

0886

BOX:

437

FOLDER:

4031

DESCRIPTION:

Healy, Patrick

DATE:

05/08/91



4031

POOR QUALITY
ORIGINAL

00007

Counsel, *J. Kelly* 1891
Filed
Pleads,

THE PEOPLE
vs.
Grand Larceny, Second Degree.
(From the Person.)
[Sections 528, 529, Penal Code].

A
Patrick Healy

DE LANCEY
JOHN R. FELLOWS

District Attorney.

A True Bill.

W. S. Widman

Foreman

May 11/91
James L. Kelly
6 Moos Den 21

Witnesses:

Charles Foxman

off Patrick J. Feeney

96 Precinct 1

POOR QUALITY
ORIGINAL

00000

Police Court 5th District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 833 Columbus Ave Street, aged 19 years,
occupation Green's Clerk being duly sworn,
deposes and says, that on the 9 day of May 1891 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
session of deponent, in the day time, the following property, viz:

"One small handkerchief
valued at Three dollars
\$3.00
Two

the property of Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen and carried away by Patrick Healy who has

for the reasons following to-wit:
as deponent who on 10th April
having the said handkerchief
in pocket of the coat which
he then wore, the said defendant
seized hold of deponent by
the arm and demanded \$10.00
into deponent refused to give
him the money and the defen-
dant then took the said hand-
kerchief and ran away with
the same.

Charles Hanstrom

Sworn to before me this

of

1891

W. C. Hall
Police Justice.

POOR QUALITY
ORIGINAL

0889

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

5- District Police Court.

Patrick Healy 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.

Patrick Healy

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

New York

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

Answer.

141 W - 107 St 5 Months

Question. What is your business or profession?

Answer.

Reverend

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 this heinous
crime*

Taken before me this
day of *May* 1885
John J. [Signature]
Police Justice.

POOR QUALITY
ORIGINAL

0090

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

Police Court... 5-1-1899
District.
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Charles H. ...
835 ...
John's ...
Dated May 4 1899
Magistrate.
Offence ...
Witnesses.
No. _____
Street _____
No. _____
Street _____
No. _____
Street _____
to master ...
Street ...

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named _____
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of \$700 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
Dated May 4 1899 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.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Patrick Healy

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

Patrick Healy
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *Patrick Healy*

late of the City of New York, in the County of New York aforesaid, on the *third*
day of *May* in the year of our Lord one thousand eight hundred and
eighty-ninety-one, in the *day* time of the said day, at the City and County
aforesaid, with force and arms,

*one handkerchief of the
value of three dollars*

of the goods, chattels and personal property of one *Charles P. Horstmann*
on the person of the said *Charles P. Horstmann*
then and there being found, from the person of the said *Charles P. Horstmann*
then and there feloniously, did steal, take and carry away, against the form of the statute in such
case made and provided, and against the peace of the People of the State of New York, and their
dignity.

*De Lancey Nicoll,
District Attorney*

0892

BOX:

437

FOLDER:

4031

DESCRIPTION:

Herbert, Belle

DATE:

05/12/91



4031

0893

BOX:

437

FOLDER:

4031

DESCRIPTION:

Hall, Lucy

DATE:

05/12/91



4031

0094

POOR QUALITY
ORIGINAL

Witnesses:

Daniel Finn

Edw'd A. Clark

Counsel,

Filed

Pleads,

dist. of

1891

32 THE PEOPLE
234 39 vs.
Belle Herbert
22 1/2 and P
11/2 1/2 and P
Emily Hall

PETIT LARCENY.

[Sections 528, 532 Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. S. Skidmore

Sat 2 - May 15, 1891 Foreman.

Both Dead Guilty

Both Sen 1 yr - P.B.M.

POOR QUALITY
ORIGINAL

0895

Police Court—

2

District.

Affidavit—Larceny.

City and County
of New York, } ss.

of No. Macys 14th St Store Street, aged 32 years,
occupation Detective being duly sworn

deposes and says, that on the 7 day of May 1891 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz :

one pair of
socks of the value of fifteen cents
one match safe of the value of
seventy nine cents, and together of
the value of ninety seven cents.

the property of

R. H. Macy & Co.

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 Belle Herbert and Lucy
Hale, now here, for the reason that
deponent is informed by Edward A.
Clark (now here) that he knows
the defendants to be professional
shop lifters and he watched the
defendants going from store to store
on Sixth Avenue and that he saw
them acting in concert on said date
and that he saw the said Lucy Hale
take the said pair of socks, and he
saw the said Belle Herbert take the
said match safe.

Sworn Daniel Finn

Sworn to before me, this

day

of

May

1891

Police Justice.

POOR QUALITY
ORIGINAL

0896

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward A. Clark
aged 30 years, occupation Detective of No. B. Allman St

Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Dannie Finn
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 8 day of May 1896 } Edward A. Clark

John S. Kelly
Police Justice.

(3602)

POOR QUALITY
ORIGINAL

0097

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Belle Herbert 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.

Belle Herbert

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

U. S.

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

Answer.

250 West 99th St - 9 weeks

Question. What is your business or profession?

Answer.

Washer

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. Belle Herbert

Taken before me this

day of

May

1891

John E. Kelly
Police Justice.

POOR QUALITY
ORIGINAL

00898

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

May 1891

John S. Kiley
Police Justice.

POOR QUALITY
ORIGINAL

0099

BAILED,
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____
No. 5, by _____
Residence _____
Street _____

Police Court... 2 District.

616

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Daniel Lewis
Herbert
Lucy Hale
Offence _____

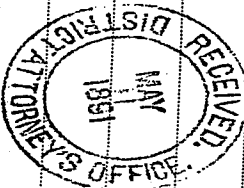
Dated May 8 1891

Robert Wade
Magistrate.

C. O. Officer.

Witnesses
E. A. Clark

No. Altman, 101 6th St.



No. _____
Street _____

No. _____
Street _____

No. 500 2nd St.
to answer

Conrad

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 _____

Herbert and Lucy Hale

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 May 8 1891 John E. Kelly Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

**POOR QUALITY
ORIGINAL**

0900

PARIS, 29 Rue des Petites Ecuries.
BELFAST, 23 & 25 James St. South.
LIMOGES, France.
RUDOLSTADT, Thuringia.
CARLSBAD, Bohemia.
STEINSCHÖNAU, Bohemia.

R. H. Macy & Co.

Biath Ave. 13th to 14th St.



C. G. Webster,
Sidor Straus, } *Firm*
Nathan Straus,

New York, May 22nd., 189—

Judge Randolph B. Martin,

Dear Sir:-

The bearer Mr. Finn, our special officer holds several pawn tickets which were taken from Lucy Hall and Belle Herbert (who were convicted before you on May 15th and sentenced to one year each in the penitentiary) who stated they represented articles stolen from our store.

Will you kindly give him an order which will enable us to recover the goods and oblige,

Yours Respectfully,

R. H. Macy & Co.

(Dictated by Mr. Pitt.)

POOR QUALITY
ORIGINAL

0901

R. H. Macy & Co.
People as well as merchants
May 22, 1891

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
Belle Herbert and
Lucy Hall.

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

Belle Herbert and Lucy Hall
of the CRIME OF PETIT LARCENY committed as follows:

The said *Belle Herbert and Lucy Hall, both*

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

one pair of socks of the
value of eighteen cents and
one match-safe of the value
of seventy-nine cents

of the goods, chattels and personal property of one

Isidore Strauss

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

De Lancey Nicoll,
District Attorney.

0903

BOX:

437

FOLDER:

4031

DESCRIPTION:

Herman, George N.

DATE:

05/26/91



4031

POOR QUALITY
ORIGINAL

0904

13 X Rudy well with

Counsel, *W. L. Skidmore* of *May 1891*
Filed
Pleads *May 1891*

THE PEOPLE
18 *May 1891*
535 *Spencer*
Grand Larceny, 2nd Degree.
[Sections 528, 531. — Penal Code.]

George N. Herman

DeLancey Nicol
JOHN R. WILLOWS
District Attorney.

Grand Jury 3/91

A True Bill.

W. L. Skidmore

Part 2 - June 16/91 Foreman.
Pleads Guilty

4/1/00, et. P. P. 22
July 10, 1891. Ed

Not read enpt

#1111111111

Jennie Skidmore

Sanctify

Sanctify
10/1/00 Row

P. Warrick - Foreman
W. L. Skidmore
Oak House
Barry White St

0905

City and County }
of New York, } ss.

of No. 1 Orchard (W. 10th) Street, aged Eighteen years,
 occupation Box Maker being duly sworn, deposes and says,
 that on the Twenty day of May 1891, at the City of New
 York, in the County of New York, one James J. ...

did feloniously steal \$ 72.- in money (2 bills & one \$10.- gold piece) belonging to devonport as devonport has good cause to believe.

That report has reason to believe
that said Herman has fled from the
jurisdiction of the State and is now in the city
of Philadelphia, Pennsylvania, a fugitive from
justice.

Please to relieve me this

26 Jan of May 1890

W. B. Lindsay

Comfy beds

Atty Geo. S. Jones

E. H. Ingham, 924 Walnut street, Philadelphia Pa.

535 Spruce Street, Philadelphia

POOR QUALITY
ORIGINAL

0906

20
9 October 1891

904

DISTRICT ATTORNEY'S OFFICE,
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jessie Delamater
100 West 11th St.
New York

George H. Thompson

Dated *Nov 26* 1891

Witnesses

Amelia

Express office

No.

296

Street,

Canal

St. N.Y.

No.

Street,

No.

Street,

COURT OF GENERAL SESSIONS OF THE PEACE, OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

George N. Herman

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *George N. Herman*

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

The said *George N. Herman*

late of the City of New York, in the County of New York aforesaid, on the *twentieth*
day of *May*, in the year of our Lord one thousand eight hundred and
ninety-one, at the City and County aforesaid, with force and arms, in the
day time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *sixty two*

dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of
sixty two

dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *sixty two*

dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *sixty two*

dollars; ~~divers coins of a number, kind and denomination to the Grand Jury aforesaid~~
~~unknown, of the value of~~

and one gold coin of the United
States of America, of the kind called
"eagles", of the value of ten dollars.

of the goods, chattels and personal property of one *Genie S. Davidson*
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.

John R. Fellows
JOHN R. FELLOWS, District Attorney.

0908

BOX:

437

FOLDER:

4031

DESCRIPTION:

Hicks, George

DATE:

05/22/91



4031

0909

POOR QUALITY
ORIGINAL

Witnesses:

William R. Magrath

William H. Thornton

Deputy

Wells

Reverend

Deputy

Deputy

Deputy

Deputy

Deputy

Counsel,

Filed

22 day of May 1891

Pleads,

Wells

Grand Larceny, Second Degree.
(From the Person.)
[Sections 528, 531, Penal Code].

THE PEOPLE

vs.

George Hicks

JOHN R. FELLOWS,
District Attorney.

A True Bill.

W. L. Kidman

May 28/91 Foreman

Pleas guilty

4/11/96 W.D. 10

The People
George Hicks
Indictment for grand larceny in the second degree.
William H. Masters, sworn and examined,
testified. Where do you live? Mount Vernon. Where
were you on the 25th of March, 1891? In the City
Hall Elevated station. What property did you
have on your person at that time? A dia-
mond stud. Of what value? About one hun-
dred and ten dollars. What time in the day?
About six o'clock in the evening. Did you
see this defendant there? I did not. Did
you see the defendant at the station? I did
not. You saw somebody else? Yes sir. Did you
have the diamond stud there? Yes sir. Where
was the diamond stud? It was in my tie,
my neck tie, the same as any other stud.
Did you miss it? I did not miss it until
this gentleman called my attention to it, ch.

Marquhart. Do you remember what time it
was when he called your attention to the fact?
Yes sir, about the time that I stated, six o'clock.

Wm. R. Marquhart, sworn and examined,
testified. Where do you live? No. 215 East 122nd St.
New York. Do you know the complainant here?
I know him now, I never knew him
before the affair. When did you see the def-
endant first? About the 25th of March at the
City Hall Elevated station. What time? About

six o'clock in the evening. Did you see this defendant do anything? Yes sir. What did you see him do? I saw him take a diamond stud from the complainant's necktie. What did he do then? He went away then. Did you cause his arrest? No sir.

By the Court

You were on the Elevated Railway station on your way home from your business? Yes, on my way home. You saw Mr. Martens there? Yes sir. Up to that time you had no acquaintance with him? No sir, never saw him before. You said a minute ago that you saw this defendant take Mr. Martens' stud, is that right? Yes sir. Just give us an idea how he did it? He had a newspaper in his hand and he came up. I thought he meant something to Mr. Martens. I thought he was a friend. I never suspected anything. I have seen people take things out of other persons' pockets in a jolt. I did not say anything to Mr. Martens at the time. He (the defendant) had the newspaper in his hand and he held it under Mr. Martens' chin this way (showing) and worked the stud out with the other hand. You saw the stud in Mr. Martens' tie? Yes sir. As soon as the newspaper came down the stud was gone and

so the prisoner was too? Yes sir. Then you called the attention of Mr. Martens to it? Yes. I got on the train and waited till he came in - we were both on the same train - I asked him if he missed a stud or anything? He said, yes. That is the man that you saw - the defendant? Yes sir. What was the next step taken? We got off the train and looked around and could not see him. We went on the train and made an engagement with him the next day to meet him and we went up to Police Headquarters. You made a complaint there and described the man? Yes. After this man was arrested did you go to the Police Court? I went to Headquarters. Did you identify this prisoner? Yes sir. Was Mr. Martens there at the time? No, he was not there at the time. But you identified him? Yes sir. Then I suppose you were examined at the Police Court? Yes sir. You also identified him there? Yes sir. You are satisfied he is the man holding up the newspaper? Yes sir, I am.

By a juror Was the prisoner alone or was he in company with somebody in the Police station when you identified him? O Yes, there was quite a few men around the room. Were they standing in a row? Standing

4

in a line

By the Court. This was in the day light on the 25th of March?
Yes sir. You certainly would know that man
if you saw him again? Yes sir.

Cross Examined. You say it was about six p. m. on the
25th of March? Yes. You were going home? Yes,
going home from business. Do you remember
whether the 25th of March was rainy or clear
or what sort of weather it was that day? Yes, it
was a clear day as far as I can rem-
ember. I did not take particular notice. Was it
perfectly light? No, it was not extra light; there was
gas light there, half day light, just about dusk.
Were there many people going up town that
time? Yes, quite a few. What caused you
to particularly notice this man? I could not
help to notice him, he came up and worked
the point. I did not like to say anything on
the platform. Where were you standing, how
far away from him? About three feet. And
he stood alongside this man? Yes. What did
he do? He took the pin from his tie as he held
up the newspaper. You saw that act done?
Yes, I saw it. What kind of clothes did this
man have on that time? I only saw
him from about here (pointing); he had a
reddish brown overcoat with a half velvet
collar and about three days growth of

heard on his face. How long was it from the time you saw this man on that evening until the time you were called to Headquarters to identify him? I should judge over a month. By what particular portion either of his features or clothes did you identify him, what was impressed most on your mind? His face. Did he still have a moustache on that time? Yes sir. Did you pick him out the first time at a glance when you reached the station house? I did, yes. When you did not make any outcry at that time at all, that is, did not call anybody's attention to the fact that a pin had been stolen until after the man had got on the car? No. I did not. Could you tell the jury why you did not? Because I did not know whether he was a friend or a thief or what he was, but I changed my mind. I thought I would speak to the gentleman about it as anybody else would do. I thought it was a joke first. I have had a friend come up to me and take my handkerchief out of my pocket.

testified.

Thomas J. Wade, sworn and examined.
You are connected with the Central office?
Yes. On the 11th of May about a quarter to six o'clock in the evening I noticed this man Hicks, the prisoner, at Canal street

6

station and I was on the cars. I could not get off and went as far as Ninth Street. I beckoned to one of our officers to come along; we got off at Ninth Street and the prisoner came up on the cars; we jumped on and arrested him and brought him to Headquarters. His case had been reported on the 25th of March and another officer had it. The witness (Mr. Wergahart) picked the picture out in the Rogues' gallery, and the other officer went after the witness and the complainant; it was Officer Foley; the witness identified the prisoner at Headquarters; there were four or five men in line when he identified him.

Cross Examined. I was not present when Mr. Wergahart picked the picture out in the Rogues' gallery. ^{you} Mr. Wergahart recalled. When I went to the Police Headquarters they showed me a gallery of pictures and I picked one out as the picture of the person whom I believed took the stud.

By Counsel. At the time you were in Police Headquarters when you identified this man did you express any feeling that you were not sure what coat or hat he had on? No, his hat I am not positive of, but his coat and his face I am. Did he have an overcoat on? Yes, a reddish brown overcoat, the same as far as I know.

Court of General Sessions for New York City.

The People
vs.
George Hicks

City and County of New York } ss.

George Hicks being duly sworn deposes and saith:

- I That I am the above named defendant, and am a mason by trade, and previous to my arrest was living with my mother at No. 58 Oliver St. New York City.
- II That on the 25th day of March 1891, the day of alleged larceny I was sick in bed with inflammatory rheumatism, and was unable to leave my room.
- III That at the time of my trial I had not retained counsel other than one assigned by the Court who was unacquainted with my case.

IV

That my trial came so soon after my arrest that I was unable to get my witnesses in Court, and having no witnesses, was advised by Counsel assigned to plead guilty.

V

That since my plea, I have retained counsel, and have obtained such evidence, which if I had had an opportunity and reasonable time to produce at my trial, would have probably changed the verdict and the failure to produce such evidence, in the trial was not owing to any want of diligence on my part.

Sworn to before me
this 6th of June 1891 } Geo. Hicks
Roll. B. Abbott

Notary Public
Kings County Certif. filed in N.Y. Co.

Rose Carey, sworn and examined, testified for the defendant. Where do you reside? No. 26 Beck St. Do you know this defendant at the bar? Yes. How long have you known him? Four years. Are you acquainted with his family? Yes sir. Are you any relative of his? No sir. Do you recollect the month of March of this year? Yes sir. Was this defendant ill during the month of March? Yes. He was not able to get out from the second of March till around the first of April. Was he confined in the house to your knowledge? Yes. Were you in the habit of visiting him? Yes. Do you remember the 25th of March? Yes. What day was it? I could not say the day. Do you know where he was on the 25th of March? He was in bed sick. Did you visit him on that day? It was in the evening. What time in the evening? From six to nine o'clock. You are positive you were in the house at his residence from six o'clock on the evening of March 25th? Yes sir, he was there.

Cross Examined. Where does the defendant live? No. 58 Oliver street. What is his business? I could not say. How long have you known him? Four years. You never heard what his business was? No sir. Did you ever hear of him working any place at all? No sir. Are you any relative of his? No sir. Where did you make his acquaintance? In a lady's house.

8
 That lady's house? In No 30 Martin street. Who is that lady? Mrs. Robertson. What sort of a house does she keep? She is a lady friend of my mother. Does she keep a boarding house? No. Is she married? Yes sir. Are you keeping company with the defendant at the bar? Yes. How long have you been keeping company with him? Four years. Are you married to him? No sir. He lives at 58 Oliver st. corner of Oliver and Oak streets, he lives with his mother. I am sure he was sick on the second of March and he continued to be sick down to the first of April. He had inflammatory rheumatism and he was confined to his bed. I was not in his room in the day time but I was there evenings after work. Do you work for a living? Yes sir. What do you work at? At Tappan's in Duane St. perfumery. I go to work at eight o'clock in the morning till six at night. I get off at three o'clock some days. The defendant was in bed when I visited him in the evenings. I think the 25th of March was on Saturday. The defendant pleaded guilty to grand larceny in the second degree, a juror having been withdrawn. The Recorder remanded him for sentence.

POOR QUALITY
ORIGINAL

0920

Testimony in the
case of
George Hicks.
Filed May
1891

POOR QUALITY
ORIGINAL

0921

Police Court

2 District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. Mount Vernon New York Street, aged 24 years,
occupation Coal and Feed Dealer being duly sworn,
deposes and says, that on the 25 day of March 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the day time, the following property, viz:

One diamond and gold
stud of the value of \$110.

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and
carried away by George Hicke (now here) for the
reason that on the above date he entered the
Elevated Rail Road Station at City Hall and
then had the above described property fastened
on his person, he had just entered the car from
the platform when he was informed by
William R. Urquhart, that he the said Urquhart
saw the defendant Hicke take and
carry the above described property from deponent's
person. Wherefore deponent prays that the
said Hicke may be held and dealt with
as the law directs.

William H. Martens

Sworn to before me, this

18

day

1891

of John H. Martens
Inspector Police Justice.

POOR QUALITY
ORIGINAL

09222

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 23 years, occupation William R. Uggahart
Printer of No.

118 Chambers Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of William H. Martino
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 13
day of May 1891 } William R. Uggahart

W. Martino
Police Justice.

POOR QUALITY
ORIGINAL

0923

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

Q District Police Court.

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

Question. What is your name?

Answer. George Hicks.

Question. How old are you?

Answer. 24 years.

Question. Where were you born?

Answer. U. S.

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

Answer. 88 St James Street. 12 years.

Question. What is your business or profession?

Answer. Mason.

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
Geo. Hicks

Taken before me this

13

day of

1891

Police Justice.

POOR QUALITY
ORIGINAL

0924

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

Police Court... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

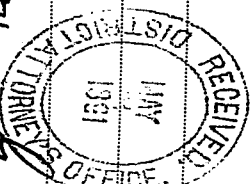
William H. Martineau
John W. Martineau, Jr.,
George Hicks

Offence Larceny Fel.

Dated May 13 1891

Wm. H. Martineau Magistrate,
Wm. H. Martineau Officer,
C.O. Precinct.

Witnesses: William H. Martineau
Wm. H. Martineau Street.



No. 1000 to answer
250 Broadway May 16 1891
Conway

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 May 13 1891 Wm. H. Martineau Police Justice.

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

Dated 13 1891 Wm. H. Martineau 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 13 1891 Wm. H. Martineau Police Justice.

POOR QUALITY
ORIGINAL

0925

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

GEORGE HICKS

NOTICE OF MOTION AND AFFIDAVITS.

FRANK J. KELLER,

ATTORNEY FOR DEFENDANT,

31 - 65 PARK ROW,

NEW YORK CITY.

POOR QUALITY
ORIGINAL

0926

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

GEORGE HICKS

NOTICE OF MOTION AND AFFIDAVITS.

FRANK J. KELLER,

ATTORNEY FOR DEFENDANT,

31 - 65 PARK ROW,

NEW YORK CITY.

Court of General Sessions

The People
against
George Hicks

Indictment for
Grand Larceny

Sir:

Please take notice that the above named defendant will move this Honorable Court sitting in Part II thereof, on such day as is fixed or may hereafter be fixed for sentence, that the plea of guilty entered by him during the progress of the trial be set aside and withdrawn, and that he be permitted to renew or enter the plea of not guilty, and be allowed to have a trial under the present indictment; and that upon the hearing of the motion herein, the annexed affidavits will be produced in support hereof.

Wm. June 3rd 1891.

Frank J. Keller.

To the Hon. Melaney Nicoll

District Attorney.

Att. for deft.
U.S. Court Building
63 Park Row

Court of General Sessions
The People } Indictment for
 against } Grand Larceny.
George Hicks }
City and County of New York } ss.

Catherine O'Connell being duly sworn
saith:

I am the mother of the
defendant herein, and reside
at No. 58 Oliver Street in
the city of New York, where I
have lived for the last nine
years. My son, the defendant,
was living with me up to the
time of his arrest, for the
space of six months.

About the ninth of March
1891 my son became ill with
inflammatory rheumatism,
and was confined to his bed,
and became so bad that I
sent for Dr. Shannon of
No. 31 Oliver Street. He called
on the twelfth of March and
prescribed for him.

My son was confined to bed from the ninth of March to the twenty second of March, which day was Palm Sunday. On that day he went out stating that he was going to his barbers to get shaved. He came home shaved, but he immediately had a relapse and never left his bed from that day to the twenty eighth day of March 1891. My son was not out of the house on the twenty fifth of March 1891, and could not possibly walk, and could not even put his foot on the floor.

I would have been in Court on the day of the trial, but knew nothing of the matter, until a messenger came from my son saying ~~to come~~ to Court immediately, and I hastened to the Court, but to find him entering the prison van, the trial having been closed.

Sworn to before me

this second day of June 1891 - by

Charles D. Holm

Notary Public,
Kings County.
CERTIFICATE FILED IN NEW YORK COUNTY.

Catherine M. Connell
maik

Court of General Sessions

The People } Indictment for
against } Grand Larceny
George Hicks }

City of New York. } ss.
County of New York }

Mary Thurman
being duly sworn, deposes.

I am the sister of the defendant
and am a married woman.

I reside with my husband
at No. 61 Oliver Street, in the
city of New York which is directly
opposite my mother's house.

I have read the affidavit of
my mother, and confirm the
same in every respect, as to
my brother being confined to
his bed from the ninth of
March 1891 to the twenty eighth
of that month, having every day, and
frequently several times a day
seen him confined to his bed.

It was a physical impossibility
for him to be out on the street on
the twenty fifth of March 1891.

I was to have been informed on
the day of the trial but knew ^{nothing} of the matter until a messenger
came to me from my brother
and told me to go to Court
immediately, and though I
hastened to the Court, the trial
was closed and I found my
brother entering the prison van.
I sworn to before me Mary Turman
this second day of June 1891.

Charles D. Hahn

Notary Public,
Kings County,
CERTIFICATE FILED IN NEW YORK COUNTY

Court of General Sessions

The People
against
George Hicks

Indictment
for Grand Larceny

City of New York. } S.S.
County of New York }

Rosa Carey being duly sworn saith:
I reside at No. 26 Peck Slip
in the city of New York, am a
friend of the defendant and his
family. I called at his mother's
house No. 50 Oliver Street, daily
during the month of March
1891, in fact was a regular and
continual visitor at the house.

I am aware, that on each and
every occasion that I called,
from about the early part of
March up to the latter end thereof
the defendant was confined to
his bed as I was informed with
inflammatory rheumatism. I often
sat beside his bed to keep him
company some times with

POOR QUALITY
ORIGINAL

0933

his mother, and sometimes
without her. It was impossible
for him to have left his bed
on the 25th of March 1891.
Sworn to before me Rose Carey
this second day of June 1891.
Clunk. D. Holm

Notary Public,
Kings County.
CERTIFICATE FILED IN NEW YORK COUNTY.

C O U R T O F G E N E R A L S E S S I O N S .

THE PEOPLE
against
GEORGE HICKS.

JAMES C. SHANNON being duly sworn, saith:

First: I am a practicing Physician in the City of New York and a graduate of the University of New York. I am practicing at Number 31 Oliver Street.

Second: I was called upon professionally to attend the defendant herein on the Twelfth (12th) of March, 1891 and found him confined to his bed at Number 53 Oliver Street; he was suffering from a severe attack of inflammatory rheumatism; I prescribed for him and on the Seventeenth instant his sister, Mrs. Furman called at my office and informed me he was worse and I prescribed for him again.

Third: In my opinion it would have been improbable if not impossible for the defendant to have gone out and walked any distance on the Twenty-fifth (25th) of March, 1891.

I base this from having seen him and from the state in which he was and from the prescriptions which I ordered.

Sworn to before me, this
Third day of June, 1891.

James C. Shannon-M.D.

David Stemlich

COMMISSIONER OF DEEDS
FOR THE CITY AND COUNTY OF NEW YORK.

Court of General Sessions for City of New York.

The People vs.
agst.
George Hicks

City and County of New York } ss.

- George Hicks being duly sworn deposes and saith
1. That I am the above named defendant, am a mason by trade and previous to my arrest was living with my mother at No. 58 Oliver St New York. City
 2. That on the 25th day of March 1891, the day of alleged larceny, I was sick in bed with inflammatory rheumatism, and was unable to leave my room
 3. That at the time of ^{my} trial I had not retained counsel other than one assigned by the Court who was unacquainted with my case.

- 4 That my trial came so soon after my arrest that I was unable to get my witnesses in Court, and having no witnesses, was advised, by Counsel assigned, to plead guilty.
- 5 That since my plea I have retained Counsel and have obtained such evidence which if I had had an opportunity and reasonable time to produce at my trial would have probably changed the verdict; and the failure to produce such evidence in the trial was not owing to any want of diligence on my part.

Sworn to before me
this 6th of June 1891. } Geo. Hecks
Robt B. Abbott

Notary Public.
King County, Calif filed in N.Y. Co.

POOR QUALITY
ORIGINAL

0937

Part of General Sessions

m. 9.

The People

vs.

George Hicks

Affidavit of
George Hicks

Court of General Sessions

The People
against
George Hicks Indictment for
Grand Larceny

Sir:

Please take notice that
the above named defendant
will move this Honorable
Court sitting in Part II thereof,
on such day as is fixed or
may hereafter be fixed for
sentence, that the plea of
guilty entered by him during
the progress of the trial be
set aside and withdrawn,
and that he be permitted to
renew or enter the plea of
not guilty, and be allowed
to have a trial under the present
indictment, and that upon the
hearing of the motion herein, the
annexed affidavits will be
produced in support hereof.

Witness my hand and seal this 3rd day of June 1891.
Frank J. Keller.
City of New York.
To the Hon. Delaney Nicoll
Clerk of the Court.
63 Park Row.

Court of General Sessions.

The People
against
George Hicks

Indictment
for Grand Larceny.

City and County of New York. } ss.

Catherine O'Connell being
duly sworn saith.

I am the
mother of the defendant herein
and reside at No. 58 Oliver
Street in the city of New
York, where I have lived
for the last nine years.

My son the defendant
was living with me up to
the time of his arrest, for
the space of six months

About the ninth of March
1891 my son became ill with
inflammatory rheumatism,
and was confined to his bed,
and became so bad, that I
sent for Dr. Shannon of
No. 30 Oliver Street. He called

on the twelfth of March and
prescribed for him. My son
was confined to bed from the
ninth of March to the twenty
second of March which day
was Palm Sunday.

On that he went out stating
that he was going to his
barber's to get shaved. He
came home shaved, ~~but~~ he
immediately had a relapse
and never left his bed
from that day to the twenty
eighth day of March 1891.

My son was not out
of the house on the twenty
fifth of March 1891 and
could not possibly walk
and could not even put
his foot on the floor.

I would have been in
Court on the day of the
trial but knew nothing
of the matter until a
messenger came from
my son saying to me
to come to Court immediately.

and I hastened to the Court
but to find him entering
the prison van, the trial
having been closed.

Present to before me

this second day of June 1891

Charles W. Holm

her Father + O'Connell
mark

Notary Public

Kings County

Certificate filed in New York County

Court of General Sessions

The People } Indictment
against } for Grand Larceny
George Hicks }

City of New York }
County of New York } S.S.

(Mary Thurman
being duly sworn saith,

I am the sister of the defendant
and am a married woman.

I reside, with my husband,
at No 61 Oliver Street, in
the city of New York, which
is directly opposite my mother's
house. I have read the
affidavit of my mother, and
confirm the same in every
respect, as to my brother
being confined to his bed
from the ninth of March
1891 to the twenty eighth of
that month, having every day
and frequently several
times a day seen him con-
fined to his bed. It was
a physical impossibility

for him to be put on the street
on the twenty fifth of (March
1891).

I was to have been in
Court on the day of the trial
but knew nothing of the
matter, until a messenger
came to me from my brother,
and told me to go to the Court
immediately, and though
I hastened to the Court
the trial was closed, and
I found my brother entering
the prison, and
sworn to before me Mary Furman
this second day of June 1891.

Charles H. Holm

Notary Public

Kings County

Certificate filed in New York County.

Court of General Sessions

The People
against
George Hicks

Indictment for
Grand Larceny.

City of New York } ss.
County of New York }

Rosa Carey

being duly sworn saith:
I reside at No. 26 Park Slip
in the city of New York; am
a friend of the defendant
and his family. I called
at his mother's house No. 58
Oliver street, daily, during
the month of March 1891,
in fact was a regular and
continual visitor at the house.

I am aware, that on each
and every occasion that I
called from about the early
part of March up to the
latter end thereof, the defendant
was confined to his bed, as
I was informed with infam-
atous rheumatism, I often

sat beside his bed to keep him
company some times with
his mother, and sometimes
without her. It was
impossible for him to have
left his bed on the 25th of
March 1891.

Sworn to before me Rosa Carey
this second day of June 1891.

Charles H. Holme

Notary Public

Kings County

Certificate filed in New York County

C O U R T O F G E N E R A L S E S S I O N S .

THE PEOPLE
against
G E O R G E H I C K S .

JAMES C. SHANNON being duly sworn, saith:

First: I am a practicing Physician in the City of New York and a graduate of the University of New York. I am practicing at Number 31 Oliver Street.

Second: I was called upon professionally to attend the defendant herein on the Twelfth (12th) of March, 1891 and found him confined to his bed at Number 58 Oliver Street; he was suffering from a severe attack of inflammatory rheumatism; I prescribed for him and on the Seventeenth instant his sister, Mrs. Furman called at my office and informed me he was worse and I prescribed for him again.

Third: In my opinion it would have been improbable if not impossible for the defendant to have gone out and walked any distance on the Twenty-fifth (25th) of March, 1891.

I base this from having seen him and from the state in which he was and from the prescriptions which I ordered.

Sworn to before me, this

Third day of June, 1891.

:
:
: *James C. Shannon M.D.*

David Sternlicht

*Commissioner of Deeds
for the City and County of New York*

**POOR QUALITY
ORIGINAL**

0947

COURT OF GENERAL SESSIONS.

THE PEOPLE
against
GEORGE HICKS.

NOTICE OF MOTION AND AFFIDAVITS.

FRANK J. KELLER,
ATTORNEY FOR DEFENDANT,
61 E 65 PARK ROW,
NEW YORK CITY.



POOR QUALITY
ORIGINAL

0948

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Hicks

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

George Hicks
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

George Hicks

late of the City of New York, in the County of New York aforesaid, on the *twenty-fifth*
day of *March* in the year of our Lord one thousand eight hundred and
eighty-nine - one, in the *day* - time of the said day, at the City and County
aforesaid, with force and arms,

*one stud of the value
of one hundred and ten dollars*

of the goods, chattels and personal property of one *William H. Martens*
on the person of the said *William H. Martens*

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

*De Lancy Nicoll,
District Attorney*

0949

BOX:

437

FOLDER:

4031

DESCRIPTION:

Hildreth, Samuel C.

DATE:

05/28/91



4031

Witnesses:

Joseph Turek
Albert Stoessel

In examination of the
with case disclose the fact
That there were criminal
intent whether on the part
of defendant or long in time
with complainant for his counsel
directed the information that
The complainant himself be-
lieved the defendant did not
intend to let complainant with
the stone. Made the exam-
ination. Defendant told a per-
sonal comit defendant also
Therefore defendant's dis-
charge on his very recognition
30th 1898. Peter for money
D. H. H.

Counsel,

Filed 28 day of May 1898

Pleas,

Not guilty James H.

ENTERED
T. L. W.

THE PEOPLE

vs.

Samuel C. Hildreth

Assault in the Second Degree.
(Section 218, Penal Code).

JOHN R. FELLOWS

Part 2. Oct 31st 1898
On motion of dist. atty.
Def. discharged on his
own recognizance.
A True Bill R. H. H.

W. L. Richmond

Foreman.

W. L. Richmond
Foreman.
W. L. Richmond
Foreman.

POOR QUALITY
ORIGINAL

0951

Police Court—2 District—

City and County { ss.:
of New York,

of Franklin Avenue at 4th Street, Guttenburg, New Jersey
occupation Carpenter 32 years, being duly sworn
deposes and says, that on the 23rd day of March 1889 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Samuel
Mildreth, (now here) for the reason that
deponent was a passenger on a
surface car passing along 4th Street, and was struck upon the
head with a stone or some hard
substance likely to produce bodily
harm. Deponent is informed by Albert
Stoessel (now here) that he was a fellow passenger
and saw the defendant on said car and
saw him ejected and saw deponent struck
with a missile thrown by some
person

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 1st day
of May 1889. } Joseph Turk
Admiral Police Justice.

POOR QUALITY
ORIGINAL

0952

CITY AND COUNTY }
OF NEW YORK, } ss.

Albert Strossell
aged 35 years, occupation Porter of No. 231
6th Wann Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Joseph Turk
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 1 day of May 1890. } A. Strossell

A. J. McMahon
Police Justice.

POOR QUALITY
ORIGINAL

0953

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

2 District Police Court.

Samuel Hildreth 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.

Samuel Hildreth

Question. How old are you?

Answer.

27 years

Question. Where were you born?

Answer.

Missouri

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

Answer.

100 West 31st St. 6 months

Question. What is your business or profession?

Answer.

Horse dealer

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

Answer.

I am not guilty
Samuel C. Hildreth

Taken before me this

1st

day of

May

1891

H. H. Hildreth

Police Justice.

POOR QUALITY
ORIGINAL

0954

CITY AND COUNTY OF NEW YORK. ss.

POLICE COURT, 2 DISTRICT.

of No. 20th Precinct
occupation... Police Officer
that on the 23rd day of March 1891
at the City of New York, in the County of New York. Samuel Hildrett

(now here) assaulted Joseph Fork who is now
confined in Roosevelt Hospital suffering
from his injuries and is unable to appear in
Court as shown by the annexed certificate.
And defendant asks that the defendant be held
to await the result of said Fork injuries.

Francis M. Taggart

Sworn to before me, this

of

March

1891

24

day

Police Justice.

0955

POOR QUALITY
ORIGINAL

Police Court, 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Francis M. Taggart
vs.
Joseph H. K.
Samuel Hildreth

AFFIDAVIT.

Dated, March 24th 1891

Hard Magistrate.

M. Taggart Officer.
20 Ave.

Witness, _____

\$2500. bail for G
Mar 28th 9:30 a.m.

Disposition been for G
Mar 26th 9:30 a.m.
Apr 10th 2 P.M.
4 Apr 29 2 P.M.
May 1 2 P.M.

The presiding magistrate
is authorized to hear and
determine this case in my
absence, and to accept bail.
John Henry D. D.
Police Justice.

POOR QUALITY
ORIGINAL

0956

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY)
OF NEW YORK, } ss.

An information having been laid before Henry Ford a Police Justice
of the City of New York, charging Samuel Klearek Defendant with
the offence of 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 hearing thereof having been adjourned,

We, Samuel Klearek Defendant of No. Gustentzen
Race track Rd. Street; by occupation a Horse owner
and Albert J. Adams of No. 361 West 32
Street, by occupation a Broker Surety, hereby jointly and severally undertake
that the above named Samuel Klearek Defendant
shall personally appear before the said Justice, at the 2nd 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 Twenty five
Hundred Dollars.

Taken and acknowledged before me, this 27
day of March 1891.
Henry Ford POLICE JUSTICE.

S. C. Hendricks
Albert J. Adams

POOR QUALITY
ORIGINAL

0957

CITY AND COUNTY } ss.
OF NEW YORK,

Sworn to before me, this
day of March 1891
District Police Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth Five 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 house and lot

of land 218 West 28th
Street valued at \$20,000
free

Albert J. Adams

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 18

Justice.

POOR QUALITY
ORIGINAL

0958

BAILED
No. 1, James J. Farrell
Residence 679 6th Avenue
No. 2, by Sheldon W. Foster
Residence 340 W 44th St
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____
Street _____

Police Court... District.

THE PEOPLE, etc.,
ON THE COMPLAINT OF

Joseph Smith
Spencer Smith
Butterfield
Samuel H. Smith

1
2
3
4

Offence

Assault

Dated May 1 1891

Memorandum Magistrate.

McTaggart Officer.

New York Precinct.

William Street

No. 331 6th Avenue

John C. Smith
Colonial House

No. 100 W 44th St
Smith

No. 41 W 44th St
Smith

No. 50 W 44th St
Smith

See Memorandum of order
in my office.

Robert E. Smith

579

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

defendant

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

Dated May 1 1891 W. H. H. H. H. Police Justice.

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

Dated May 1 1891 W. H. H. H. H. Police Justice.

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

Dated _____ 18 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Samuel C. Hildreth

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

Samuel C. Hildreth

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

The said

Samuel C. Hildreth

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

Joseph Turck
in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said *Samuel C. Hildreth*

with a certain *stone* which *he* the said

Samuel C. Hildreth
in *his* right hand then and there had and held, the same being then and there a weapon and an instrument and weapon likely to produce grievous bodily harm, *him*, the said *Joseph Turck* then and there feloniously did wilfully and wrongfully strike, beat bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Samuel C. Hildreth
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Samuel C. Hildreth
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
said

Joseph Turck
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make another assault; and the said *Samuel C. Hildreth*
the said *Joseph Turck*
with a certain *stone*
which *he* the said *Samuel C. Hildreth*
in *his* right hand then and there had held, in and upon the
head of *him* the said *Joseph Turck*

then and there feloniously did wilfully and wrongfully strike, beat,
bruise and wound, and did then and there and by the means aforesaid, feloniously,
wilfully and wrongfully inflict grievous bodily harm upon the said *Joseph Turck*
Turck to the great damage of the said *Joseph Turck*
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.

DELANO COLL,
JOHN R. FELLOWS,
District Attorney.

0961

BOX:

437

FOLDER:

4031

DESCRIPTION:

Hill, George

DATE:

05/28/91



4031

POOR QUALITY
ORIGINAL

0962

Witnesses:

Frank Parker

281
696
John May 1891

Counsel,

Filed 28 day of May 1891

Pleaded *Not Guilty*

THE PEOPLE

vs.

George Will

Assault in the Second Degree.
(Section 218, Penal Code).

Part 2
JOHN R. FELLOWS

Aug. 23, 1892. District Attorney.
On motion of District Attorney
defendant discharged on his
own recognizance

A True Bill

W. E. Skidmore
Foreman.

Aug 23-
J. R. F.

Forfeited \$1000 3/92

Upon reading
the within
withdrawal &
after an interview
with the complainant
I am that the
prisoner be discharged
on his own recognizance
Aug 23-92 J. R. F.
A. B. C.

POOR QUALITY
ORIGINAL

0963

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

George Hill

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

And further I have since found out to my satisfaction that the assault was not committed intentionally by the defendant: that he is a respectable man, and employed steadily.

I therefore respectfully ask that this Honorable Court may permit the Complaint by me made to be withdrawn.

Given my. June 30th 1892
J. M. Parker

POOR QUALITY
ORIGINAL

0964

Sec. 192.

3 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before John J. Ryan a Police Justice
of the City of New York, charging George Hill Defendant with
the offence of Felony 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, George Hill Defendant of No. 80 Mallet
Street; by occupation a Bar tender
and John Stelling of No. 13- Mallet
Street, by occupation a Clerk Surety, hereby jointly and severally undertake that
the above named George Hill Defendant
shall personally appear before the said Justice, at the 3rd 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 17

day of May

1887

John J. Ryan POLICE JUSTICE.

George Hill
John Stelling

POOR QUALITY
ORIGINAL

0965

CITY AND COUNTY } ss.
OF NEW YORK,

day of
Sworn to before me, this
Justice

188

the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth 2000 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

One Lot situated
1584 E-158th Street Valued at
\$2500 Truly five hundred Dollars
Clear
John Stebbins

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 188

Justice.

POOR QUALITY
ORIGINAL

0966

Police Court— District.

City and County } ss.:
of New York,

of No. 32 Division Street, aged 19 years,
occupation Clerk being duly sworn

deposes and says, that on the 16th day of May 1891 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

George Hill (now here) who wilfully
and maliciously cut and stabbed
deponent in the right eye with
the ferrule of an umbrella
he then departed then and there
held in his hand.
deponent further says that
such assault was committed,

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 17th day

of May 1891

day

Frank Parker

John Ryan Police Justice.

POOR QUALITY
ORIGINAL

0967

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

3 District Police Court.

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

Question. What is your name?

Answer. *George Hill*

Question. How old are you?

Answer. *23 years old*

Question. Where were you born?

Answer. *New York City*

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

Answer. *80 West 24th St 6 mos*

Question. What is your business or profession?

Answer. *Butcher*

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

Answer.

I am not guilty

George Hill

Taken before me this

day of

John D. [Signature]

Police Justice.

POOR QUALITY
ORIGINAL

0968

BAILED,
No. 1, by *John Stelling*
Residence *113 7th St.*
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

31
Police Court---
District. *695*

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank Vacker
132 Avenue B
George Hui

Offence *Assault*
"felony"

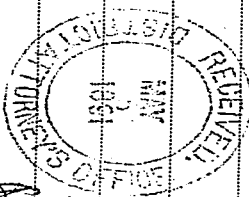
Dated *May 14* 18*91*

John H. Ryan
Magistrate.
Robert H. Ryan
Clerk.

Witnesses:

No. _____
Street _____

No. _____
Street _____



No. *509*
Street *15*

John Stelling
to answer

John Stelling
113 7th St.
May 21 3:00 PM

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

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

Dated *May 21* 18*91* *John Ryan* Police Justice.

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

Dated *May 22* 18*91* *John Ryan* Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0969

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George Hill

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

George Hill

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

The said

George Hill

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

Frank Parker

in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault; and the said

George Hill

with a certain *umbrella stick* which *he* the said

George Hill
in *his* right hand then and there had and held, the same being then and there
a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm,
him, the said *Frank Parker* then

and there feloniously did wilfully and wrongfully strike, beat, *cut*
bruise and wound, against the form of the statute in such case made and provided, and
against the peace of the People of the State of New York and their dignity.

De Lancy Roll,
District Attorney.

0970

BOX:

437

FOLDER:

4031

DESCRIPTION:

Holmes, Henry L.

DATE:

05/21/91



4031

POOR QUALITY
ORIGINAL

0971

Paul H. 750 PA

Witnesses:

Hamilton S. Gordon
S.C. Meyer

after a full
investigation of
this case, I
am willing to
take the plea
offered by the
Prisoner - guilty -

of a misdemeanor
having violated
Sec 592 of the
Penal Code

May 29 1911
A.D.A.

Counsel, *W. L. Skidmore*
Filed *May 26 1891*
Pleads, *Guilty*

THE PEOPLE

vs.
28735 R
216
for
Henry S. Holmes

De Lancey Nicol
JOHN R. FELLOWS

District Attorney.

Paul H. 750 PA
Pleads Guilty.
22 Court

A True Bill

W. L. Skidmore

Foreman.

May 29 1891
2 Mrs. Pen

POOR QUALITY
ORIGINAL

0972

Police Court 5th District.

Affidavit—Larceny.

City and County } ss:
of New York,

Hamilton S. Gordon
of No. 48 West 84th Street, aged 46 years,
occupation Merchant being duly sworn,
deposes and says, that on the 4th day of July, 1889 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
session of deponent, in the day time, the following property, viz:

One Piano of the value of

Two hundred dollars

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen and carried away by Henry G. Holmes from the fact that
on the 3rd day of March, 1889 - the said Henry G. Holmes
since from deponent said piano - and paid rent
for the same up to July 3, 1889 - and since said
time, said Henry G. Holmes never said piano from
his residence 388 Bridge Street Brooklyn - and deponent
has not been able to locate said piano since
said removal that said piano was removed without
the consent of deponent, and he has not been able
to find said Henry G. Holmes since said time until
this morning the 8th May 1891 - when deponent saw
the said Henry G. Holmes since and in Brooklyn
deponent therefore charge the said Henry G. Holmes with
stealing feloniously taken stolen and carried away said
piano and pray that he may be arrested and dealt with
as the law directs

Hamilton S. Gordon

Sworn to before me, this 8th day

of May 1891

Police Justice.

POOR QUALITY
ORIGINAL

0973

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

5 District Police Court.

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

Question. What is your name?

Answer.

Henry L. Holmes

Question. How old are you?

Answer.

28 yrs

Question. Where were you born?

Answer.

U.S.

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

Answer.

216 W-30 St

6 months

Question. What is your business or profession?

Answer.

Porter

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

Henry L. Holmes

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0974

State of New York, } ss.
COUNTY OF KINGS,
CITY OF BROOKLYN.

of *the 5. District Precinct, 4. of 6.* being duly sworn, says
he is acquainted with the handwriting of *Charles W. M.*
the Justice who issued the annexed warrant, and that the signature to this warrant is in
the handwriting of said *Charles W. M.*
Sworn to before me this *9.* day }
of *May 1891* }
Phillips Blake
POLICE JUSTICE.

**POOR QUALITY
ORIGINAL**

0975

Brooklyn, N. Y.,

May 9. 1891

The annexed warrant may be executed
in the City of Brooklyn.

John J. [Signature]
Police Justice.

This warrant may be served in the
night time or on Sunday.

Police Justice.

POOR QUALITY
ORIGINAL

0976

Sec. 151.

Police Court 3rd District.

CITY AND COUNTY }
OF NEW YORK. }

ss. *In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Hamilton & Gordon of No. 48 West 84th Street, that on the 4 day of July 1889 at the City of New York, in the County of New York, the following article to wit:

One piano
of the value of Two hundred Dollars,
the property of Hamilton & Gordon
w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Henry L. Holmes

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 3rd DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 8 day of July 1889
Wm. J. [Signature] POLICE JUSTICE

POOR QUALITY
ORIGINAL

0977

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 188

Magistrate

Officer.

The Defendant Henry L. Holmes
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Philip Blau ^{Officer.}

Dated May 14th 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated 188

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Police Justice.

The within named

Henry L. Holmes 28, W. S. 216, W. 30th

28-11-S-216W-30th
Peter M

POOR QUALITY
ORIGINAL

0978

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

185 (N) 648
Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William J. Bond
H. S. M. B. B.
Horn & Horn

2 _____
3 _____
4 _____

Offence _____

Dated May 14 1891

Wm. J. Bond
Magistrate.
Officer.

Witnesses
J. Court
Horn & Horn
Precinct.

No. 136, 14th Street.

No. 228 1st Street.



No. 1000 10th Street.

1649.1
34/5-9-91
1000. Bond on

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 Ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated May 14 1891 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0979

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Henry D. Holmes

The Grand Jury of the City and County of New York, by this indictment, accuse
— *Henry D. Holmes* —
of the CRIME OF *Grand* LARCENY, in the second degree, committed
as follows:

The said *Henry D. Holmes*, —

late of the City of New York, in the County of New York aforesaid, on the
fourth day of *April* — in the year of our Lord
one thousand eight hundred and *eighty nine*, at the City and County aforesaid, being
then and there the clerk and servant of *William S. Gordon*

S. Gordon,

and as such clerk and servant then and there having in his possession, custody and control
certain moneys, goods, chattels and personal property of the said

William S. Gordon, —

the true owner thereof, to wit: *one piano of the value*
of two hundred dollars,

the said *Henry D. Holmes*, — afterwards, to wit:
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,
did feloniously appropriate the said *piano* —

to his own use, with intent to deprive and defraud the said
William S. Gordon,
of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and
personal property of the said *William S. Gordon,* —

did then and there and thereby feloniously steal, 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.

Second Count. -

And the Grand Jury of aforesaid
by this Indictment further accuse the
said Henry S. Holmes of the crime of
disgracefully and wickedly without the
consent of the owner thereof, committed
as follows:

The said Henry S. Holmes, late of
the City and County of aforesaid, afterwards,
to wit: on the day and in the year
aforesaid, at the City and County of aforesaid,
having then and before him and from one
Hamilton S. Gordon, a certain quantity
of the value of two hundred dollars, of
the goods, chattels and personal property
of the said Hamilton S. Gordon, did
intentionally, without the consent of the said
Hamilton S. Gordon, dispose of the said
goods in a manner to the Grand Jury
aforesaid unknown, 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.

Deane M. Hill,

District Attorney

0981

BOX:

437

FOLDER:

4031

DESCRIPTION:

Hoser, Leopold

DATE:

05/12/91



4031

0982

Witnesses:

This case

L. C. Hamberger
257 Bldg

Counsel,
Filed *12 May* 189
Pleads, *May 13*

THE PEOPLE

vs.

Leopold Hoser

Grand Larceny
[Sections 528, 581, — Penal Code.]
Second Degree.

committed Jan 11/92
off to Jan term 1892

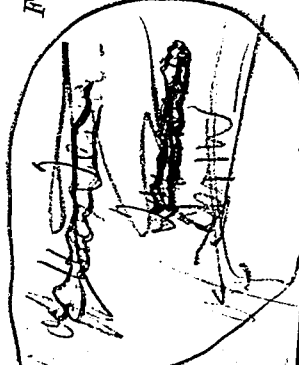
Wm. G. DE LANCEY NICOLL,
District Attorney.

Par. 3, January 12, 1892
may 22 indicted

A True Bill.

W. L. Skidmore

Foreman.



POOR QUALITY
ORIGINAL

0983

Police Court

/ District.

Affidavit—Larceny.

City and County } ss:
of New York,

Bernard M. Sautter

of No. 46 Broadway Street, aged 54 years,
occupation Merchant being duly sworn,
deposes and says, that on the 23rd day of April 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the day time, the following property, viz:

A quantity of cigar and cigarette
cases a quantity of cigar and
cigarette tubes in leather cases all
in a canvas telescope the whole
valued at one hundred dollars
\$100.00

the property of M. S. Sautter and Company
of which said deponent is a
partner

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 Leopold Horer (now here)

from the fact that defendant came
to deponent's place of business on
said date and said property was on the
3rd floor of the said premises. Deponent
saw the defendant handle said property
which was in said telescope standing on
a trunk. That deponent missed
said property after defendant had
left said premises. Deponent therefore
believes said property was taken carried
away and stolen by defendant and
prays that he be arrested and
held to answer.

Bernard M. Sautter

Sworn to before me, this

24

day

of April 1891

Police Justice.

**POOR QUALITY
ORIGINAL**

0984

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

Leopold Horer 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. *Leopold Horer*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Austria*

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

Answer. *202 7th Street 3 months*

Question. What is your business or profession?

Answer. *Paddler*

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 -
Leopold Horer*

Taken before me this

day of

Sept 1891
Charles J. Stanton
Police Justice.

POOR QUALITY
ORIGINAL

0985

9-1000 Jan 5x
April 25 1891

DAILED.
No. 1, by *Ignatius Schultz*
Residence *328 E 79th St.*
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____
Street _____

96 Roll ordered 556
Police Court... District.

THE PEOPLE, etc.,
ON THE COMPLAINT OF
Benard M. Smith
2416 Broadway
100th Street
Offence _____

Dated *April 24* 1891
J. J. J. J. Magistrate.

John Officer.
Central Precinct.

Witnesses *Martin & Campbell*
No. *416 Broadway* Street.
William Sawyer

No. *416 Broadway* Street.
Benard M. Smith

No. *270* Street.
Benard M. Smith

Benard M. Smith

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

Dated *April 25* 1891 *Charles Smith* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0986

A. H. BERRICK,
Attorney and Counsellor at Law,
258 & 259 BROADWAY,
Cor. Warren Street.

New York, October, 29th 1891

Hon. Delancey Nicoll,

Distret Attorney, City.

Dear Sir:-

In the latter part of April, 1891 one Leopold Ozer
of No. 202 7th Street was arrested upon the complaint of M.N.
Sampter & Co. charged with grand larceny, & indicted.

Prior to the vacation, the case appeared upon
the day calendar, various times, but was invariably adjourned, owing
to the fact that your assistants were never ready to proceed with
the trial.

Although my client is now released on bail, he is
anxious to have this case disposed of. May I kindly request you
to let me know with bearer, what the object is in not bringing this
matter to a trial.

Can you not put it upon the day calendar at once and
dispose of it?

Very respectfully yours,

A. H. Berrick
Attys

POOR QUALITY
ORIGINAL

0987

A. H. BERTON
Attorney and Counselor at Law
108 & 109 BROADWAY
New York, N. Y.

October 28, 1938

New York

Hon. Delano C. McGill

Director, Attorney General's Office

Dear Sir:

Leopold Over

I have the honor to acknowledge the receipt of your letter of the 27th inst.

in relation to the matter of the application of Leopold Over for a writ of habeas corpus.

The application of Leopold Over for a writ of habeas corpus is being considered by the Department.

The Department is of the opinion that the application should be granted.

Very respectfully,
A. H. Berton

Very truly yours,
A. H. Berton

cc - Mr. Over

cc - Mr. [illegible]

cc - Mr. [illegible]

cc - Mr. [illegible]

cc - Mr. [illegible]

cc - Mr. [illegible]

[Handwritten signature]

POOR QUALITY
ORIGINAL

0988

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Leopold Hoser

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *Leopold Hoser*

of the CRIME OF GRAND LARCENY in the *second* degree committed as follows:

The said

Leopold Hoser

late of the City of New York, in the County of New York aforesaid, on the *twenty-third*
day of *April* in the year of our Lord one thousand eight hundred and
ninety *one*, at the City and County aforesaid, with force and arms,

a quantity of cigar cases (a more particular
description whereof is to the Grand Jury
aforesaid unknown) of the value of twenty-
five dollars, a quantity of cigarette cases, of
a more particular description whereof is
to the Grand Jury aforesaid unknown, of
the value of twenty-five dollars, a quantity
of cigar tubes (a more particular description whereof
is to the Grand Jury aforesaid unknown) of the value
of fifteen dollars, a quantity of cigarette tubes (a
more particular description whereof is to the
Grand Jury aforesaid unknown) of the value of
fifteen dollars, a quantity of leather cases (a more
particular description whereof is to the Grand
Jury aforesaid unknown) of the value of ten
dollars, and one camera telescope of
the value of ten dollars
of the goods, chattels and personal property of one *Bernard M. Samter*

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.

He Lancy Nicoll,
District Attorney.

0989

BOX:

437

FOLDER:

4031

DESCRIPTION:

Huppe, Alexander

DATE:

05/27/91



4031

POOR QUALITY
ORIGINAL

0990

Witnesses;

off Geo Bernerstein

27 Prec +

Counsel,

Filed

1887

Plends,

day of May

1887

THE PEOPLE

MURDER IN THE FIRST DEGREE,

(Section 183, Penal Code.)

47
28. 1. 1887
Alexander Huppel

John R. Phillips

District Attorney.

Sept 28. 1887

Sept 29. 1887

Oct 19. 1887

A True Bill.

W. L. Skidmore

Foreman.

Part 3. October 22/9.

Find and convicted.

Manuel Richter 1st dec

Oct 20 1887

POOR QUALITY
ORIGINAL

0991

Department of
PUBLIC CHARITIES AND CORRECTION,
Office of City Prison, Corner of Franklin and Centre Streets,

HENRY H. PORTER, Pres't,
CHARLES E. SIMMONS, M. D., } Commissioners,
EDWARD G. SHEEHY,

JOHN FALLON, Warden. New York,

189

Thank you for your letter
concerning my crime.

Unfortunately in
his case he did do,
"not wisely, but too
well." It was his
indignation in their
behalf that drove
common sense (if
it did not drive
reason) -- the moment
from her throne?

I honor, dear
Sir, your kind heart,
and know that ~~after~~
there must often be
a painful conflict
between inclination and

POOR QUALITY
ORIGINAL

0992

duty, between justice and
mercy. But I hope
that in this case
duty and mercy, was
agreed with inclination
in pleading his cause
and that justice
was not given
a most merciful
sentence.

With the best
wishes and with
sincere respect
am Very Truly Yours

Wm. L. Law
Miss Chapman
Tomb

POOR QUALITY
ORIGINAL

0993

Department of
PUBLIC CHARITIES AND CORRECTION,
Office of City Prison, Corner of Franklin and Centre Streets,

HENRY H. FORTTELL, Pres't.,
CHARLES E. SIMMONS, M. D., } Commissioners.
EDWARD C. SHEEHY.

JOHN FALLON, Warden. New York, 189

any false testimony
while under oath
is an evidence of his
truthfulness.

Consequently I am in-
clined to believe his
former statement - to
me, corroborated by
several circumstances
not brought out on
his trial) that he only
drew his pistol when
he thought that Victor
Mar was drawing
his, and that the
question was who
should fire the first
shot. This must

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ORIGINAL

0994

is certainly known only
to the final Judge
but is at least a mat-
ter of doubt - with us
which may perhaps
weigh in the criminal's
favor.

That he was sincere
in repenting of his crime
and I have no doubt
that it is the sincere
purpose of his heart
to live henceforth a
true Christian life.

The second point
is his interesting, ardent
etc and his
genuineness.

and mention here
it said that the
criminal should have

POOR QUALITY
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0995

Department of
PUBLIC CHARITIES AND CORRECTION,

Office of City Prison, Corner of Franklin and Centre Streets,

HENRY H. PORTER, Pres't.,
CHARLES E. SIMMONS, M. D., } Commissioners,
EDWARD C. SHEEHY,

JOHN FALLON, Warden. New York, Oct. 23^d 1891

Hon. Rufus B. Cowin
Hon. & Dear Sir

With all due
respect and with high
esteem I desire to
seek your clemency
towards Alex. Boutper
that you may make
his sentence as light
as wisdom and justice
may permit.

I need hardly
reassure him. The miti-
gating circumstances
with which you are
already familiar, but
may mention some
which, from my ac-

POOR QUALITY
ORIGINAL

0996

guaintanceship with
him here I know
better than most men,
and which may properly
be placed in his
favor.

First that he is
not a bad man,
but one who has served
his country well in
her time of need, and
one who loves his family
most tenderly, and
is even now more
distressed for their
sakes than his own.

His conviction admits
that he did not medi-
late his crime. And
his refusal to submit
a plea of insanity by

POOR QUALITY
ORIGINAL

0997

PUTNAM HOUSE,

L. R. KERR, Proprietor.

ON THE EUROPEAN PLAN.

Fourth Ave. and 26th St.

New York, Oct. 25th 1891

My dear Sir,
I am one of the Episcopal
Chaplain's City Dispensary Society.
It has come within the province
of my duty, lately, to visit a
man named Stupper. I was
also present nearly the whole
time of his trial. My intercourse
with him has been very considerable.
I ^{will} plead anything in mitigation
of his punishment I would submit
to your honor that Stupper has
impressed me strongly as a
man of an excellent character.
In this case "mercy" could
"reason justice" which not
be "shamed".
I humbly ask your honor's

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0998

merely considerations
on his behalf
I remain
your faithful servant
J. H. G. Zellmann

To His Honour
Judge Cowing

POOR QUALITY
ORIGINAL

0999

District Attorneys Office
City & County of
New York.

Sept 15/92

Off Neunerlein 24 Precinct

350 E 87 Frank Strickman.

The two men were taken to the

house - A P C - 1 - 1 - 1 - 1

1 - 1 - 1 - 1 - 1 - 1

Quintessence chamber

in front of State House about

5:00 PM. Crowned head

may not appear on up &

he was in custody of law enforcement

healed him - 1 - 1 - 1 - 1 - 1 - 1

by L. O. 1 - 1 - 1 - 1 - 1 - 1

1 - 1 - 1 - 1 - 1 - 1

1 - 1 - 1 - 1 - 1 - 1

was a place in both primary inf

hospitals on. At 11 he was taken

back for identification

Conveyed

POOR QUALITY
ORIGINAL

10000

VI.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

Sir:

June 23 1892

Application for Executive clemency having been made on behalf of
Alexander Hupple who was convicted of *Manslaughter 1st*
in the county of *New York* and sentenced *Oct 29. 1891*
to imprisonment in the *State Prison* for the term of
seventeen years

I am directed by the Governor
respectfully to request that, in pursuance of section 695 of the
Code of Criminal Procedure, you will forward to him a concise state-
ment of the facts of the case, together with your opinion of the
merits of the application.

It is particularly requested, that each letter of inquiry from
the Executive Chamber should be separately answered.

Very respectfully yours,

J. S. Williams
Private Secretary.

Hon. De Lancey Nicoll
New York City.

POOR QUALITY
ORIGINAL

10001

New York
Oct. 22nd 91

Wm. J. B. Cowing

Dear Sir:-

I cannot thank you enough for the interest you took in my case, and for the many acts of kindness which was apparent to me on your part. My case, though conducted most ably, was not the defense I wished to make. As you were no doubt aware from some of my answers, I wished to plead self defense which was truthfully the case. But as I was represented by counsel and such able counsel as Mr. Howe, I was obliged to do as he told me. I must

hardly try to tell you of my feelings on that day, which I have described thus. I wish to make no excuse for my act. I would no doubt stop to think were the occasion to arise again. But I think you at least will believe me when I say that I honestly thought my life in danger, and that taken together with the thoughts of what my children suffered, made me incapable of judging my own actions.

Can you not place yourself in my position for a few moments and think of what my mind must have been? There was one thing said at the trial, which to a person not acquainted with the facts, looked bad, namely, that I slept with my daughter.

That sin to my mind is ten times worse than murder. Can you conceive of a child being awakened in the middle of the night by a nightmare and seeking its father for protection, not knowing what was the matter, but almost frightened out of its senses by its dreams? Such sin is my case in reference to my sleeping with my child. I took the child into bed with my wife and myself to quiet its fears. How our acts will sometimes be misconstrued by those who wish to injure us. You may question the child (Lizzie) and I think you will find it just as I say. But I do not think you will wish to do so, as I am sure you will believe me. My character as you know has

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ORIGINAL

1003

always bear the best. I do not
write to you in hopes for myself
but for the little ones. My heart
is all wrapped up in them, sir, and
to think of their being left behind
with but their mother to look after
them, and to be separated from
them, is what I cannot bear.
Can you believe me sir, even
since I have been locked up
here in the "tomb" I have had
my little ones come to my cell door
and tell me they were hungry
not knowing poor children that
they broke my heart when they
told me so. I know that your
power is limited, but you can
send me to the "Island" when I
can see the little ones once in
a while and at least keep an
eye on their welfare. I, a father

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ORIGINAL

1004

do not need to ask you in con-
-clusion, to be as lenient as
the law allows and as is con-
-sistent with your duties.
However I write, for the little
ones sake. Do! and may God
prosper you and yours, and
believe me sir, You will never
have cause to regret your action
through any act of mine.

Hopefully Yours

Alexander Campbell

P.S. I do not know my counsel's
reasons for asking that my
sentence be passed yesterday.
I would like a few more days
stay solely for the purpose of
making a few arrangements
for my children if you can
grant it to me.

B. 427
3 c. Coroners Office, New York County.

Inquest into the death

- of -

FRANK KRETSCHMER.

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

New York, May 8th, 1891.

Appearances: Mr. Moss appears for the prisoner.

-----oOo-----

OFFICER GEORGE DENNERLEIN, duly sworn, testified:

By the Coroner:-

Q What precinct are you attached to? A. 27th Pre-
cinct.

Q State to the Jury what you know about the case which led
to the death of the deceased? A. On the afternoon of
May 2nd, at half past five o'clock I was standing at the
corner of First Avenue and 87th Street, and immediately there
was a crowd in front of 352 East 87th Street; I saw people
running to know what was the excitement, and some coming
out of the houses; getting on the sidewalk in front of
there, when I got there in front of 352 this man here, the
prisoner, Huppe, he came out of the hall way surrounded by
other tenants in the house and they told me he shot a man in
the house. I immediately arrested him on the complaint of
the tenants in the house. I asked was ~~was~~ the man dead;

somebody said yes; I then took him to the station house. Somebody came afterwards and said he was not dead, but severely wounded. I searched him and discovered this pistol in the right side overcoat pocket; I took possession of it and handed it into the station house and the captain sent me back for identification, in my charge and two detectives and I brought him back to Mr. Kretschmer in his room where he was ~~then~~ lying on the sofa and he positively identified him as the man who shot him. We asked the cause of the trouble and he said he had dispossessed his family for non-payment of rent - Mr. Kretschmer had dispossessed his family for non-payment of the rent.

By a Juror:-

Q How many chambers were discharged? A. Three chambers; I extracted three exploded shells. I ~~have~~ the shells in my possession and the sergeant asked me to give them up to him and to-day he gave me the two loaded ones and the exploded ones are in the station house.

By Mr. Moss:-

Q You told me that when the defendant was brought back to the dead man you said he was identified as the man that shot him? A. I said that the prisoner was identified.

Q I asked you to give me the exact words - what was said by the deceased at the time and what by the prisoner?

A. The first question was do you know this man?

Q ~~By~~ Who said that? A. The detective.

Q To whom? A. To Frank Kretschmer. He said, do you know this man; he looked at him and said, "yes, that is the man that shot me." We asked the cause -

Q Who said that? A. The detective mostly.

Q He asked him the cause? A. Yes, sir.

Q What did he say? A. He said because I dispossessed his family.

Q Is that all he said? A. That was the general substance of it.

Q Did the prisoner say anything? A. No, sir.

Q At any time from the time you arrested him until the present time has this man said anything to you with reference to the shooting? A. He simply admits what I stated here.

Q I asked you to say what he said - I ask you for the conversation? A. He said, "I didn't want to kill you - I didn't want to kill you."

Q The prisoner said? A. Yes; and "I hope you won't die."

Q Where was that said? A. In the room there. And he said, "I simply wanted to shoot you in such a manner that you won't forget me," ~~that~~ that is all the substance; he kept quiet after that.

Q Was he excited at the time? A. He didn't appear excited.

-----oOo-----

JOSEPHINE KRETSCHMER, duly sworn, testified:-

By the Coroner:-

Q Where do you live? A. No. 352 East 87th Street.

I was sitting in the room and I heard somebody come in - I heard somebody was coming in and my husband said Mr. Huppe is in and he let him walk into the dining room and he talked something - he said you put my children out, and my husband said, "I didn't put your children out" he said. He said, "Your janitor is no good."

Q What did you see Mr. Huppe do in your room? A. After he said the janitor is no good - he took the pistol and shot him; he shot him three or four times.

Q How often did he shoot him? A. Three times.

Q Did you see Huppe in your room? A. Yes, sir.

Q Did you identify the body of your husband after his death as Frank Kretschmer? A. Yes, sir.

Q Is that the man you saw shooting your husband (indicating to prisoner) A. Yes, sir; that is the man.

(The witness is not in condition to testify any further, the witness fainted and for that reason the examination was suspended.)

-----oOo-----
WILLIAM KRETSCHMER, the boy is now called to the stand.

Mr. Moss objects to it and asks the right to examine the boy before he is sworn.

By Mr. Moss:-

Q Do you know what it is to be sworn upon a book, do you know what it is to take an oath, is it right to tell a lie?

A. It is not.

Q What will become of you if you tell a lie? A. It is a sin.

Q What is a sin - where will you go to if you die if you tell a lie? A. To hell.

The witness is now ~~sworn~~ sworn.

WILLIAM KRETSCHMER, duly sworn, testified: -

By the Coroner:-

Q Where do you live? A. No. 352 East 87th Street.

Q Did you see anybody do anything to your father a week ago? A. Yes, sir.

Q Would you know the person again if you saw him?

A. Yes, sir.

Q Look around - where is he? A. This one here.

Q That man there? (indicating to prisoner) A. Yes, sir.

Q What did he do to your father? A. He shot him.

Q Were you in the room with him at the time? A. No, but I was in before he shot.

Q Were you in the room when he shot him? A. No, sir.

Q Were you in the room? A. No, sir.

Q Were you in the room before or afterwards?

A. Before he shot him.

Q Where did you go after you first saw him - You say you were not in the room where he shot your father? A. I was out in the kitchen.

Q What did you go out in the kitchen for? A. I looked down in the yard.

Q Did you hear your father say anything to him?

A. No, sir.

Q That is all you know about it, sonny? A. Before he shot my father he said he would take the law in my own hands.

By Mr. Moss:-

Q What did your father say to this man before?

A. He said that my papa threw his children out.

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

Q What did your father say to that? A. He said he didn't do it, he only put out his furniture.

Q Did he speak about it being a rainy day, this man?

A. No.

Q Did your father say anything about the rainy day or anybody? A. No.

Q Are you sure of that, my boy? A. Yes, sir.

Q Did he say he put his children out in the rain?

A. Yes, sir.

Q He did say that, didn't he? A. Yes, sir.

By the Coroner:-

Q Who said that - that man there? A. Yes, sir.

By Mr. Moss:-

Q He put his wife and children out in the rain, did he?

By the Coroner:-

Q Tell us what he did say? A. He said he put his

children out.

By Mr. Moss:-

Q In the rain? A. Yes.

By the Coroner:-

Q Did he say the rain? A. Yes, sir.

Q But what else was said before you went out in the kitchen? A. He said he would take the law in his own hands.

Q You didn't see him put his hand in his pocket then, did you? A. Yes, sir, but I didn't see him shoot.

Q You went out in the kitchen? A. Yes, sir.

Q You were looking out of the window for some time?

A. I just looked out of the window and I heard the shoots.

Q You heard the shots? A. Yes, sir.

-----oOo-----

JOHN HOLLEY, duly sworn:-,

By the Coroner:-

Q Where do you live? A. No. 122 East 87th Street.

Q State to the Jury what you know about this occurrence?

A. I called upon Mr. Gribble who is a partner of mine and I wanted him to go on an errand for both of us and in doing that he said he wanted to water his plants and he picked up his water can and I went with him and while in the back part of the yard I heard a snap three times in succession but there was a little time between the first and the second, and this boy here threw up the kitchen window and

hollered, "Mr. G^ribble, come up, come up, Papa is shot," and somebody threw up one of the other windows, I don't know who it was, I presume it was Mrs. Kretschmer.

Q Did you see the person? A. No, sir, but that boy there he threw up one; Mr. G^ribble being the owner of the house he went in; just as we got to the front, to the hall door, the prisoner came down stairs and Mr. G^ribble asked him did you do that shooting.

Q Did you say that? A. Yes, sir; I did. He said, "Yes," and he said, "I am going to surrender myself," but Mr. G^ribble said, "I guess we will help you along, and he took hold of him by the collar; I asked him where his gun was and he told me it is none of your business; the officer came along then and took the prisoner down to the station house.

The Coroner: Counsel or Jury wish to ask any questions?
(No response.)

-----cOo-----

JAMES GRIBBLE, duly sworn, testified:-

By the Coroner:-

Q Where do you live? A. 352 East 87th Street.

Q Will you please tell the Jury what you know about the cause which led to the death of Frank Kretschmer?

A. Gentlemen of the Jury, as Mr. Holley just stated he and I were in the back yard; I was watering the plants and I was engaged to go on an errand and in order to do that I was in a hurry to get through with the watering of the plants

and while watering the plants I heard the report of a revolver but my hearing not being very good I couldn't hear it for a second - there is a hollow space there and it caused an echo which bewildered me first, but turning around I saw Mrs. Kretschmer by the window and I heard the second shot and little Willie hollering, "Come up, come up, a man shot my papa," and Mrs. Kretschmer also hollered; Mr. Gribble come up quick; I ran from the yard and just then a third shot was fired; I rushed into the hall going out into the front hall from the back into the front hall and I saw this man coming down stairs; he was about the fourth step from the hall, and I said, "Are you the man that did the shooting here?" He said, "I am going to surrender myself;" I said, "I will take you," and he offered no resistance; I took him to the First Avenue near the drug store and I met this officer here - I was mighty glad of it too. He was the coolest man under the circumstances that I ever saw in all my life. Afterwards we had Mr. Kretschmer to identify him in the presence of the officer; I was there at the time. He acknowledged it to me on the stairs - he said, I am going to surrender myself; I was afraid he would get away.

By Mr. Moss:-

Q You never saw him run? A. I didn't, but he could if he wanted to.

-----oOo-----

JOSEPH HECKMANN, duly sworn, testified:-

By the Coroner:-

Q Where do you live? A. 352 East 87th Street.

Q Did you see the shooting? A. Yes, sir.

Q Tell those gentleman what you saw? A. I went down in the cellar and came up from the cellar, I took wood and coal up and I come up in the entry and the bell rang and opened the door, that prisoner came in, I opened the door for him, he rang the bell - I opened the door. He asked me is Mr. Kretschmer home; I said yes, sir, he is upstairs. He walked up the flights before me and we went in the room where Kretschmer sits and I walked into the kitchen, the next room; he spoke very loud there, and in two or three minutes I heard the shots; I went over and caught him here ~~xxx~~ by the breast and pushed him around.

Q Did he fire any shot when he did that? A. He was after shooting at that time; I turned him around and he ~~xxx~~ held the pistol at me this way, he wanted to shoot me too.

Q Did he say so? A. He wanted to shoot me.

Q Did he say? A. I think ----

By a Juror:-

Q Did he say that to you that he would shoot you?

A. Yes, sir.

By the Coroner:-

Q When you took hold of him by the coat he put the pistol to you and he said he would shoot you too? A. Yes, sir.

Q What else? A. I hit him and the pistol fell on the floor.

Q Did he pick it up again? A. He picked it up.

(When the witness said him he meant the pistol.)

Q Where did he put him? (Meaning the pistol.) A. He put him in the pocket and I went out and he went away; I went out before, I went out on the street for the police; he came out after me; I was at the first door and he came down the steps.

Q Who was with him when he came down on the street, anybody with him? A. There were people around.

Q Did anybody have hold of him? A. No, sir.

By a Juror:-

Q When he came down the stairs was anybody with him?

A. I went down ahead of him.

Q When he was coming down the stairs was there anybody with him? A. When I came back after getting the police Mr. Gribble had hold of him.

By Mr. Moss:-

Q You heard three shots fired? A. Yes, sir.

Q Where were you standing at the time? A. I was standing in the kitchen.

Q Did you see him fire the shots? A. No, sir.

Q After the shots were fired you came in from the kitchen?
A. Yes, sir.

Q You caught him here? A. Yes, sir.

Q And he held the pistol up to you? A. Yes, sir.

Q In which hand did he hold the pistol? A. With this hand - the right hand.

Q Was his finger on the trigger? A. I don't know.

Q Didn't you see him have the pistol in his hand?

A. I don't know -

Q What way did he have it? A. This way (illustrating).

Q He held the pistol like that? A. That way. (illustrating)

Q With his finger there? A. Yes, sir.

Q His finger on the trigger? A. I cannot swear to that.

Q When he held his pistol like that what did he say to you? A. He said, I will shoot you down too.

Q What did you say then? A. I said nothing at all - I knocked him down on the floor. I mean the pistol when I say knocked him down.

Q You knocked the pistol out of his hand? A. Yes, sir.

Q Did the pistol fall right where he was standing?

A. Right at his feet.

Q He ~~xxxxxx~~ stooped down to pick it up? A. Yes, sir.

Q did you try to pick it up? A. No, sir; he was too quick about it.

Q What did you do then? A. I ran out and went for a policeman and he came right behind me.

Q You saw him coming out of the house, didn't you?

A. He followed me coming out of the house.

Q You saw him come out of the house? A. No, sir; he came out right behind me, he followed out and remained at the door.

Q At the front door? A. On the second door, - the vestibule door.

By the Coroner:-

Q Did you see the prisoner come out of the house after the shooting? A. No, sir; I saw him first again when I returned after getting the police.

By Mr. Moss:-

Q Where did you see him then? A. I saw him on the sidewalk.

Q Who was with him? A. There was nobody with him.

By the Coroner:-

Q When you went down First Avenue for an officer and you came back again? A. He was up on the sidewalk.

Q Was there anybody with him? A. Nobody with him -- Oh, Oh, Mr. Gribble got him.

By the Coroner:-

Q Where is the man whom you saw having him by the arm?

A. That is the man (indicating to Mr. Gribble).

By Mr. Moss:-

Q Where was he standing when he had him by the arm?

A. Right in front of the house.

Q Where the shooting occurred? A. Right about at the beginning of the next house.

Q Didn't you see the defendant after the shooting standing in front of the house in which the shooting occurred with nobody beside him at all? A. No, sir; Mr. Gribble had hold of him.

Q What is your business? A. I worked with my sister.

Q Are you married? A. No, sir.

Q Were you ever on the witness stand before as a witness in any case?

The Coroner: That is immaterial; I will not allow that question.

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DR. GOTTFRIED RAUTENBERG, duly sworn, testified:-

By the Coroner:-

Q What is your profession? A. Physician.

Q Graduated from what college? A. University of the City of New York.

Q Tell the Jury what you know about the case which led to the death of the deceased? A. On the evening of Saturday, the second of May, I was called over to 352 East 87th Street, Mr. Kretschmer, and the party that called said he had been shot. I went over there and found him lying on the sofa in the back room on his left side and he said, "I am shot." I *stripped* him and made an examination and found one bullet hole in the right side over the gluting region, and then I made a carbolic acid solution, after they brought the prisoner back, and washed the wound and bandaged it and carried him in the front room and gave him hyperdermic injections of morphine and called in Dr. Langham; he came at 8.45 and we again examined the patient.

Q What time were you called in? A. About quarter of six o'clock; we found the bullet - we located it in the

left part of the abdomen; thereupon he proposed the operation of laparotomy to the wife which was performed about half past ten, I presume, by my assistance and his brother, Dr. Langham's brother. And the patient was then placed in bed and the next day he went on pretty well until Monday, when he died at three o'clock.

Q How long after the shooting was it until you were called in? A. I cannot say that; I presume it was a very short while after, but I cannot say.

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The officer being recalled, states that he left the station house at half past five and it must have been about 25 minutes of 6 - or 5.35, he states must have been the time precisely.

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DR. RAUTENBERG'S testimony continued:-

The ball passed through the pelvis and through the left side of the abdomen ~~integ~~ under the integument; we excised the ball afterwards.

By a Juror:-

Q Did you get the ball while the man was alive yet?

A. Yes, sir; the professor gave the ball to the son and he placed it on the piano; the size of the ball was the

same as the size of the one in your hand.

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The Coroner: Gentlemen of the Jury, you have heard all the evidence in this case; I do not propose to say anything in reference to it; I will leave the matter now with the Jury. You may retire and bring in a written verdict as to how the deceased came to his death and at whose hands he came to his death.

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Word was brought to the Coroner that the widow of the deceased is now in better condition to testify, but counsel for the prisoner states he does not desire to have her recalled and the Coroner does not deem it necessary to recall the witness.

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VERDICT: We, the Coroners Jury, find that Frank Kretschmer, came to his death from a pistol shot wound of the abdomen inflicted by Alexander Huppe, on May 2nd, at No. 352, East 87th Street, New York City.

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: Before
: Mon. Rufus E. Cowing
: and a Jury.

I live at 116 East 91st. Street. I am the wife of the deceased Frank Kretschmer. At the time of his death I lived at 352 East 87th. Street. On the 2nd. day of May last I was in the dining room of my house with my husband. My son Willie was also with me. The defendant came in the door and said: "You put my children out". My husband says: "No; I didn't put your children on the street". Then my husband said: "Why did you not speak first with your landlord if you left the city?" The defendant said: "Your janitor is no good". My husband said: "Why, she didn't do you anything" and the defendant said: "Yes; she made a big talk around the neighborhood that I sleep by the daughter and the wife sleeps by the

2.

son". My husband said: "I don't care about talking. I don't know anything about it". The defendant then said: "That is the last you will put out". My husband said: "If there is anything wrong you can go to law about it". The defendant said: "I will take the law in my own hands" and he shot him. I saw a revolver in the defendant's hands and it was pointed at my husband. After he fired the shot he started out of the door but was caught by my brother. The defendant aimed the revolver at my brother's breast, then ran downstairs and was arrested. My husband died 43 hours afterwards.

Cross-examination:

I know the little boy Paul Huppe. I saw him once at my house.

It is admitted that the deceased died at the place named in the indictment at the time mentioned in the indictment and from a pistol shot wound inflicted by the defendant.

JOSEPH HICKMAN, a witness for the People, sworn, testified:

I live at No. 116 East 91st. Street. I knew Frank Kretschmer in his lifetime. My sister was his wife. I lived with them at 352 East 87th. Street. On the 2nd. day of May 1891 I saw the prisoner on those premises. He rang the bell and I opened the door for him. He asked me if Mr. Kretschmer was home. It was between 10 and 11 o'clock in the morning. I told him Mr. Kretschmer was home, and then he went upstairs and I followed him. He

3.

went into the dining room and I went into the kitchen. While in the kitchen I heard three pistol shots and I went into the dining room. When I got into the dining room I found Mr. Kretschmer and his wife and the prisoner. I caught hold of the prisoner and turned him around, and I hit him on the wrist so that the pistol fell out of his hand. Then, as the pistol fell, it fell between his legs and I stooped down to get it, but he gave me a push and he himself picked up the pistol, and then went out of the door. I ran downstairs ahead of him and Mr. Gribble had already caught him in the street, and he was turned over to a police officer.

Cross-examination:

I was examined before the Coroner. I swore there that after the shots were fired I came in from the kitchen. I also swore that the prisoner held the pistol against me. I knocked it out of his hand. When the pistol went on the ground the defendant picked it up. The deceased was a fat man, but I don't know about his being muscular.

JOHN HOLLY, a witness for the People, sworn, testified:

I live at No. 122 East 87th. Street. I knew Frank Kretschmer in his lifetime. I was there at the time of this shooting in the premises No. 352 East 87th. Street. I was in the back yard in company with Mr. J. Gribble between 5 and 6 o'clock in the afternoon. I heard three shots and then I saw a boy run the window up

sing out to Mr. Gribble "Papa is shot. Come in". I went right through the hallway and we met this defendant who was coming downstairs. I asked him who did the shooting and he said: "I did. I am going down to the Station House to surrender myself". Mr. Gribble said: "Well, I guess we will help you along". The officer came then and took the defendant in charge. I asked the defendant if he had a gun and where it was, and he told me it was none of my business. I didn't see any pistol there. I went to the Station House and returned in company with Mr. Gribble, the police officer and Mr. Doyle to Mr. Kretschmer's room. He was lying down on the lounge when we returned. The detective asked the deceased if he thought he was going to die. He said yes. The detective said: "Can you recognize the man that shot you?" He says: "I can. There he is" (pointing to the defendant). He pointed his index finger and said: "That is the man that shot me". The defendant said: "I didn't mean to shoot you". I looked at him and said: "You made a noble effort". The defendant made a sort of sneering remark and I says: "This is no laughing matter. This is a matter of life and death and your miserable life is at stake now".

Cross-examination:

Mr. Gribble was in the room at that time as was also Officer Doyle and the officer that made the arrest. There was at least 7 or 8 in the room at this

time. The deceased was lying on the lounge at the time these statements were made.

The Court: I have it in my minutes that the first witness said this occurred between 10 and 11 o'clock in the morning?

Mr. Howe: He is mistaken. It occurred between 5 and 6 o'clock in the afternoon.

JAMES GRIEBLE, a witness for the People, sworn, testified:

I live at No. 352 East 87th. Street. I lived there through last May. Frank Kretschmer, the deceased, lived in that house with me. He was one of my tenants there living on the first floor. On the 2d. of May between 5 and 6 o'clock I was in the garden watering the flowers and while watering the flowers Mr. Holley and I were talking over a little business matter. I heard the report of a pistol. For a time it bothered me to locate it and then I heard a second shot. About that time Kretschmer threw up his hands and said: "Come up, Mr. Gribble, come up quick". I started to run towards the back door and while coming down the alley I saw little Willie up at the window and he said: "Come up, Mr. Gribble, quick. A man shot papa". When I got to the back door I heard the third shot. I rushed into the hall and to the front door and when near the front door I saw the defendant coming downstairs. I said: "Are you the man who was doing the shooting upstairs?" He said: "Yes; I done it and I am going to surrender myself". I said: "No. I will take you." I took him outside and turned

him over to the officer. I saw the pistol in the Station House. The prisoner was brought back to Mr. Kretschmer's house and taken into the same room where he was shot. Mr. Kretschmer stayed over by the easterly window on the lounge. The officer asked the defendant his name and his residence and he said: "I have none. I am on the street". I can't remember what questions were asked further, but the question was asked Kretschmer if he could identify this man as the man who shot him, and he said yes.

Cross-examination:

A great many words might have been said there that I didn't hear. The defendant didn't appear to be in any way excited.

WILLIAM KRETSCHMER, a witness for the People, sworn, testified:

I live at No. 116 East 91st. Street. The deceased was my father. In the month of May last I lived in East 87th. Street in Mr. Gribble's house. The defendant shot my father. I saw him take the pistol out of his back pocket. Then I went to the window and called Mr. Gribble up. I went out into the kitchen before my father was shot to call Mr. Gribble. I heard the defendant say: "I will take the law into my own hands", and then he pulled the pistol out.

Cross-examination:

I have been talking with my brother and my

mother about this case. I said before the Coroner that I was out in the kitchen at the time my father was shot. As soon as the defendant came into the room and pulled out the pistol I ran out to the kitchen. I heard this defendant say to my mother: "You threw my children out on the street"?

GEORGE DENNERLEIN, a witness for the People, sworn, testified:

I belong to the 27th. Precinct. On the 2d. of May 1891 between 5 and 6 o'clock in the afternoon I was on my post from 79th. to 86th. Street on First Avenue. I saw a number of people in front of 352 East 87th. St. I approached the crowd and somebody made the remark that there was a man killed in the house. The defendant was pointed out to me as the man who did the shooting, and I placed him under arrest. I searched him and took a revolver from his right side overcoat pocket. It was loaded at that time with three cartridges exploded in it. It was warm. I put the pistol in my pocket and brought it to the Station House. I asked the defendant his name and he gave it to me. I asked him where he lived and he said that he had no home. I asked him: "Did you kill him?" and he said he did not know whether he had killed him or not; that he didn't intend to kill anybody but did intend to shoot someone. This was said before I took him to the Station House. When I arrived at the Station House Captain Carpenter instructed me to take the defendant back to the scene of the shooting. I returned

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with him and entered the room in which the injured man was. I asked the deceased if he knew the defendant and he said: "Yes; that is the man that shot me". Then Mr. Doyle asked him why he did it, and he said "Because I was compelled to dispossess his family". The deceased Kretschmer was asked where the defendant's family lived and he said No. 1575 Avenue A. Doyle asked him: "Do you think you are going to die?" and he said yes. Everybody was ordered out as the clergyman was there and wanted to perform the rites of the church. The defendant stated when he entered the dining room: "You put my family on the sidewalk", and Mr. Kretschmer said: "I could not help it". He also said: "Now, if my children died from exposure there will be nothing done to you, will there?" and Mr. Kretschmer did not make any remark to that. Mr. Kretschmer said: "I am in great pain". The defendant said: "If I kill you I will be hung." Kretschmer made no reply to that. The defendant said: "Well, now I will take the law into my own hands". The defendant admitted that he made that remark. I asked the defendant why he shot the deceased and he said: "Because he put my family on the sidewalk and I had no other way of redress. If I was to meet him he would not fight. I shot him but did not intend to kill him."

Cross-examination:

I remember being examined before the Coroner. I was not asked to give the conversation there in which the words: "If I kill you I will be hung for it" occurred.

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I did not make that statement before the Coroner's jury. Mr. Gribble, Mr. Huppe, Mr. Doyle, Mr. Gilligan, Mr. Rottenberg, the doctor, the priest, the widow's brother, the janitor of the house or the acting janitor were in the room at the time that was stated. I have given the entire conversation. Officer Doyle asked the defendant did he shoot him and he admitted that he did shoot him. He said: "I did shoot him. I hope he won't die". The prisoner said: "I shot him because he put my family on the sidewalk". He also said: "If I kill you I will be hung". I swear that I heard the prisoner say: "If my children die from exposure from the fact of your putting them on the sidewalk there will be nothing done to you". Those words passed in that room after the shooting. I did not say that before the Coroner, but I do swear it now.

EDWARD CARPENTER, a witness for the People, sworn, testified:

I am a Police Captain in command of the 22d. Precinct. On the 2d. of May last I saw the defendant Huppe in the Station House of my Precinct. I had a conversation with him on Sunday afternoon, May 3d. I said: "Huppe, I think you have got yourself in a bad scrape. I am afraid that man is going to die". He says: "I hope he won't die. I didn't intend to kill him. I only intended to injure him." I asked him where he was all day Saturday and he says: "I have been looking for this man", meaning the deceased. I says: "Did you have a revolver with you all the time?" and he said: "I had." He said he didn't want to injure the man, only wanted to maim him;

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tried to shoot him in the arm so as to disable him. He said: "He has injured me and I tried to injure him".

EDWARD H. DOYLE, a witness for the People, sworn, testified:

I am a Police Officer attached to the 27th. Precinct. I went to Mr. Kretschmer's house in 87th. St. on the day of this shooting. I found the deceased lying on a lounge. I asked Mr. Kretschmer if he believed he would die. He replied that he did. He pointed out the defendant as the man that had shot him. Mr. Kretschmer said that he was sitting at the window reading when the defendant came upstairs and opening the door came in; that he asked Mr. Kretschmer why he had put his family out and Mr. Kretschmer replied because he had not paid his rent. The deceased said that the defendant then drew a pistol and fired at him. Mr. Kretschmer said he never had seen the man before in his life. I heard no other conversation. On Sunday I was present at the interview ^{between} ~~but~~ the Captain and the defendant. The Captain told him he had got into a pretty bad box; that the man was likely to die. The defendant said he was sorry; that he did not intend to kill the man; he only intended to give him a good licking.

Cross-examination:

I am the detective in that precinct. I was held by the Captain to go to the house of the deceased and get a statement if possible. I was paying particular attention to what the deceased was telling me. I was sent there for that purpose. I did not pay as much attention

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to what the prisoner said. I put the questions to the deceased. I heard the prisoner say: "I didn't intend to kill him. I only wanted to hurt him". That is all I can remember.

ANTHONY M. GILLIGAN, a witness for the People, sworn, testified:

I am a police officer attached to the 27th. Precinct. I remember the 22d. day of May last when I went to the house of the deceased Frank Kretschmer in East 87th. Street. I went in company with Officer Dennerlein and Officer Doyle. I saw the wounded man Kretschmer there. After we went into the room Mr. Doyle asked the injured man if he was hurt. He said yes, he had been shot. Doyle asked him to point out who shot him, and he pointed to the defendant. Doyle said: "What cause had he to shoot you?" and the deceased said: "He didn't have any cause outside of the trouble he had with his family by dispossessing them". Doyle asked him if he gave that as his dying statement, and he said: "Yes". The defendant stood at the right of the deceased while this conversation was going on. When Detective Doyle asked Mr. Kretschmer if he recognized anybody who shot him he pointed to the defendant and said: "That is the man that shot me", and the defendant said: "Yes; I shot you, but I didn't intend to kill you. I did intend to make you remember me".

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Cross-examination:

The occasion was a solemn one and I recollect it distinctly. The defendant said: "Yes; I shot you but I didn't intend to kill you. I did intend to make you remember me though". I am positive of that. Mrs. Kretschmer made some excitement by crying out loud.

JOSEPH STEGMEYER, a witness for the People, sworn, testified:

I live at No. 306 East 82nd. Street. I am a builder by occupation. On the 2nd. of May between 4 and 5 o'clock in the evening I was on the sidewalk of 3d. Avenue and 83rd. Street. This defendant came up and said to me -- he said: "You can tell me where Mr. Kretschmer lives?". I said: "I am not sure about the number, but he lives in 87th. Street or First Avenue". He said: "Very much obliged" and he walked off. I am positive that was on the 2d. of May. The prisoner was not excited when he came to me. He appeared to be quite calm like any ordinary person.

PHILIP E. DONLIN, a witness for the People, sworn, testified:

I am a Coroner's physician. I made the autopsy upon the body of Frank Kretschmer on the 5th. of May 1891. I found a pistol shot wound in the right side about four inches behind the anterior superior spinous process of the illium. That is the prominent bone on this side (indicating). The direction was inward and to the left. I also found an incised wound of the abdomen evidently made by the surgeon in attendance. Death was the result

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of a pistol shot wound in the abdomen.

GODFREY ROUDENBERG, a witness for the People, sworn, testified:

I am a doctor of medicine and have been since 1886. I was called to attend Frank Kretschmer on the 2nd. of May in his house in East 87th. Street. I found him suffering from a pistol shot wound. I bandaged it up. I made an examination of the body generally and suggested that they call in another physician. On further examination we found the bullet had penetrated the bone on the right side and passed through the intestines and eventually lodged in the left side.

DEFENCE:

LIZZIE HUPPE, a witness for the defendant, sworn, testified:

I am 14 years of age. The defendant is my father. He is an electrician working for the Edison General Electric Company. In April of this year I heard a conversation between the deceased and my father. Papa asked him if he would wait for the rent, and the landlord said: "It will not matter for two weeks". My father then went to Boston. On a Tuesday in April my mother had gone out to work in the morning. It was raining. There was nobody in the house but my brother who is 15 years old and my sister aged 12. I was just getting my dinner and a gentleman knocked at the door. I opened it. He said: "Are you going to move?" I said: "What is it for?" and the man said: "Didn't you hear about it?" and I says: "Yes; mama got a paper but she thought it was the

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wrong name. It was John instead of Alexander Huppe". Another man came in then and all our furniture, beds and everything was put out on the sidewalk in the rain. We stayed by the furniture until the groceryman came and told us to come in out of the rain. The groceryman in the evening put the things in his cellar for us. My father was at that time in Boston. My mother returned at about 9 o'clock at night. Shortly afterwards we left Brooklyn and upon being settled there I wrote to my father telling him how we had been dispossessed.

Cross-examination:

We had been in the house where we were dispossessed nearly seven months. My father and mother were living apart during a portion of the time we lived in those premises. Mama liked to live in Brooklyn and my father liked to live in New York. I do not know of any complaint being made by the janitress that there was quarrelling in our rooms. My father was very seldom behind time in his rent. While my mother was living apart from us I went to see her every week. My father, mother and I were present at the conversation between my father and Mr. Kretschmer in which he said he would wait two weeks for the rent. The reason he gave Mr. Kretschmer for asking him to wait was that he wanted to buy some tools in Boston. The deceased always acted as if he was a kind landlord, but the janitor never did. I was surprised when we were dispossessed. The janitress of the

15.

building never liked me and was always complaining about me. When our furniture was being put out the landlord Mr. Kretschmer came to the house and when myself and my sister were going upstairs he took us by the shoulder and said: "Get out of here. Don't you come upstairs any more". We didn't make any resistance at all. The groceryman allowed us to remain in his store out of the rain until my mother came home from her work in Brooklyn. It was I who wrote the letter to my father in Boston. I do not know the name of the hotel at which he was stopping in Boston. We lived at No. 80 Smith Street in Brooklyn and had three rooms on the top floor there. My brother was working, I was working and so was my mother. At the time we were dispossessed from our house my mother had about \$17. I do not think she had as much as \$20. My brother read about the killing of Mr. Kretschmer at 4 o'clock on Sunday afternoon. I had seen my father's pistol in his trunk about a week before last Christmas. He was away and my brother and I were looking at his things. My mother and I slept in a neighbor's house on the night that we were put out.

JAMES T. ROBE, a witness for the defendant, sworn, testified:

I am Superintendent of the Edison General Electric Company. I have known the defendant for four years. His character for peace and quietness is very good indeed.

A letter was then read in evidence signed by Mr. Hutchinson, Assistant Manager of the Edi-

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son General Electric Company, certifying to the good character of the defendant.

PAUL HUPPE, a witness for the defendant, sworn, testified:

I am the son of the defendant. I remember the day on which we were put out from our house in Avenue A. It was raining. It was in the month of April. I was in the front room and I walked in the back room and I there saw my sister talking to a man. The man said to me: "Are you the oldest?" and I said "Yes". He says: "Can you go to the landlord's house and ask him if he won't leave you stay there until your mother comes home". I went and I saw the landlord. I said: "Will you ^{please} leave us stay there until mama comes because papa has gone away and mama is out". He said no. Then he walked over to his wife, and the wife says: "No; put them out". Then he closed the door and I went away. I walked down to the house and stayed there a little while and saw them putting the things out. I don't remember very well whether it was raining or not. I remember a colored man put the things in the cellar at about 10 o'clock at night. I slept with a strange boy that night. He took me in. I don't remember his name, but he lived on the same block with us. My sister and my mother slept next door to the house out of which we were dispossessed. My father has always been a good father to me. Sometimes when I would not mind him he would give me a whipping, and then after he would get through he would be sorry. He has been good to my mother and good to my sisters. At times my mother

17.

left my father and lived apart from him in Brooklyn. She preferred to live in Brooklyn because it was nearer to her work.

Cross-examination:

I recognize the who now appears as the man who asked me to go to the landlord's house. I asked the landlord to leave us stay there and he said no. Mrs. Kretschmer was present at the time, and he talked with her and she said: "No; put them out". I am positive it was raining on that day. I recollect it now. We were put out at 12 o'clock in the day. We moved over to No. 80 Smith Street, Brooklyn and paid \$6 a month for the rooms there. My father came there some time after we moved and remained a short while. He said he was going back to Boston. My sister wrote a letter to my father after we moved to Brooklyn. I did not mail the letter. I remember hearing of my father's arrest on a Sunday in May. We had been living in Brooklyn about a month then. I didn't see my two sisters pushed out of the house by Mr. Kretschmer. I saw Mrs. Sandorf and the landlord laughing at my mother and sister.

ANNIE HUPPE, a witness for the Defendant, sworn, testified:

I am a Catholic and go to Sunday School. I go always every Sunday.

It is admitted that there were dispossess proceedings and that the family of the defendant were dispossessed.

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I remember the day we were put out of our home. It was raining. All our things were put out on the street and they got wet. At about half past nine o'clock at night they were put down in the cellar by a groceryman.

Cross-examination:

I saw Mr. Kretschmer on the day we were put out. He pushed me and my sister out of the door and told us that we should not go upstairs any more. I saw two colored men upstairs getting the things together and bringing them downstairs. I do not know whether my mother had any money or not at the time we were put out.

MORTON D. LAWRENCE, a witness for the Defendant, sworn, testified:

I am one of the foremen in the Edison Electric Company. I have known the defendant for five years. His character for peace and quietness is good.

RICHARD F. COOK, a witness for the defendant, sworn, testified:

I live at 255 West 123d. Street. I am the manager of a paperhouse. I have known the defendant intimately. His character for peace and quietness is good.

KATIE HUPPE, a witness for the Defendant, sworn, testified:

The defendant is my husband. He has always been a good man, and good to his children. He was employed by the Edison General Electric Company. Sometimes he made as much as \$25 or \$26 a week. He was a hard-working man. While he was away from the City I was

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living with my people in Brooklyn. We didn't separate on account of any quarrel. Before my husband went to Boston the landlord came up and asked him for the rent and my husband asked him to wait, and then the landlord said: "It will not make any difference for a week or two". My husband went to Boston on Monday. About a week after on Tuesday I left the house at half past six and went over to Brooklyn to work. I got home that night at about nine o'clock and my children ran to me and said: "Mama, there are our things out on the street". It was raining, pouring down heavily. I got almost sick. I didn't know what to do. It was enough to set me out of my mind. I was all alone and a stranger there. I didn't know anyone at all. We had to look to the neighbors for protection. The neighbors took the things in and gave us a place to sleep for the night. When I left the house in the morning I left the children fifty cents to buy bread and butter, or whatever they needed, and the little change which they had left they told me they even took that or destroyed it. They told me it was lost. On the 23d. after we had left Brooklyn my daughter wrote to her father telling him that he should not write to us any more at that address because we had been put out. She also told him about the details of our being dispossessed. Myself and all the children had a cold from the exposure. On Friday my husband came back home to Brooklyn and on Saturday at about four o'clock he left Brooklyn. He bid us good-bye and said: "I am off". By that I thought he

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was going to Boston. I didn't see him after that until after his arrest.

Cross-examination:

I didn't read the letter that my daughter wrote. I told her some of the things which she should write. She wrote on the 23d. and my husband came home on the following Friday and said he was sick. He felt sad about our being put out. He said nothing at all about Mr. Kretschmer. When he left us I thought sure he was going to Boston. I don't know if I ever saw this particular pistol before, but I do know that my husband always had splendid shooting things in the house. I think he had one big gun when we lived in the country about nine years ago. I never knew him to carry a revolver while we were living in the city. I do not know of any complaints being made against us for quarrelling in our rooms. The janitress did come up at times and complain. She came up one morning and told me that Mr. Kretschmer was angry because I didn't give him any money and I told her it was not my place to pay the rent; that my husband always paid the rent. I never contributed any money towards the payment of the rent. At the time we were dispossessed I had between fourteen and fifteen dollars. That was my money and I needed it for other things besides paying the rent. I got the dispossession notice in the morning and I asked the janitor for the number of the house of Mr. Kretschmer and he would not tell me. I wanted to go to the landlord and settle somehow

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or other so that we would not be put out. I got a notice on Saturday and on Tuesday we were put out. I could not find Mr. Kretschmer, though I went to look for him. On the day after we were put out I saw Mr. Kretschmer with the janitor standing at the door. He was grinning and laughing. I went to live in Brooklyn because I liked it better. I had no idea we were going to be put out until the day it happened. Had I known I would have raised the money and paid the rent. I cannot tell the exact date in April when my husband left for Boston. I think it was about the 17th.

ALEXANDER HUPPE, the defendant, sworn, testified:

I am 47 years of age. I am married. My wife and children are here in court and have testified to-day. I am an outside fitter employed in Edison's General Illuminating Company. I have been employed there a little over four years. My wife and I had little quarrels at times. She wanted to go and live in Brooklyn and I wanted to live in New York. She was an industrious kind of a woman and wanted to work at all times. I wanted her to stay home and attend to the children. The pistol which is now on the District-Attorney's table is mine. I have always had a pistol when I have travelled since the war. This one I got in Chicago in 1889. I exchanged it for another pistol. I carried a pistol because I have been attacked three times in my day. One time in Buffalo, when two men tried to steal my watch. Another time when I was in Mexico I got in with a lot of drunken men and came near being knifed. I pulled out my

22.

pistol and saved my life. I was ordered by the Company to go to Boston. I left New York City on the 24th. day of March for the purpose of going there to fit up a show-room and take charge of the New England States. I returned about the 4th. of April. I had always paid my rent in advance. Sometimes they might have to wait a day or two, but never longer. My little girl used very often to go downstairs and give the rent to the janitress or the janitor, but they never waited but this one time. On the 6th. of April, if I am not mistaken, the landlord came to my room. I said: "I suppose you are after money!" He says: "That is what I am here for". I said: "I am working in Boston and when a man goes out to a strange place he is in want of a little money. Is there any harm if you wait a week or two?" He said there was not. I wanted the money to buy tools and fit up a shop in Boston; also to rent a cottage there. I went to Boston and did considerable work there. Then I went to Newport. I have here my hotel bill paid in Newport. I fitted up a church there. I returned to Boston on the 29th. I don't know the name of the place where I lived in Boston. I received a letter at the office of the company in Boston from my daughter telling me that they had been put out and how they had suffered. I was sick with the grippe. I stayed in Boston one day. I could not sleep for my cold and the fact of the letters I was after reading. One letter stated that they were put out into the street

**POOR QUALITY
ORIGINAL**

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23.

and that it was raining. I meant to go right away. My business I had to look out for. The letter stated that they were in Brooklyn. I attended to my little work there as fast as possible and that night when I went to bed I couldn't sleep. I started up, went out into a saloon and took a drink of whiskey. I very seldom drink whiskey. It was about eleven o'clock when I went out. I went downstairs and the street was deserted. I found a saloon. I got a glass of whiskey. I walked towards the Old Providence Depot and said: "I wonder if I can go to New York". I actually thought I was sicker than I was. The man in the office said: "There is a train that leaves at 12 o'clock". I got a ticket and paid \$5 for it. I got into New York on the 29th. of April, or the 1st. of May about nine o'clock. I am not certain which date it was. I know I was arrested on a Saturday, the 2nd. of May. I went to Brooklyn and saw my wife and children and they told me of the circumstances of their being put out and it was a very sad story to me. That day I went to bed right after dinner. I did not get up until next morning. I was very sick. I told Lizzie that I was going over there to find out why they were put out; that there was no cause for putting my children out; no more cause than I have for striking anybody here. I said: "Lizzie, you must have been making some noise or doing some fault for him to put you out". She said: "No; papa. We had a little party there and the janitress

24.

came up and told us to stop making a noise". We didn't make any more noise than when you are around." I said: "I am going over to find out". She said: "No, papa; don't go over". If I took her word I wouldn't be here. I gave her money to go and get her hat which was being made in a millinery store. I kissed the children good-bye at 2 o'clock on Saturday and said I was off. They asked me why I didn't wait, and I said: "No; I have got to go". At four or a little after four I crossed the South Ferry. I got over and was going to take the Blue Line and go to the Boston boat, but while I was there I again changed my mind and thought I ought to go uptown and find why I was put out. I could not think why it was, and I did change my mind and I said: "I can get the train any time that night, so I missed the boat and I went uptown to the house of the deceased. The first place I went was into a grocery-store. A lady in there said: "What a shame you were put out." I said: "Yes; why was I put out?" She told me the children were not making any noise and that her husband would have paid the rent if he thought I owed it. I asked her where Kretschmer lived and she said in 87th. Street. Well, being sick with this grippe the same time I was a little absent-minded, and instead of going into 87th. Street I went into 83rd. Street. I met the gentleman who testified here on the stand, Stegmeyer. I asked him if he knew Mr. Kretschmer and where he lived, and he told me in 87th.St.

25.

I actually thought I was in 87th. Street but it turned out to be 83rd. Street. I was not tight. I had not drank anything at all that day. I told him I was much obliged to him, and then I went around to 2nd. Avenue and started for 87th. Street. I went into two houses and said: "Does Mr. Kretschmer live here?" I was not sure of the way. I never had been there before and never had any occasion to go to the house. I always paid my rent and that was all I had to do with the landlord. They told me to go next door. I went next door and it was not there yet. I rung the bell at the next house and when the janitor came I said: "Does Mr. Kretschmer live here?" and he said yes. I said: "Is he home?" He said yes. I said: "Tell him I wish to see him". He said: "Why don't you go upstairs?" He was German. I started to go up and just then Kretschmer and his wife were at the head of the stairs. I said: "Look here; I want to see you a moment." He said: "No; come up." I went upstairs and when I got there he commenced walking back to the room. I said: "What is the matter? What did you put my children out for?" He said: "I didn't put your children out. I only put your furniture out." I said: "What did you put my furniture out for?" He said: "You didn't pay your rent". I said: "Didn't you tell me it didn't matter for a week or two?" Well, he was a man without an excuse and he didn't know what to say. He was there and I think he would have rather killed me.

26.

He would rather see me away from him than speaking to him. Just before he made some remark about the children that the janitress said the children were running around with men or something of that description, and at the same time saying this: "I would put you out too". Just then I got into a passion. I know I drew the revolver and shot. I think I was struck by somebody there. I fired one shot and then some one struck me. That is all I remember. It was just an agitation and I didn't know what I was doing at the time. I was not tight but my brain with this cold in my head and the agitation and knowing how those children were out on the sidewalk and had no right to be put on the sidewalk when their rent was all right and all the other children making fun of them made me agitated. The thought of my children being blackguarded and other children saying to them: "You were put out" made me agitated. I said to the deceased: "Supposing those children got cold and died" and he said: "Oh, you could sue me". I didn't say I would take the law into my own hands. I am an American citizen and I know that a man cannot take the law into his own hands without getting into trouble. I pulled the pistol. I didn't intend at the time I pulled the trigger to kill that man. I was in a passion. I knew not what I was doing. Had I known it I never would have done it. I never formed the intention of killing the man. I never fired more than one shot that I have any recollection of. I do not remember firing a second shot.

27.

Cross-examination:

I remember having a talk with Captain Carpenter after my arrest. I do not remember saying to him that I was looking for Kretschmer at all. He did ask me if I had a revolver with me all day, and I told him yes, I had it with me all the time.

Q This was the instrument you used on that occasion for the purpose of giving the deceased a slight wound: You are sure that was your intention? A Yes, sir.

Q Positive? A I had no occasion to do anything else. He never done me any harm.

Q You didn't think the motive strong enough to kill him? You thought it would justify you in giving him a slight wound? A I didn't even think that. I was crazy at the time.

Q What did you mean by saying you intended to give him only a slight wound? A That was all. I tried to strike him in the hand.

Q When you pointed that pistol at him that was your intention, to give him a slight wound? A Yes, sir; to hit him in the hand.

Q Did you aim at the hand? A Yes, sir.

Q No other part of the body? A No, sir.

Q Where was Kretschmer at the time? A When he turned upon me and said he would put . and my children out he was standing on the other side of the table near the window.

28.

- Q You have a recollection of everything that happened down to the time you pulled the trigger? A Yes, sir.
- Q Do you remember stating to Captain Carpenter: "He has injured me, and I tried to injure him."? A No, sir.
- Q You didn't say that? A No, sir.
- Q You didn't know you had injured the deceased? A I thought he was injured, certainly.
- Q Did you have any money saved up when you went to Boston? A A few dollars.
- Q When did you change your mind about going to Boston? A I changed it on board of the boat and from that time on until I got into Mr. Kretschmer's house it was my intention to fight him. I asked two or three different people where he lived.
- Q This is a self-cocking revolver? A Yes, sir.
- Q You have to pull the trigger to make it go off? A Yes, sir.

Re-direct Examination:

- Q Had you formed any intent to kill at the time you shot? A No, sir.
- Q Explain to the jury what you mean when you say you aimed at his hand? A After he said he would put me out with my children he was very angry. I at once got kind of mad and he sprung for me. I thought he had a revolver at the time and I shot at his hand to stop him from drawing the revolver. I got in a rage and drew my revolver.
- Q Did you know what you were doing when you pulled the trigger? A No, sir; I can't say that I knew what I was

29.

going to do.

Q Were you deprived of your reason at the time? A Yes, sir; I didn't know what I was doing at the time. Before the shooting was done I was in a passion. That is all I do know. I fired at the deceased. The revolver shows it and the wound shows it. I must say that I did the shooting and that is all I know. I have never denied it. The shooting was done and I did it.

Re-cross examination:

Q You pointed the revolver at him? A I took it out and fired immediately.

Q Take the revolver now and show us just how you did it ?
A I shot it this way. If I wished to kill him I could have pointed at his head as well as at his lower parts.

Q You remember that you pulled the revolver out of your right hip pocket? A Yes, sir.

Q You remember saying that you aimed at his hand? A Yes, sir; I did.

Q You thought you were going to do him bodily harm? A Yes, sir; that is the reason. It was the excitement that kept me there and nothing else.

The jury returned a verdict of "guilty of manslaughter in the first degree".

POOR QUALITY
ORIGINAL

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RECEIVED BY THE COURT

THE COURT OF GENERAL SESSIONS

IN THE COURT OF GENERAL SESSIONS

THE PEOPLE vs. ALEXANDER HUPPE

IN SENATE CHAMBER, NEW YORK, OCTOBER 19th 1891.

THE PEOPLE vs. ALEXANDER HUPPE

IN SENATE CHAMBER, NEW YORK, OCTOBER 19th 1891.

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THE PEOPLE vs. ALEXANDER HUPPE

IN SENATE CHAMBER, NEW YORK, OCTOBER 19th 1891.

THE PEOPLE vs. ALEXANDER HUPPE

Indictment filed May 21, 1891

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE vs. ALEXANDER HUPPE

against

ALEXANDER HUPPE.

Abstract of testimony on

trial New York, October 19th

and 20th 1891.

THE PEOPLE vs. ALEXANDER HUPPE

IN SENATE CHAMBER, NEW YORK, OCTOBER 19th 1891.

THE PEOPLE vs. ALEXANDER HUPPE

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THE PEOPLE vs. ALEXANDER HUPPE

IN SENATE CHAMBER, NEW YORK, OCTOBER 19th 1891.

THE PEOPLE vs. ALEXANDER HUPPE

POOR QUALITY
ORIGINAL

1052

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the ~~house of~~ *Coroners Office*

No. *124 Second Avenue* Street, in the *17th* Ward of the City of
New York, in the County of New York, this *8* day of *May*
in the year of our Lord one thousand eight hundred and *91* before

Daniel Hanly Coroner,
of the City and County aforesaid, on view of the Body of *Frank Kretschmer*
lying dead at

Eight Upon the Oaths and Affirmations of
good and lawful men of the State of New York, duly chosen and
sworn for affirmed and charged to inquire, on behalf of said people, how and in what manner the said

Frank Kretschmer came to his death, do
upon their Oaths and Affirmations, say: That the said *Frank Kretschmer*
came to his death by

From a pistol shot wound of the
abdomen inflicted by Alexander Happe,
on May 2, 1891, at No 352 East 87 Street
New York City

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

JUROS.

G. L. Perrenthal
Philip Smith

Charles Korte 396 1/2 Avenue
C. Evers 311-40 Ave
Veis Stein
Edw. A. Borrmann
Henry F. Evers
W. Stederoth

Daniel Hanly

CORONER, T. S.

POOR QUALITY
ORIGINAL

1053

TESTIMONY.

P. E. Donlin M. D., being duly sworn, says:
I have made an Autopsy of the body of
Frank Kretschmer now lying dead at
352. E. 87th St and from such Autopsy
and history of the case, as per testimony, I am of opinion the cause of
death is

*Exhaustion -
Mucous Pentople &
Hemoral Hemorrhage post mortem shot
into abdomen*
P. E. Donlin M. D.

Sworn to before me,
this

day of

188

Daniel Haney

CORONER.

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AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days			
			Custina	352 287.52	May 5/91

~~Haf~~ v. Hauke Weyand.
Haf

16/8/91

AN INQUISITION
On the VIEW of the BODY of

D. H.
J. M. Smith
S^d.
Quat.
188

5-2-5

POOR QUALITY
ORIGINAL

1055

Coroner's Office,

CITY AND COUNTY } SS.
OF NEW YORK,

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

Question—What is your name?

Answer—The prisoner declines to give his name through his counsel.

Question—How old are you?

Answer—He declines to answer for some reason.

Question—Where were you born?

Answer—Declines to answer—same reason.

Question—Where do you live?

Answer—Declines to answer.

Question—What is your occupation?

Answer—Declines to answer.

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

He declines to answer by advice of Counsel.

Taken before me, this 8th day of May 1881

Daniel H. Hume

CORONER.

POOR QUALITY
ORIGINAL

1056

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
50 Years	Months	Days	Austria	352 E. 87 St	May 5/91

May 8/91

Adm. 533-1891
HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

Frank H. Reichenauer

whereby it is found that he came to
his death by the hands of

Alexander Strupke

Inquest taken on the 8th day

of May 1891

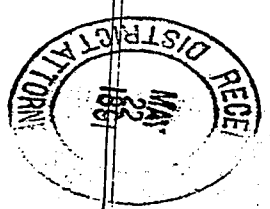
before
James H. Early
Coroner.

Committed

Obtained

Discharged

Date of death



POOR QUALITY
ORIGINAL

1057

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Alexander Shuppe

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

of the CRIME OF Murder in the First Degree, committed as follows:

The said Alexander Shuppe,

late of the City of New York, in the County of New York aforesaid, on the ~~second~~
day of ~~May~~, — in the year of our Lord one thousand eight hundred and
~~eighty-nine~~^{one} at the City and County aforesaid, with force and arms, in and upon one
Brada Kretsdner, in the peace of the said People then and there being,
wilfully, feloniously, and of ~~his~~ malice aforethought, did make an assault, and the said
Alexander Shuppe, a certain pistol then and there charged and
loaded with gunpowder and one leaden bullet, which said pistol the said Alexander
Shuppe in ~~his~~ right hand then and there had and held,
to, at, against, and upon the said Brada Kretsdner, —
then and there feloniously, wilfully, and of ~~his~~ malice aforethought, did shoot off and
discharge, and the said Alexander Shuppe, —
with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the
gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, ~~him~~ the said
Brada Kretsdner, in and upon the ~~adomew~~ of ~~him~~
the said Brada Kretsdner, then and there feloniously, wilfully, and of
~~his~~ malice aforethought, did strike, penetrate and wound, giving to ~~him~~
the said Brada Kretsdner, then and there, with the leaden bullet
aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

POOR QUALITY
ORIGINAL

1058

said *Alexander Shuppe*, in and upon the *abdomen* of the said *Branda Kretsdamer*, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound *he* the said *Branda Kretsdamer*, at the City and County aforesaid, from the said *second* day of *May* in the year aforesaid, until the *fourth* day of *May* in the same year aforesaid, did languish, and languishing did live, on which said *fourth* day of *May* in the year aforesaid, the said *Branda Kretsdamer*, at the City and County aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said

Alexander Shuppe, *son*, the said *Branda Kretsdamer*, in the manner and form, and by the means aforesaid, wilfully, feloniously, and of *his* malice aforethought, did kill and murder, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said *Alexander Shuppe*—

of the same CRIME OF Murder in the First Degree, committed as follows:

The said *Alexander Shuppe*,

late of the City and County aforesaid, afterwards, to wit: on the said *second* day of *May* in the year of our Lord one thousand eight hundred and *eighty-one*, at the City and County aforesaid, with force and arms, in and upon the said *Branda Kretsdamer*, in the peace of the said People then and there being, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said *Branda Kretsdamer*, did make an assault, and the said

Alexander Huppe, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said Alexander Huppe in his right hand then and there had and held to, at, against, and upon the said Frank Kretschmer, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Frank Kretschmer, did shoot off and discharge, and the said Alexander Huppe, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, in the said Frank Kretschmer, in and upon the abdomen of him the said Frank Kretschmer, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Frank Kretschmer, did strike, penetrate, and wound, giving to him the said Frank Kretschmer, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said Alexander Huppe in and upon the abdomen of the said Frank Kretschmer, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound the said Frank Kretschmer, at the City and County aforesaid, from the said second day of May, in the year aforesaid, until the fourth day of May, in the same year aforesaid, did languish, and languishing did live, on which said fourth day of May, in the year aforesaid, the said Frank Kretschmer, at the City and County aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said

Alexander Huppe, in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said Frank Kretschmer, did kill, and murder, against the form of the Statute in such made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

1060

BOX:

437

FOLDER:

4031

DESCRIPTION:

Hurley, James

DATE:

05/14/91



4031

POOR QUALITY
ORIGINAL

1061

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James Hurler
Counsel,
Filed
Pleas

James Hurler
THE PEOPLE
1891

[Sections 528, 530, 532 Penal Code]
(From the Person)
Grand Larceny, *Ind. D. Agree*

James Hurler

JOHN R. BELLows,

District Attorney.

Feb 18 91
off. exp. done
A True Bill.
Oct. 19, 93

W. L. O'Ridmore

Sept 3, Dec 11, 93
Foreman
on recm. of Dist. Atty.
def. discharged on his
own recog. P. B. H. L.

Witnesses;

James Hurler
off John Fitz Gibbon

1st page

afterwards efforts have
been made to secure the
attendance of the confes
and I therefore recommend
that deft be discharged on his
own recognizance.
Dec 11, 93
W. L. O'Ridmore
ada.

POOR QUALITY
ORIGINAL

1062

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. 132 Broad 178-56 St. Burdett 18 years,
occupation Barber being duly sworn,
deposes and says, that on the 7th day of May 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the Afternoon, the following property, viz:

One Watch valued at Fifteen
Dollars

\$ 15 - 00
100

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and
carried away by James Kelly 712 N. 1st St.

From the fact, that deponent was standing
on the Public Street with said watch in his vest
pocket that he felt some one pulling said
watch from said pocket that he caught the
defendant with said property in his
hand and then caught hold of defendant
until he was arrested James O'Mulligan

Sworn to before me, this

day

1891

Police Justice.

POOR QUALITY
ORIGINAL

1063

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

James Kelly 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. *James Kelly*

Question. How old are you?

Answer. *15 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *109 South Street 2 years*

Question. What is your business or profession?

Answer. *Work for my Father in Hardware Store*

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 now guilty.

James Kelly

Taken before me this
day of *May*

1891

Police Justice.

POOR QUALITY
ORIGINAL

1064

BAILED,
No. 1, by James Stanley
Residence 196 South
Street.
No. 2, by _____
Residence _____
Street.
No. 3, by _____
Residence _____
Street.
No. 4, by _____
Residence _____
Street.

Police Court

District

621

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Stanley
James Kelly

Offence Larceny from the Person

Dated May 8th 1891

John J. Sullivan Magistrate.

John J. Sullivan Officer.

Witnesses _____
Street.



James Stanley
James Kelly

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 Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated May 8 1891 John J. Sullivan Police Justice.

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

Dated May 10 1891 John J. Sullivan Police Justice.

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

Dated _____ 18 _____ Police Justice.

**POOR QUALITY
ORIGINAL**

1065

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

Desk hand on

Robert A. Sayre

Hyboat Lehigh Valley

178 - 56th St. Brooklyn

POOR QUALITY
ORIGINAL

1066

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Hurley

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

James Hurley
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

James Hurley

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

*one watch of the
value of fifteen dollars*

James P. Mulligan
of the goods, chattels and personal property of one *James P. Mulligan*
on the person of the said *James P. Mulligan*
then and there being found, from the person of the said *James P. Mulligan*
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.

POOR QUALITY
ORIGINAL

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SECOND COUNT—

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

The said

James Hurley,
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,

*one watch of the value
of fifteen dollars*

of the goods, chattels and personal property of one

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

James P. Mulligan
unlawfully and unjustly, did feloniously receive and have; the said

James Hurley
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.

DELANEY NICOLL
JOHN R. FELLOWS,
District Attorney.

1068

BOX:

437

FOLDER:

4031

DESCRIPTION:

Hymenson, Philip

DATE:

05/01/91



4031

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BOX:

437

FOLDER:

4031

DESCRIPTION:

Rosenthal, Harris

DATE:

05/01/91



4031

POOR QUALITY
ORIGINAL

1070

Witnesses:
May 7/96 to
Mary Hoefel

453
John
Counsel,
Filed
Pleas
day of *May* 189*6*

THE PEOPLE
vs.
Philip Hymenson
and
Harry Rosenthal

Grand Larceny, 2nd Degree.
(From the Person.)
[Sections 528, 530, Penal Code].

John R. Fellows
District Attorney.
County Recorder of
W. H. Rogers
A True Bill

Ernest Giffen
May 14/96
for 1st 8. 9. 10. 11. 12.
County Recorder of
W. H. Rogers
for 1st 8. 9. 10. 11. 12.

Cent for
Max Kanowitz
Reg. 10/10/96

POOR QUALITY
ORIGINAL

1071

Police Court

3rd District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. 135 Clinton Street, aged 30 years,
occupation dresser finisher being duly sworn,
deposes and says, that on the 24 day of April 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the night time, the following property, viz:

Good and lawful
money of the United States,
of the value of about

Five Dollars
(contained in a pocketbook)
the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and
carried away by Philip Hymenson and Harris Rosenthal

(both now here) who acted in concert with each
other, for the reasons following, to wit:

Deponent says—Shortly after 10
P.M. of said date, she was walking in Orchard
Street and had said pocketbook containing
said money in the pocket of the dress worn by
deponent at the time, when she was assaulted
against by defendants, and felt a hand
inserted in said pocket and said prop-
erty removed therefrom, and both de-
fendants ran off. Pursued by deponent
and by Max Kopling of No. 97 Orchard Street
who informed deponent that he had seen said
defendant Hymenson take said pocketbook

189

Sworn to before me, this
day of
189
Police Justice.

POOR QUALITY
ORIGINAL

1072

from deponent's pocket, and caused
both defendants arrested by Officer Gas-
tón Hernández, Petitioner, who saw
defendants running away from deponent
and found a pocketbook in defendant Hyman
Sons possession, which deponent identified
in said Officer's presence, as being the missing
property. ^{where} Therefore, deponent charges
defendants with, taking, stealing, and carrying
away said property, from deponent's person,
and possession.
Several persons, Mary & Wolfson
this 15 day of April 1933 mark
John Ryan
Police Officer.

POOR QUALITY
ORIGINAL

1073

CITY AND COUNTY }
OF NEW YORK, } ss.

Max Kopplewitz
aged 15 years, occupation makes button holes of No.

97 Orchard Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Mary Wolfsohn
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this

day of

25
Apr 1898

John Ryan
Police Justice.

his
Max X Kopplewitz
made

POOR QUALITY
ORIGINAL

1074

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *Philip Hymenson*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *121 Allen Street 4 Mac*

Question. What is your business or profession?

Answer. *Redder*

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 de-*
mand an examination

Philip Hymenson
m

Taken before me at

day of

John D. [Signature]

Police Justice

POOR QUALITY
ORIGINAL

1075

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Harrie Rosenthal 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. Harrie Rosenthal

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. Russia

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

Answer. 169 Madison St New York

Question. What is your business or profession?

Answer. males nurse

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
demand an examination
Harrie Rosenthal
males

Taken before me this

day of

Police Justice.

POOR QUALITY
ORIGINAL

1076

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

Police Court... 3

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Mary McLaughlin
1337 E. 4th St.

Philip J. McLaughlin
200 E. 4th St.

Offence Barreny from person

Dated

April 21 1891

Regan Magistrate.

No. 3, by

Minister

Officer.

No. 4, by

114

Precedent.

No. 5, by

James J. McLaughlin

Witnesses.

No. 6, by

Mary McLaughlin

Street.

No. 7, by

99 McLaughlin

Street.

No.

1000

Street.

1000 E. 4th St.

Can not be

1000 E. 4th St. 27-2 PM

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

defendants

guilty thereof, I order that they be held to answer the same and they 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.....188

John Regan Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated.....188

John Regan 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.

1077

- - - - - x
The People of the State of New York :
:
:
against :
:
:
Philip Hymanson impleaded with Har- :
ris Rosenthal. :
:
- - - - - x

Philip Hymanson impleaded with Harris Rosenthal.

Indicted for grand larceny in the first degree.

A P P E A R A N C E S:

Asst. District-Attorney Robert Townsend;

Mr. J. Oliver Keane.

I live at No. 35 Clinton Street in this city . On the 24th. of April this year I went from Clinton to Orchard Street and at about ten o'clock in the night I passed through Orchard Street. Two young men came near me. I had this pocketbook in my pocket of the dress that I am now wearing. In one division of the pocketbook I had \$4 in bills and this key and in the other division of the pocketbook I had a dollar and thirty-five cents and a ring and a pair of earrings. I saw the defendant on that night in company with the other man. I didn't notice which of the two of them took the pocketbook, but the two men were together and they took the pocketbook. It hap-

pened so quickly that I couldn't see which of them took it. I felt the hand of this defendant in my pocket. The defendant is the person who was nearest to me at the time I felt the hand in my pocket. I commenced to shout "Police" and say that they took my pocketbook. They both ran away from me. I run after them and hollered all the time. They ran until they reached the corner of Ludlow Street near Grand. I don't know how many blocks it is. A policeman came and caught him and when I ran up to him the defendant gave the pocketbook to the policeman. That was my pocketbook which he handed over to the policeman. They were then taken to the Eldridge Street Station House and I made a complaint against both of them.

CROSS-EXAMINATION:

- Q What time was it when you first saw those two men on that night ? A Not a minute before.
- Q What time was it ? A It was ten o'clock in the night.
- Q When you first saw those two men, were they close to you? A They came from an opposite direction from me.
- Q When you felt the hand in your pocket, what was the first thing you did ? A I commenced to shout.
- Q And they ran ? A Yes, sir.
- Q Do you know which man was on the side of you where the pocketbook was ? A The defendant.
- Q You had never seen these two men before ? A No, sir; I never saw them before.
- Q It was ten o'clock at night ? A Yes, sir.

- Q Your pocketbook was gone very quickly ? A Very quickly. They just came over and I immediately felt a hand in my pocket.
- Q Will you tell the jury how you knew that your pocketbook had been taken from your pocket ? A A hand was put into my pocket and I felt it in there.
- Q Did you miss your pocketbook immediately after that hand was inserted in your pocket ? A I immediately put my hand in my pocket and felt the pocketbook was gone. Just a minute before I had felt it in there when I put my handkerchief in.
- Q Are you willing to swear that the defendant Hymanson was not chasing the other man ? A I don't know what he wanted to do. They both ran.
- Q Isn't it a fact that the defendant stated in the Station House that he was chasing the other man who had taken your pocketbook ? A I don't know what he stated. I saw him hand it over to the Officer.

GUSTAV HINKELDEY, a witness for the People, sworn, testified as follows:

I am a Police Officer in this city. I arrested the defendant in Ludlow Street at about ten o'clock on the 24th. of April. I saw two men running through Broome Street from Orchard into Ludlow and I overtook them in Ludlow Street and held them. I asked them what they were running for and with that I heard a cry of "Police" and this woman and several others came running up. I

asked what the trouble was and this woman accused the defendant of taking her pocketbook. I held on to both defendants. I said to the defendant, "This woman says she has lost her pocketbook. Why don't you give up the pocketbook?" Then he put his hand in his pocket and handed it over to me. He said: "Here it is. The big fellow gave it to me". I then took him into custody. The next morning I discovered that the two of them had changed hats and then I felt sure that the two of them had been together all night. I had no further conversation with the defendant. At the time the defendant handed me the pocketbook the woman came up and identified the article as her property.

CROSS-EXAMINATION:

- Q What did you find on the defendant ? A I believe it was three dollars and something in silver.
- Q Did you search the other defendant ? A Yes, sir; he had about the same amount of money in his pocket.

DEFENSE:

PHILIP HYMANSON, the defendant, sworn, testified as follows:

I am a pedler and reside at 121 Allen Street. I have been in this country nearly two years. I have never been convicted of any crime either in this or the old country. On the day of this occurrence -- it was a holiday -- I didn't peddle that day. I went and took a walk along with the other defendant and whilst I was walk-

ing with him I heard a woman shout "Police" and "Stop Thief". I saw a lot of others running and I ran. As I ran I picked up a pocketbook that was laying on the sidewalk. A policeman stopped me and I gave him the pocketbook. The woman identified the pocketbook as hers and I gave the policeman the pocketbook. I didn't put my hand in this woman's pocket nor did I steal a penny of her money.

- Q Did you at any time tell the policeman when you were arrested, in the Station House, or on your way going to court that the other defendant had given you the pocketbook? A I was confused. At the time the policeman was taking me to the Station House I was very much excited.
- Q Do you remember what you said to the policeman on that occasion? A I do not remember.
- Q Did the defendant Rosenthal on any time on that day give you a pocketbook? A No, sir; I never said that.
- Q When you picked up this pocketbook, how far did you walk before you gave it to the policeman? A A whole block.
- Q From the time you picked up this pocketbook and heard this lady shout until you gave the pocketbook to the policeman a block away did you run at all? A They all ran and I was running part of the distance. I was one of the first to reach the Police Officer.
- Q Did you have the pocketbook in your hand? A I had it in my coat pocket and I gave it to the officer immediately

when he stopped me.

CROSS-EXAMINATION:

Q Didn't the policeman take hold of you by the collar ?

A He held me by the collar.

Q He stopped you ? A Yes, sir.

Q And several others ? A Yes, sir.

Q He put out his club and stopped several ? A Yes, sir.

Q Did he arrest anybody except you and this other man Rosenthal ? A I don't know. I know we were all that were brought to the Station House.

Q At the time the policeman took hold of you, did you tell him you had found the pocketbook. A I don't recollect. I think I told him that.

Q On your way to the Police Court the next morning, did you say anything to the policeman about how you found it ?

A No, sir; I only told him that he should tell my friends that I am arrested.

Q How long have you known the other defendant ? A Five or six months.

Q Why did you run on this occasion ? A Because I heard a crowd calling out "Stop Thief" and I heard the woman shouting.

Q Were you ahead of the crowd ? A About three persons were ahead of me.

Q How many were following you ? A I couldn't tell you, but a great many were following.

- Q You didn't see the woman at all when you picked up the pocketbook? A No, sir.
- Q Where did you first see her? A I never seen her until in the Station House.
- Q Didn't you see her when she came up to the policeman while the policeman had hold of you and when he asked you "Why don't you give the woman back her pocketbook?" A The policeman took me and the pocketbook to the Station House.
- Q Didn't you see her on that night before you saw her at the Station House? A No, sir.
- Q You didn't tell anybody that you found the pocketbook? A No, sir.
- Q You put it right in your pocket? A Yes, sir.
- Q And kept right on running? A Yes, sir.

The jury returned a verdict of "Guilty of Grand Larceny in the first degree".

POOR QUALITY
ORIGINAL

1084

Indictment filed May 1, 1891.

COURT OF GEN'L SESSIONS, PART I.

The People of the State of New
York,

against

Philip Hymanson impleaded with
Harris Rosenthal.

Abstract of Testimony on Trial
May 19, 1891.

POOR QUALITY
ORIGINAL

1085

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Philip Hymenson and
Harris Rosenthal*

The Grand Jury of the City and County of New York, by this indictment accuse
Philip Hymenson and Harris Rosenthal
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *Philip Hymenson and Harris Rosenthal*, both

late of the City of New York, in the County of New York aforesaid, on the *twenty fourth*
day of *April* in the year of our Lord one thousand eight hundred and
eighty ninety one, in the *night* - time of the said day, at the City and County
aforesaid, with force and arms, *one pocketbook*

\$5.00 *one* promissory note for the payment of money of the kind commonly called United
States Treasury Notes, of the denomination and value of *five* dollar *5*; *one*
promissory note for the payment of money of the kind commonly called Bank Notes, of the de-
nomination and value of *five* dollar *5*; *one* United States Gold Certificate,
of the denomination and value of *five* dollar *5*; *one* United States
Silver Certificate, of the denomination and value of *five* dollar *5*;

two promissory notes for the payment of money of the kind commonly called United
States Treasury Notes, of the denomination and value of *two* dollar *each*; *two*
promissory notes for the payment of money of the kind commonly called Bank Notes, of the de-
nomination and value of *two* dollar *each*; *two* United States Gold Certificates,
of the denomination and value of *two* dollar *each*; *two* United States
Silver Certificates, of the denomination and value of *two* dollar *each*;

three promissory notes for the payment of money, of the kind commonly called United
States Treasury Notes, of the denomination and value of *one* dollar *each*; *three*
promissory notes for the payment of money of the kind commonly called Bank Notes, of the de-
nomination and value of *one* dollar *each*; *three* United States Gold Certificates,
of the denomination and value of *one* dollar *each*; *three* United States
Silver Certificates, of the denomination and value of *one* dollar *each*;
*divers coins of a number kind, and denomination to the Grand Jury
aforesaid unknown, of the value of five dollars*

of the goods, chattels and personal property of one *Mary Wolfsohn*
on the person of the said *Mary Wolfsohn*
then and there being found, from the person of the said *Mary Wolfsohn*
then and there feloniously, did steal, take and carry away, against the form of the statute in such
case made and provided, and against the peace of the People of the State of New York, and their
dignity.

*De Lancey Ricoll,
District Attorney*