J. J. P. H. H.  
Police Justice.



0992

Police Court

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Gabriel Schwab

of No. 41 Greene Street, aged 48 years,  
 occupation Manufacturer being duly sworn  
 deposes and says, that on the 18<sup>th</sup> day of September 1889 at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the day time, the following property, viz:

One cloth Jacket of the value of six  
 dollars

the property of

Deponent and co-partners

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 Albert Cohen and Morris Weiner (both

now here) from the fact that said defendants  
 acknowledged and confessed to him in the fore-  
 noon and hearing of Charles Heidelberg and  
 Patrick Dolan that they took stole and carried  
 away said property and sold the same to  
 Joseph Schlossman.

Deponent further says that said defendants  
 also admitted that they stole divers cloaks  
 at divers times of the amount and value of  
 one hundred dollars which they also sold  
 to said Schlossman — Deponent says that  
 he is informed by Charles Heidelberg that he  
 found eighteen jackets in the premises No 70  
 Orchard Street occupied by said Schlossman

Sworn to before me this  
 18<sup>th</sup> day of September 1889

Police Justice.

0993

and he said Schlossman acknowledged that he purchased said property from said defendants.

Wherefore defendant charges said defendants with feloniously stealing the aforesaid property at divers times and said Joseph Schlossman with feloniously receiving the same from said defendants he well knowing at the time that the aforesaid property was feloniously stolen  
Sworn to before me  
this 19<sup>th</sup> day of Sept. 1889  
Danl. O'Reilly  
Police Justice.

0994

City and County }  
of New York } Jo.

aged years occupation Police Officer—  
of No. 300 Mulberry Street, being duly sworn  
deposes and says, that he has heard read  
the foregoing affidavit of Gabriel Schwab  
and that the facts stated therein on in-  
formation of deponent are true of de-  
ponent's own knowledge.

Sworn to before me this } Char. Heidelberg  
19 day of Sept. 1889 }

Saml O'Reilly  
Police Justice.

0995

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Albert Gohr* 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. *Albert Gohr*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *418 East 73<sup>d</sup> Str. 3 months*

Question. What is your business or profession?

Answer. *Sailor*

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*  
*Albert Gohr*

Taken before me this

*19*

day of *September* 189*7*.

*David O. Brady*

Police Justice.



0996

Sec. 193-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Morris Weiner* 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 *h* if he see fit to answer the charge and explain the facts alleged against *h* *un*  
that *he* is at liberty to waive making a statement, and that *his* waiver cannot be used  
against *h* *un* on the trial.

Question. What is your name?

Answer. *Morris Weiner*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *84 Ecorp Street 6 months*

Question. What is your business or profession?

Answer. *Tailor*

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

Answer. *I am not guilty*  
*Morris <sup>his</sup> Weiner*  
*mark*

Taken before me this

*19*

day of *September* 1889

*Saml O'Paddy*

Police Justice.

0997

City and County } P.  
of New York }

1 District Police Court

Joseph Schlossman being duly ~~examined~~ 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 ex-  
plain the facts alleged against him  
that he is at liberty to waive making  
a statement, and that his waiving can  
not be used against him on the trial.

Question. What is your name?

Answer. Joseph Schlossman.

Question. How old are you?

Answer. 28 years.

Question. Where were you born?

Answer. Austria.

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

Answer. 70 Orchard St. 1 month.

Question. What is your business or profession?

Answer. Saloon Keeper.

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 ex-  
culpation?

0998

Answer.

I am not guilty.

Joseph Schlossman

Placed before me this 19  
day of Sept 1889.

Sam'l O'Reilly Police Justice.

0999

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 Defendants

Soker and Weiner

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

Dated Sept 19 1889

Sam'l O'Reilly

Police Justice.

It appearing to me by the within disposition and statements that the crime therein mentioned has been committed and there is sufficient cause to believe that Schlossman is guilty thereof & order that he be held to answer and be admitted to bail in the sum of Five Hundred Dollars and be committed to the Warden of the City Prison of the City of New York until he give such bail.

I have admitted the above-named

Defendants

Police Justice

to bail to answer by the undertaking hereto annexed.

Dated Sept 21 1889

Sam'l O'Reilly

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



1000

copy

1450

Police Court--- / District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Gabriel Schwab

vs.

1. Albert Scher
2. Morris Warner
3. Joseph Scherman
- 4.

Offence *Carrying stolen property*

BAILED,

No. 1, by *Abraham Schwab*  
Residence *41 Green Street.*

No. 2, by *Abraham Schwab*  
Residence *41 Green Street.*

No. 3, by *Solomon Stern*  
Residence *162 E. 95 Street.*

No. 4, by  
Residence Street

Dated *Sept 19* 188*9*  
*D. O. Rully* Magistrate.

*Heidelberg J. Dolan* Officer.  
*C. O.* Precinct.

Witnesses *Chas Heidelberg*  
No. *Patrick Dolan* Street.

*Central Office*  
No. *\$1000 Ex Sept 21 - 1000*

No. *1 Ma 21* Street.

\$ *100* to answer *G. S.*

No 3 *\$500 Ans.*  
*Bailed*

*Receiving stolen property*

1001

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 Schlossman*

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

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

The said

*Joseph Schlossman*

late of the City of New York, in the County of New York aforesaid, on the  
*eighteenth* day of *September* in the year of our Lord one thousand  
eight hundred and eighty-*nine*, at the City and County aforesaid, with force and arms,

*One jacket of the value  
of six dollars*

of the goods, chattels and personal property of one

*Gabriel Schwab* by  
*Albert Soher* and *Morris Weiner*, and also

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

*Gabriel Schwab*

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

*Joseph Schlossman*

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

JOHN R. FELLOWS,

District Attorney.