

0000

BOX:

389

FOLDER:

3624

DESCRIPTION:

Lewis, Samuel W.

DATE:

03/26/90



3624

Witnessed, A. J. 1890 - in condition
that it will be in Cash
Dec. 7/90 by President of
District No. 1

Witnessed, U. S. & V. S. & A. Condition
that it will be per Cash
Dhs. 7/90 by Condition of
Duty & Duty

Deputy Attorney

[illegible]

100

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1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

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14% 59

Red in 1912

Counsel, James M. Smith 160

Filed 26 day of March 1988

Dr. J. C. Powell, Clerk

THE PEOPLE

vs.

vs. *James* *P*

Samuel W. Lewis
(2 cases)

continued, Oct 20/90

JOHN R. FELLOWS,

District Attorney.

11 of 11

A True Bill

John H. Brown

July 20. 1891

Foreman,

Ordred and converted

By L. L. da
2910 Broadway
New York, N.Y.

724

[Section 528, and 530, Penal Code]

[Section 528, and 530, Penal Code]

[Section 528, and 530, Penal Code]

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Foll

COURT OF GENERAL SESSIONS OF THE PEACE

Of the City and County of New York.

----- X
The People of the State of New York. :

against :

Samuel W. Lewis. :

Two Indictments.

----- X
Sir:

2 You will please take notice that upon the affidavit of Samuel W. Lewis, verified February 16th. 1891 and of Herbert W. Grindal, verified February 17th. 1891, copies of which have heretofore been served upon you, and upon all the papers, indictments, and proceedings herein, this Court will be moved at a trial term thereof to be held in part one of said Court on the 20th day of February 1891, at eleven o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an order setting aside and quashing the indictments herein against this defendant on the ground that said indictments were found upon incompetent, and illegal evidence, which is also insufficient, and that the same are therefore unwarranted and void, and for such other and further relief as defendant may be entitled to receive.

3 To

Hon. De Lancey Nicoll.

District Attorney etc.

Yours etc,

Herbert W. Grindal.

Counsel for Defendant.

160 Broadway.

N. Y. City.

Part I

Feb 20 1891 Within motion
admitted to Feb 24 same
time and place

to vacate

Motion to set aside
the indictment is
denied -
dated NY Feb 24/91

Rufus B. Downing
City Clerk

General Sessions Court.

The People of the
State of New York
Plaintiff

against

Samuel W. Lewis

Defendant.

Notice of motion to
set aside indictment

HERBERT W. GRINDAL,

Attorney for defendant

160 BROADWAY,

NEW YORK CITY.

To filed City Clerk Esq.

Attorney for

~~Defendant~~ service of a copy of the within notice of
motion & affidavits referred to is hereby admitted.

Dated New York Feb 17 1891

W. H. McColl

Attorney for Plaintiff

00 12

Mr. Marks,

My dear Sir,

I am to ask you
if you kindly
inform me as soon
as possible in advance
if there is any
possibility of the
trial being postponed.
My mother was
taken ill last

0013

right, and seems at
present to be threatened
with pneumonia
of course we can tell
by tomorrow. He does
not quite understand
why Mrs Richards
is important, wishes
she could talk with you
for five or ten minutes
as she had no chance
on Friday -
yours Truly

March 23rd L. Bortnick

0014

Bronx
July 16th 91

This is to certify
that Dr. H. V. Read of
339 Clinton St. is
suffering from Acute
Catarrh of the bladder
and in consequence
is confined to his
bed.

J. Pendleton M.D.
531 Henry St

0015

J. G. TRUMAN, M. D.

17 E. 127th St.

also, his feeding has something
to do with his poor condition.
He does not want to be tried and
unless his lawyer insists upon his
doing so will not walk to the Court-
house. He frequently expressed
a desire to be sent to some hospital.
I imagine it is to increase his
chances for escaping that he
wishes to be sent to the hospital.
His mind is clear, and his ~~mental~~
condition is such that he can
understand the nature of the
crime of which he is charged
and make a proper defence.
If this letter does not convey all
the information you require, please
inform me and I will call at your
office

Sincerely Yours
J. G. Truman, M.D.

0016

TO THE CHIEF CLERK.

~~Please send me the Papers in the Case of~~
PEOPLE

^{US.}
J. W. Harris

Please file this
letter with the
papers.

Add the list of
witnesses on annexed
memo. & enclose it
to Grindal

De Laury, Nicole
District Attorney.
W. H.

Feb 12/91

0017

L. G. TRUMAN, M. D.,

17 E. 127th St.

New York, Feb. 9th 1891

Hon. Debaucy Nicole

Dear Sir.

As you requested

I have made a very careful examination of the physical condition of Samuel W Lewis, now confined in the Tombs. I have not been able, upon pressure to find any point of tenderness, any where on his body. Yet he complains of darting pains all over his body. He says that he has pains about his heart, yet all the heart sounds are normal. I insist that he has subacute rheumatism, but there is no elevation of temperature and no enlargement, or tenderness or loss of motion about any of his joints. This rheumatism he says he has had for many years. He complains of a stiff hand.

0018

J. G. TRUMAN, M. D.,
17 E. 127th St.

New York.

1888

Yet-sensation, reflex action of the
nerves and muscular force are
perfect. He says that it causes him
so much pain to stand that it
would be physically impossible
for him to go into court. He
stood up for me and while his
mind was occupied by answering
my questions, he complained of no
pain. Said that when standing he
was dizzy headed, yet the manner
of his swaying convinced me that
he might have controlled it, had
he so desired. A microscopical
and chemical examination of his
urine showed it to be normal.
So he is not suffering from any
disease of the kidneys. His blood
is poor. He is in an anemic condition
caused by his long confinement
and lack of exercise. P. 1.

0019

From the District Attorney

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

^{vs.}
Samuel W. Lewis

ASSIGNED TO

Mr.

Date Feb 9 1896

REMARKS:

Medical report of W.
Truax as to prison
condition.

To be filed with
the papers

0020

MEMORANDUM.

LAW OFFICE OF
HERBERT W. GRINDAL,
160 BROADWAY,

People v.
Lewis J.

New York, March 28 1891

Barton S. Weeks Esq.

Dist. Dist. Ct. City

Dear Mr. Weeks,

I saw Dr. Milliken, - who is the partner of Dr. Stafford, - yesterday morning. He said that the condition of Mrs. Richards was very critical. It is uncertain whether she will pull through. I left my card and he promised that Dr. Stafford would mail me a certificate during the day. Nothing has yet come. It is certain that the witness cannot be examined Monday; what shall I do? Will the certificate on Monday satisfy you or must I send up town for it now? If the latter, inform the boy who brings this and he will go to Dr. Stafford's at once. Very truly yours

Herbert W. Grindal

of the complaint. There was the subject
 my heart doing her best to force me into
 final sentence by stating which I knew
 to be false. It seemed absolutely necessary to
 my counsel that I should mention toward what
 my long history. The matter was forward upon
 the bench that was an intention to our
 consistent of communication. We could do nothing
 for, and the situation was serious when she
 met or for me to my, with the fact that
 I sent her to Johnson's office, and to the
 company's office, and introduced a letter which
 you and I had sent some other individuals, on
 the only basis of evidence to corroborate the matter.
 But I ask for no money from your company
 simply giving me it away before to you after
 having my account ^{liberty} ~~therefore~~ meaning to have
 a simple and tracing of the fact that I think
 evidence in question, I am out of business. Why
 the property during my absence my business
 should have been taken, and our affidavit taken that
 I had personally shown this to your house
 showed when you took it. The issue was
 is, the advantage of my family and its support
 lying according to all legal and moral ob-

0022

[illegible]

Dear Sir: I am writing you to let you know that I am
 not aware of any objection against my
 name being put forward for the
 election of a member of the
 Council of the City of London.
 I am, however, very anxious to
 be elected, and I have no objection
 to my name being put forward.
 I am, Sir, very respectfully,
 Yours, &c.

July 23, 1891.

0024

ligations: or, on the other hand, the demands
which the law of the state require to be
their proper share. But "the family is more
important than the state" (John Stuart Mill).
The state may be regenerated by the family, but
the family will never be regenerated by the state.
Malice, spite, conversion to vague and general
criminal, and so on, in every judge, but never judges.

I may have been careless, even negligent,
through the entire consideration of innocence. But
I have done no wrong that I cannot and will not
rightly defend. I have done no wrong. Answering you that
my firm stand on my rights and innocence is
entirely consistent with high regard for your
honor, and the fulfillment of every duty of
life, and even lingering after for my wife,
I submit your good judgment, and remain
your humble

Most respectful & obedient servant,
G. H. Lewis.

As I said before, my letters and the same
affidavit are at your honor's disposal,
and should you see fit to delay further
action for a few weeks, I will obtain from

0025

New York, Feb. 5, 1890.

Rel. to Sam'l W. Lewis

It is alleged that he was a broker for seven years. Went into the Mining Exchange. Then into the Petrol'm Exchange. from which he was suspended for attempting to ^{Sell false puts & calls} sell his membership. For full particulars see N.Y. Times of Nov. 25 or 26th, 1888/ He carried his case to the Supreme Court. The case was decided against him, and decision given in favor of the Pres'd't, Mr Wilson. At present it is alleged that he is interested in a bucket shop, somewhere on Union Sq. The exact location could not be ascertained.

It is further alleged that his former associates would not give him credit and do not regard him as an honorable man.

He is a son of the late Chas. E. Lewis. Has been in Montana.

The Florence Cotton & Iron Co. at Florence, Alabama, is in good standing. Their authorized capital is \$2,000,000.00

0026

Court of General Sessions of the Peace
in and for the City and County of New York.

The People of the State of New York
against
Rudolph Ormay

STATE OF NEW YORK,
City and County of New York, ss.:

DANIEL NASON, being duly sworn, says that
he is the law-partner of William Travers Jerome; that the
said William Travers Jerome is now out of the City on his
vacation, and is of counsel for the above-named defendant
Rudolph Ormay; that said William Travers Jerome will return,
as deponent is informed and believes, on Wednesday the 29th.
instant.

Sworn to before me this
23rd. day of July, 1891.

Daniel Nason

Wm. Travers Jerome
Notary Public
Lucy Co. Cent. Rd. N.Y.C.

Friday July 31.

0027

Folio 1.

COURT OF GENERAL SESSIONS OF THE PEACE.

Of the City and County of New York.

- - - - -X
The People of the State of New York :
against :
Samuel W. Lewis. :
- - - - -X

City and County of New York. SS.

2

Herbert W. Grindal being duly sworn says;
That he is an attorney and counselor at law having his
office at 160 Broadway New York City, and is the attorney
for the defendant herein.

That he has examined the indictments herein and
that there are no names of witnesses endorsed thereon:
that he has been informed by the District Attorney that
the only witnesses who appeared before the Grand Jury were
Alice G. Lewis, and Lesbia N. Bostwick.

3

Deponent further says that he has been informed at
the office of the Farmer's Loan and Trust Company that no
one in that office having any knowledge thereof has made
any statement in writing or given any sworn testimony
herein.

Deponent further says that he has examined the me-
morandum on file in the office of the District Attorney
entitled "Proofs that Mrs Lewis has to sustain her state-
ments regarding her Pullman Palace Car Stock" and that the
said list of alleged proofs contains reference to many in-
competent and immaterial statements and other writings,
which if introduced before the Grand Jury, must have been

0028

BOOK 9

COURT OF CRIMINAL SESSIONS OF THE CITY OF NEW YORK

4 to the great harm and prejudice of this defendant, and in contravention of his rights.

Deponent further alleges that there is now pending a civil suit between the complainant and the defendant herein to recover the sum of fifty three thousand dollars alleged to be due from this defendant to his said wife. Alice G. Lewis for the alleged conversion of securities and moneys a portion of which are these charged in the indictments to have been stolen, and deponent is informed and believes that an order of arrest has been obtained therein against this defendant. Deponent is the attorney of record in said suit having been substituted therein by order of February 6th 1891, and deponent has been informed by his said client as to all the facts of the case and deponent has a good defense on the merits therein.

Deponent verily believes that this prosecution was begun at the instigation of the defendant's said wife in order to compel this defendant to pay her a large sum of money, and that the defendant is not guilty of the crime charged.

6 Deponent further states, on information and belief that the warrant herein was issued out of this Court and that no examination of the defendant herein has been had before a committing magistrate.

Sworn to before me this

17th day of February 1891.

Herbert W. Grindal

J. Edward Mead
Commissioner of Records
City and County of New York.

General Sessions Court.

The People of the
State of New York

Plaintiff

against

Samuel W. Lewis

Defendant.

Affiant of H. W. Grindal

HERBERT W. GRINDAL,

Attorney for defendant
160 BROADWAY,
NEW YORK CITY.

To _____ Esq.

Attorney for _____

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

Dated _____ 18

Attorney for _____

0029

0030

Affidavit of Mrs. A. G. Lewis under oath of her dealings with her present husband Samuel W. Lewis.

City and County of New York, ss:

Mrs. Alice G. Lewis being duly sworn deposes and says. I reside at No. 231 West 38th Street in the City of New York. I am the wife of Samuel W. Lewis. On the 27th June 1887 I was Mrs. Alice G. Eastwick, and resided at No. 6 East 58th Street in the City of New York. I was at that time acquainted with my present husband Samuel W. Lewis, who then resided at No. 192 President Street Brooklyn, and who was then as he informed me a broker, doing business in the City of New York. At that time the said Lewis was in the habit of visiting me and my daughter who was then with me in 58th Street. In June 1887 I had some moneys which I desired to invest and upon one occasion while said Lewis was calling upon me, I informed him of my desire in that regard. He thereupon suggested that he would buy for me 100 Shares of Pullman Palace Car Stock, and told me that I could pay for the same in instalments. I directed him to make the purchase which within a day or two thereafter he told me he had made.

On the 25th of June 1887, I gave to him my check on the Fifth Avenue Bank of New York for \$700.00 to be used towards the payment of such stock. On the 30th of June 1887, I gave him a further check on the same bank for the same purpose for \$900.00. On the 12th of July 1887 I gave to him to be converted into cash and to apply on the payment of said Pullman

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Palace Car Stock certificate No. 10274 for seven share of the Capital Stock of Well's Fargo Express Company. On July 19th 1887 I gave to him toward payment of said Pullman Palace car Stock \$5,500.00 by check on the Fifth Avenue Bank New York. Sometime before June 27th 1887, I loaned Mr. Lewis \$600.00 also May 12th 1887, \$150.00 which sums he told me he had repaid to me by paying them over on the account of the said Pullman Palace Car Stock. At different times the said Lewis informed me that certain amounts of dividend and interest had accrued and these sums which certainly exceeded one hundred dollars in amount I directed him to pay toward the account of the Pullman Palace Car Stock referred to. About September 1st 1887, I handed him a check of W.C. Noyes to my order for \$900.00 and which was dated September 1st 1887 to have cashed and paid on the account of said stock. On the 12th of December 1887, I gave to him three certificates representing five shares of the Capital Stock of the International Ocean Telegraph Company to be sold by him and paid on account of the said Pullman Palace Car Stock. About August 20th 1888, I authorized him to sell a Sedalia Gas Bond for which he received \$950.00 and I directed him to apply that amount towards the payment of the said Pullman palace car Stock. There were some other stocks namely, two Bonds of the par value of \$500.00 each of The Akron Sewer Gas Co. Stock and two Bonds of the par value of \$500.00 each of Cambridge City Bonds and a Dakota farm Mortgage Bond worth \$800.00 which he took for the purpose he said of transferring them into cash and paying the proceeds towards the said Pullman Palace Car Stock. These were taken in the year 1888,

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but I cannot approximate nearer the date. About August 1st 1889, I became anxious regarding my property. It arose about Mr. Lewis change of conduct toward me and his ill treatment of me. I asked him for a statement of my affairs with him and on the 1st day of August 1889 he made out a statement in writing and which he signed, showing that I had assets under his control amounting to \$47250.00 and in such statement he mentioned the Pullman Palace Car Stock of one hundred shares and on which he set the then value of \$12,800.00. Within a day or two thereafter I questioned him as to where the different stocks were. He told me that the Pullman Palace Car Co's Stock was at the office of the Pullman Palace Car Company. At the same time he gave me the names of a firm of brokers at 72 Broadway, Messrs W. P. Wight & Co., and also a letter of introduction to a Mr. Johnson in that house requesting him to give me information as to my securities there. I first delivered my letter to Mr. Johnson who assured me that there were no securities of any kind in their house either in the name of Samuel W. Lewis or in my name, or in my name as Mrs. Alice H. Bostwick. I then went to the office of the Pullman Palace Car Co. and I was directed by them to the office of the Farmers Loan & Trust Company on William Street. I was informed at that office that there was no Pullman Palace Car Stock on their books standing in the name of Samuel W. Lewis or in my name of Mrs. Lewis, or in my name when I was Mrs. Alice G. Bostwick. My daughter was present when Mr. Lewis made these statements to me as to where the said Pullman Palace Car Stock was, and she accompanied me to the different offices I have referred

0033

to and heard the different statements made to me at said offices. On my return in the evening to my residence, I called Mr. Lewis attention in the presence of my daughter to the facts that I had been to the different places he had directed me to go, and that in each case I had been informed that there was no truth in the statements he had made regarding my stock, and I demanded that he should give me a correct statement of the condition of my affairs.

Mr. Lewis then told me that all my property was gone with the exception of some Colorado Funding Bonds and New York West Shore & Chicago 1st Mtr. Construction Bonds which were then in my possession.

From that time out Mr. Lewis treatment of my daughter and me has been more and more brutal. On the 11th of December 1889, he drove my daughter out of the house, and on the 18th I was forced by him to leave my own home. I found he had carried away all of my jewelry and pawned it, and also property belonging to my daughter. He took away my horses and carriages and sold them without my authority or knowledge. In fact he has left me with nothing and I am now looking for a position upon which to maintain myself. I married the said Lewis on the 27th day of December 1889. As I am informed and verily believe he is now residing at Fortress Monroe in the State of Virginia (I having last heard of him as being at that place), and remains out of the jurisdiction of the State for the purpose of avoiding prosecution for his crimes as hereinabove set forth.

Sworn to before me, this)

25th day of March 1890.

Alvin G. Lewis.
Albert M. Martin
Clerk of District Court

0034

4

proofs that Mrs. Lewis has to sustain her statements regarding her Pullman Palace Car Stock.

1st. Statement of Account of Mrs. A. G. Bostwick with Samuel W. Lewis dated Nov. 1st 1887 and signed by him.

2nd. Statement of Mrs. A. G. Lewis in account with Samuel W. Lewis dated May 15th 1888, and signed by him.

3rd. Statement of account Mrs. A. G. Lewis in account with S. W. Lewis dated June 1st 1889, and signed S.W. Lewis & Co.

(Note) To Mrs. Lewis' knowledge S. W. Lewis had no partner and she had no business with any one but him.

4th. Statement of account recently made for Mrs. Lewis at her request by the Fifth Avenue Bank showing the date of the checks as set forth in her statement as given to Lewis.

(Note) These checks she presumes were taken by Lewis with the rest of her property.

5th. Receipt from Lewis to Alice G. Lewis dated September 18th 1887 for the \$900.00 check of W. G. Noyes referred to in statement to be applied to payment of the 100 shares of Pullman Palace Car Co. Stock.

6th. Receipt from Lewis to her for the certificate of 7 shares of the Capital Stock of Wall's Fargo Express Co. dated July 12th 1887.

0035

7th. Receipt signed by Lewis as having received from Alice G. Bostwick three certificates representing the 75 shares of the Capital Stock of the International Ocean Telegraph Co.

8th. Statement in pencil dated August 1st 1889 and signed by Samuel W. Lewis of the securities he pretended to have of Mrs. Lewis on that date under his control.

9th. Letter referred to in Mrs. Lewis' statement as given to her by Lewis to Mr. Johnson in the house of Wight & Co. in reference to her investments and dated August 26th 1889.

10th. Part of Statement of Alice G. Lewis in account with Samuel W. Lewis dated 1888 showing the proceeds of Sedalia Gas Bonds for \$950.00 dated August 20th 1888.

11th. Another statement made by Lewis to Mrs. Lewis of her securities in June 1889 with directions for her to go to lawyers Abbott Bros. 71 Broadway in case she wanted a lawyer.

0036

153 *advised* 492
DISTRICT ATTORNEY'S OFFICE.
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Alice G. Lewis

vs.

Samuel W. Lewis

Offence Grand Jury

Dated *March 20* 1890

Witnesses,

No. Street,

No. Street,

No. Street,

0037

Fol 1

At a Trial Term of the Court
of General Sessions of the
Peace for the City and County
of New York, held in Part III
of said Court, on the 20th day
of March 1891.

Present Hon Frederick Smyth.

Recorder.

-----X
The People of the State of New York. :
against :
2 Samuel W. Lewis. :
-----X

It appearing to the satisfaction of the Court, ^{by the affidavit of H. W. H. H. H.} that
Sarah F. Richards a material witness for the defendant
herein is sick and unable to attend and testify upon the
trial of this cause, ^{and upon the annexed stipulation} it is hereby,

3 O r d e r e d , that the said Sarah F. Richards
be examined before Henry W. H. H.
at her residence 558 West 58th Street New York City on the
21st day of March instant at 2 o'clock in the afternoon
of that day in accordance with the statute in such cases
made and provided.

A copy of this order shall be served on the
District Attorney forthwith.

0038

Fol 1

At a Trial Term of the Court
of General Sessions of the
Peace for the City and County
of New York, held in Part III
of said Court, on the 20th day
of March 1891.

Present Hon. Frederick Smyth.

Recorder.

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The People of the State of New York. :
against :
2 Samuel W. Lewis. :
-----X

It appearing to the satisfaction of the Court, ^{by the affidavit of H. Holmudal} that
Sarah F. Richards a material witness for the defendant
herein is sick and unable to attend and testify upon the
trial of this cause, ^{and upon the annexed stipulation} it is hereby,

3 O r d e r e d , that the said Sarah F. Richards
be examined before *Henry W. Munro*
at her residence 558 West 58th Street New York City on the
21st day of March instant at 2 o'clock in the afternoon
of that day in accordance with the statute in such cases
made and provided.

A copy of this order shall be served on the
District Attorney forthwith.

General Session Court.

The People v

Plaintiff
against

Samuel W. Lewis

Defendant.

(copy)
Order beginning inquest.

HERBERT W. GRINDAL,

Attorney for Defendant
160 BROADWAY,
NEW YORK CITY.

To _____ Esq.

Attorney for _____

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

Dated _____ 18

Attorney for _____

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4

and usual transactions between a broker and a speculative customer purchasing stocks on a margin. That deponent honestly and faithfully carried out the wishes of his said wife in said transactions, and informed her fully and accurately from day to day as to the exact condition of her affairs, and she was at no time deceived or misled in regard thereto.

Deponent further says that by common consent the matters arising in their relationship were discussed only in private between himself and his wife, and never in the presence of the said Lesbia N. Bostwick.

5

Deponent further says that he is informed by his attorney that the only witnesses who appeared before the Grand Jury by whom these indictments were found were his said wife Alice G. Lewis, and her said daughter Lesbia N. Bostwick.

Deponent therefore alleges on information and belief that no competent testimony was introduced before the Grand Jury by which the indictments against him were found, that would warrant his conviction by a trial Jury.

6

That no competent evidence was introduced before the said Jury as to any transactions between himself and his wife, occurring subsequent to the 27th day of December 1887, as his said wife was not and is not competent to testify concerning the same and no other person has any knowledge of the communications between them and could have none.

Deponent also alleges and charges upon information and belief that much incompetent and irrelevant testimony as to the irrelevant and immaterial facts set forth in the

0042

7

said affidavit of his wife was introduced before the said Grand Jury to the prejudice and injury of this defendant and in violation of his rights, and that the said Grand Jury were influenced thereby to find, and did thereupon find the said indictments against this defendant to his great harm and injury and in violation of his rights.

Deponent further says that he has never been taken before any magistrate or in any way examined or allowed to state his case or to hear the evidence of the complainant herein.

8

Wherefore deponent prays that the said indictments may be dismissed and that he be discharged from the custody of this Court.

Sworn to before me this

Samuel B. Lewis,

16th day of February 1891.

John E. Salmon
Notary Public (359)
N.Y. Co.

General Sessions Court.

The People of the
State of New York

Plaintiff

against

Samuel W. Lewis

Defendant.

Affidavit of S.W. Lewis

HERBERT W. GRINDAL,

Attorney for

defendant

160 BROADWAY,

NEW YORK CITY.

To

Esq.

Attorney for

Due and timely service of a copy of the within

is hereby admitted.

Dated

18

Attorney for

0043

0044

- + Did Mr. L. ever get credit for Noyes charges of \$900?
- a. Noyes handed in the \$900 & she deposited it in the 5th Ave Bank & a day or two after found her charge to Lewis.
- + The town statement ⁽⁶⁾ Mrs. Lewis found in that contains on Lewis' death - She often tried to get him to make statements for her of the conduct of her affairs, but he would communicate in a little way and then stand off. This was one of these pieces.
- + The Wells Fargo stock was given to him at the early date ^(July 12 - 1887), mentioned but what he did with it or why he delayed it she cannot say. That he received it when it was a proved by his own receipt in possession of Mr. Wells.
- + The proof of his receipt of the 75 Interurbans is found in his receipt in possession of Mr. Wells - (one of the 3 receipts) - They were never returned to her.
- + Wholesale investments - Mrs. Lewis accounted to her as investments & never speculations.
- + As to the Gold stock, a debt above Mrs.

0045

Mayer paid Mrs Lewis \$900 which she deposited in 5th Ave Bank, a day or two after which she gave Lewis the amount \$900 by cheque on same bank. Her receipt is one of the 3 receipts found together & in Mrs. Weeks' possession. It was given to her (Lewis) expressly for ~~the~~ the further purchase of Pullman stock. She does not at this moment recall whether he gave credit to her for it in any of his statements.

+ The funding bonds were bought as can be proved by Mr. Graham of the house of Potter & Co who has the books been subpoenaed.

+ He pretended to cash the coupons and give back the amounts to her

+ Where he furnished statements he would tell them, and told them & kept them and having their confidence in him up to 6 August 1889 she now ~~recalled~~ ~~that~~

0046

District Attorney's Office.

PEOPLE

^{vs.}
Samuel W. Lewis

Due this m. abt. price immediate $\left. \begin{array}{l} 212.50 \\ 85.00 \\ 150 \\ 2.5567 \\ 600. \end{array} \right\}$
also " " " abt. 6 215.00
Gas from Townsend bldg of State 6

X Did she ever get credit for 75000

Sept 87 -

Why was Wells Fargo delayed fr. July 87 to June 88

X Was she ever given credit for 75000 in Dec 87
or was it ever into her

Was she ever given credit for 75000 in Sept 87

X Was she ever given credit for 75000 in Sept 87

Was the Col. Funding Bonds worthless?

How did he pretend to cash company
offering other to cash -

So he pretended to attempt to introduce
evidence of all transactions upon theory of
reimbursement claims? & can it be done?

When you read statute of May 87 "7" did
you call attention to omission?

Where are the checks for the money
~~now withdrawn?~~

0047

District Attorney's Office.

PEOPLE

PS.

Spencer Magazine
London
Will find the
yearning to
the case make
the 17th inst. but
it is, in my opinion
for that day

D.A.

on

0048

LAW OFFICES
R. H. LAIMBEER, JR.,
291 BROADWAY,
NEW YORK.

N.Y. April 28/90

Dear Sir.

I am sorry to learn of the 24th inst. would say that I am informed of Mr. Lewis' continued illness, and of his inability to appear in the City - at this time -

I would add, that I accepted a retainer from Mr. Lewis upon his assurance to me that he would be present when wanted, and that I am confident he will be in the City - as soon as his health permits. probably during the present week.

In the mean time, of course, your office will take such steps in the matter as it may deem proper. Thanking you for your courtesy in the premises, I remain

Yours very truly

R. H. Laimbeer, Jr.

John D. Lindsay Esq.

Asst. Dist. Attorney -

New York City.

0049

Mr. McGee
Partner

Richard W. Linnbeck Jr.
Counsellor at Law.

291 Broadway

New York

April 9/90

Dear Sir,

The enclosed letter,
received last night by mail,
will explain my inability
to produce Mr. Lewis today.
I can only say, that at the ear-
liest possible day, he will
appear, and submit himself
to the process of the Court.

Very truly yours

R. Linnbeck Jr.

To

Asst. Dist. Atty.

John D. Lindsay

Dist. Atty's Office

N.Y. City

0050

Court of General Sessions of the Peace

The People vs

Samuel W. Lewis

against

Larceny

Larceny

The People vs

Samuel W. Lewis

against

Embezzlement

City of New York

John D. Townsend being duly sworn deposes & says I am a practicing lawyer residing at 343 West 34th St in the City of New York and carry on business at 29 & 31 Chambers St I am the attorney & counsel for Mrs Alice G. Lewis who commenced an action in the month of April 1890 against the above named defendant her husband in the Supreme Court in this County in which she claimed judgment against him for the sum of \$53,000.00 for unlawfully converting & taking to his own use such amount being her separate property

That no answer has been interposed to such complaint. That about the same time as deponent now remembers two indictments were obtained in this County against the defendant for embezzling or stealing so much of such property as he converted within the limits of this state. That a great deal of time trouble and expense has been used in effecting the

arrest of this defendant. Deponent further says that on Wednesday the 5th inst one Mrs Richard who was with the said defendant Lewis at the time of his arrest and who deponent is informed has been his friend and companion, travelling with him under the name of Mrs A. B. Power called at deponents said office and stated that she had just come from the defendant Lewis with a proposition to me as the attorney representing his wife in the civil suit. She said that Mr Lewis could only raise \$25,000. of which he was willing to pay my client his wife for her claim agst him the sum of \$20,000.00. She further said that she was informed by the said Lewis that the money belonging to my client was ⁱⁿ the hands of his brother in law and ~~his~~ other members of his family. I told her that I could do nothing except in the civil suit but that if that was all he had left I would advise my client to accept that in settlement of her claim and would go before the District Attorney and state that he had so done in mitigation. On the same day a clerk of John R. Houghman who I understand is the attorney for the said debt called at my office & made an appointment with him to meet Mr Houghman on the same day but he did not keep his engagement and I learn the day after two o'clock that an application would be made by the said Houghman for the reduction of the debt's bail.

0052

I make this affidavit for the information of the Court in the belief that if a reduction is obtained by him he will not stand trial but would consider that he had made so much money by the reduction of the bail.

Deponent further says that much of the property stolen by the defendant from his wife was obtained by him in the State of New Jersey and he suggests that before a reduction of bail is considered in this case that the wife of the defendant & her daughter should have an opportunity of appearing before a Grand Jury in that State for the purpose of obtaining indictments against him should he manage to escape here. Deponent further says that the defendants wife and witnesses are now ready to proceed to trial and will be on hand whenever notified so to be by the District Attorney known to before me the }
7th day of November 1890 } J. H. Townsend

J. A. Howard
Notary Public
N.Y. Co.

0053

N. Y. General Sessions Court.

Plaintiff

The People

Defendant

Against
Samuel W. Davis

Sir:

Please take notice that a
of which the within is a copy, was this day duly en-
tered in this action, in the office of the Clerk of this
Court.

Dated, New York,
189

Yours, etc.
JOHN D. TOWNSEND.
Att'y for
49 CHAMBERS STREET,
NEW YORK CITY.

Alfred A. J. Jones
Shewen's motion to
reduce bail

JOHN D. TOWNSEND,

Attorney for

49 & 51 Chambers Street,

NEW YORK.

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

New York, 189

Attorney for

0054

LAW OFFICE OF
HERBERT W. GRINDAL,
160 BROADWAY.

People
vs.
Lewis.

New York, February 10th. 1891

Hon. De Lancey Nicoll.

District Attorney, etc.

Dear Mr Nicholl;

On examination of the indictments in this case I fail to find the names of any witnesses who appeared before the Grand Jury. Will you kindly furnish me with this information and thus obviate the necessity for a motion?

I learn from Mr Lewis that Dr Truax has seen him, and that the Doctor thinks that the acute stage of Mr Lewis' illness is passed. Lewis himself seems to feel much better, now that a physician in whom he has confidence says that he is improving, and I think that some time next week we can arrange on a day on which he can be called to plead.

Thanking you for the interest that you have shown in this case,

I remain,

Very truly yours,

Herbert W. Grindal

0055

LAW OFFICE OF
HERBERT W. GRINDAL,
160 BROADWAY.

New York, January 28th. 1898.

People against Samuel W. Lewis.

De Lancey Nicoll. Esq.

District Attorney, etc.

Dear Mr Nicoll;

Since my interview with you in regard to Mr Lewis, I have seen Dr Chadwick one of the Physicians of the City Prison, and have talked with him in regard to this case. Dr Chadwick thinks that Lewis pretends to be in much greater pain than he really is, and believes that he is perfectly able to get up if he chooses. That being the case I wish to change the form of my request to you and ask your consent to the appointment by the Court of a Commission to examine into his physical condition and report.

With your familiarity with public institutions and their management, you can readily understand that a state of things may exist in the Prison which would render it difficult, if not impossible, for the prisoner's case to receive an impartial consideration at this time, when the doctors have had him for three months in their care, have pronounced their verdict, and also are personally prejudiced against him, as they admit that they are. No possible danger of escape or other malfeasance can be imagined in connection with an examination by a commission, and if the prison-

0056

LAW OFFICE OF
HERBERT W. GRINDAL,
160 BROADWAY.

New York, 189

(2)

er's story be true, it is simply an act of justice to an innocent man.

I hope soon to be able to convince you by the "ear marks" of this case that it is a prosecution dictated by the desire for personal revenge and amounting to a most unwarranted use of the District Attorney's office in a black-mailing scheme.

May I also ask that the copyist in your office be instructed to prepare at my expense, copies of the indictment, affidavit, etc, etc.

Trusting that you will give this matter your personal consideration and attention, I remain,

Very truly yours,

Herbert W. Grindal

0057

R. H. Linnbeer, Jr.
291 Broadway,
New York.

Dear Sir:

I have to further
inform you that I am
on my bed unable to
move from sciatica in
addition to rheumatism.

My physician, Dr. C.
states that it is impossible
to predict when I shall
be able to go to New York,
but after the damp weather
disappears I expect to

0058

arrive within a very few
days.

If you see fit you can
inform the district attorney
that I am as anxious to
appear as he can be to
have me appear.

Very truly yours,
J. W. Lewis.

0060

In order to establish this accusation against the defendant, it was necessary to prove by legal evidence to the Grand Jury that the defendant Lewis, with intent to deprive or defraud his wife of her money appropriated it to his own use.

There is competent evidence that she paid him \$5500. for some purpose or other. There is her statement that it was for the purchase of the P. P. & Co stock. But there is no competent evidence that he did not buy the stock, or that he at any time converted the funds to his own use. It is impossible that there should have been such evidence, and the affidavits used on this motion charge in terms that no such evidence was given.

The reasons for this are:-

1st. If Mrs Lewis testified to any pretended admissions or presented any written statements, she gave testimony which was incompetent and improper;- which was illegal and which under Section 256 of the Code Crim. Proc. should not have been received by the Grand Jury.

The testimony was incompetent under Section 715 of the Crim. Code which provides that "neither husband nor wife can be compelled to disclose a confidential communication, made by one to the other during ^{their} marriage".

This Section is explained by Chap. 103 Laws of 1887, which amends the similar

provision in the Code Civ. Proc. and which says:
 * * " A husband or wife shall not be compelled
 " or without the consent of the other if living,
 " allowed to disclose a confidential communi-
 " cation made by one to the other during marriage".

Any other construction of the statute would be contrary to the spirit of it and render it practically nugatory. This statute is against the common law which prohibited any testimony in such a case, and must be strictly construed. And Sec. 392, Crim. Proc. provides that "the rules of evidence in civil cases are ap=
 " plicable also to criminal cases, except as other=
 " wise provided in this Code."

2nd. It appears from the affidavit of the defendant that the step-daughter, Leslie, was not present at any interviews between the parties and hence could not truthfully testify to anything that occurred at those times.

3rd. There was absolutely no competent evidence whatever that the money was not used in the purchase of the stocks. No witness was produced having charge of the transfer books of the P. P. & L. Co., or otherwise competent to testify on that point, and the statement of Mrs Lewis that she was told by some one in the office of the Farmers Loan & Trust Co. that no stock was there in her name is so obviously incompetent and improper as to require no argument.

It appears from the affidavit of Mr John D. Townsend, the attorney for Mrs Lewis, that she

General Sessions Court.

The People vs

Plaintiff
against

Samuel W. Lewis

Defendant.

Memo. in motion.

HERBERT W. GRINDAL,

Attorney for defendant
160 BROADWAY,
NEW YORK CITY.

To _____ Esq.

Attorney for _____

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

Dated _____ 18

Attorney for _____

0062

0063

Count of General Sessions of the Peace
of the City and County of New York,

— " —
The People, vs.

vs

Samuel W. Lewis

— " —

City and County of New York, ss.

John B. Lindsay, District Attorney
of the City and County
of New York, being duly sworn says:

On the 26th day of March, 1890
there were admitted to the Grand Jury
of this County two charges of Grand
Larceny in the first degree against
the above named defendant, and that
the District Attorney caused to be
called before the said Grand Jury in
support of the said charges Alice E.
Lewis and Gertrude N. Bostwick.

That the said Alice E. Lewis and
Gertrude N. Bostwick attended before the
said Grand Jury for witnesses upon the
investigation by that body into the
truth of the said charges, and gave
testimony before the said Grand Jury
tending to establish the guilt of the
said Samuel W. Lewis thereof, and
that the said Grand Jury, after hearing

0064

the testimony of the said witnesses
found the indictments now pending
therein.

That the testimony of the said
witnesses tending to establish
the allegations of the said indictments,
and that the said indictments were
found solely upon such testimony.

Sworn to before me this
14th day of February, 1891

Just. L. L. L. L.

State of the Court of
General Sessions of the
Peace of the City and
County of New York.

0065

W. H. General Perinon

The George

N

Samuel W. Davis

Aggraine etc

John B. Lindsay

W. B. Bannan

~~W. B. Bannan~~

0066

Mr. MacGy

Jefford M. Lumber Jr.
Counsellor at Law.

291 Broadway

New York

Apr 7/90

Dear Sir -

I will not be able
to produce Mr. A. Williams -
this morning, as I hoped to,
as I have word from him
that he is sick.

I will produce him however
at the earliest possible
time, and he will submit
himself to the jurisdiction
of the Court; probably Tues-
day or Wednesday at the latest.

I called at your office at
11 o'clock, but found no one in

very late in
the day
Respectfully
Yours
John L. Landon

0067

Two copies of
charge

THE PEOPLE

vs.

SAMUEL W. LEWIS.

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTH.

Thursday, July 16, 1891.

Indictment for grand larceny in the first degree.

Asst. Dist. Atty. Weeks for the People.

Messrs. Grindal & McLaughlin for the Defendant.

A Jury was empannelled and sworn on Monday,
July 20, 1891.

Asst. Dist. Atty. Weeks opened the case for the
People.

ALICE G. LEWIS, sworn and examined.

By Mr. Weeks. Q. Mrs. Lewis, are you the wife of this defendant?

A. I am.

Q. When did you first meet this defendant and where?

A. I met him the summer of 1886 at Black Rock, Conn.

Q. Where did you live after that summer? A. At No. 6 East
58th Street in this city.

Q. Did the defendant call upon you there? A. He did.

Q. When were you married to the defendant?

A. December 27, 1887.

Q. When did the defendant first talk with you about investing
in stocks? A. Sometime during the winter of 1888.

Q. When did he first speak to you about Pullman Palace Car
stock? A. I do not remember the precise date.

Q. Well, about when? A. I should think it was in the
Spring of 1887.

Q. And what did he say to you about Pullman Palace Car stock?

A. He told me it was going to have a very great rise,

0058

a very fine investment, etc.

Q. What else?

A. He knew I had some money to invest and he advised me to put it in Pullman Palace Car stock.

Q. Did he say anything to you as to how you could buy the stock?

A. Yes sir.

Q. What did he say?

A. He said I could buy so much to a better advantage.

Q. Well, how much?

A. To pay on installments.

Q. How much?

A. He proposed for me to buy one hundred shares.

Q. And that you could pay it on installments?

A. Yes sir.

Q. Now did you give him any money as the result of that?

A. I did.

Q. Do you remember how much you gave him the first time?

A. The very first was one hundred and fifty dollars.

Q. Do you remember when that was?

A. The latter part

of May, 1887.

Q. Do you remember how much you gave him the next time?

A. NO.

Q. I show you this, is that the statement given to you by Samuel W. Lewis, the defendant?

A. Yes sir.

Q. Does that refresh your recollection as to the money that you gave him.

A. Yes sir.

Q. When did you give him the next money, you first you gave him in the latter part of May, one hundred and fifty dollars, when did you give him the next sum of money?

A. June 24.

Q. How much did you give him then?

A. Six hundred dol-

lars.

Q. When did you give him any more?

A. June 24.

0069

Q. How much? A. Seven hundred dollars.

Q. When was the next payment? A. June 30, nine hundred dollars.

Q. When was your next payment to him? A. July 19.

Q. And how much did you give him then? A. Five thousand, five hundred dollars.

Q. Now do you remember prior to your making him that payment on July 19, whether he had said anything to you about this stock other than what you have told us, prior to the time you gave him this fifty-five hundred dollars, on July 19.

A. I beg your pardon, I do not understand.

Q. Prior to the time you gave him this fifty-five hundred dollars on July 19, did he say anything further to you about this stock?

By the Court. Q. Had you any conversation with him about July 19 prior to the time that you gave him this fifty-five hundred dollars?

A. I cannot remember word for word.

Q. Do you remember having a conversation with him?

A. I do not.

By Mr. Weeks. Q. After you had given him this money did he ever say anything more to you about the stock, after you had given him the first sums of money?

By the Court. Q. When you gave him the fifty-five hundred dollars what did he say he was going to do with it or what did you say to him?

A. He talked about investing in Pullman Palace Car stock.

Q. He talked about investing in what? A. Pullman Palace Car stock.

Q. Was there anything said about the number of shares?

A. One hundred shares.

0070

By Mr. Weeks. Q. What did he say about the one hundred shares,

Mrs. Lewis. A. He told me that I could pay on installments.

Q. After you had given him some money what did he tell you?

A. He said he should very soon give me a statement that would show just how I stood.

Q. Did he say anything else? A. He told me that it was standing on the books of the company and also on his books.

By the Court. Q. He told you what was standing on the books of the company?

A. The money that I had given him when I asked him for a certificate or a receipt for it.

By Mr. Weeks. Q. What did he say was standing, just tell us what he said, did he say that the stock was standing or what?

A. That the account for all the money I handed him for investment was standing on the books of this Company and also on his book.

Q. How did he ever tell you that he had bought this stock?

A. He did.

Q. When before July 19 before you gave him the fifty-five hundred dollars.

A. He told me that he had bought these hundred shares of Pullman Palace Car stock on the 27th of June.

By the Court. Q. Did he tell you where the stock was?

A. It was on the books of the company.

Q. And what else? A. And also on the books in his office.

Q. Now did you have an account in July, 1887, in the Fifth Avenue Bank?

A. Yes sir.

Q. Is that your check? (Check shown to witness.)

A. Yes sir.

0071

Q. Is that the check that represents the fifty-five hundred dollars you have just told us about? A. Yes sir.

Q. Do you know the signature of the defendant, Samuel W. Lewis? A. Yes sir.

Q. Is that his signature upon the back of that check? A. Yes sir.

Mr. Weeks: I offer the check in evidence.

The Court: What is the date of the check?

Mr Weeks: July 18, 1887.

The check is marked Peoples' Exhibit No. I.

New York, July 18, 1887.

The Fifth Avenue Bank pay to Samuel W. Lewis fifty-five hundred dollars. Alice G. Bostwick.

Q: Did you give him that check on the same day that it is dated A. Yes sir.

Q. Then you were wrong before when you said the 19th that you gave him fifty-five hundred dollars, were you?

A. I cannot remember, the 18th or 19th, it was along there.

By the Court. Q. Do you recollect that check? A. Yes sir.

Q. You gave that to the defendant, didn't you? A. I did.

Q. That was for fifty-five hundred dollars? A. Yes sir.

Q. That was the day you gave it to him, the day you drew it, on the 18th of July? A. It must be.

Q. Well then you did not give him fifty-five hundred dollars after this? A. Not at that time.

By Mr. Weeks. Q. You said before that you gave him this fifty-five hundred dollars on the 19th of July, were you right or wrong, will you look at that check, what day did you give him the fifty-five hundred dollars?

0072

By the Court. Q. Did you give him the fifty-five hundred dollars in money or a check? A. I gave him a check.

By Mr. Weeks. Q. Is that the check that you gave? (Showing witness peoples' Exhibit No. 1.) A. Yes sir.

Q. Now subsequent to that time did you give Mr. Lewis nine hundred dollars for this Pullman Palace Car stock?

A. I did.

Q. Look at that paper and tell me if that is his signature?

(Showing paper to witness.) A. Yes sir.

Mr. Weeks: I offer that in evidence and ask that it be marked Peoples' Exhibit No. 2.

Counsel: Whether it be so or not, I do not see how it is material.

The Court: It may be material, I will allow it.

Counsel: Note an exception.

Mr. Weeks: (reads) New York, September 18, 1887.

Received from Alice G. Bostwick check of W.C. Noyse for nine hundred dollars to be applied to the payment for a hundred shares of Pullman Palace Car stock. Samuel W. Lewis.

By Mr. Weeks. Q. Now after your marriage with Mr. Lewis where did you reside? A. Montclair, N.J..

Q. Where did you move from Montclair? A. To New York city.

Q. Where were you living in August, 1889? A. Orange, N.J.

Q. Did you in the month of August, 1889, have any conversation with Mr. Lewis about the Pullman Palace Car stock?

A. I did.

Q. Please state where that conversation was held and what it was?

Counsel: I object to any conversation which this witness had with the defendant. She was at that time married to him and

0073

her conversations with him are privileged communications from wife to husband.

The Court: She is a competent witness ----- go on .

Counsel: I object to your Honor's ruling and ask an exception.

The Court: Note an exception.

By Mr. Weeks. Q. Please state what this conversation was, what room were you in when you had the conversation with him?

A. In my own room on the second floor of our house in Orange.

Q. What did you say to him and he to you? A. I told him that he must have some money; he had none in some time and that I did not understand why he did not bring it to me when I asked for my regular interest. He told me that he had none except what was over in the Pullman Palace car stock.

Q. What then? A. He gave me a letter to an intimate friend of his, a Mr. Johnson, asking him to assist me.

Q. Did he give you a letter, is that the letter he gave you? (Letter shown to witness.) A. Yes sir.

Mr. Weeks: I offer that letter in evidence and ask to have it marked Peoples' Exhibit No. 3.

Counsel: I object to that letter as immaterial, irrelevant and incompetent; it has nothing to do with this case.

The Court: Allowed; exception.

Mr. Weeks (reads) : August 26, 1889.

Dear Johnson: I have been ill for some time and my wife to whom this will introduce you to your courteous attention. desires to consult you in regard to some changes in her investments before starting on a trip to Richfield Springs. I trust you will give her special assistance as my

0074

illness renders me incapable.

Very truly yours,

Samuel W. Lewis.

Q. Now did you go to the office, where was this addressed, do you remember?

Objected to.

By the court. Q. What did you do with that letter, did you go to Johnson's? A. I did.

By Mr. Weeks. Q. What else did he say to you besides giving you this letter? A. He told me to go there and also go to the Pullman Palace Car Company's house and I would find everything right there on the books.

Q. Did you go to Johnson? A. I did.

Q. Did you have a conversation with him? A. I did.

Q. Who went with you. A. My daughter.

Q. Miss Bestwick? A. Yes sir.

Q. And did you go to the Pullman Palace Car Company?

A. I did.

Q. And where did they send you?

Objected to. Objection sustained.

Q. Where else did you go then beside the Pullman Palace Car Company's office?

By the Court. Q. Did you go to the Pullman Palace Car Company's office? A. I did.

Q. From there where did you go? A. To the Farmers' Loan and Trust Company.

Q. All on the same day? A. Yes sir.

Q. What day was it? A. The 26th day of August, 1890.

By Mr. Weeks. Q. Did you find any stock there of the Pullman Palace Car Company in your name? A. I did not.

Counsel: Objected to as immaterial and irrelevant.

0075

By the Court. Q. Did he tell you to go to the Pullman Palace Car Company? A. Yes sir.

By Mr. Weeks. Q. And that there you would find the stock all right? A. Yes sir.

The Court: It is competent.

By Mr. Weeks. Q. You did not find any stock there? A. No sir.

Q. Then did you return to Orange? A. I did.

Q. And did you then have a conversation with this defendant? A. I did.

Q. In the presence of your daughter? A. I did.

Q. Well now, tell us that conversation?

Counsel: The same objection.

The Court: The same ruling and exception.

By the Court. Q. Now Mrs. Lewis, will you be kind enough to tell us all the conversation that you recollect, what you said, and what he said to you when you got back to Orange.

A. I asked him what he meant by sending me over on such a false errand, why he gave me that letter to his friend? His reply was because he wanted to get me out of the house, he was afraid I would have him arrested.

By Mr. Weeks. Q. What did you tell him about the result of your visit? A. I told him I found nothing on any of the books in my name or in his name or in my daughter's name.

By the Court. Q. You mean by nothing, you never found any Pullman Palace Car stock, is that what you told him? A. Yes sir.

By Mr. Weeks. Q. Did you tell him of your conversation with Johnson? A. I did.

Q. What did you tell him? A. I handed the letter to

0076

Johnson and asked him if he understood it? He said he did not understand it.

Objected to. Objection overruled. Exception.

Q That is what you told the defendant? A. Yes sir.

Q. Go on and tell us what you told Lewis about your visit to Johnson? A. I told Mr. Lewis that Johnson did not seem to understand the contents of the letter at all and that he had nothing on his books and knew nothing about my affairs.

Q. Well, what did he say to that? A. As I said before, he said he wanted to get me out of the house. He was afraid I would have him arrested.

Q Did you tell Lewis that you had gone to the Pullman Palace Car Company? A. Yes sir.

Q. What did you tell him happened there? A. There was nothing there on the books.

By the Court. Q. When you got to the Pullman Palace Car Company's office whom did you apply to, a clerk or officer?

A. Some person who seemed to be connected with the office, and he directed me to the Farmers' Loan and Trust Company.

Q. Was it some person in the office of the Company?

A. Yes sir. I said I had come to see about my stock which was standing there, one hundred shares.

Counsel: Objected to.

Q. You went to the Pullman Palace Car Company's office, did you not? A. Yes sir.

Q. I presume you told them who you were, didn't you?

A. Certainly.

Q. When you went into the Pullman Palace Car Company's office

0077

you saw some person in charge of the office, did you?

A. Yes sir.

Q. Will you just state what took place between you and that person, the Jury want to know?

A. I told them

that I had come to see -----

Q. Did you tell him who you were?

A. I told him I

was Mrs. Samuel W. Lewis and that I had one hundred shares of their stock standing in my name, Alice G. Lewis.

Counsel: Objected to unless he was a person authorized to represent the Pullman Palace Car Company.

Objection overruled.

Exception.

Q. You went to the office of the Pullman Palace Car Company, did you?

A. I did.

Q. You and your daughter?

A. Yes sir.

Q. And that was on the 26th of August, was it not?

A. On the 26th day of August, 1889.

Q. Now whom did you see in the office of the Pullman Palace Car company?

A. I inquired, I saw a person, I do

not know his name. and stated my business.

Q. Where was this person that you inquired of?

A. Somewhere behind the desk.

Q. What did you say to this person?

A. I told him

that I was Mrs. Alice G. Lewis and that I had come to find out about this stock that stood in my name, one hundred shares.

He said they did not stand there but they were in the office of the Farmers' Loan and Trust Company, I would have to find out there.

Q. To find out whether there was a hundred shares of stock standing in your name?

A. Yes sir.

Q. Did you go to the Farmers' Loan and Trust Company?

0078

A. I did.

Q. Go back again, when you went to Orange, N.J. did you tell the defendant here what occurred between yourself and the person in the Pullman Palace Car's office? A. Certainly.

Q. What did you say to him, did you tell him that you went there? A. I did and that I found there was nothing there and never had been anything there in his name or in my name or in my daughter's name.

Q. That was on your return home? A. Yes sir.

Q. You went to the Farmers' Loan and Trust Company?

A. Yes sir.

Q. Whom did you make inquiry of there? A. I inquired for the proper person back of the desk.

By Mr. Weeks. Q. Who did you inquire for, what did you say?

A. I went in and stated who I was and told him that I wanted to find out about my stock that stood on the books in my name.

By the Court. Q. What kind of stock? A. Pullman Palace Car stock.

Q. What took place there? A. They told me -----

Q. Did they look over any book? A. Yes, they looked carefully over the books and there had never been anything in my name.

Q. This person told you that? A. There was nothing in the books.

Q. No Pullman Palace Car stock in your name? A. Yes sir.

Q. When you went home did you communicate that to this defendant? A. I did.

Q. What did he say? A. I asked him what he meant by sending me on such a false errand.

0079

Q. Did you tell him you had been to the Farmers' Loan and Trust Company. A. I did.

Q. And that you had made inquiries about the stock?

A. Yes sir, I did.

Q. And that you were informed that no such stock stood in your name? A. Yes sir.

Q. Then you asked him why he sent you on this errand?

A. I did.

Q. What did he say to that, what reply did he make to all this?

A. He replied first to my visit to Johnson as I stated before, he said that he gave this note to Johnson because he did not know what to do, he wished me to get out for fear he would be arrested; he said, "yes, there never was any stock in your name on these books, your money is gone."

Q. That was on the 20th of August, 1899? A. Yes sir.

By Mr. Weeks. Q. How much longer did you remain with the defendant?

A. Until the 17th day of December.

Q. Then what happened? A. I left the house.

By the Court. Q. You have not lived with him since?

A. No sir, never seen him.

By Mr. Weeks. Q. Now how much were you worth when you met the defendant?

The Court: That don't make any difference.

By Mr. Weeks. Q. You have stated, Mrs. Lewis, that you gave this defendant this check for fifty-five hundred dollars on the 18th of July and that he stated to you that he had bought on hundred shares of Pullman Palace car stock and that it stood in your name on the books of the Company and on his books, now was it relying upon that statement that you gave him the fifty-five hundred dollars.

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The Court: What did he say was the par value of this stock?

Mr. Weeks: I do not expect to prove that allegation in the indictment.

By Mr. Weeks. Q. Was it relying upon that statement of his that he had purchased the stock that you gave him the fifty-five hundred dollars?

A. Yes sir.

Q. If he had not so stated to you you would not have given it to him?

A. No sir.

Q. Did you believe his statement to be true?

A. Yes sir.

Q. That he had purchased this stock for you and that it stood to your credit on the books of the Company?

A. Yes sir.

Q. You parted with your money believing that statement to be true?

A. Yes sir.

CROSS EXAMINED by Counsel.

Q. Mrs. Lewis, about when did you first meet your husband?

A. The summer of 1886.

Q. What part of the summer?

A. The latter part of

July.

Q. You were then Mrs. Bostwick, were you not?

A. I was.

Q. How old were you at that time?

By the Court. Q. How old were you at that time, please answer the question?

A. I should think I was forty-two at that

time.

By Counsel. Q. And do you know how old he was?

A. He told me

he was thirty-five.

Q. When you left Black Rock where did you go to?

A. My home in 58th Street.

Q. Was that an apartment, a flat?

A. It was.

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Q. Who leased that flat?

A. My husband.

Q. Which one?

Objected to.

Q. Which do you refer to, which do you mean by the answer?

A. Mr. Bostwick.

Q. Did Mr. Lewis come to see you there very often?

A. Not so very often.

Q. Did he ever stay there during the evening?

A. Sometimes.

Q. Did he ever stay there all night?

... Later on in the winter.

Q. How often did he stay there all night?

A. He wished to

board with me, he staid sometimes two nights and sometimes two or three nights in a week.

Q. He did board with you?

A. For a very short time.

Q. How long did he board with you?

A. I cannot remember.

Q. Was it weeks, a month, two months or six months?

A. Sometimes he said it was convenient for him to stay in the city and if was agreeable and pleasant and I could accomidate him he would stay there and he would pay me what I charged, what I asked; I cannot tell, he was never there regularly for any length of time.

Q. Do you remember what you charged him for board?

A. I know that I allowed him to pay his own terms, I thought they were not very liberal.

By Mr. Weeks. Q. Do you remember what it was?

A. Something like a dollar for his dinner and for breakfast.

By Counsel. Q. When did he begin to board there?

A. I do not remember.

Q. You can tell whether it was before or after Christmas, for

0082

example? A. I should say it was after, later, in the winter.

Q. After Christmas? A. Yes sir.

Q. He was not there in October, as early as October?

A. No sir.

Q. What time did you come back from Black Rock?

A. I should think in September.

Q. You are sure he was not there in October? A. No sir.

Q. He did not come there until after Christmas? A. No sir.

Q. Is your recollection clear on that point? A. Yes sir.

Q. You are just as sure of that as you are of any of the interviews you have been testifying to? A. Yes sir.

Q. Absolutely positive? A. Yes sir.

Q. Please say if that is your signature? (showing paper.)

By the Court. Q. Is that your handwriting? A. Yes sir, I should say it was.

The paper was marked Defendant's Exhibit No. 1 for identification.

By Counsel. Q. When you left Black Rock did Mr. Lewis leave there with you? A. No sir.

Q. You did not go from Black Rock to Saratoga before you came to New York? A. Yes, I did.

Q. Did Mr. Lewis go to Saratoga when you were there?

A. He came there once while I was there.

Q. Who else was there at the time, in your party I mean?

A. My daughter.

Q. And who paid the expenses there that time?

Objected to as immaterial. Objection overruled.

A. I paid my own expenses of course and daughter's.

By the Court. Q. You paid your own and your daughter's expenses,

16 did you? A. Yes sir.

0083

By Counsel. Q. When Mr. Lewis boarded with you after Christmas, in 1886, who else composed the family?

Objected to as immaterial.

The Court: Do you want to show that this witness's character is bad? If that is the object of it, I will let you prove it. If you want to show that this woman and this man were living together in improper relations I will let you prove it.

Counsel: I think we can prove it.

The Court: If that is your object, go on for the purpose of affecting her credibility.

By Counsel. Q. At the time that Lewis boarded with you who else composed the family? A. My daughter and one servant.

Q. What is your daughter's name? A. Lesbia Bostwick.

Q. While you were living in the flat did you ever go to San Francisco with anybody? A. Certainly I did.

Q. With whom? A. I went with Samuel Lewis; his sister and his mother were to comprise the party; when I arrived at the train I was informed they were not.

Q. What happened? A. Nothing, I was prepared for my journey and I went on.

Q. With him alone? A. Yes sir.

Q. Where did you go with him? A. I was then of course divorced from my former husband.

Q. What time in 1886 was this? A. Sometime in 1887, June, 1887.

Q. What time did you get your decree, what was the date of the decree you got from Bostwick? A. April 28, 1887.

Q. And this was after the decree? A. Yes sir.

Q. Did you go to the same hotel with Mr. Lewis? A. He went

0084

to the hotel and procured me a separate room, yes sir.

Q. You were never registered as his wife on that trip, were you? A. Not that I know of.

By the Court. Q. Did you ever register yourself as his wife?

A. No sir.

Q. Did you ever authorize him to do it. A. No sir, not that I know of.

Q. Did you ever authorize him to register? A. No sir.

By Counsel. Q. How far did you go with him? A. Just to San Francisco.

Q. And returned again? A. Yes sir.

Q. How long were you gone on that trip? A. Just one week perhaps, I do not remember.

Q. One week from San Francisco to New York and back again?

A. Yes sir.

By the Court. Q. How long did you stay in San Francisco?

A. Perhaps one day.

By Counsel. Q. What road did you travel over, I would like to know it, you were not aware of the fact that you and he were registered as Mr. and Mrs. Wilson? A. No sir.

Q. When were you married to Mr. Lewis A. On december 27, 1889.

Q. Where did the ceremony take place? A. In the church at Montclair, N.J.

Q. Who was the clergyman married you do you know, or of what religious denomination was he? A. Episcopal, one was the Rev. John J. Hills, I thin he is now in Washington and the other was the rector, I forget his name, it slips my mind.

By the Court. Q. The rector of that church? A. Yes sir.

0085

Q. Rev. John T. Hills was the assistant was he, attached to that church?

A. No sir, he was at Mount Holly at that time, the rector there.

By Counsel. Q. Did you tell the clergyman at the time that you had never been married before?

Objected to as immaterial. Objection sustained.

Q. Did you tell the clergyman that you had obtained a divorce?

Objected to.

By the Court. Q. Was any such question asked you and did you make any such answer?

A. No sir.

By Counsel. Q. Nothing was said about whether you had been divorced or not?

A. No sir.

Q. He married you that night without any intimation on that point?

A. I know nothing about it, that point.

Q. Do you know what the ground of the divorce was from which you were separated from Mr. Bostwick?

Objected to. Objection sustained. Exception.

Q. After the wedding where did you go to live, Mrs. Lewis?

A. In Montclair, N. J. at my home.

Q. What sort of a place did you have, Mr. Lewis took the place I suppose?

A. No sir, it was my home, I was renting the house at that time.

Q. You were married in your own home?

A. Yes sir.

Q. And went there to live after the ceremony?

A. Yes sir.

Q. You paid for the rent?

A. Yes sir.

Q. Did you pay the expenses of the establishment?

A. I paid all the servants and the rent until the Spring.

Q. What sort of an establishment did you have, how much of an establishment?

0086

By Mr. Weeks. Q. How many servants? A. Four servants.

By the court. Q. How many rooms did you have? A. I never counted them as I know of.

Q. Did you have the whole house? A. Yes sir.

By Counsel. Q. When you were in Black Rock did you ever talk of stock transactions with Mr. Lewis? A. I beg pardon.

Q. When you were living in Black Rock when you first met Mr. Lewis did you ever then talk of stock transactions?

A. I hardly remember, I know he used to speak of his business and I was interested in those things.

Q. You knew what his business was A. I knew he was a broker so far, I thought his judgment might be very good if I ever wanted to invest.

Q. When did you first begin to have business transactions in stock matters through him? A. Not until 1887, that Spring -- -- June, when I first commenced my Pullman Palace Car stock.

Q. The first thing that you did was to inquire about Pullman Palace Car stock? A. No sir, not the first.

Q. You had other transactions with him before that time?

A. Yes sir.

Q. Purchasing or selling? A. Having him invest my money.

Q. You made an affidavit, did you not, to procure an indictment in this case, did not you sign and swear to an affidavit in procuring the indictment in this case? A. Yes sir.

By Mr. Weeks. Q. That is the affidavit that you presented to the Grand Jury, isn't it, Mrs. Lewis? (Showing paper.)

A. Yes sir.

By Counsel. Q. I read from this affidavit. "I am the wife of Samuel W. Lewis. On the 27th of June, 1887 I was Mrs. Alice C.

0087

Eastwick and resided at No. 6 East 58th Street in the city of New York. I was at that time acquainted with my present husband Samuel M. Lewis who then resided at No. 192 President Street, Brooklyn and who was then as he informed me, a broker doing business in the city of New York. At that time the said Lewis was in the habit of visiting me and my daughter who was then with me in 58th Street. In June, 1887, I had some monies which I desired to invest and upon one occasion while said Lewis was calling upon me I informed him of my desire in that regard." Is that true?

A. Yes sir.

Q. Then you did not mean to be understood as testifying on your direct examination that Lewis asked you if you had not some money to invest? A. He stated to me -----

Q. Answer my question? A. He stated to me that Pullman Palace car stock was going up and that it was a splendid thing for me to invest in.

Q. Did not you ask him for advice in regard to investing money?

A. No sir, I do not think I ever did; he was always giving me advice and seemed very much interested in asking me about my various properties.

Q. Then what do you mean by this affidavit when you say "I had some monies which I desired to invest and upon one occasion while said Lewis was calling upon me I informed him of my desire in that regard" . A. I meant what it says there, that I did.

Q. You did tell him that you wanted to invest some money?

A. Yes sir, I presume I did.

Q. He did not come to you and ask you if you had some money to invest? A. He knew that he had always advised me

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to invest it in that.

Q. Tell me yes or no, how did you know that he knew that you had money to invest?

A. Because I had told him so and he had asked me about my different properties.

Q. You told him you wanted to find investments?

A. No, I did not tell him of it, he first suggested to me that Pullman Palace Car was rising and it would be a great thing for me to transfer my property to that and urged me to do so.

Q. When you said in that affidavit, "I informed him of my desire in that regard and he thereupon suggested that he would buy for me one hundred shares of Pullman Palace Car stock", that is not so?

A. It is so.

Q. Please reconcile the two statements? A. Because I might have said, "now I have this where I wish to invest it and now I will take up with your offer of the Pullman Palace Car stock."

Q. You did talk about Pullman Palace Car stock before the time when you finally made the agreement in regard to it?

A. Yes sir.

Q. You say in that affidavit and ~~and~~ you said in your testimony that he told you you could pay for it in installments, did he say that he would buy it of the Company for you or ~~or~~ any other person can pay him in installments or you could pay the company in installments?

A. I understood it he was to take it directly to the Company --- nothing to do with him whatever.

Q. That he was to pay it directly to the Company in installments

A. Certainly.

Q. You had had some other investment dealings. had you?

0089

A. Yes sir.

Q. Did you suppose that a company like the Pullman Palace Car Company peddled its stock on installments?

A. I trusted Mr. Lewis as the broker.

Q. What did he tell you the stock was worth at that time?

A. I do not remember now.

Q. Did he tell you what he would buy it for, what price he could buy it for you? A. At the market price.

Q. Did he tell you what it was? A. I do not remember.

Q. In regard to these conversations that you say you had with Mr. Lewis sometime in 1890, where were you living then?

A. In Orange, N.J.

Q. What was it that you told you about the stock at that time at the beginning. A. When I began to question him about my affairs so closely?

Q. Yes? A. It was after my return from my visit here and he told me that my property was gone.

Q. At the beginning, before you came over to New York about it at all? A. He told me that I must go to New York and see about it, it was over on the books of the Pullman Palace Car Company.

Q. What did he tell you after you came back and told him it was not there? A. He told me that it was gone.

Q. It was gone? A. I said, gone! He said, "Yes, gone." I asked him where? "gone for anything, everything", was his reply.

Q. Did he ever render you any ~~statement~~ statement of accounts in regard to this stock? A. Yes sir.

Q. Have you any of these statements? A. Yes sir.

Q. Will you look at the statement now shown you and state

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whether or not that is one statement which he gave you?

(Paper shown.)

A. Yes sir, that is correct

also.

Q. Did you ever receive any money from Lewiston account of

this Pullman stock.

A. My interest came regularly

of course.

Q. He did pay you the interest.

A. Certainly.

Q. How much was it do you remember?

A. It was usually

two hundred dollars every three months, I think, something like that.

Q. As long as he held the stock, I mean to say, after the 27th

day of June as long as you lived with him he paid you the

interest when it was due?

A. Regularly, always.

Counsel: I offer that statement in evidence.

Mr. Weeks: No objection.

It was marked Defendant's Exhibit No. 2 and the

Counsel read it to the Jury.

By Counsel. Q. What was the next statement that you had from him,

look at the paper which is now shown you and state whether

that is another statement which he furnished you?

A. Yes sir.

Counsel: I offer this statement in evidence, marked Defendant's

Exhibit No. 3.

Q. This statement which I now have here is unsigned, will you

please state where you obtained it?

(Paper shown to

witness.)

A. It was the last summer that we lived

together in Orange.

Q. Whom did you get it from?

A. Samuel W. Lewis.

Q. When?

A. The last summer we lived in Orange, I cannot say exactly what month.

0091

By Mr. Weeks. Q. Was it the summer before you went to New York?

A. No sir, it was in 1889, when we lived in Orange.
the last summer.

Counsel: I offer this statement in evidence, marked Defendant's Exhibit No. 4, I offer in evidence only so much as relates to this transaction; there are other words at the bottom which have nothing to do with this case.

The court: Those words I will direct not to be offered in evidence.

By Counsel. Q. Will you please look at this account book which I now show you and tell me where you got it if it is yours?

A. Yes sir.

By Mr. Weeks. Q. From whom did you get it?
account book.

A. It is my own

By Counsel. Q. Where did you get it?

A. Mr. Lewis made it

out for me, the last statement he ever made for me regarding my property.

Q. When did he make it?

A. In August, 1889.

Counsel: I offer so much of this statement in re as relates to the Pullman Palace Car stock.

Mr. Weeks: I ask that the whole entry go in, it is all in the handwriting of the defendant.

Counsel: I offer the line referring to the Pullman Palace Car stock only.

Mr. Weeks: I ask that the whole entry go in.

The Court: She says it is all in his handwriting and given to her.

If you offer that part of it the District Attorney can offer the rest.

Counsel: I offer "Pullman Palace Car interest, \$6.50. When paid, November and February. J&S, one hundred shares, 18,800. Dr. \$5,000."

0092

The Court: Mark that No. 5.

By the court Q. Is that the last statement that the defendant gave you?

A. The last statement.

By Counsel. Q. By that last statement Mrs. Lewis it appears that you were still indebted for five thousand dollars on account of that stock transaction, did you ever pay that five thousand dollars?

A. No sir.

Q. Did you ever tender it to Mr. Lewis?

A. No sir.

Q. In your testimony this morning ^{with} reference to the conversations which were had in 1890 about this transaction you said, "he told me it was standing on the books of the Company and also on his books, "did you mean that he told you that the account was standing on the books of the Company and also on his books or that the stock was standing on the books of the Company and also on his books?

A. The stock.

Q. And not the account?

A. The stock.

Q. The stock and not the account?

A. The account or the stock.

Q. What did you understand by that, what do you mean for us to understand?

A. I could never understand why I did not receive some security or some receipt from Lewis; it was a perfect bone of contention between us that I received into my own hands after giving him so much money, these receipts but he constantly told me that he could not get them for me, they stood there and any time I could go to them and see them on the books of the Company and also on his books.

By the Court. Q. You mean the certificates?

A. Yes sir, I supposed there was some certificates to show.

0093

Q. You never got any certificates? A. No sir.

By Counsel. Q. You say he never gave you any receipts?

A. Statements.

Q. Did he ever give you receipts for monies paid?

A. No sir, he never did.

By the Court. Q. When you paid him those various sums of money including the fifty-five hundred dollars, did he give you any receipt for it? A. He did for a great many of

them, they are on the table, they have not been referred to.

By Mr. Weeks. Q. Did he ever give you any receipts when you gave him any money or anything else? A. Yes sir.

By Counsel. Q. This check of fifty-five hundred dollars, when did he get that check?

The Court: She says she gave it on the 18th of July.

By Counsel. Q. Do you recollect giving it on that day?

A. I do not recollect exactly whether it was that day, it is about that day and is put down on the 19th that it went into that stock.

Q. You do not recollect?

Objected to as immaterial.

A. I think I gave it to Mr. Lewis on the 18th of July.

Q. Did not you state in your affidavit made for the Grand Jury that it was on the 19th of July? A. That he had given it to the Pullman Palace Car stock the next day, on the 19th.

Q. Did not you state in your affidavit that you gave it to Mr. Lewis on the 18th? A. Very likely.

Q. Now you are not sure whether it was the 18th or the 19th?

A. No sir.

Q. Is your memory pretty good, Mrs. Lewis? A. Very good.

0094

Q. Well, why can't you recollect then? whether it was on the same day or on some other day you did it?

A. I do not think it would be possible for anybody after four years to remember the very date of all the checks I have given that man.

Q. I am asking you about this one?

A. I did not find this check, it had been drawn, there was so much moving about I knew that it went into the Pullman Palace car stock on the 19th because it is in Mr. Lewis's statement.

Q. Your own recollection of the matter is particularly shadowy in that statement?

A. No sir, I know it was the 18th or 19th, I looked at that statement and saw it was on the 18th, I see the check is dated the 18th.

Q. You do not know of your own recollection whether it was the 18th or the 19th that you gave it to him?

By the Court. Q. You drew that check on the 18th? A. Yes sir.

Q. Do you recollect now whether the check was delivered to him on the day that you drew it or whether you delivered it to him the day after?

A. I do not remember.

By Counsel. Q. Was it the day that this letter was written to Johnson that you say you carried down town to somebody?

A. I do not know, Mr Lewis said he was a personal friend of his, he had been a schoolmate of his, that was all I know.

Q. Did you see this man?

A. Yes, I saw Mr. Johnson.

Q. Where was he?

A. He was in the office of C.B.

White & Co.

Q. What did you say to him?

A. I said, "I am Mrs. Samuel W. Lewis and I have a letter from my husband introducing my business."

Q. Then you gave him the letter?

A. I did.

0045

Q. The letter says, "I have been ill for some time, my wife to whom this letter will introduce your courteous attention, desires to consult you in regard to some changes in her investments"; is that what you asked him about?

A. I did not know the contents of the letter when I took it, Mr. Lewis sealed it and told me to go directly to his friend Mr. Johnson and he would assist me.

By the court. Q. It was sealed when you delivered it to Johnson?

A. Yes sir.

By Counsel. Q. What did Johnson say?

A. He said, "I do not think there has ever been any business transaction in the house with Mr. Lewis; certainly I know ~~of~~ nothing of any securities of yours, I have nothing to do with it."

Q. Did you have any other conversation with him as to this letter?

A. It says something about his wife's securities in that letter, investments.

Q. This letter says, "to consult you in regard to some change in the investments"?

A. Very well, investments.

Q. Did Mr. Lewis tell you that Johnson had your securities in his office?

A. No sir, he told me to go to this friend of his and hand that letter to Johnson.

Q. What was Johnson to do?

A. I do not know.

Q. Why did you go there?

A. Because Lewis directed me there.

Q. What made Johnson tell you that he had no securities of yours?

A. Because he went and looked on his books and saw there had not been anything.

By the Court. Q. Any securities of yours, is that what you mean?

A. Yes sir.

By Counsel. Q. You went into Johnson's office and handed him this

0096

letter, he read it and without any further conversation from you went and looked at his books, came back and said that he had no securities of yours, is that what occurred?

A. Yes sir.

Q. You are sure about that? A. Yes sir.

Q. Your recollection of that interview and the conversation with Johnson is just as clear as your recollection about all the other conversations and interviews you had at that time?

A. Yes sir.

Counsel: To save the time of the court we will concede that that was a check on the Fifth Avenue Bank for fifty-five hundred dollars which was paid on the endorsement of the defendant.

B. Counsel. Q. Mrs. Lewis, when you went back to Orange after you made your trip here to New York to these various offices and saw the people, you had an interview you say with the defendant?

A. Yes sir.

Q. Now please tell me where it took place. A. It took place in my own room, the second story front room of our house.

Q. Did you find him there when you went home? A. No sir.

Q. Where was he when you went home? A. I do not know.

Q. How came the interview to take place in that particular room.

A. Because I was perfectly prostrated with my visit and with the terribly paralyzing thought that he had been deceiving me, I was on my bed prostrated and my daughter attending to me when he came in.

Q. He came into the room where you were? A. Yes sir.

Q. Did you send for him? A. NO.

Q. He came voluntarily? A. Yes sir.

Q. Who began the conversation? A. I think I looked up to

0097

him and said in amazement, "why have you sent me on this false errand", etc.

Q. And then what did he say? A. He said he gave me the letter to Johnson because he wished to get rid of me and get me out of the house, he was afraid I might have him arrested.

Q. What did you say to that? A. I said then I went to the Pullman Palace Car Company and they sent me to the Farmer's Loan and Trust Co. and there was nothing on those books and never had been in my or in your name or in my daughter's name.

Q. What did he say? A. He said yes, he knew it, there never had been and the money was gone.

Q. Is that his exact language? A. Yes sir.

Q. What more did he say about it at that time or any other time? A. It was gone, he did not know where, I never could get from him where it had gone or any satisfactory reply.

Q. Was that all he said at this time about the stock?

A. I do not remember anything more.

Q. You do not recollect that he said anything more about Pullman Palace Car stock than that he knew it was not on the books of the company and that it had gone, that is all, you are positive about that?

A. Yes sir.

Q. Well, after you discovered your loss what did you do?

A. I was nearly frantic of course, I do not know what I did only to try and bear it and try to get some explanation that would show some reason for his conduct toward me.

Q. Well, what did you do?

A. I did nothing.

By the Court. Q. Did you speak to him about it, talk with him about it?

A. I had that conversation that afternoon.

0098

By Mr. Weeks. Q. What did you next do, you went to New York?

A. Yes sir, the next day I went to New York to look for further properties, further investments.

Q. You went to Paton & CO.?

Objected to.

By the court. Q. What was the next thing you did? A. I went over to look after my other investments, bonds, I went to the house of Paton & CO.

Q. Counsel asked you what was the next thing that you did after this conversation that you had with the defendant wherein he informed you that the property was gone, what was the next thing you did? A. I went to New York to look after some bonds that I had.

By Counsel. Q. Go on and state what you did? A. I went to the house of Paton & CO. and showed him a sample of some Colorado funding bonds that I held and he asked me who gave me those bonds and I told him.

Q. Never mind what he said, tell me what you did?

A. I went there and showed those bonds to the house of Paton & CO. and they told me -----

By the court. Q. You went there and you made some inquiries about some bonds? A. Yes sir.

Q. Did that end the transaction? A. I came home to await their reply.

By Counsel. Q. Go on and tell what you did. A. They told me that they would write me concerning them, I was obliged to go home.

Counsel: I move to strike out what they told her.

The Court: Yes, strike it out.

0099

Witness: I was obliged to go home to await their answer regarding these bonds.

By Counsel. Q. What did you do there? A. I came home and waited and the next day I received letters from the house of Paton & CO. that these bonds were worthless.

By the court. Q. The next day you received a letter from Paton & CO.?

A. Yes sir.

Q. What did you do after that? A. I waited for a reply from the house.

By Counsel. Q. After you got the reply and had it and filed it away what did you do next? A. I showed it to Mr. Lewis of course.

Q. What happened then? A. What could happen when a woman knew these things? I told Mr. Lewis I could not understand at all why he treated me in this manner and I could not account for it at all, I wished he would make me some explanation; he would make no explanation at all and treated me in a very cruel manner.

Q. What do you mean by that? A. Ignoring everything, I do not know, I cannot describe the way the man appeared after me telling him that these houses found they were all false.

Q. You said in your affidavit before the Grand Jury on the 11th of December, 1839, "he drove my daughter out of the house and on the 13th I was forced by him to leave my own home", tell me what you meant by that latter statement, you were forced by him to leave your own home?

A. Because

his conduct toward me was so brutal I could not stay there.

Q. What was his brutal conduct toward you? A. He was up all night long racing through the house frightening the

0100

servants and coming into the room and saying, "Madam, are you going to leave the house, will you go out of the house immediately?" Giving me no rest and no sleep.

Q. That is what you meant by cruel treatment? A. Yes sir.

Q. Who else was there at the time? A. My daughter and the servants.

Q. Wasn't Mr. Bostwick there? A. The day I went out Mr. Bostwick and his daughter came there to help attend to the furniture, certainly; the furniture belongs to my daughter and was in her name at the time, I had nothing to do with that whatever.

Q. Mr. Bostwick came there at the time you went away?

A. He did.

Q. Did you go away with Mr. Bostwick? A. No sir.

Q. Did not you leave the house with him? A. No sir.

Q. You did not go with him afterward? A. No sir.

Q. Was Mr. Lewis in the house all the time up to the time of your departure from the time those conversations took place?

A. He left my house at one o'clock in the morning, I never laid my eyes on him since; at ten o'clock the next morning with his clerk Herbert Stewart I left my own home with four servants and went to my daughter.

Q. Explain to me how if he left the house twenty-four hours before you did, he forced you to leave it by his brutal treatment?

A. I could not stay there.

Q. What was to prevent you going back? A. He had told me to leave the house, I must get out.

Q. Well, after the separation between you and your husband did you ever get legal advice as to your rights?

By the Court. Q. Did you go to any lawyer? A. Certainly, yes sir.

0101

Lewis, Contd.

By Counsel. Q. Who was the first lawyer you went to?

Objected to as immaterial.

By the Court. Q. You did take legal advice, did you?

A. Yes sir.

By Counsel. Q. Who was your first lawyer?

The Court: That is excluded.

By Counsel. Q. How many different lawyers did you consult?

Objected to. Objection sustained. Exception.

Q. Why did your first lawyer abandon your case?

Objected to. Objection sustained. Exception.

Q. Did you ever have any correspondence with Mr. Lewis after you left the house?

A. No sir.

Q. Never any letters passed between you in regard to a settlement?

A. No sir.

Q. Did he ever write you a letter offering to maintain and care for you, that you ever received?

A. He wrote a letter that came to my lawyer, my lawyer read me a letter.

Q. You saw the letter afterwards?

A. Yes sir.

Q. What answer did you make to that letter?

The Court: That is excluded. What has that got to do with this case?

By Counsel. Q. Are you the plaintiff in a civil suit against Mr. Lewis?

Objected to. Objection overruled.

By the Court. Q. Have you brought a civil action?

A. I have.

Q. To recover the money that you lost?

A. Yes sir.

Q. The same money alleged in this indictment?

A. Yes sir.

Q. Did you ever state to any person that you had paid twenty-

35 five hundred dollars to get this man indicted?

0102

A. No sir.

Q. Did you ever as matter of fact pay that money?

A. No sir.

Q. You are sure you never said that you had?

A. No sir.

Q. Did you ever say you would put him in jail and keep him there until he rotted?

A. No sir, never.

Q. Did you ever say as soon as he was on his way to Sing Sing you would clap divorce papers on him?

A. Never.

Q. Did you ever authorize any person to say to me or to anybody else representing him that if he would consent to a divorce without opposition and give you half of an money he had, you would withdraw all proceedings including the criminal, so far as you were concerned?

A. No sir.

Q. And if any person came to me with that proposition as from you they were lying?

The Court: NO, that wont do.

By Counsel. Q. It was not authorized not authorized.

A. No sir, it was

Q. You are positive about that?

A. Yes sir.

Q. Will you please look at this paper which you identified as signed by you and state what it is. I offer this in evidence, Defendant's Exhibit No. I.

Q. Now Mrs. Lewis, you testified, did you, positively that Mr. Lewis did not come to board with you until after Christmas in 1886? This paper which I hold in my hand reads as follows: "New York, October 19, 1886. Received of Mr. Samuel W. Lewis thirty dollars payment for board and lodging to November 1. Alice G. Bostwick;" was that given on the date written on it.

By the court. Q. Is it in your handwriting?

A. Yes sir, it

0103

is in my handwriting, I do not remember anything about it, I am stating just as clearly as I can remember, it is so long ago.

By Counsel. Q. You do not know it was given on the date which is indicated there or not? A. I do not remember anything so long ago.

By the court. Q. That is your handwriting? A. Yes sir.

By Counsel. Q. You do not remember anything so long ago?

A. There is nothing I should remember of any great importance to me.

Q. I thought your memory was excellent? A. It is; that I do not think is of any great importance one way or the other.

Q. You swore positively that he did not come to board with you until after Christmas, you said that was as true as anything else you said, that is dated on the 16th of October, are you sure that that was given after Christmas? A. I am not sure.

Q. Then it may be that he came there in October instead of after Christmas. A. Perhaps so.

By the Court. Q. Was he there at the time that you wrote that receipt now that you have seen the receipt? A. That I can't remember, I do not remember that.

By Counsel. Q. Would you give a receipt if it were not a true one? A. Why certainly not.

Q. Then he must have been there at the time, at the date of the receipt? A. I might have sent it to him in an envelope, I might have handed it to him, I could not say he was there to receive it.

Q. He must have been boarding with you for the period covered by

0104

the receipt?

A. No sir.

Q. Then you may have been mistaken when you say he did not come until after Christmas.

By the Court Q. Did you charge him for the time he was not actually living in your place?

A. No sir.

Q. How do you account for that receipt? A. It was something that was very informal, whatever he thought was right I accepted.

By Counsel. Q. If he did not come until after Christmas why did he pay you in October?

A. I do not know.

Q. You correct me if I am in error, but my recollection is that you said this morning while you were living in 58th Street that you paid the expenses there? A. No sir, I said Mr. Bostwick paid the expenses of the flat.

Q. And Mr. Lewis did not? A. No sir.

By Mr. Weeks. Q. Mrs. Lewis, on your cross examination you stated that you had received a letter from Paton & CO., which you showed to the defendant, have you that letter with you?

A. Yes sir.

Q. Will you please produce it? A. I gave it to you just as I came in the Court-room.

Q. Are those the letters? (Letters shown to witness.)

A. Yes sir, those are the letters.

Q. Did you show both of those letters to the defendant?

A. Yes sir.

Q. Now referring to the book which contains Defendant's Exhibit No. 5 will you please state what the defendant said when he made out, when he wrote those entries, what did he say and where was he? A. We were on a summer trip in Pennsylvania and I became very anxious ---- in Milford, Pa.,

0105

and I wished him to state to me particularly how my affairs stood. I had been ill all summer and unable to attend to them myself, and he sat down and gave me all this as it stood at the market value, it as so much as he put it on the book.

Q. What did he say that was a statement of? A. All the property he had in his possession of mine which he had invested.

Mr. Weeks: Now I will read from this book, I offer the book in evidence.

Counsel: I object.

The Court: The book is in evidence.

Mr. Weeks: I offer the balance of it in evidence.

The Court: I said at the time you offered your evidence that the District Attorney could offer it.

Counsel: I object to the balance as irrelevant, immaterial and incompetent.

The Court: I will allow it.

Counsel: Note an exception.

Mr. Weeks: The different columns are the names of the stocks, the interest, when paid, the amount and the market value.

Name.	Interest.	When paid.	Amount.	Market value
Lake CO., Col. Bonds.	\$400	Jan. & July.	\$5,000	\$5,900
N. Y. West Shore CO.	\$490	April & Oct.	\$7,000	\$9,450
Pull. Pal. Car.	\$650	Nov. & Feb.	100 shrs.	\$18000
Lake Shore, M. C.	\$120	Feb. & Aug.	50 shrs.	\$5,350.
Mich. Cent.	\$200	Feb. & Aug.	5 shrs.	\$4500
Or. Trans. Cash.	\$56.75		\$2250	\$2250
O. M. L. & T. Co.				
	\$1916.75		\$47250	
			\$53250	

0106

Dr. \$5 000

" \$2000

\$7,000

Less \$7.000

E & OE. August 1, 1889.

Samuel W. Lewis.

Mr. Weeks. I now offer the letters in evidence.

Counsel: I object.

The Court, after examining the letters said: "I will exclude them. The letters refer to other securities than the one mentioned in the indictment. You might prove that he made similar representations with reference to other property, not the subject of this larceny.

Mr. Weeks. Q. You have stated, Mrs. Lewis, that he was in the habit of paying you the interest on the Pullman Palace Car Company stock?

A. Yes sir, the dividend.

Q. Did he also pay you the interest on the New York, West Shore and Chicago Railroad Company mortgage?

Objected to as immaterial.

By the court. Q. Did he purchase for you at any other time New York West Shore and Chicago Railroad Company mortgage, did he purchase any such securities for you?

A. Yes sir.

Q. What did he state to you in reference to those securities?

A. They were as good as gold.

Q. Did you ever see them?

A. Yes sir, I had them in my

possession always.

Q. And he told you they were as good as gold?

A. Yes sir.

Q. And he paid interest upon them?

A. Yes sir, regularly.

0107

Q. I understood you to say on your cross-examination in answer to a question put to you by the defendant's counsel you went to Paton & Co. and had a conversation with Paton & Co., that you requested them to make certain investigations for you and that they agreed to inform you of the result of those investigations by letter, is that right? A. Yes sir.

Q. And that you subsequently received these two letters which are here from Paton & Co? A. Yes sir.

Q. And that you communicated those letters to the defendant, did you? A. Yes sir.

Q. And those letters have reference to the stock which he purchased for you? A. Yes sir.

The court: You can put them in.

Mr. Weeks: I offer them in evidence.

Counsel: I object to the series of questions in relation to them and to the introduction of the letters.

The Court: They are allowed in because they are evidence of similar transactions about the same time that it is alleged that this transaction in the indictment took place.

Counsel: They are also objected to on the ground that there is no evidence that Paton & Co. had any correct information as to the stock they wrote about.

The Court: She communicated the information to the defendant.

This evidence is not permitted for the purpose of establishing this man's guilt of this charge in the indictment; it is admitted to enable the jury to determine what his intent was when he obtained the money charged in the indictment.

Counsel: Give me an exception.

Mr. Weeks read the letters in evidence.

0108

By Mr. Weeks Q. I notice Mrs. Lewis that this account also shows some Colorado bonds, who purchased those for you?

A. Mr. Lewis.

Q. Did he tell you anything about them?

A. He said they

were something very fine and very gilt edged.

Q. And were you in the habit of having interest paid on those bonds?

A. Yes sir.

By the Court. Q. Did he pay the interest?

A. Yes sir, regularly.

By Mr. Weeks. Q. Who paid you the interest on them?

A. The coupons were cut off, but he was always very particular to send -----

Q. Who paid it?

A. Mr. Lewis.

Q. You would give him the coupons and he would hand you the money for them?

A. Yes sir.

Q. What has become of the Colorado Funding Bonds?

A. Mr. Lewis took them out of my trunk, I understand they are with his mother at present.

Counsel: I object to what she understands.

The Court: Strike it out.

By Counsel. Q. How much did you pay for the Colorado Funding Bonds

A. Something over five thousand.

Q. Are you sure you paid anything?

A. I paid over five

thousand.

Q. At the time that you were married to Mr. Lewis did he give you any bonds or securities of any kind?

A. No sir.

Q. None were placed in your custody at all by him?

A. No sir, except these Colorado Bonds, I held all the while those Colorado bonds.

0109

By the Court. Q. Did he give them to you or were they your own

property?

A. They were my own property that he invested for me, yes sir.

Q. So that he did not give you anything that did not belong to you?

A. No sir.

By Counsel. Q. Mrs. Lewis, you were an occasional visitor at Mr.

Lewis's business office?

A. No sir, I regret to say that I seldom visited there.

Q. You have been there?

A. I have been there perhaps three times in the course of my life.

Q. When did you ever go there?

A. I went there once before I was married to see what kind of a place he had, what kind of a business place he had before I invested my money with him or trusted him at all.

Q. You went there before you paid him the fifty-five hundred dollars?

A. Yes sir.

Q. Had you before you met Mr. Lewis been in the habit of investing money at all?

A. No sir.

Q. You had your separate estate at that time?

A. I did.

Q. It had been managed for you?

A. Yes sir.

Q. Who managed it after you married Mr. Lewis?

A. Mr. Bostwick managed it until we separated entirely.

Q. After you separated did you have any real estate in Connecticut?

A. Yes sir.

Q. And who managed that after you were married?

A. The agent there that had already always taken charge of it.

Q. Who was the agent?

A. His name is Stephen Osborn.

Q. Where did he have his office?

A. I do not know.

Q. You do not know?

A. No sir.

0110

Q. Did not he have his office with your first husband, Mr. Bostwick?
A. I think very likely.

Q. You do not know that he did?
A. No sir.

Q. Mr. Bostwick never wrote you a letter saying that he recommended him, that he was in the same office with him and would look after your affairs?
A. I do not remember.

Q. Did Mr. Bostwick check up your accounts for you with your agent there?
A. I do not remember.

Q. Will you be so good as to look at the various papers which are now shown you and state what they are?

A. Yes sir.

Q. Do you know in whose handwriting they are?
A. Yes sir.

Q. Whose handwriting are they in?
A. Stephen Osborn.

Q. This agent?
A. Yes sir.

Q. What is the letter heading there, what are they, were they received by you and accepted by you?
A. Yes sir.

Q. Please look at the lead pencil marks on the lower corners, some of them W B B or something similar, I forget just now, state in whose handwriting those pencil marks are?

A. Mr. Bostwick's.

Q. Your former husband?
A. Yes sir.

Counsel: I offer those in evidence.

The Court: Excluded; they have nothing to do with this case.

Counsel: It goes to her credibility; she testified that Mr. Bostwick had nothing to do with the management of her affairs, it appears by these that he had. Note an exception.

By Mr. Weeks. Q. Are these your property?
A. They are.

Q. Have you ever given them to anybody?
A. No sir.

By the Court. Q. Did you ever give them to the defendant?

A. No sir.

By Mr. Weeks. Q. Will you please look at that check and tell if you can, what that check was given for?

Objected to. Objection overruled. Exception.

A. For the Colorado Funding Bond, \$5,263.89.

Q. You say that check was for the Colorado Funding Bond?

A. Yes sir.

Q. And the amount was, \$5,263.89.

A. Yes sir.

Q. From what source did you get the money?

Objected to. Objection sustained.

By the Court. Q. It was your money, wasn't it? A. Yes sir.

CHARLES C. STUART, sworn and examined.

By Mr. Weeks. Q. You are a book-keeper in the Fifth Avenue Bank of this city?

A. Yes sir.

Q. Did Alice G. Bostwick have an account in that bank which was subsequently continued under the name of Alice G. Lewis?

A. Yes sir.

Q. When? A. In 1887 or 1888, I think.

Q. Have you a copy of that account?

A. I have, yes sir.

Q. Did you make the copy yourself?

A. I did.

By the court. Q. Is it correct?

A. It is a correct transcript.

By Mr. Weeks. Q. That is the account?

(Showing paper to witness.)

A. That is the account.

Q. Does this show when the account was closed? A. Yes sir, it gives the balance on January 6th, 1888, Alice G. Bostwick, and the account was closed.

0112

Q The balance of Mrs. Bostwick to Mrs. Lewis?

A. Yes sir.

Q. And then the account was continued in the name of Mrs. Lewis down to what time?

A. Down to the time it closed,

May 27, 1889.

Mr. Weeks: Do you concede that the checks Peoples' Exhibit 1 and 1A were paid at the Bank? I offer the account in evidence.

Counsel: The defendant objects to the admission of the account in evidence, first because it is not the best evidence.

The Court: What is the object of offering this account?

Mr. Weeks: So we may have it to refer to if anything comes up afterward.

The Court: You have got the fact that Mrs. Bostwick who is now Mrs. Lewis had an account there prior to January 6, 1888 and that the balance which was then due standing to Mrs. Bostwick's credit was carried to the credit of Mrs. Lewis.

Q Is that right?

A. Yes sir.

Q. And that the account was continued from that time to the 27th of May, 1889, in the Fifth Avenue Bank, is that right?

A. Yes sir.

Mr. Weeks: I will ask to have the account marked for identification.

The Court: I do not suppose there will be any objection to the correctness of it?

Counsel: I object to it as not the best evidence.

The Court: You will not object that it is not a correct transcript of the books?

Counsel: I do not say that it is not.

The Court: He made it himself, you will concede that it is a correct transcript of the book.

0113

Counsel: Yes sir.

The Court: You object to the transcript being introduced on the ground that it is not the best evidence.

Counsel: I do.

The Court: I reserve that.

LESBIA M. BOSTWICK, sworn and examined by

Mr. Weeks.

Q. You are the daughter of Mrs. Lewis, who has just testified?

A. I am.

Q. Do you remember going to New York in August, 1889, with your mother?

A. Yes sir.

Q. And where did you go with your mother?

A. When I left New York?

Q. No, when you came to New York with your mother where did you go, what place in New York did you go to with your mother in August, 1889?

A. I went to White & CO.

Q. Did you go to White & CO. and see Mr. Johnson?

A. I did.

Q. Did your mother deliver a letter to him?

A. She did.

Q. Did you also go to the Pullman Palace Car Company's office?

A. Yes sir.

Q. And from there to the Farmers' Loan and Trust Company?

A. Yes sir.

Q. And then back to Orange?

A. Yes sir.

Q. When you got back to Orange did your mother have any interview with Mr. Lewis in your presence?

A. She did.

Q. Please state what she said to him and what he said to her at that interview?

A. She asked him what he meant

0114

by sending her over there? ~~A~~

Q. What did she say, did she tell him what she had done?

A. She said she had been into the banking house and found there was nothing standing in her name.

Q. What did he say to that? A. He said he wanted to get her out of the house, he thought that she would have him arrested; that is what he said.

Q. What else? A. He told her that he wanted to get her out of the house.

Q. That he was afraid she would have him arrested ---- did he say anything about the stock? A. Yes sir.

Q. What did he say? A. He acknowledged that he knew there was nothing there.

Q. He said to her he knew there was nothing there when he sent her? A. Yes sir.

CROSS EXAMINED.

By Counsel. Q. You heard the whole conversation that took place between your mother and Mr. Lewis at that time?

A. I did.

Q. Where did it take place? A. In my mother's room.

Q. Where was that room? A. It was in the second story in the front part of the house.

Q. Did you say the second story? A. Yes sir, the story above the parlor.

Q. Who came into the room first, your mother or Mr. Lewis?

A. I think my mother did.

Q. Were you there before she came? A. I think I came in with her.

Q. Mr. Lewis came in after you both had gone there?

0115

A. I think so.

Q. What was your mother doing when Mr. Lewis came there?

A. I think she was lying on the bed.

Q. Who spoke first?

A. I do not remember.

Q. Do you remember what was said first by either of them?

A. No, I cannot say I do.

Q. What is the first thing you do remember that she said at that time?

A. The first thing I remember she asked him why he sent her there, why he sent her to New York.

Q. That is the first thing you recollect in the conversation?

A. Yes sir.

Q. And do you recollect his answer?

A. Yes sir.

Q. What was it?

A. He said he wished to get her out of the house.

Q. What was her second remark, do you recollect?

A. I could not say.

By the Court. Q. You have got as far as stating that he wanted to get her out of the house, that he was afraid she would have him arrested, what else did he say, what did he say about the property?

A. He said that he knew when he sent her that there was nothing there.

By Counsel. Q. Was that all he said about it that you recollect?

By the Court. Q. If you can't recollect, say so?

A. No, I cannot recollect anything more.

By Counsel. Q. That is all you remember now of what occurred at that time

A. Yes sir.

Q. I simply want you to be sure that you have exhausted your recollection on that point, you are sure that that was all that you now recollect?

A. Yes sir.

Q. Do you live with your mother?

A. I do.

0116

Q. You see her frequently? A. Yes sir.

Q. You have talked over this case with her?

By the Court. Q. Have you talked with your mother about it?

A. Why certainly, sometimes I have.

By Counsel. Q. Have you discussed with her what you were going to testify to this time?

A. No, I could not, I did not know what I would be asked.

Q. Did she tell you what she was going to testify to?

A. No.

Q. Have you talked with anybody besides your mother about the case?

By the Court. Q. Did you talk with anybody about the facts in this case?

A. I have seen Mr. Weeks for a few minutes but not very long.

By Counsel. Q. You told him what you were going to testify to; here?

A. I told him I would testify to what I knew.

Q. Did you relate to him what you did know about it?

A. I told Mr. Weeks that I was present, I was with my mother when she went to the banking house.

Q. Did you tell him your recollection of what took place at that time?

By the Court. Q. He asked about the property and the answers that you gave?

A. Yes sir.

By Counsel. Q. You told him your recollection of it?

The Court: She says yes.

By Counsel. Q. Was your mother present at the interview between yourself and Mr. Weeks in which you discussed what your testimony would be?

By the Court. Q. When you were talking for a few minutes as you say, with Mr. Weeks, was your mother present?

0117

A Yes sir, she was with me.

Q. When was this conversation with Mr. Weeks, was there more than one conversation? A. I have only had one lately.

By Counsel. Q. You mean Saturday? A. Yes sir, Saturday.

By the court. Q. Was your mother present then? A. Yes sir.

By Counsel. Q. You had a conversation with him at his office?

A. At a previous time.

Q. At these interviews you discussed the testimony she would give and you would give? A. No.

By the court. Q. Did you state to Mr. Weeks what you knew about the case? A. I told him, yes sir.

Q. And your mother made a statement to Mr. Weeks of what she knew about the case, is that it? A. Yes sir.

By Counsel. Q. And her statement was made in your presence?

The Court: She says so.

THEODORE KEELER, sworn and examined.

By Mr. Weeks. Q. What is your business, Mr. Keeler?

A. I am stock transfer clerk of the Pullman Palace Car Company of which the Farmers' Loan and Trust Company are the agents.

Q. Did you make an examination of the books of that Company to ascertain whether there was any stock in the name of Alice

G. Bostwick or Alice G. Lewis? A. I have, sir.

Counsel: Objected to on the ground that the books are the best evidence. Objection overruled. Exception.

Q. Did you find any stock standing in either of those names?

A. No sir.

0118

Counsel: I object to the question.

By the court. Q. Is there a stock ledger?

A. There are

three of them.

Counsel: It is utterly immaterial whether the stock books indicate it or not.

The Court: It is very material; I do not know of any way of getting these books up here.

Counsel: I won't put the District Attorney to that trouble if this man is sure he made a thorough examination.

Mr. Weeks: He made an examination at my request.

Counsel: If the detail of his examination satisfies me and he is sure it is correct, I will waive the production of the books.

By the court. Q. You are employed by the Pullman Car Company?

A. Yes sir.

Q. In what capacity?

A. In the capacity of transfer clerk, transferring the stock of the Pullman Palace Car Co. to the books.

Q. You attend to the transfer of that stock?
I do.

A. Yes sir,

Q. Now where is it recorded?

A. It is recorded to what we call the transfer book and from that posted into the ledger.

The Court: When was this stock said to have been purchased?

Mr. Weeks: Subsequent to March, 1837.

By the court. Q. Have you examined those books?

A. I have.

Q. From say March, 1837?

A. I examined all of our records, I went back to the first ledger our company ever opened.

Q. When was that?

A. About 1875, I think.

0119

Q. You have examined those records from 1875 down to what time,
the present time? A. Down to the time that I was
subpoened as a witness.

By Mr. Weeks. Q. Down to this Spring of 1891? A. Yes sir.

By the Court. Q. How did you find on that examination one hundred
shares of Pullman Palace Car CO. stock registered in the
name of Alice G. Bostwick? A. No sir, I did not.

Q. There is no such record? ... Not on the books.

By Mr. Weeks. Q. Any in the name of Alice G. Lewis? A. No sir.

Q. Any in the name of Lesbia Bostwick. A. I did not see
any.

By the Court. Q. You examined to find out? A. Yes sir.

By Mr. Weeks. Q. Was there any in the name of Samuel Lewis?

A. No sir.

By the Court. Q. During those dates? A. No sir, during
those dates.

By Counsel. Q. Do you have anything to do with the payment of the
dividends of the Pullman Palace Car Co. stock?

A. No sir, not personally, I make up the dividend
list and draw the checks and they are passed over to the
dividend clerk and he pays the dividend checks.

Q. Do you ever recollect paying any checks to this gentleman?

(Mr. Lewis.)

A. I do not remember the gentle-
man's face, no sir.

0120

JACOB VON GERICHTEN sworn and examined.

By Mr. Weeks. Q. You are a detective sergeant? A. Yes sir.

Q. Did you arrest the defendant, Samuel W. Lewis?

A. I did, sir.

Q. When? A. On the 17th of October last.

Q. Where? A. At Hartford, Conn.

Q. Under an extradition warrant? A. On a warrant obtained by the Grand Jury upon an indictment.

Q. Please state the circumstances of his arrest, where you found him, with whom and how you brought him to the city of New York?

Objected to as immaterial and irrelevant.

The Court: It may be relevant to this case.

Q. You arrested this man, did you? A. Yes sir.

Q. On the 17th of October in the city of Hartford?

A. Yes sir.

Q. At the time that you arrested him did you inform him for what reason you arrested him? A. Yes sir.

Q. What did you say to him? A. I told him that I had a warrant for grand larceny.

Q. From New York? A. From the City and County of New York, yes sir.

The Court: It may be material to show that he tried to escape.

By Mr. Weeks. Q. Go ahead, Sergeant, and tell us what you did with him?

Objected to. Objection overruled. Exception.

A. We took the train at Hartford about 5.20, we came down to New Haven and changed cars there on the Shore Line.

Q. Was anybody with you beside the defendant and yourself?

0-121

A. There was a lady.

Q. Do you know her name?

Objected to. Objection sustained.

By the court. Q. You arrested him in Hartford and you took him, on your way to New York what occurred, never mind the woman?

A. At Hartford he asked me how I am going to use him provided he would come with me? I told him I would use him as a gentleman and he wanted to know if I would let this lady sit alongside of him. I sat directly in the rear. From Hartford to New Haven he went twice to the toilet and I went with him each time. After we had changed cars at New Haven and coming down on the Shore Line we stopped at South Norwalk and outside of South Norwalk he attempted to go in the toilet again and I followed him up and just as he got to the door he threw up both hands and out of the train he went and I after him.

Q. Well, did you get him?

A. I thought I was on top of him but he was as far as from here to Broadway.

Q. Did you overtake him? A. Yes sir.

Q. What conversation did you have with him then?

A. I asked him, "what did you do that for?" He said he had two objects, one to gain his liberty and the other that he might be killed. I said, "you sucker, you want me killed too."

Q. What did he say to that? A. No, he said he did not want to see me hurt or killed ---- he did not know that I had such a large family which I told him I did afterwards.

Q. Then you brought him back to New York? A. Yes sir.

Q. That is about all the conversation you had with him?

0122

A. That is all the conversation I had with him.

By Counsel. Q. You did not have any requisition papers from the Governor of this State? A. No sir, I had a bench warrant from this Court.

Q. If he had objected to coming you could not have brought him back on those papers? A. No sir, but I told him that I would lock him up at Hartford and bring him to the Police Headquarters until I got a requisition in a day or two.

By Counsel. Q. You could not have brought him on the papers you then had? A. No sir.

By Mr. Weeks. Q. You could have locked him up in Hartford?

A. O yes, I would have had him held as a fugitive from justice if he refused to come here.

0123

The following is Peoples' Exhibit I¹/₂.

New York, May 5, 1887.

No. 36.

The Fifth National Bank of New York pay to Samuel W. Lewis or order, \$5,263 ⁸⁹/₁₀₀. Alice G Bostwick.

On the back, "for deposit, Samuel W. Lewis."

The following are the Paton letters.

John Paton & Co.

Union Building, 52 William Street.

P.O. Box 3017.

New York, Aug. 30, 1889.

Mrs. S.W. Lewis, 47 Harrison Street, East Orange, N.J.

Dear Madam: We have been making inquiries from the Farmers' Loan and Trust Co. regarding the New York Westshore and Chicago first mortgage bonds, and have been referred by them to a gentleman whom we find is out of town to day. We will try and see him to-morrow, but regret to say in the meantime that from what we have heard we believe the road was foreclosed some years ago.

We hope to advise you further to-morrow.

Yours truly, J.J. Paton.

New York, Aug. 31, 1889.

Mrs. S.W. Lewis, 47 Harrison St., East Orange, N.J.

Dear Madam: We regret to advise you that we find that the New York, Westshore and Chicago first mortgage construction bonds are absolutely worthless. The road was foreclosed years ago for about \$14,000 which went to cover the lawyers' fees.

Yours truly, John Paton.

Mr. Weeks: The People rest.

0124

People v. Lewis

The Case for the Defence.

Counsel: Now if your Honor please I move that you advise the Jury to acquit on the ground that there is not one particle of evidence in this case that the defendant did not, as is alleged in the indictment, purchase the shares of stock which he represented to Mrs. Lewis he was intending to purchase. That is a fundamental link in the chain as alleged in the indictment, and there is not one word of admission --

The Court: There is evidence enough to go to the Jury. He told the complainant in this case that he did purchase them and that she could pay for them on the installment plan, and when she insisted on knowing where they were placed he told her that they were registered in those different places.

Counsel: The statement was made that he purchased the stock and no one states that he did not, and the People have not introduced evidence to the effect that he did not purchase the stock.

The Court: There is enough to go to the Jury.

Counsel: He may have bought it and the Company know nothing about it.

The Court: If he did he can very easily prove it.

Counsel: I take an exception. That is our case, if your Honor please.

Counsel for the Defence and for the People summed up to the Jury.

Counsel: I ask the Court to take the case away from the Jury on the ground that there is not sufficient evidence to sustain the allegation contained in the indictment.

The Court: I have already denied the motion and will give you an

0125

exception.

Counsel: I ask your Honor to charge the Jury that the felonious intent charged in the indictment must be proved by the People and is not to be presumed.

The Court: That I will charge.

*For
Henderson Charge
follows.*

0126

People vs Samuel W. Lewis
Corrected Copy

The Recorder charged the jury as follows:

Gentlemen of the jury:

Prior to the adoption of the present Penal Code of this State this prosecution would be called a prosecution for obtaining property by means of false representations and pretences. Since the adoption of the Code, that which was originally known as a separate crime is now merged in the crime of larceny. The Code declares that "a person who, with the intent to deprive or defraud the true owner of his property, or of the use and benefit thereof, or to appropriate the same to the use of the taker, or of any other person, takes from the possession of the true owner or of any other person; or obtains from such possession by color or aid of fraudulent or false representation or pretence, or of any false token or writing; or secretes, withholds, or appropriates to his own use, or that of any person other than the true owner, any money, personal property, thing in action, evidence of debt or contract or article of value of any kind, steals such property and is guilty of larceny."

~~The charge contained in this indictment is that of grand larceny in the first degree.~~ Larceny is divided into three degrees in this State. There is grand larceny in the first degree, grand larceny in the second degree, and simple petty larceny. The statutory definition of grand larceny in the first degree so far as it is applicable to this case, consists in feloniously taking personal property of the value of more than five hundred dollars in any manner whatever.

0127

The indictment charges, and the proof if it is true it is claimed establishes the fact that the ^{value of the property} ~~defendant received~~ ^{alleged to have been stolen} fifty-five hundred dollars ~~from the complainant~~. So that if ^{the property} ~~that~~ was feloniously ^{taken} ~~received~~ by ^{the defendant} ~~him~~ in violation of the provisions of this statute, it constitutes the crime of grand larceny in the first degree. I apprehend there will be no difficulty in arriving at that conclusion. Now the indictment in this case charges that on the 19th of July ~~in~~ ^{the} year 1887 ~~at~~ the city of New York the defendant with the felonious intent to defraud one Alice Bostwick, feloniously, fraudulently and falsely pretended and represented to Mrs. Bostwick that in the month of June, 1887, he, the said defendant, had purchased, and caused to be purchased for ^{her behalf} and on the behalf of said Alice Bostwick one hundred shares of the stock of Pull. Pal. Car Co., ^{of the} par value \$100 ^{of \$100} each share at the price of one hundred and seven dollars each share, and had arranged and agreed on her behalf that the same should be paid for by her in installments; that he had made on her behalf divers payments on account of such purchase, aggregating upwards of the sum of sixteen hundred dollars, and that it was then necessary that she should make a further payment on account of said purchase. The indictment then alleges that Mrs. Bostwick believing said false and fraudulent pretences and representations made to her by the defendant, and being deceived thereby, was induced by reason thereof to deliver, and that she did then and there deliver to the said ^{defendant} ~~Samuel W. Lewis~~ the sum of fifty-five hundred dollars in lawful money of the United States of America; and that he received this property into his possession by color and aid of the false and fraudulent

0128

pretences aforesaid and with intent to deprive and defraud Mrs. Bostwick. ^{The indictment} It then alleges that those representations

to which I have called your attention were false in fact and were known to the defendant at the time that he made them to be false and that he made them with the felonious intent to cheat and defraud Mrs. Bostwick out of the possession of fifty-five hundred dollars. The district Attorney has introduced evidence which he claims tends to establish the allegations contained in this indictment. He claims that he has shown that various sums of money, to wit, six hundred, seven hundred and nine hundred dollars were advanced by the complainant to the defendant upon the faith of those representations, and for the purpose of enabling him to purchase and pay for one hundred shares of Pullman Palace Car stock, and that on the 19th of June, the date alleged in the indictment, that she advanced him by this check which is in evidence, and which appears to have been deposited ~~by the stamp upon it~~ in the Fifth Avenue Bank on the 19th of June, 1887, the sum of fifty-five hundred dollars for the purpose of enabling him to pay what was yet to be paid upon these one hundred shares of Pullman Palace Car stock.

The Complainant tells you that the Defendant told her that this was valuable stock, that it was rising, that it had a very great value, and that it was a good investment, and by means of those representations, he, as she claims, obtained this money from her.

It is also claimed by the people that the defendant never did purchase those one hundred shares of stock, ^{or any of them} and proof has been introduced here for the purpose of establishing that fact. The clerk of the Farmers Loan and Trust Co.,

0129

tells you that he made an investigation of the books in which those transactions are registered, and that no such stock was registered upon the books of that Company. In addition to that the Complainant tells you that when her suspicions became aroused and she insisted upon knowing from the Defendant where her property was and in what condition it was ~~and that~~ the defendant wrote a letter and sealed it addressed to Mr. Johnson and told her to go to Johnson and that she would get the information in reference to her stock which he said was placed to her credit on the proper books of the Palace Car Company. She went to Mr. Johnson and you recollect what the result of her interview was with him .

She went then to the Palace Car Co.'s office and was informed that the information which she desired to obtain could not be obtained at that office, but that it could be had at the office of the Farmers' Loan and Trust Co., the authorized ^{transfer} agents for the Palace Car Company. She went there and

she obtained the information which has been spread before you ^{as it is claimed} tending ^{disputed} if it is true to ~~establish~~ the fact that no such stock was ever registered in the books of the Farmers' Loan and Trust CO. Those were the places which this defendant

himself told the complainant, according to her statement, to go for the purpose of verifying his statement that these one hundred shares of stock were registered and recorded in her name. In addition to that, and bearing upon that question there is the additional fact, if it be a fact, ^{and} it is for you to say whether it is or not, that upon the complainant ascertaining those facts in reference to the defendant's statement as to the one hundred shares of stock, she had an interview with ^{him} ~~this defendant~~ at her house in Orange, N.J.

0130

She tells you that she was lying upon her bed, that she was excited and depressed, as she naturally would be, if her statement is true, at the information that she had received in reference to her monies and property which she claims to have entrusted this defendant with; she says that the defendant admitted and stated openly that he knew that she would not get the information which he told her she would get, he knew that there was no such stock entered upon any books, and in answer substantially to her enquiry as to what had become of her property he told her it was all gone.

That is substantially the evidence in this case upon which it is claimed on the part of the people establishes, first, the representations and secondly, the fact that those representations were false and must have been known to the defendant to be false at the time he made them. This evidence is entirely uncontradicted; but the Counsel is right in stating to you that you are the judges of the facts of this case; and it is for you to determine upon the evidence and you only, whether those representations were made, and if so whether they were false and known at the time they were made to be false by this defendant. There are three questions which you will have to answer: First, did the defendant with the felonious intent to deprive or defraud Mrs. Bostwick make the representations set out in the indictment, and if so, were they false and known to the defendant to be false at the time he made them? Second, were they made with the felonious intent to deprive or defraud the complainant out of the sum of fifty-five hundred dollars? Third, did the complainant rely upon the said

0131

statements and representations, and believing them to be true, part with the possession of the sum of fifty-five hundred dollars to the defendant? If you find all these questions in the affirmative, and also find that the value of the property was fifty-five hundred dollars, you should convict ~~this defendant~~ ^{him} of grand larceny in the first degree.

The defendant is entitled to the benefit of every reasonable doubt. ^{A reasonable doubt} ~~It~~ is a doubt arising out of the evidence, and it is a doubt for which an honest and intelligent man may be able to give some reasonable ground for entertaining.

It is not an imaginary doubt; it is not one of those kinds of doubts which some men entertain upon the very plainest subject which may be submitted to them. The law says it is a reasonable doubt and the law only requires that the defendant's guilt shall be established beyond a reasonable doubt; if it is, it is the duty of the jury to convict.

If it exists, the defendant is entitled to the benefit of it and must be acquitted. The defendant has not gone upon the witness stand himself. In a criminal case formerly a defendant was not allowed the privilege of ~~going upon the witness stand and~~ ^{of} becoming a witness in his own behalf. Latterly the law has been changed, ~~and very sensibly changed in my judgment~~, and the defendant is now permitted to avail himself of the privilege of becoming a witness in his own behalf. ~~In criminal cases~~ the law in its tenderness towards people charged with the commission of criminal acts says that if a defendant does not avail himself of that statutory privilege his omission to do so is not to prejudice him in the eyes of the jury. He cannot be compelled to go upon the stand, he must do so voluntarily, and

65-

0132

the fact that he does not the law says is not to be permitted to prejudice him in the slightest degree.

There is one other circumstance, gentlemen, to which your attention has been called and that is flight. Flight of itself is not sufficient ~~evidence~~ to warrant a jury in coming to the conclusion that the person who fled was guilty of the offence charged against him, but it is a circumstance which is to be taken into consideration by the jury with all the other facts and circumstances bearing upon the question of the defendant's guilt or innocence.

In some cases flight is material evidence, in others it is not. It depends somewhat upon a man's character as to whether he will meet the charge ~~that is~~ made against him, or whether he will flee from the consequences of ~~such~~ ^{the} a charge although he may be innocent.

In this case the evidence establishes the fact, if you believe it, that the officer holding a warrant for the arrest of the Defendant communicated to him the fact that he was charged with a crime, and what the crime was, and that this defendant endeavored to escape from the custody of the officer.

That is a fact, if it be a fact, which you should take into consideration upon the question of this Defendant's guilt or innocence. There is evidence which has been introduced ~~here~~ tending to show, if you believe it, that the defendant made other alleged false representations and statements to the Complainant in reference to other stock transactions, and that the stocks and bonds which he represented to her to be "gilt edged" and very valuable, have been shown to have been worthless.

At the same time it is shown that he took the coupons off

0133

this alleged worthless stock and pretended to collect those coupons which were uncollectable and he handed her over what he represented to be the proceeds of those coupons. That has no tendency to establish his guilt in this case, but the law permits similar felonious and fraudulent acts to be introduced in evidence in cases of this description for the purpose of enabling the jury to determine whether the defendant's intent at the time that he made the representations alleged to have been made by him ^{was} ~~with a~~ felonious ^{and made with intent} ~~intent in this case~~ to defraud the Complainant. To that extent it is admissible and will be considered by you, and not beyond that.

0134

John R. Weeks's Charge

Mr Weeks: Will your Honor charge that under the People against Gordon and the People against Hovey -----

The Court: No, I have said all that I propose to say in this case unless there is something which I have omitted to say.

Counsel: I simply ask your Honor to let the jury have the documentary evidence and the indictment.

The Court: No, I will not allow the jury to have the indictment, I have stated to the jury what was in the indictment; it is quite lengthy, it will not assist their memory at all; the jury are not lawyers, the indictment is drawn in legal language and it would be very apt to cloud the minds of laymen, such as "with force and arms did feloniously, etc."

Counsel: Will your Honor let them have the documentary evidence?

The Court: Yes, any evidence that they want they can have. If you want any documentary evidence, gentlemen, or any evidence that is in the case, you can have it.

The Jury rendered a verdict of guilty of grand larceny in the first degree.

The Defendant was remanded till Friday for sentence.

6

0135

Friday, July 24th 1891.

Samuel H. Lewis was called to the bar for sentence.

Mr. Grindal: If your Honor please: In this case the defendant moves for a new trial, ⁽¹⁾ because the verdict was contrary to law and clearly against evidence; ⁽²⁾ because the evidence ~~presented~~ was insufficient to warrant a conviction; and ⁽³⁾ because the Court has admitted illegal, immaterial, irrelevant and incompetent evidence against the defendant and the defendant at the trial excepted thereto.

The Court denied the motion and the defendant's counsel excepted.

The defendant was sentenced to the State prison for seven years and six months.

0136

Testimony in the
case of
Samuel W. Lewis

filed
March 1891

0137

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 W. Seino

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

Samuel W. Seino

of the CRIME OF *Grand* LARCENY in the first degree,
committed as follows:

The said *Samuel W. Seino*,

late of the City of New York, in the County of New York aforesaid, on the *twenty-fifth*
day of *June*, in the year of our Lord one thousand eight hundred and
eighty-~~seven~~, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *one Alice F. Bartholomew*

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of
the use and benefit thereof, and to appropriate the same to *his* own use, did then and
there feloniously, fraudulently and falsely pretend and represent to *the said*

Alice F. Bartholomew,

That *the said Samuel W. Seino* had
then lately before purchased and caused
to be purchased on behalf of the said Alice
F. Bartholomew one hundred shares of stock
of the Pullman Palace Car Company of the
par value of one hundred dollars each share,
at the price of one hundred and seven dollars
each share, and had arranged and agreed on
her behalf that she should pay for the same

0138

in installments; and that in accordance with the terms of such purchase it was ^{then} necessary that the said Alice F. Bostwick should make a payment on account of the same.

And the said Alice F. Bostwick

then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Samuel W. Lewis

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said Samuel W. Lewis, the sum of seven hundred dollars in money lawful money of the United States of America, and of the value of seven hundred dollars,

of the proper moneys, goods, chattels and personal property of the said Alice F. Bostwick.

And the said Samuel W. Lewis did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said Alice F. Bostwick, by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Alice F. Bostwick, of the same, and of the use and benefit thereof, and to appropriate the same to his own use

Whereas, in truth and in fact, the said Samuel W. Lewis had not then lately before purchased or caused to be purchased on behalf of the said Alice F. Bostwick one hundred shares

0139

nor any shares of stock of the said Pullman
Palace Car Company of the par value of
one hundred dollars each share, at the price
of one hundred and seven dollars each share,
or at any price, and had not arranged or
agreed or intended that she should pay
for the same in installments, and it was not
then necessary, in accordance with the terms
of any purchase, or for any reason, that the
said Alice F. Doxhinde should make a payment
on account of any such purchase.

And Whereas, in truth and in fact, the pretenses and representations so made
as aforesaid by the said Samuel W. Davis
to the said Alice F. Doxhinde was and were
then and there in all respects utterly false and untrue, as the said
Samuel W. Davis
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said
Samuel W. Davis
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said Alice F. Doxhinde,
then and there feloniously did STEAL, against the form of the Statute in such case made and
provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,

District Attorney.

0140

Witnesses:

163-

163-
Dw 27
192
Hebert W. Smith
J. B. Bailey

Counsel,

Filed 26 day of March 1890
Pleads, Atty genl. v. H. H. H.

THE PEOPLE

vs.

P
#4

Samuel W. Lewis

(2 cases)

[Section 528, and 530, Penal Code].

Grand LARCENY

JOHN C. FELLOWS,

District Attorney.

A True Bill.

John Sam. Rhoads

Foreman.

July 16/91

DSW

0141

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 W. Lewis

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

Samuel W. Lewis

of the CRIME OF *Grand* LARCENY in the *first* degree,
committed as follows:

The said *Samuel W. Lewis*,

late of the City of New York, in the County of New York aforesaid, on the *nineteenth*
day of *July* in the year of our Lord one thousand eight hundred and
eighty-~~seven~~, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *one Alice F. Bostwick*

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of
the use and benefit thereof, and to appropriate the same to *his* own use, did then and
there feloniously, fraudulently and falsely pretend and represent to *the said*
Alice F. Bostwick

That in the month of *June* in the year
aforesaid, *he* the said *Samuel W. Lewis*
had purchased and caused to be purchased
for and on behalf of the said *Alice F.*
Bostwick one hundred shares of stock of
the *Fullman Palace Car Company* of the
value of one hundred dollars each
share, at the price of one hundred and
seven dollars each share, and had arranged

0142

and agreed on her behalf that the same should be paid for by her in installments; that she had made made on her behalf three payments on account of such purchase, aggregating upwards of the sum of fifteen hundred dollars, and that it was then necessary that she should then make a further payment on account of such purchase. —

And the said Alice F. Bostwick —

then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Samuel W. Sevier —

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said Samuel W. Sevier, the sum of five thousand and five hundred dollars in money, lawful money of the United States of America and of the value of five thousand and five hundred dollars, —

of the proper moneys, goods, chattels and personal property of the said Alice F. Bostwick —

And the said Samuel W. Sevier — did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said Alice F. Bostwick, by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Alice F. Bostwick, —

of the same, and of the use and benefit thereof, and to appropriate the same to his own use

Whereas, in truth and in fact, the said Samuel W. Sevier had not in the month of June in the year aforesaid purchased or caused to be purchased for or on behalf of the

0143

Exhibit A
The said Alice F. Postwide one hundred, or
any shares of stock of the Pullman Palace
Car Company at the price of one hundred
and seven dollars each share, or at any price;
and she had not arranged or agreed on
her behalf that the same should be
paid for by her in installments; and she
had not made on her behalf any pay-
ments on account of such purchase; and
it was not then necessary that she should
make a further or any payment then, on
account of such purchase.

And Whereas, in truth and in fact, the pretenses and representations so made
as aforesaid by the said Samuel W. Davis
to the said Alice F. Postwide was and were
then and there in all respects utterly false and untrue, as she the said
Samuel W. Davis
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said
Samuel W. Davis
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said Alice F. Postwide
then and there feloniously did STEAL, against the form of the Statute in such case made and
provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,

District Attorney.

0144

BOX:

389

FOLDER:

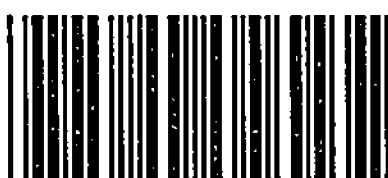
3624

DESCRIPTION:

Liebmann, Isaac

DATE:

03/05/90



3624

0145

Witnesses:

Arthur C. Mitchell

18

General Court

165.

Counsel,

Filed

day

1890

Pleads,

Guilty

THE PEOPLE

vs.

Isaac Liebmann
(2 cases)

B

Continuing a lottery etc.
[Sec. 325 Penal Code]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

John R. Fellows

Part 3 filed 19
at
dft's request

Foreman.

W.S.J.
Part 3 Mch 28 at dft's
request

0146

Sec. 192.

1 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before John J. Gorman a Police Justice
of the City of New York, charging Isaac Lieberman Defendant with
the offence of Violation of Lottery Law

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, Isaac Lieberman Defendant of No. 42
Grove St Street; by occupation a Bank & Exchange Broker
and Bernhard Hammer of No. 84 Canal
Street, by occupation a Bruggist Surety, hereby jointly and severally undertake that
the above named Isaac Lieberman Defendant
shall personally appear before the said Justice, at the 1 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of Five
Hundred Dollars.

Taken and acknowledged before me, this 30

day of January 1890

W. W. W. W. W. POLICE JUSTICE.

Isaac Lieberman
Bernhard Hammer

CITY AND COUNTY }
OF NEW YORK, } ss.

24th of January 1880
J. E. Mulvane Police Justice.

Sworn to before me, this 24

the within named Bail and Surety being duly sworn, says, that he is a resident and free
holder within the said County and State, and is worth Ten 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 House & Lot 3 1/2 8th

Cancel Item of the Value of
Twenty five thousand dollars
over all encumbrances

Bernhard Hammer

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear during the Examination.

vs.

Taken the.....day of.....188

Justice.

0148

Sec. 192.

1 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Johanna J. Gorman a Police Justice
of the City of New York, charging Isaac Lieberman Defendant with
the offence of Violation Lottery Law

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, Isaac Lieberman Defendant of No. 42

Armine B Street; by occupation a Banker
and Amelia Levine of No. 333 Pleasant Avenue
Street, by occupation a Housekeeper Surety, hereby jointly and severally undertake that
the above named Isaac Lieberman Defendant

shall personally appear before the said Justice, at the 1 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of five
Hundred Dollars.

Taken and acknowledged before me, this 6 day of February 1890.
W. Donmahon POLICE JUSTICE.

0149

CITY AND COUNTY }
OF NEW YORK, } ss.

Sworn to before me, this
11th day of February 1888
at the District Police Justice.

Muelie Levine

the within named Bail and Surety being duly sworn, says, that he is a resident and *free*
holder within the said County and State, and is worth *ten* 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 *House lot 97-333 Pleasant*

avenue, of the value of five thousand
dollars over all incumbrances
Muelie Levine

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the day of 188

Justice.

0150

CITY OF *New York*
AND STA

30TH DRAWING
CLASS B
UNDER AUSPICES
LOUISIANA STATE LOTTERY

SETTLEMENT TO THE LOUISIANA LOTTERY
KANSAS CITY, KAS. NEW YORK.
THIS TICKET ENTITLES THE HOLDER THEREOF TO
ONE HALF OF SUCH PRIZE AS MAY BE DRAWN BY THE CORRES-
PONDING NUMBER OF THE COUPON OF THE LOUISIANA STATE
LOTTERY TO BE DRAWN
FEBRUARY 11TH
1890.

Mottens & Co (47274)
FOUR SEVEN TWO SEVEN FOUR

0151

CITY OF *New York* COUNTY OF *New York* } ss.
AND STATE OF NEW YORK.

Anthony Fontotco of 150 Nassau Street, New York, being duly sworn, deposes and says that he has just cause to believe and does believe that

J. Liebmann
did, on or about the *29th* day of *January*, 1890, at number *112 Canal* street, in the City of *New York* and County of *New York* unlawfully and knowingly sell, furnish, vend and procure, and cause to be furnished and procured, a certain paper or instrument, purporting to be a ticket or part of a ticket in a lottery, which said ticket or part of a ticket is hereto annexed, and which said paper or instrument hereto annexed is what is commonly known as, or are called lottery ticket and further that the said,

J. Liebmann
has in *his* possession, within and upon certain premises, occupied by *him* and situated and known as number *112 Canal* street, in the City of *New York* and County of *New York* aforesaid, certain others, what are commonly known as, or are called lottery policies or lottery tickets, and also certain writings, cards, books, documents, personal property, tables, devices, and apparatus, for the purpose of enabling others to sell or vend lottery policies or lottery tickets, and at, within and upon said premises, sells, vends, furnishes and procures, and has in *his* possession, the aforesaid articles in violation of the laws of the State of New York, in such case made and provided, and with intent to use the same as a means to commit a public offense.

Subscribed and sworn to before me,
this *29th* day of *January*, 1890

J. J. Hornum
Police Justice.

Anthony Fontotco

CITY OF *New York* COUNTY OF *New York* } ss.

J. W. Hillebrand of 150 Nassau Street, being duly sworn further deposes and says, that on the *29th* day of *January*, 1890, aforesaid, he called at the place of business of the said *J. Liebmann* aforesaid, at the said premises *number 112 Canal street* and there purchased the said paper, ticket and instrument, purporting to be what is commonly called a lottery ticket as annexed to foregoing affidavit, under the following circumstances to wit: Deponent there saw the said

and had conversation with in substance as follows.

Deponent paid the sum of 40 cents net, or 50 cents less 20 percent for the same. Deponent from personal observation and dealings had with the said Liebmann since one o'clock today, is informed, verily believes and ~~charges~~ that at the said premises occupied by the said Liebmann, situate and known as number 112 Canal street, he the said Liebmann, now

FINAN
not
may
be
Company
The
the
Lottery
this
one
of
an

0152

in his possession with intent to use the same as a means to commit a public offense, divers and sundry lottery tickets, parts of lottery tickets, advertisements of lottery tickets, circulars, papers books and other matters and things to enable him to sell lottery tickets and aid, assist, and abet in conducting, and carrying on, promoting and drawing a lottery; & with intent to use the same as a means to commit a public offense.

Subscribed and sworn to before me
(this 29th day of January 1890.
John Hermann
Police Justice

J. W. Hilliard

POLICE COURT—1st DISTRICT.

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

A. Courtod,

VS.

J. Lebinawer,

LOTTERY AND POLICY.

Dated.....188

Magistrate.

Clerk.

Officer.

WITNESSES:

Bailed, \$

to answer

By

Sessions.

Street.

Sec. 198—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

CITY AND COUNTY
OF NEW YORK, } ss.

Isaac Liebmann 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.

Question. What is your name?
Answer. Isaac Liebmann

Question. How old are you?

Answer.

Answer. 25 Years

Question. Where were you born?

Answer.

Answer. *Germany*

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

Answer.

Answer. 42 Avenue B Seven years

Question. What is your business or profession?

Answer.

Answer. *Banker*

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.

Answer. I am not Guilty

Isaac Liebmann

Taken before me this

1420

day of January 1880

Stephen J. Pappas Police Justice.

0154

City and County of New York, ss:

In the name of the People of the State of New York:

To any Peace Officer in the City and County of New York:

Proof by affidavit having been this day made before me, by Anthony Bonuto and J. W. Hilliard of 150 Nassau Street, New York City, that there is probable cause for believing that J. Liebmann

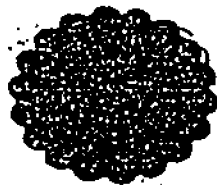
has in his possession, at, in and upon certain premises occupied by him and situated and known number 112 Canal street in said City of New York certain and divers device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings, papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, black-boards and gaming tables, with intent to use the same as a means to commit a public offense.

YOU ARE THEREFORE COMMANDED, at any time of the day time to make immediate search on the person of the said J. Liebmann and in the building situate and known as number 112 Canal street aforesaid, for the following property, to wit: all Faro layouts, all Roulette Wheels and layouts, all Rouge et Noir, or Red and Black layouts, all gaming tables, all chips, all packs of cards, all dice, all deal boxes, all lottery policies, all lottery tickets, all circulars, all writings, all papers, all documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, all books all documents for the purpose of enabling others to gamble or sell lottery policies, all black-boards, all slips or drawn numbers of a lottery, all money to gamble with, and all device, establishment, apparatus and articles suitable for gambling purposes.

And if you find the same, or any part thereof, to bring it forthwith before me at the First District Police Court at the Court in the City of New York.

Dated at the City of New York, the }
29th day of January 1890

John J. Hornan
POLICE JUSTICE.



0155

Inventory of property taken by Patrick English the Peace Officer by whom this warrant was executed :

~~Faro layouts,~~ ~~Roulette Wheels,~~ ~~Roulette layouts,~~ ~~Rouge et Noir lay-~~
~~outs,~~ ~~gaming tables,~~ ~~chips,~~ ~~packs of cards,~~ ~~dice,~~ ~~deal-~~
~~boxes,~~ ~~deal trays for holding chips,~~ ~~cue boxes,~~ ~~markers, or tally cards,~~
~~ivory balls,~~ ~~lottery policies,~~ 1335 lottery tickets, including 157 which adder tried to secret.
papers, black boards, 1 bundle slips, or drawn numbers in balleris about 200
manifold books, slates, 9 Memoranda books, including 5 on adder.

City of New York and County of New York ss:

I, Patrick English the Officer by whom this warrant was executed,

do swear that the above Inventory contains a true and detailed account of all the property taken by me in this warrant.

Sworn to before me, this 30th
day of January 1890

Police Justice.

Police Court--- 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

A. Cantor

vs.

J. Lieberman

Search Warrant.

Dated

Jan'y 29th 1890.

Justice.

Gorman

English Officer.

0156

Sec. 151.

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

Police Court, First District.

In the name of the People of the State of New York: To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of New York, or to any Marshal, Constable or Policeman of the City of New York. GREETING:

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 Anthony Bruntz and J. W. Hilliard of No. 150 Nassau Street, charging that on the 29th day of January 1890 at the City of New York, in the County of New York that the crime of selling a lottery ticket

has been committed, and accusing J. Liebmman whose real name is unknown but who can be identified by J. W. Hilliard thereof.

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, Deputy Sheriffs, Peace Officers, Marshals, Constables and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the First 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 29th day of January 1890
John Herman POLICE JUSTICE.

0157

POLICE COURT, *K* DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

A. Lauterbach

vs.

J. Lieberman

Warrant-General.

Dated *Jan 29 - 1890*

Gorman Magistrate.

English Officer.

The Defendant *Isaac Lieberman*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Paul English Officer.

Dated *Jan 30 - 1890*

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, *Jan 30 - 1890*
Isaac Lieberman
42 Ave B

Native of *Germany*

Age, *25 yrs*

Sex, *M*

Complexion, *florid*

Color, *M*

Profession, *Broker*

Married, _____

Single, *S*

Read, _____

Write, *M*

0158

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 *Two* 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 *July 23rd* 1890 *John Roman* Police Justice.

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

Dated *July 24* 1890 *John Roman* 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.

0159

\$500 bail for
Ex Feb 5. 2 PM
" " 19 2 PM
adg. " 20. 2 PM

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

The Magistrate presiding
in this Court will please
hear and determine the
within case by reason
of my absence.

John J. Harrison
Prosecutor

Police Court---

324
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anthony Comstock

vs.
Isaac Liebmann

2
3
4

Dated January 30th 1890

Carman Magistrate.

English Officer.

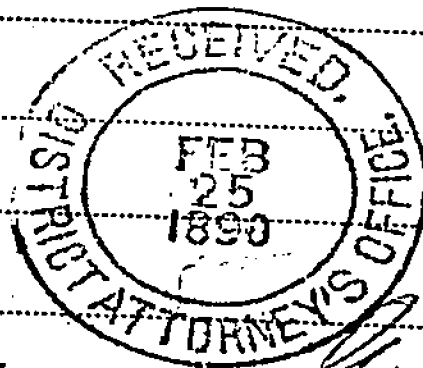
Court Precinct.

Witnesses Defendant presented
by his counsel Richard Harrison
No. Feb 6. 1890 Street.

No. Street.

No. Street.

\$ 500 to answer



Chas. B. Davis
Scl
Feb 12

0160

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Isaac Liebman

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

Isaac Liebman

of a Misdemeanor, committed as follows:

The said

Isaac Liebman

late of the City of New York in the County of New York aforesaid on the ~~twenty ninth~~ ^{twenty ninth} day of ~~January~~ ^{February} in the year of our Lord one thousand eight hundred and ~~eighty~~ ^{ninety} at the City and County aforesaid, unlawfully did sell, furnish and transfer to one

J. W. Skilliard

a certain ticket in and dependent upon the event of a certain lottery called

Supplement to the Louisiana Lottery

thereafter, to wit: on the eleventh day of February in the year aforesaid, to be drawn at the City of Kansas City in the State of Kansas

the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance, which said ticket is as follows, that is to say:

30th
Drawing
class
B
under auspices
Louisiana State Lottery

Supplement to the Louisiana Lottery
Chicago Kansas City, Kas. New York
This Ticket entitles the holder thereof to
one half of such Prize as may be drawn by the Corres-
ponding number of the 1st Coupon of the Louisiana State
Lottery to be decided
February 11th 1890. Mottens & Co (4 / 2 / 4)

(a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

0161

SECOND COUNT.

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

Isaac Liebman

of a MISDEMEANOR, committed as follows:

The said

Isaac Liebman

late of the City and County aforesaid, afterwards, to wit: on the said twenty-ninth day of January — in the year of our Lord, one thousand eight hundred and eighty-ninety at the City and County aforesaid, unlawfully did sell, furnish and transfer to one

J. W. Skelham

a certain paper, certificate, and instrument purporting to be and to represent a ticket in and dependent upon the event of a certain lottery called

Supplement to the Louisiana Lottery
thereafter, to wit: on the eleventh day of February
in the year aforesaid, to be drawn at the said City of Kansas City
in the said State of Kansas

the same being a scheme for the distribution of property by chance, among persons who had paid or agreed to pay a valuable consideration for such chance, which said paper, certificate and instrument is as follows, that is to say:

30th
Drawing
Class
B

Under Auspices
Louisiana State Lottery

Supplement to the Louisiana Lottery
Chicago Kansas City, Kas. New York

This Ticket entitles the holder thereof to
one-half of such Prize as may be drawn by the
corresponding number of the 1st Coupon of the Louisiana State
Lottery to be decided

February 11th

\$750

Mottens & Co

Four Seven Two Seven Four
(47274)

(a more particular description of which said lottery, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

THIRD COUNT.

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

Isaac Liebman

of a MISDEMEANOR committed as follows:

0162

The said

Isaac Liebman

late of the City and County aforesaid, afterwards, to wit: on the said *twenty ninth* day of *January* in the year of our Lord one thousand eight hundred and ~~eighty-ninety~~ *eighty-ninety* at the City and County aforesaid, unlawfully did sell, furnish and transfer to one

J.W. Williard

a certain chance, share and interest in and dependent upon the event of a certain lottery called

Supplement to the Louisiana Lottery
thereafter, to wit: on the *eleventh* day of *February*
in the year aforesaid, to be drawn *at the said City of Kansas*
City in the said State of Kansas -

the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance, (a more particular description of which said lottery, and of the chance, share and interest in and dependent upon the event thereof so as aforesaid, by the said *Isaac Liebman* sold, furnished and transferred to the said *J.W. Williard*, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

FOURTH COUNT.

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

Isaac Liebman

of a MISDEMEANOR, committed as follows:

The said

Isaac Liebman

late of the City and County aforesaid, afterwards, to wit: on the said *twenty-ninth* day of *January* in the year of our Lord one thousand eight hundred and ~~eighty-ninety~~ *eighty-ninety* at the City and County aforesaid, unlawfully did sell, furnish and transfer to one

J.W. Williard

a certain paper, certificate and instrument purporting to be and to represent a chance, share and interest in and dependent upon the event of a certain lottery, called

Supplement to the Louisiana Lottery
thereafter, to wit: on the *eleventh* day of *February*
in the year aforesaid, to be drawn *at the City of Kansas*
City in the said State of Kansas

0163

the same being a scheme for the distribution of property by chance, among persons who had paid or agreed to pay a valuable consideration for such chance, which said paper, certificate and instrument is as follows, that is to say :

30th
Drawing
Class
B
Under Auspices
Louisiana State Lottery.

Supplement to the Louisiana Lottery
Chicago Kansas City, Kas. New York.
The Ticket entitles the holder thereof to
One half of such Prize as may be drawn by the corres-
ponding number of \$1.00 Coupon of the Louisiana State
Lottery to be decided
February 11th 1890.
Mottens & Co. (7274)

(a more particular description of which said lottery, and of the said chance, share and interest is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

12	Counsel, Filed Pleads	1890 March 18 th Chapman	THE PEOPLE	SELLING LOTTERY TICKETS, Etc. (Section 326, Penal Code.)	JOHN R. FELLOWS, District Attorney.	A True Bill.	John Ham Phelan Foreman.	Part III March 28/90 Pleads guilty. G M as per 7/
	Witnesses:	Anthony Amato						

0164

Sec. 192.

/ District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before John J. Gorman a Police Justice
of the City of New York, charging Isaac Liberman Defendant with
the offence of Violation of Battery Law

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, Isaac Liberman Defendant of No. 42
Avenue B Street; by occupation a Banker
and Melvin Levin of No. 333 Pleasant Avenue
Street, by occupation a Housekeeper Surety, hereby jointly and severally undertake that
the above named Defendant
shall personally appear before the said Justice, at the / 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 five
Hundred Dollars.

Taken and acknowledged before me, this 6

day of February

1890.

H. W. Mahon POLICE JUSTICE.

Isaac Liberman
Melvin Levin

0165

CITY AND COUNTY } ss.
OF NEW YORK, }

Sworn to before me, this
day of
September 1888
at New York City
Police Justice.

Amelia Levin
the within named Bail and Surety being duly sworn, says, that he is a resident and *free*
holder within the said County and State, and is worth *ten* 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 *House lot 34 333*

Pleasant Avenue of the Value of
Five Thousand dollars over all
incumbrances Amelia Levin

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 188

Justice.

0166

Sec. 192.

1 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before John J. Gorman a Police Justice
of the City of New York, charging Isaac Liebman Defendant with
the offence of violation of Battery Law

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, Isaac Liebman Defendant of No. 42
Adams St Street; by occupation a Banker
and Benjamin Himmelfarb of No. 84 Canal
Street, by occupation a Druggist Surety, hereby jointly and severally undertake that
the above named Defendant
shall personally appear before the said Justice, at the 1 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of five
Hundred Dollars.

Taken and acknowledged before me, this 30

day of January 1899

W. H. Himmelfarb POLICE JUSTICE.

Isaac Liebman
Benjamin Himmelfarb

0 167

CITY AND COUNTY } ss.
OF NEW YORK,

John J. Hammett
Deputy Police Justice.
1888

Sworn to before me, this

Bernhard Hammett
the within named Bail and Surety being duly sworn, says, that he is a resident and *free*
holder within the said County and State, and is worth *ten* 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 *House lot 85 86*

Real Estate of the value of
Twenty five thousand dollars
over all incumbrances

Bernhard Hammett

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the day of 188

Justice.

City, County, and State of New York. s.s.

Anthony Comstock, of 150 Nassau Street, New York City, being duly sworn, deposes and says:

That he is informed and has just cause to believe and verily does believe ^{from personal observation & conversation, and with said Liebmann, J. J. Lott, & others.} that on or about the 29th day of January, 1890, at the City, County, and State of New York Isaac Liebmann ^{here present}, did unlawfully contrive and propose and assist in contriving or proposing a lottery, which said lottery was set on foot for the purpose of disposing of money or property by lot or chance, which said lottery is what is commonly known and called supplement to the Louisiana Lottery of Kansas City, Kansas:

Deponent further says that the said Isaac Liebmann did in and for assisting in the contriving and proposing of said lottery keep an office by himself and another for the sale of lottery tickets in said lottery: did sell lottery tickets in said lottery: did advertise, publish and utter an advertisement of said lottery, setting forth what the prizes therein are stating when and where the same have been drawn: and did further in and for aiding and

0169

assisting in the contriving and
proposing and carrying on of
said lottery, keep an office with
tickets, drawings, circulars and
advertisements of said lottery
for sale and distribution,
against the form of a Statute of
the State of New York, in such
case made and provided and
particularly Section 325 of
Chapter 8 of the Penal Code
of the State of New York.

Subscribed and sworn to before me
this 30th day of January 1890

John H. [Signature]
Police Justice

Anthony Bonito

0170

Sec. 108—200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer. Isaac Lieberman

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. Germany

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

Answer. 42 Avenue B

Question. What is your business or profession?

Answer. Banking and Exchange Business

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

Isaac Lieberman

Taken before me this

day of May

1897

Police Justice.

0171

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 July 21 1890 John J. Ennis Police Justice.

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

Dated July 21 1890 John J. Ennis 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.

0172

\$500 bail for Ex
Feb 5 1890
19 2 P.M.
30 2 P.M.

BAILED.

No. 1, by William Leven
Residence 333 Pleasant Ave Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

The Magistrate presiding
in this Court will please
hear and determine
within case by reason
of my absence

John Thomas
Palm Springs

Police Court---

327
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anthony Cantor

1. Samuel S. S. S.

2. _____

3. _____

4. _____

Offence Viol. Lottery Law

Dated Jan 30 1890

John W. English Magistrate.

English Officer.

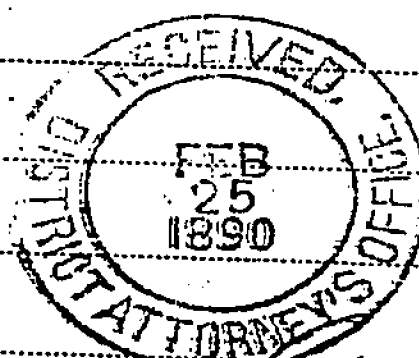
Court Precinct.

Defendant appearing by
his attorney William S. S.
No. 6 1890 Street.

No. _____ Street.

No. _____ Street.

\$ 500 to answer



March

0173

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Isaac Liebmann

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

indictment, accuse Isaac Liebmann

of the crime of confining and proposing, and
assisting in confining and proposing a lottery,
committed as follows:

The said Isaac Liebmann,

late of the City of New York, in the County of New York aforesaid, on the
Twenty-ninth day of January, in the year of our Lord one thousand
eight hundred and ninety , at the City and County aforesaid,

did feloniously confine and propose, and
assist in confining and proposing a certain
lottery called the supplement to the
Louisiana Lottery of Kansas City, Kansas,

0174

The same being a scheme for the introduction
of property by chance, among persons who
had paid a valuable consideration for
such chance, a more particular description
of which said scheme is to the Regent
jury aforesaid unknown, and can not
now be given; 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. Hellous,

~~Attorney~~

0175

BOX:

389

FOLDER:

3624

DESCRIPTION:

Lutz, William

DATE:

03/19/90



3624

0176

BOX:

389

FOLDER:

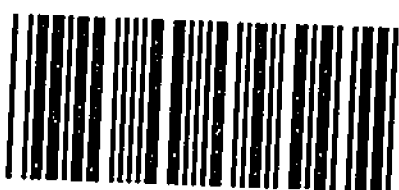
3624

DESCRIPTION:

Hassinger, Lawrence

DATE:

03/19/90



3624

0177

POOR QUALITY
ORIGINAL

Sup. Ct. Oct 9/96.
Def. des. ch. ind
then on Recog.
on Mo. ex. d. May
1900

Counsel
Filed *19* day of *March* 189*0*
Pleads *R. M. G. 20*

THE PEOPLE
B
William Lutz
Samuel H. Haringer
John R. Fellows
District Attorney

Ordered to the
County of New York
for trial (Entered in the Minutes)
October 7, 1896

see back

Ordered to the
SUPREME COURT,
of the COUNTY OF NEW YORK,
for trial (Entered in the Minutes.)
October 7, 1896

0178

POOR QUALITY
ORIGINAL

Sup. Ct. Oct 9/96.
Witnesses:

Defk. des ch on
then on Recov
on Mo of May
To fol

Counsel,

Filed

19 day of March 1890

Pleads,

Ch. W. H. 20

THE PEOPLE

William Lutz

Lawrence H. Haringer

JOHN R. FELLIS,

District Attorney.

TRUE BILL

Ordered to the Court of
of the COUNTY of NEW YORK,
for trial (Entered in the minutes)

see back

0179

IN THE CORONER'S COURT OF THE CITY OF NEW YORK.

Before HON. FERDINAND LEVY, Coroner, and Jury.

-----x
Inquest on the body
of
T O B I A S H I P P A R.
-----x

New York, April 25, 1889.

A p p e a r a n c e s:

CARL ANSBACHER, Esq., for the accused boy Lutz;

Messrs. HOWE & HUMMEL (Represented by A. Hummel and
J. Moss) for relatives of the deceased boy.

THE CORONER: I am somewhat surprised to notice the
absence of any representative of the Society for the Pre-
vention of Cruelty to Children. They have been notified to
appear,--either Mr. Gerry or his representative.

Gentlemen: You have been summoned here for the
purpose of investigating the cause of death of a boy by the
name of ~~Lutz~~ Tobias Hippar, who at the time of his death
was about five years of age. He died on Thursday night,
the 11th inst. at the residence of his parents 1614 Sec-
ond ave., in this City. It is claimed on the part of the
parents that this boy's death was caused by violence.

After the case had been reported here, I proceeded
to the house of the deceased, and made a preliminary ex-
amination ar investigation, and then ordered my deputy
Dr. Jenkins to proceed there the next day, or rather on
Saturday the 13th, to make an autopsy upon the body of this

0180

2

boy. The autopsy was made in the presence of another physician, Dr. Stern, I believe; and they are both in Court. They will give you the result of their observations; Dr. Jenkins will give you the result of the autopsy and Dr. Stern who treated the boy for the alleged injuries received prior to his death, will also testify.

At the time of this occurrence there were several boys arrested and taken to the station house of that precinct, and from there taken before Police Justice Murray. Justice Murray after an examination, held, — or after statements made to him, committed the boy by the name of William Lutz, on the charge of being instrumental in having caused the alleged injuries to this boy Hippar, and committed him to the care of the Society for the Prevention of Cruelty to Children, of which Mr. Gerry is president. He has been there since, and is still in the custody of the Society. The other boys, some two or three, I believe, were simply held as witnesses but without bail, and committed to the care and custody of their parents.

That is about the manner in which the case is to be presented to you. I do not desire to say anything further for the present, and will call upon the witnesses we have summoned to give you a full statement as to what they know of the case, under oath.

MR. MOSS: It might be well for me to inform your Honor that the witness Dorr is not here. I understood he was to be here, and why he is not I don't know.

THE CORONER: It is well you called my attention to that fact before me commenced

0181

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MR. MOSS: The counsel has just stated that he was parolled--a charge made against him. If that is so, he is in the same position as this little boy here, excepting this boy is committed, and the other one allowed to go in the custody of his parents. It is as much for him to be here as this boy.

MR. ANSBACHER: I certainly say he ought to be here, and I don't know why he isn't here.

THE CORONER: Have you made an effort to secure the presence of this boy, Mr. Doyle?

OFFICER DOYLE: Yes. I understood he was only a small boy, and I haven't learned of anything he knew in connection with the case that would be of any service.

THE CORONER: That matter, of course, we must pass upon. I suppose he was one of the boys before the magistrate, who was parolled.

OFFICER DOYLE: Dorr wasn't before the magistrate, and hasn't been here. There was a boy named Hessinger and a boy named Saucke.

MR. ANSBACHER: As I am informed by the accused, there is a boy named Eddie Dorr who had a hand in this transaction, who resides at 1614 Second ave, the same house where this boy Hippar lived. The boy is about three years old.

THE CORONER: Well, we will try and get along without him. I was informed at the time, however, that there was a boy by the name of Dorr, who was implicated in this alleged assault, and if that is so it cannot be a lad

0182

4

three years old. Do you know these Dorr boys?

Wm. Lutz: Yes, there are two of them.

THE CORONER: How old is the oldest ?

Wm. Lutz: He is near ten; his name is Lulu.

THE CORONER: As tall as you are or taller?

Wm. Lutz: He is a little bigger.

THE CORONER: Was he present at this occurrence?

Wm. Lutz: No sir.

MR. ANSBACHER: I understand there is another boy
in this matter, Daniel Hughes.

OFFICER DOYLE: Yes, he is here.

GEORGE DORRAN, sworn and examined, testified
as follows:

BY CORONER LEVY: Q You are an officer of what pre-
cinct? A 27th.

Q That is the 88th st. Station House? A Yes sir;
near 1st ave.

Q Will you state to the jury in what manner you
were connected with this case of Hippar's. A Yes sir.
Mr. Hippar came to the station house, and said his
boy was lying----

Q Tell us when? A On the 11th of April.

Q What time of the day? A About nine o'clock in
the morning he came to the station house and made a com-
plaint about his boy being assaulted, and I went around
with Mr. Hippar to the deceased; he was in a sort of half
conscious condition, and the information I got from Mrs.

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0183

Hippar was that she heard her boy tell it that this little Willie Lutz had been stuffing this dirt in his mouth.

Q What kind of dirt? A Horse manure; and I waited until three o'clock, until this boy came home from school--this Lutz boy--and I arrested him; and he told me it wasn't him that done it alone, but another boy by the name of Hassinger, and he was playing on the other side of the street, and I went and called him over, and he says that he was only riding by, and he says this little boy Lutz took hold of him, and another boy, his name is Saucke. He says they had hold of him and were stuffing dirt in his mouth, and he went to pick up his overcoat and fell in the cellar. He says Eddie Dorr was there, but he was only three years old.

Q Did he say anything else to you as to what they were doing to Hippar? A They said they were all playing together and fooling, and he said he picked up some dirt and threw it at him, and he said Hassinger stuffed it in his mouth.

Q What else did you do. A I took him to the station house, and I told the sergeant at the desk about the charges being made against Lutz, and he held Lutz and told the other boys to be in Court in the morning as witnesses, and this Hassinger boy was there in the morning, and this Saucke boy. This little boy was held, and the others were parolled.

Q Did you make any other investigation as to the alleged assault? A Yes sir.

Q Tell us all you did? A I questioned this boy

0184

Hassinger, and he told me he was riding by in a velocipede and saw this little boy Lutz stuffing this dirt in his mouth and throw dirt at him.

Q Is that all you did in the case? A That is all.

BY MR. ANSBACHER: Q Doran, are you positive this was the morning of the 11th that you made this arrest?

A Not in the morning, it was in the afternoon just about school time..

Q You made this arrest in the afternoon? A Yes sir.

BY MR. MOSS : Q You are positive as to the conversation you had with this boy, are you? A Yes sir.

Q And you remember his using the name of Hassinger?

A Yes sir.

Q You are sure of that? A Yes sir.

Q No doubt about it? A No doubt at all.

Q He told you that Hassinger stuffed some of this in the boy's mouth, didn't he? A Yes sir.

Q And you went and talked with Hassinger?

A Yes sir.

Q And did Hassinger say he was there at the time?

A Yes sir; he said he was there.

Q Did you tell him what this little boy told you?

A I did.

Q That was before he said he was riding on a velocipede, A Yes sir.

Q You told Hassinger that Lutz told you that he stuffed some of this manure into the dead boy's mouth?

A I did; yes.

Q And that was before he denied it, wasn't it?

A Yes sir.

0185

BY A JUROR: Was that the class of dirt that the officer just mentioned that the boy's mouth was stuffed with? A Horse dirt, yes sir.

BY MR. ANSBACHER: Q That is what the boy admitted?
A Yes sir.

(The Coroner at this stage of the proceedings directed that the other boy witnesses in the case be taken into the ante room and not allowed to converse together.)

BY MR. HUMMEL: Q Were the boys Hassinger and Lutz together at any time after you had Lutz in charge?
A Yes sir.

Q Did you let Hassinger know what Lutz said about him? A No sir, I did not--yes, I told Hassinger.

Q Then what did Hassinger say in reference to that, when Lutz was present? A He said "It was you done it".

Q Then Hassinger charged Lutz with doing the very thing that Lutz had previously charged him with? A Yes sir, they both charged each other.

Q They made incriminations one against the other?
A Yes sir.

Q You are quite sure that in your presence and hearing that Hassinger charged this boy with being the boy that put the horse dirt down the deceased boy's mouth?
A Yes sir.

BY MR. ANSBACHER: Q What did this boy Lutz charge Hassinger with in your presence? A The same thing.

Q The other things you testified to was all hearsay--you were not present? A I was not present; no sir.

BY MR. HUMMEL: Q During the period that these

0186

boys were charging one another with having maltreated the deceased, what was said about throwing the deceased down the cellar? A It was on my way to the station house, and I says "Did you strike this little boy with a stick of any kind."

Q Who did you say that to? A To Lutz.

Q And what did he say? A He says "No sir; we were fooling, and he went to pick up his coat, and he fell down a couple of steps.

Q Was that all he said about it? A Yes sir.

Q What steps? A Of the next house, 1612.

0187

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S A R A H H I P P A R, sworn and examined, testified as follows:

BY MR. HUMMEL: What is your name? A Mrs. Hippar.

Q You are a married lady? X A Yes sir.

Q And the mother of how many children now? A Four.

Q Tobias Hippar, the deceased, was your boy?

A Yes sir.

Q How old was he when he died? A He wasn't quite five; four and a half he was.

Q You may state to the Coroner and jury when you let your boy go out. A I couldn't tell exactly the time. It was my wash day; but still I was uneasy about him; I don't know why.

Q What was the boy's condition as to health before he went out? A Well.

Q He never had had a doctor, had he? A No sir, never.

Q Was he healthy on that day he went out? A He was a beautiful little blond, as lively as a fish; he never complained; he only complained that the Hessingers and the Derrs and the Lutz boys called him a sheeney---

Q Well, he went out? A Yes sir.

Q Just tell what next took place. A I was washing, and he was running out, and I missed him; I didn't see him, and I got uneasy, and I ran down, and didn't see him, but all of a sudden, it was about between five and six I heard an alarm, and I went right down and as I came out the door I saw the child there looking dreadfully serious---

9

0188

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he could hardly reach the door, and little Lutz he had him by the arm, and he says "Come on, come out in the street and we will play nice" and he says "I can't, I got to go in now", and so I seen the little boy was looking very pale, and such eyes, and his coat unbuttoned and kind of full of mud, and I took the little body inside, and while I was uneasy to stay there any longer, and I took my child in my arms, and run in with him as fast as I could, because I was nearly fainting.

Q Who do you mean by the child? A Toby.

Q You mean Tobias? A Yes sir. He looked so serious he frightened me.

BY THE CORONER: Q What do you mean by serious?

A Oh, such a change in him, and his clothes unbuttoned, as if he was tossed around.

BY MR. HUMMEL: Q What clothes unbuttoned?

A His overcoat.

Q Could you see his bare skin? A No sir.

Q Go on. A And I took him in, and the crowd, Lutz and the others, wanted him to come out, they said they would give him candy, and promised to play nice; but I was frightened about the boy, but it was his bed time, and I said "What did they do to you" and he said "They stuffed horse dirt in my mouth, and they kicked me----

Q Did he say who did that? A Lutz and Hessinger and Dorr.

Q Did you ask him to give you the names, or did he tell you? A He fell ^{asleep} ~~asleep~~----

0189

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BY THE CORONER: Q Did he tell you who did that?

A I didn't ask him. I didn't dream of such a thing. He fell asleep, and I didn't think he was injured, because it was his usual time to fall asleep. I imagined the boy had been tossed about, but I didn't think he was injured until in the night, and his moaning woke me, and his vomiting; and he would call "Mamma, mamma, water, give me water"; and he moaned "They hurt d me; oh, they stuck horse dirt in my mouth, and they wouldn't let me spit it out; and they held me; and oh, mamma, I can't get home. Oh, Lutz don't; oh, Lutz, dont. I will go in and tell my mama, and I will get five cents for a loaf of bread, and I will give you a penny. Oh, mamma they got me"; and I cried bitterly; and I got water, and got wet cloths and wrung them out, and put them on his little head; and he complained very much. He says "Oh, mamma, it sticks me ; they hurted me" I rubbed him with a little sweet oil, and he screeched, and I could hardly touch him; and I told his father to go run for a physician, and then the physician came. I said "There is something serious done to my boy."

By the Coroner
Q You sent for a doctor? A Yes sir.

Q What doctor did you send for? A He went for some doctor; I don't know his name.

Q Did the doctor come? A Yes sir, and as he found an officer there as he was coming back; his papa complained to the officer. The doctor found the officer there, and he says he wouldn't give a certificate; it is court business, and he says "Officer, what are you going to do about it" and he says "I would like to make an arrest;

11

0190

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I see the child is quite a patient; he has been tortured and illtreated."

Q After the doctor left did anybody connected with Lutz come there? Did you send for his mother? A It was before the doctor came.

Q Tell us what occurred there? A Mrs. Lutz came down, and I told her and I told her---

Q Mrs. Lutz came down? A Yes.

Q The mother of the boy? A Yes, and I showed her what he had been throwing up.

Q Tell us exactly what you said to Mrs. Lutz and what you showed her. A I cried and complained, and she said she was sorry, but---

Q What did you say. Tell us exactly what you said to Mrs. Lutz. A I said Mrs. Lutz, "How is it that your boy troubles my child so. Have I ever done anything to harm you or the boy." I had even given him pennies to be good to my child.

BY THE CORONER: You said that, did you? A Yes, and complained very much, and she said she couldn't help it. It was not her boy alone; that it was Hessinger, and she went out, and came down with the landlady, and went up to Toby----

Q The landlady and Mrs. Lutz came down. Was your boy in a condition to speak to any one, or call any one by name? A Mrs. Lutz went up to him, and she was going to speak to him in German, but he wouldn't answer, and I told her to speak in English, and she says "What did they do.

Are you sick" and he says "Yes" and "What did they do" and he says "They put horse dirt in my mouth" and I said "Was it little Lutz who done it" and he says "It was little Willie Lutz. And the landlady says "May be he don't know what he is saying" and I said "Toby, who is this lady" and he says "It is Mrs. Lutz, mamma."

Q She said he didn't know what he was saying, as if he was out of his head, and you showed her it was not so? A I says "Toby, who is this lady" and he says "Lutz' mamma" and I says "Who is the other lady" and he says "The landlady"; and I says "Are you the landlady" and she says "Yes; he knows what he is saying."

Q How long was it after that that the boy died?
A He died in the evening.

Q You said you showed something to Mrs. Lutz?
A Yes, it was the real horse manure he had throwed up.

Q Do you see the doctor in court that came there to treat your boy? A Dr. Palmer came in. He prescribed, and I asked him what he thought about my child, and the officers asked him what was his opinion and he says the dirt alone was enough to kill him; the shock was enough to kill him, and he says "I am so sorry" and the rest I couldn't understand. So he promised to come again, and he prescribed. He wouldn't pass the opinion to the detectives, at least he wouldn't make out a writing--a certificate.

Q Did you see Dr. Stern there, this gentleman?
(Indicating) A Certainly. And Dr. Palmer didn't appear, and my child was taken dreadfully bad.

Q Your child was taken bad, and so you had Dr. Stem in after the death of your child? A He came in before the death; and the doctor done all that was in his power, and he didn't go away; he went away for a few moments once.

Q And he remained about four hours? A Yes.

BY THE CORONER: Q Was he there when the boy died? A yes sir, and he even sent for a barber to bring leeches, and they tried leeches.

BY MR. HUMMEL: Q How many ^{hours} ~~years~~ after your boy was brought home to you was it that he died? A I am very sorry, but I can't tell.

Q About? A I can't tell the hours.

Q He was brought home when? A On Wednesday evening.

Q And he died Thursday evening? A Yes sir.

BY THE CORONER: Q How long have you lived in that house? A Not very long, a few months.

Q And prior to that where did you reside? A In 88th street.

Q Near first or second ave. A Between---Oh, I am so mixed up.

Q Well, East 88th street--that will answer.

A JUROR: I would like to know if the Litz boy and Mrs. Hippar lived in the same house.

THE CORONER: Yes; 1614.

BY THE CORONER: Q Was this your youngest boy? A I have a little girl three years of age.

0193

7

Q But he was your youngest boy? A Yes sir.

Q Have you another boy that is older? A Yes sir.

Q Did he know anything of this trouble? A Yes;
and when I heard this crowd I went out, and Sammy says
"Mamma, they put horse dirt in his mouth.

Q Did he say he was there ? A Yes sir.

At the time he went along to the synagogue with his papa,
and---

Q Was he there at the time? A At the time when
the crowd of boys came along and Lutz held Toby by the
arms he was there.

Q You don't know whether he was there when they
assaulted your boy? A No, I was in the house.

BY MR. ANSBACHER: Q This was quite recently, I
believe, within the last two weeks. A I don't understand
the gentleman.

Q This happened two weeks ago, didn't it?

A I am very sorry; I don't understand.

Q Do you know what day of the week this happened?

A Yes. On a Wednesday, and on a Thursday he died.

Q What time did this happen, do you know?

A I can't tell the time. When the child was come to me
it was evening.

Q Don't you know whether this happened in the
morning or afternoon? A Oh, no, it was evening. His papa
went to the synagogue---

Q Do you know whether it happened in the after-
noon or morning? A No, I can't tell.

15

0194

8

Q Do you know the day of the month this happened?

A I am very sick in my trouble.

Q Do you know the day of the month?

THE CORONER: I don't see why you insist on that. We know that. This woman evidently seems to be in a very nervous and distressed condition. It happened two weeks ago. There is no doubt about that. I think from the evidence here there is no dispute as to the date-- the date of the alleged assault and the date of the death.

Q What doctor did you have after the boy was brought home? A He fell asleep- I put him to sleep very easily, because it was his usual time.

Q Please confine your answers to my questions. Why did you send for a physician then? A I didn't know he was injured so serious.

Q Did the boy say anything to you at the time you took him in the house? A Certainly, he complained.

Q What did he say? A That Litz had put horse dirt in his mouth, and Hessinger had kicked him, and he fell asleep.

Q When did you first send for a physician? A I don't ~~not~~ know the time.

Q Was it the next day you sent for a physician? A Certainly, the very day that I ^{seen} ~~sent~~ he is in a fever.

BY THE CORONER: Did you send for a physician the same night or the next morning? A In the morning.

Q Do ^{you} ~~they~~ know the time--was it early in the morning? A I don't know.

/6

0195

9

BY MR. ANSBACHER: Q I have been informed that this lady did not send for a physician but an hour or two before the boy died. What time did you send for a physician? A As soon as he got up. As soon as I could get his papa up in the morning. I was up the whole night and had a very sad night with him.

Q When did you send for a physician? A In the morning.

BY MR. HUMMEL: Q Six, or seven, or eight? A I do not know the time. I am very sorry.

BY MR. ANSBACHER: Q Was it noon time? A Noon time--he was near dead. Dr. Palmer has been there, and Dr. Stern.

Q What time did the boy die? A I actually don't know.

BY THE CORONER: Q Did he die in the evening? A Yes, it was almost night.

BY MR. ANSBACHER: Q This boy Lutz here used to come around your rooms quite often, didn't he? A Certainly.

Q You used to have him light your lights for you on Saturday, didn't you? A Yes sir.

Q And there were other services he rendered to you--you used to send him to the grocery store? A He was a nine little boy; and I gave him pennies to be Tobias' friend. He came in once and said Lutz is hitting me in the head and face.

Q At the time this was, there was no trouble between him and this little fellow? A Yes, he said his

0196

10

make fires for
mamma had forbidden him to ~~go~~ sheenies. And his little sister came in and said she didn't believe her mama said that, and she went up herself, and she came down and said "Bo" and that she was very sorry. I said to her not to be sorry that I would give you pennies to be good with my child, and then they complained that Lutz is getting just as fresh as Lulu.

Q Haven't you testified in your direct examination that the boy when he came to the house looked pale, and he cried, and looked very ^{serious} ~~series~~, and run in? A I carried him ~~in~~ in.

Q And you mean to tell this court and jury that you then did not think it worth while to send for a physician? A He fell asleep, and it was his usual bedtime.

Q Do you remember the day when your boy died?

A It was on a Thursday.

Q And this happened on Wednesday? A Yes sir.

Q When did Mrs. Lutz come down with the landlady?

A Thursday morning.

Q Did the boy recognize her? A Yes.

Q Did he speak to her? A She asked him questions, and he answered; otherwise he didn't speak.

Q Did he answer the questions intelligently?

A Very nice.

BY MR. HUMMEL: Q Did the boy say anything to you about being thrown down the cellar? A Yes, he cried, and I said "Don't Toby; you are in mamma's arms", and he said "They did--they kicked me, and they held me, and they

put horse manure in my mouth", and he cried the whole night so bitterly, and he clasped his hands all the night.

Q Did he make any statement about the cellar?

A Yes sir, I am very sure he said "They kicked me, and threw him down the cellar, and they hurted him.

BY MR. ANSBACHER: Q When did the boy make these remarks to you about having been thrown down the cellar?

A In the night and the following morning—

Q The same night, when he came home? A When I woke up, when he throwed up and he said all that.

BY THE CORONER: Q Did this boy ever have any scarlet fever or measles? A No sir; he was the wellest child I ever had, and the livliest and beautifulest?

Q The healthiest child? A Yes sir. I never had any children I had so little trouble with as I had with him.

S A M M Y H I P P A R examined, testified as follows:

BY MR. HUMMEL: Q Do you know what it is to tell a lie? A Yes sir.

Q Do you know what will be done to you if you tell a lie? A I will be arrested and punished.

Q Do you know anything about God? A No sir.

Q Do you go to Sunday School. A No sir; I used to, but I don't go any more because the boys all the time they hit me.

Q You say you will be punished if you tell a lie? A Yes sir.

Q Tell us what will become of you if you tell

0198

a lie? A I will be put in hell.

MR. ANSBACHER: I want to object to the boy's statement being taken, on the ground that he is of such a tender age, and says he doesn't believe in the existence of a God.

MR. HUMMEL: He didn't say so.

BY THE CORONER: Q How old are you? A Seven.

Q When were you seven? A About a month ago.

Q Do you ever go to school? A Yes sir.

Q What school? A The 87th st. school.

Q Public school? A Yes sir.

Q Have you been going there for the last few weeks?

A Yes sir.

Q And still go there ? A No sir, not now.

Q Why not? A Because the boys always used to hit me.

Q Do you ever say your prayers? A Yes sir.

Q Do you say your prayers in the morning? A Yes.

Q And in the evening? A yes sir.
pray to

Q Do you ~~remember about~~ God? A Yes sir.

Q You do? A Yes sir.

Q Who told you ~~what~~ to pray to God? A Myself.

Q Who taught you to say your prayers? A I used to go to Hebrew school, and I learned them there.

Q You were told there to believe in God? A Yes sir.

Q And do you pray in Hebrew? A Yes sir.

Q Do you remember some of your prayers? A Yes sir.

Q And you still pray when you get up in the morning and when you go to bed at night? A Yes sir.

0199

THE CORONER: I think that ought to cover your point, Mr. Ansbacher.

BY MR. ANSBACHER: Q What made you testify a few moments ago you didn't believe in a God?

THE CORONER: Did you understand that gentleman over there, Mr. Hummel, when he asked you whether you believed in a God?

THE WITNESS: Yes.

THE CORONER: You did?

THE WITNESS: Yes.

MR. HUMMEL : I asked him whether he knew of a God..

THE CORONER: I must have misunderstood you. He asked you whether you knew of a God and you said you did not?

THE WITNESS Yes sir.

THE CORONER: You can examine him. I shall allow the boy to make a statement.

BY MR. ANSBACHER: Q How long did you go to Hebrew school? A About a month.

Q And you learned all those prayers during that time? A Yes sir.

Q And you never said prayers before in your life before you went to school? A I didn't know none.

Q You know them now? A Yes sir.

BY MR. HUMMEL: Q You are a brother of the boy that was killed? A Yes sir.

Q Did you go out with your ~~brother~~ brother at the time he met Lutz and all these boys? A No sir.

Q Did you see him out with them? A No sir.

0200

Q What do you know about it? A I only know when Lutz was standing there and Toby.

Q Lutz was standing where? A In the hallway and he said "Come on, Toby. Come on, Toby."

Q Who was standing there besides Lutz? A There was a whole crowd there.

Q Give me their names: was Hassinger there?
A Yes sir.

Q Was Dorr there? A Yes sir.

Q Who else besides Hassinger and Dorr? A A whole lot of girls.

Q Any other boys? A No sir.

Q Was Saucke there? A No sir.

Q Tell us what took place there? A And then Lutz says "Come on Toby, I buy you a whole lot of Candy" and Toby says "All right"; and he didn't want to come in the house, and I called my mamma, and I held Toby, and she brought him in.

Q Did you see whether Toby had anything on his mouth—on his face? A Yes, I saw it right here.
A little piece of it.

Q Of what? A Horse dirt.

Q Did you say anything to Toby about it? A No sir.

Q Did Lutz say anything about it? A No sir, but Lutz brother told me about it.

Q What did he say? A He says that a lot of boys put dirt in his mouth.

Q In whose mouth? A In Toby's.

Q Didn't you brush Toby's jacket or anything?

0201

A No sir.

Q Wasn't there any dirt outside of this little you saw? A Yes sir.

Q How much more was there? A Only one piece.

Q One little piece? A Yes sir; and I smelt it from his breath.

Q Did you see any on his hat and coat? A No sir.

Q Was he dirty when he went out first? A Yes sir.

Q Did you see him go out first? A No sir.

Q Was he dirtier than he had been before? A I went up to 86th street.

Q And you came back and saw Toby? A Yes sir.

Q And was Toby very dirty then? A Yes sir.

Q Was his face dirty? A Yes sir.

Q Was he crying? A No sir.

Q Did you go in with him into the house? A I only took him into the hall, and I called my mother.

Q Did you see anything about his being in the cellar? A No sir.

Q What do you know about that? A I don't know nothing about that.

BY MR. ANSBACHER: Q When did you go up to 86th street; what time of the day? A Right in the evening.

Q About what time in the evening? A About three or four o'clock.

Q You didn't see your brother then, did you? A I didn't see him when I went out.

Q How long did you remain away from the house? A About five or ten minutes.

0202

Q And then you saw your brother? A When I come home, yes sir.

Q About five or ten minutes after you went you come back, and you saw your brother there, and he was crying, was he? A No sir.

Q What was he doing? A He had his hat and his coat, and he had been in the mudgutter; that is all; he picked them up.

Q He picked them up himself? A Yes sir.

Q Who brought him home? A Me.

Q Took him right inside the house to your rooms?
A yes sir.

Q Did you see anything on his face? A Only one little drop, and I smelt it from his breath.

Q How did you come to smell his breath? A He opened his mouth.

Q Where was he when he opened his mouth—in the street or in the hall? A In the hall, and I asked him.

BY THE CORONER: Q You asked him what? A And I said what they done to him, and he didn't answer.

Q Is that the time you smelt his breath? A Yes sir.

By MR. HUMMEL: Q You asked Toby what they done to him? A Yes sir.

By MR. ANSBACHER: Q And you smelt his breath?
A Yes sir.

By THE CORONER: Q Did you ever have any trouble with these boys, Lutz and the others? A Yes sir.

Q How long ago is that? A Since we moved around there, before Lutz was arrested.

0203

Q Before your brother died? A Yes sir.

Q Tell the jury what it was. What did they do to you? A They always hit me, and kicked me, and knocked me down.

Q Who did? A The barber's boy, and the whole lot of boys.

Q Knocked you down and kicked you? A Yes sir.

BY MR. HUMMEL: Did they call you any names?

A They called me sheeny.

BY THE CORONER: Did you ever tell your parents about it? A yes sir.

Q Did you ever have any fight with these boys yourself? A Yes sir.

Q Tell us how these fights took place? A They always used to call me sheeny, and I got mad; and they used to call me all that kind of names.

Q Did they ever do anything else besides call you names? A They hit me.

BY MR. HUMMEL: Q Did they try to force any dirt down your mouth? A No sir.

Q Did they ever do anything to your brother Toby?

A They used to ^{hit} ~~him~~ him just as well as me.

BY THE CORONER: Q They all lived in the same house, or most of them? A Only now,--the barber's boy and Lutz.

Q What was the barber's boys' name? A Louis Dorr.

BY MR. HUMMEL: Q And Hassinger you say?

A Yes sir.

BY THE CORONER: Q What Dorr do you mean--Louis

0204

Dorr? Yes, and little Dorr used to live in my house too.

BY A JUROR: Q What I wanted to know was whether this boy ever assaulted him or assaulted his brother, to his knowledge? A No sir.

Q Did he ever whip your brother? A No sir.

Q Never before that day? A No sir.

BY MR. HUMMEL: Was he with the other boys that hit you and your brother? A No sir, not before.

Q Or the other boys at any time? A Yes sir, the barber's boy used to put everybody up to hit me.

Q Did the barber's boy put Lutz up to hit your brother?

~~boy?~~ A Yes sir.

Q And did Willie Lutz lick you and your brother because the barber's boy put him up to it? A Willie Lutz never did, or my brother, ~~any~~ before that day.

BY A JUROR: Q Did Willie Lutz hit you that day? A No sir.

Q Did you ever see him hit your brother? A No sir.

BY THE CORONER: Q You didn't see your brother hit that day at all, did you, the day he was taken sick?

A No sir.

Q You only saw him when you come to the house and the crowd in front of your door? A Yes sir.

BY MR. HUMMEL: Q Didn't you see your brother's hat and coat in the gutter? A Yes sir.

Q You found them in the gutter? A Yes sir.

Q Did he tell you Willie Lutz put them there? A No sir.

Q Who put them there? A Himself; he put them

0205

there.

A JUROR: I would like to know whether his brother was younger or older than this boy.

THE CORONER: This boy is seven, and his brother was four and a half.

BY A JUROR: Q Did you ever have any trouble when you went to school? Who were the boys that used to harass you and trouble you? A I don't know them at all.

Q Can you tell their names? A No sir.

BY THE CORONER: They were some other boys who wanted to hit you when you went to school? A One wanted to choke me one day.

Q Why did you leave school? A Because they used to hit me.

Q Who are "they"? A I don't know.

Q Boys in the neighborhood or outside of the neighborhood? A In school, when I used to go down to recess.

L A S S A R S T E R N, M.D., sworn and examined, testified as follows:

BY THE CORONER: Q Where do you reside? A I reside in 164 East 81st st.

Q You are a practising physician in the City of New York? A Yes sir.

Q How long have you been a physician? A I have been practicing thirty two years in the City.

BY MR. HUMMEL: Q You are a graduate of what university? A Erlanger, Bavaria.

Q You attended the deceased boy, prior to his

0206

death? A Yes sir.

Q I wish you would state to the jury, in your own way, just how you happened to come there, what symptoms you found the boy suffering, how long you remained there, what diagnosis you made after the death, and what the result of your autopsy was; and your judgment as to what caused the death of the deceased. A On the afternoon of the 11th of this month, about half past two o'clock, I was sent for to see Tobias Hippar; he died four hours afterwards. During these four hours I have been staying at his bedside little more than three hours, so that I saw everything what happened, and could make observations during that time so that I am enabled to give you information sufficient to form a correct opinion of this case.

Q Speak a little louder, please. A When I came in I found him lying on his bed in perfect stupor, the pupils of his eyes were considerably dilated, and did not react against light, nor even against the touch of my fingers. He vomited repeatedly. His blood temperature was 105 1/2. I noticed several scratches on his face; I do not remember the number--three or four--on his upper lip and on the side of his nose, and on his face, and in the angle of his mouth. A careful examination of his skull did not show any fracture nor depression. It was about half past four o'clock or quarter to five and I went home for a short time; then Mr. Hippar came to call me again, and I asked him what had happened, and he told me a strange skin disease had come out on his face--he is getting black. I found when I come there what he meant; discoloration had taken

0207

place, unobserved by me before that, and gradually increasing, and on one part of his face appeared black spots, or livid spots, like what we commonly call bruises.

One thing of greater importance which I remarked when I saw him at that time was that he was not as quiet as he had been; he was restless; he was tossing his head continually on his pillow, from one side to another. At about half past six a paroxysm of convulsions came on--fearful convulsions, which I do not think it is necessary to trouble you with a description of.

MR. HUMPHREY: Oh, you needn't be delicate about it.

A Well, he put out his tongue as far as that; I never have seen anything of the kind before--convulsions of this kind; I have never seen such ones as that one was. Another such paroxysm came on sometime afterwards, about half an hour afterwards, not of such long duration, and not of such violence, and then he died. Now, I think the post mortem examination of Dr. Jenkins could give you----

Q Were you present when Dr. Jenkins made his post mortem? A I was.

Q And you saw it made? A Yes sir.

Q I wish you would give the jury your deduction what that post mortem resulted in? A My deduction?

Q Yes, your description, and deduction. A Well, I would prefer, if you have nothing against it---you see I am not so well versed in the English language to give you a good description of this?

THE CORONER: I think we have very well understood you so far.

0200

Q Before the boy died, what medicine did you administer? A The case was a very bad one from the beginning. I didn't expect him to live for a long time. I stated so; the detectives asked me to give them a statement about what my opinion of the case was, and I gave them my statement, and told them in that statement that I considered the case a very dangerous one. I went away from this house of Mr. Hippar's after he had the first paroxysm of convulsions--I went to the station house to have the coroner notified of the case. The captain asked me what was the matter with the boy, and I told him it is meningitis.

Q What did you prescribe for him--what medicine?

A I didn't prescribe any medicine at all.

Q For what reason? A I will tell you the reason why. My diagnosis was meningitis. What is meningitis? It is considered to be a stoppage of the blood and an overfilling of the blood vessels with blood; and on that account the first thing I recommended to do was ice cold applications to cover the head with. I had the hair clipped, so that the ~~xxxx~~^{cold} applications could come through, and because there was nobody to assist Mrs. Hippar I remained there so long as to make these applications myself.

Q That was in lieu of medicine? A That was medicine. Besides this I gave him plenty of water as a drink, and I gave him chopped ice with a few drops of brandy once in a while just to relieve his thirst, because whenever I gave him the drink, he swallowed it greedily, and then he

0209

always had an inclination to vomit, and I tried to keep it down with this chopped ice. One thing more I have to say about medicine. Dr. Palmer had been there before me, and when I came there Mrs. Hippar was very much disturbed about it,--she thought that the boy vomited in consequence of the medicine which Dr. Palmer had given her for the boy. I told her she need not be troubled about that, that I was sure no physician would give him an emetic in this case, because there is congestion of the brain, and no physician would do that. So I went to the druggists, and heard about it, and I heard what he had prescribed. The doctor had given him antifibrine---

Q Explain that. A It is a remedy that is given against fever---only two grains; and I knew it couldn't have much importance, but I gave it to the boy when I came back just to relieve the distress of Mrs. Hippar---just to show her that nothing wrong had been given to the child; not because I expected much of two grains of antifibrine---in such a case it couldn't do much either way. Besides this I advised her to put leeches behind his ear. There is a bone there that is called the process mastoid. There is an artery coming down from the inside through the opening just behind this bone, and this branch of the artery might be leading blood from the brain, so I advised leeches to be put on.

Q As a last resort? A Yes, but it didn't help anything, and I didn't expect it to.

BY THE CORONER: Q You were there when the boy died? A I was.

02 10

Q What time did he die? A At thirty five minutes past six.

Q In the evening? A Yes sir.

Q You were first called about what time? A About half past two, and of this time I remained with him over three hours.

Q When you first went there what statement did Mrs. Hippar make to you? A Of course I asked her about the cause of it, and she told me the boy had been ill-treated, and horse dirt had been put in his mouth.

Q Did she tell you anything about his vomiting?
A She told me he had been vomiting frequently during the night.

Q Vomiting what? A Vomiting dirt; I saw him vomit, but there was no dirt in that.

Q Not when you got there? A No.

Q Did you make a careful examination of his body at the time when you got there? A Yes, I did.

Q What did you find? A I told you what I found during his life time; do you mean after death?

Q While he was a live; tell us once more. A I found him lying quietly on his bed, the pupils of his eyes didn't change; they were dilated; and didn't change if I opened and closed them; the light had no effect on them; his temperature was as high as 105 1/2. I took the temperature several times, and it never went down.

Q Did you examine his chest, or any part of his body? A I examined his chest, and didn't hear anything wrong about that; I couldn't find anything wrong about that

0211

He vomited frequently, and whenever I gave him a drink he drank it greedily.

Q He was a small boy? A Not very small.

Q About of the age of four and a half to five?

A According to that age, yes.

BY A JUROR: Q Was he sensible at the time you speak of? A Not during the time I was there.

BY THE CORONER: Q He was not conscious then?

A No sir; he was in a state of stupor.

Q From the history of the case, and from your connection with the case, and your observations, can you tell the jury, or give your opinion as to the cause of death? A The cause of death?

Q Yes, and I want you to consider that well. It is very important. You understand my question? A Yes sir.

Q From all you have had to do with the case, from the moment you ~~were~~ were called in up to the time the boy died, and all the surrounding circumstances, and your examination of that boy, what, in your opinion, led to the death, or what was the cause of death of this boy Hippar? A If I had to write the diagnosis, and give the cause of death in a certificate for burial, I would say the cause of his death was traumatic meningitis. If you will allow me to explain that. It is a Greek word, and means wound; so by meningitis we understand congestion of the brain or brain fever, brought on not by natural causes, but by injuries--external injuries.

Q Have you any other opinion to express than that?

A No, no other. My diagnosis was meningitis plainly--

02 12

immediately after I had seen the case, but during the case, when I saw these livid spots--spots coming out on his face, and when I saw these terrible convulsions, and after I had seen the postmortem examination, I came to the conclusion that traumatic meningitis was the ^{cause} ~~case~~ of his death directly--that his death was brought on by the injuries he had received the day previous. I found out from the mother of the child---I have to believe that--that the child always had been perfectly well. He never was sick. I found out afterwards when we made the postmortem examination, and the doctor will agree with me, that he was perfectly good and healthy. There was no sign of any disease that he had gone through. Now, if I take these things into consideration, that a child had been well the day previous that he received the injury, as we hear from everybody---

Q And from the evidence. A And from the evidence, of course---I don't know anything about the dirt what he had swallowed, as we hear---

Q Let me ask you another question. I am not a member of the medical profession, but I will ask you this question. What would be the effect on a boy of that age--being roughly handled by some other boys, and one of these boys trying to force dirt down his mouth against his will--forcibly down his throat--what would be the effect? A I will tell you. If any one tries to put dirt down in your mouth, what are you doing to do?

Q Explain this effect. A I am going to explain it, but you must let me do it in my own way. You wanted

0213

me to state what in my opinion---

Q What would be the effect of this dirt being forced down his mouth. A If somebody tries to put dirt in his mouth---

Q Forcibly. A If that ~~is~~ thing would be done to me I would close my mouth, and everybody would. If you would continue to try to force this dirt into my mouth I would continue to keep my mouth closed.

Q Your teeth closed. A Yes, my teeth closed. Then I would not be able to breathe. How would I look in my face? I would get purple, the veins would come out--- would start from my forehead, and the blood that is running to my head would not be able to come down again as it ought to; so, in other words, I would be nearly suffocated; I would be compelled to open my mouth, and swallow what is offered to me, but these blood vessels of my brain would remain in that state of filling with blood for some time. This is my theory ^{of} the case, if you allow me to give my theory of the case.

Q I want your opinion. You have been asked the question; you are not volunteering information. A If this child has been handled in that way, the first thing he will do as soon as he is able is to run--he will run from his pursuers. I don't know if he has had a fall, or whatever has happened to him. I know that children may fall, and sometimes they fall from considerable heights. I have seen a number of such cases, and they didn't hurt themselves considerably. I had such a case once, and I came the following morning expecting to find the child in

0214

very poor circumstances, and the mother came to the door and told me that the child had come to school. I wouldn't have thought a thing possible. Now the cause of this is this: the skull of a five year old child is very soft. It is not bone yet. There is no ossification yet, and you are not compelled to look there for a fracture; and nevertheless you have considerable injury there.

Q Without a fracture? A Yes. , It is not necessary in such cases to look for a fracture. I would even say that the quality of the skull is such that a fracture is seldom in such a case.

Q If the evidence should show, or if the evidence ^{these} would be conclusive, as to the fact of ~~that~~ boys having forcibly put this horse dirt down this boy's throat, and he with considerably resistance, or all the resistance at his command did not succeed in preventing it, and these boys succeeded in putting this horse dirt down his throat, what would be the effect, provided, as it was in this case, where the boy died--what connection would that fact have with the cause of death, if any? A We must take into consideration the shock--we must take into consideration--

Q Just as it is.

MR. HUMMEL: Take the hypothesis as the Coroner puts it.

A Of course, the stomach would ~~be~~ rebel against that dirt, and the patient would throw up. Now, the resistance he made before that against swallowing this dirt--this throwing up, and this nausea would continue, and

0215

the blood vessels of his brain would keep filled up. So I may say even if he would not have fallen, or received any other injuries--even then he might have died from the consequence of meningitis.

BY MR. HUMMEL: Q Brought about by what you state? A Yes sir.

Q Now, doctor, you have treated that child, and having heard from the child's mother the cause that brought about the child's death, having assisted at the autopsy of the deputy coroner, give us your simple deduction of what was the cause of death of Tobias Hippar, in your estimation? A In my estimation the child died directly from the effect of the injury he received.

BY A JUROR: Q From the injuries internal alone? or from the external injuries--you stated he had some marks? A Those marks had nothing to do with the case.

BY THE CORONER: Q Did you testify on your direct examination that you found any injuries on his upper and lower lip? A Yes, the inside of his mouth--the inside of his upper and lower lip has been partly lacerated; that means, the mucus membrane was torn, just as if it had been forced open,--as if the mouth had been forced open.

Q The convulsions you speak of, were they general or confined to one side? A Both sides.

BY MR. HUMMEL: Q Do you remember seeing a bruise on the boy's back? A No sir.

THE CORONER: Do you mean at the postmortem?

MR. HUMMEL: Either before or after.

02 16

THE WITNESS: At the postmortem we did.

BY MR. HUMMEL: Q You did see marks--where?

A About the middle of his spine.

Q In what region do you say? A The lower dorsal region. It was simply a slight contusion--superficial.

BY MR. ANSBACHER: Q How long after these injuries sustained by this boy were you called in? A I don't know. I was called in at half past two in the afternoon.

Q What day was ~~on~~ that? A The 11th of this month.

Q Are you positive of that? A I remember that.

Q You testified that the mother told you he vomited some of that horse dirt. You didn't see any of it?

A No.

Q Can you tell the court and jury what a boy of that age---about four and a half or five---how long the stomach would retain that horse dirt? A I cannot tell you that.

W I L L I A M T. J E N K I N S, sworn and examined, testified as follows:

BY THE CORONER: Q Proceed, doctor. A On April 13th, at 9.15 P.M. at 1614 Second ave. I made an autopsy on the body of Tobias Hippar in the presence of Dr. Stern. Bo said to be five years of age. He had been on ice and was somewhat frozen. Right on the bridge of his nose, just below the median line that runs down the center, there was a scratch, as if made by a finger nail; just above the outer angle of the mouth there was a similar scratch. There was an abrasion or laceration of the mucus

0217

membrane of the mouth here in the center, and in the same position on the lower lip, --superficial, both of them. On the back just about here (indicating) on that side of the spine--on the left---there was a contusion or bruise, about three quarters of an inch in diameter, about one and a half inches to the right of the median line. On the under surface of the scalp, in this direction (indicating) there was a slight bruise, which was not evident from the outside, but upon removing the scalp it was found. Upon removing the top of the skull we found the coverings of the brains congested, the brain itself was congested, and contained more blood than normally. I then opened the chest and abdomen. The lungs were slightly hyperaemic, slightly congested, and so were the bronchi, or tubes leading to the lung; then I opened the bronchi, and removed the wind pipe--opened that to see if I could find any foreign substance in it, and opened the lungs as far down as my scissors would open the smaller bronchi, and could find no foreign substance. The stomach was apparently normal, and the heart contained some dark colored blood but was normal. One of the glands at the upper portion of the right kidney was slightly broken down, and had the appearance of hemorrhage, but really was not; also one of the mesenteric glands was in the same condition.

The intestines I found normal, with the exception of a few worms, which children sometimes have. On the surface of the chest there were some discolorations, or bruises--I couldn't make them out to be bruises; it looked more like the discolorations was from interference with circu-

02 18

lation. We cut into that, but didn't find any hemorrhagic effusion of blood, which occurs when some small vessel is broken under the skin--commonly called black and blue marks. There was no fracture of the skull; not what is commonly called meningitis, but simply hyperaemia of the meninges, or coverings of the brain. If there was meningitis it was of a cellular character, and in the first stage, which we cannot determine with the eye. My conclusion then was not as satisfactory as I expected. I had to fall back partly upon the history of the case from the doctor. It is one of the character of cases that is frequently reported, where you do not have direct injuries, in which the shock might have been important; and the history ~~look~~ leading up to that will be important for you to consider. The fact is, it is not one of those cases which gives very much satisfaction--that is, as to the injuries themselves, as far as they are concerned--they were not of a character which would indicate death. It indicated simply that the boy had been illtreated. That is, from a pathological standpoint. From a post-mortem standpoint it is a different matter. I made my certificate that death was due to congestion of the brain, said to have been the result of injuries received at the hands of some person or persons unknown. Of course, that was simply to satisfy the Health Board.

BY THE CORONER: Q You virtually, or to a great extent left the question of death an open one for the jury? A That I do, and I make the statement why I made my certificate in that way. I stated to Dr. Stern that

0219

it was not satisfactory.

Q You have listened to Dr. Stern? A Yes sir.

Q And from his statement, and his history of the case, and from the evidence you have listened to here, what would be your opinion as to the cause of death? Do you agree with Dr. Stern? A If we should eliminate any possibility of contagious trouble, which was not evidenced, and all the organs being normal---the first stage of any contagious disease which might have existed in a house, or with a boy's going to school--I should be inclined to think the boy's death was the result of the physical and mental shock, or coming under the head of fright; and yet the injuries themselves did not seem sufficient to constitute a physical shock: but that is a question.

BY MR. HUMMEL: Q Taken altogether that is your opinion? A Yes sir.

BY A JUROR: Might I ask if there was any reason to suppose there may have been any contagious disease--was there anything in his condition after death to---

A The temperature of 105 was an interesting question at that age.

BY MR. HUMMEL: Q There was nothing to show that?

A No sir. There was an eruptive condition there, but Dr. Stern could tell you more about that than I could.

0220

DR. S T E R N, recalled.

BY MR. HUMMEL: Q Having heard the testimony of the deputy coroner, kindly tell the jury whether or not that boy's death was brought about by any disease?

A We did not find any sign of any sickness of the child has passed through at the postmortem examination. I want to show you how careful I have been in regard to this case. I found a hemorage upon the right kidney. The doctor is of opinion that it was not quite a hemorage, but there was coagulated blood there, and I think that may be the child had been kicked on the abdomen. That was my idea of it, and I wanted to make sure of it, and to find out that the child hadn't been disposed to ruptures of blood vessels, so I went to Mrs. Hippar, and asked her about this point. I didn't want to ask her directly, because I was afraid to ask her right out. I asked her how the health of Sammy was at present; she told me, and I asked her does he bleed from the nose, and she said "Very often". Then I passed to Tobias, and I come to that question, and I said "I suppose it is the same with Tobias--that he had been suffering from bleeding from his nose often too; and she said "No; he never bled from his nose"; so he never had any disposition of breaking blood vessels. He never was sick. He never had any children's diseases. No doctor ever prescribed for him.

BY THE CORONER: Q That was her statement to you?

A Yes sir.

BY MR. HUMMEL: Q And his appearance that night did not indicate any disease, the night you were attending

0221

him? A He was very sick then.

Q I mean any contagious disease? A No, no sign of that.

BY MR. ANSBACHER: Q You couldn't state from your own examination of the boy that he had never been sick?

A Certainly not.

Q You took the mother's statement? A Yes; I didn't know him before.

Q What made you be more careful in this case than you were in any other case? A Because it was a case that I knew would come before the coroner, so I tried to be as careful as possible.

Q Were you employed by a man by the name of Hassinger to treat this boy? A No sir.

Q Did you see Mr. Hassinger? A I don't know any one of that name.

Q Did you receive pay for your services?

A I never did; I didn't ask for it, and didn't expect it.

WILLIAM T. JENKINS, recalled.

THE CORONER: The doctor wishes to say something more.

THE WITNESS: I also made an incision down the back, and examined the spine, to see if I could find any fracture or injury to the spine, or even a hemorrhage, but found none.

0222

HERMAN SAUCKE examined, testified as follows:

BY MR. HUMMEL: Do you know the boy Lutz? A Yes sir.

Q Do you know the boy Hassinger? A Yes sir.

Q Did you know little Tobias Hippar? A Yes sir.

Q When did you last see Tobias alive? Did you see him on the day he died? A Yes sir.

Q On the street? A Yes sir.

Q You know that you have got to tell the truth? A Yes sir.

Q And you are going to tell the truth? A Yes sir.

Q Did you have any talk with the boy Lutz or with the boy Hassinger? A No sir.

Q Did you have any talk with the boy Hassinger? A No sir.

Q Who did you ever talk with about this? A I was just passing there.

Q Tell these gentlemen what you saw as you were passing there? A I only saw Lutz wiping manure under his nose.

BY THE CORONER: Q Tobias' nose? A Yes sir.

Q Wiping manure under his nose? A Yes sir.

BY MR. HUMMEL: Q You did see that? A Yes sir.

Q Did Hippar try to get away from him? A I don't know.

Q But you are sure you saw manure in Lutz' hand? A Yes sir.

Q Just show me how he did it? A He did like that (indicating)

0223

Q Did he have a handful? A Just like that (indicating)

Q Tell us about how high Little Hippar was?

A About that size (indicating)

Q A little bit of a fellow? A Yes sir.

Q Was Hassinger there at the time? A Yes sir.

Q Did Hassinger tell Lutz to keep on doing it?

A No sir.

Q What did Hassinger say? A I didn't see what he say.

BY THE CORONER: Q Did he help Lutz, or what did he do? A I didn't see him helping.

BY MR. HUMMEL: Q You don't mean to tell me that Lutz was the only boy that did all that? A No.

Q Tell us some of the other boys? A I only know he wiped manure under his nose. That is all I know.

Q What did Hassinger do? A I didn't see him do nothing.

Q How near was Hassinger to Lutz when Lutz had little Hippar? A He was in the gutter.

Q They were there together? A He was in the gutter, and Hassinger was by the railing.

Q How near was the railing to the gutter--as near as you are to that desk? A No sir.

Q How near? A From here to that man there.

Q How many other boys were there around? A I can't tell.

Q You can count, can't you? A Yes sir.

Q Were there two? A I didn't look at them at all.

0224

Q Yes you did? A I didn't count them.

Q But you looked at them, didn't you? A Yes sir.

Q But you didn't count them? A No sir.

Q But you are sure you looked? A Yes sir.

Q Did you see Lutz and Hassinger there?

A Yes sir/

Q And there were other boys you looked at, but didn't count? A Yes sir.

Q How many other boys were there there that you looked at but didn't count? A There was about five.

Q You saw Lutz and Hassinger; you know their names? A Yes sir.

Q You don't remember the names of all those five boys? A No sir.

Q And there were two of the boys whose names you do remember? A Yes sir.

Q And those two were? A Lutz and Hassinger.

Q There were two others whose names you remember. Stop and think. Tell me some of the others? A I don't remember.

Q You did see five boys, and you didn't count them. Now I want you to tell me the names of two of those other boys? A Dorr.

Q You must stop to think. Nobody is going to hurt you. What is the other boy's name; his first name-- the nickname--what you call him. Stand up and look me in the eyes, and tell me the other boys name? A Little Eddie Dorr.

Q Look me in the eye now. Who was the other?

0225

A There was a little boy Willie; a little boy about four years old.

Q Little Eddie Dorr, little boy Willie, the boy Hassinger and the boy Lutz? A Yes sir.

Q Were you there when Tobias fell down the cellar? A No sir.

Q You knew that he did fall down? A No sir, I didn't see him.

Q You heard about it. Who told you about it first? A None of them.

Q Nobody told you? A No sir.

Q You didn't hear it from anybody? A No sir.

Q Didn't Hassinger say something to you about it, or somebody else? Tell me the truth now? A No sir.

Q Didn't you speak to Hassinger since this boy died? A I was with him.

Q Haven't you said a word to Hassinger since the boy died? A No sir.

Q Not a word? A No sir.

Q You were with him every day? A Not every day.

Q Most every day? A Yes sir.

Q And you never spoke to him about this?

A No sir.

Q You are quite sure? A Yes sir.

Q Did you come down with him to day? A Yes sir.

Q How did you come down? A On the elevated road.

Q You knew you were coming down to the court and jury? A Yes sir.

0226

Q And you didn't speak a word? A No sir.

Q Didn't Hassinger say he was going to get out of this. A No sir.

Q What did he say to you about getting out of it? A He ~~didn't~~ ^{didn't} say nothing.

Q He said something to you about getting out of it, didn't he? A No sir.

Q Are you sure of that? A Yes sir.

Q You never spoke a word to Hassinger? A I was speaking to him as--no sir.

Q As you were coming in here did you speak?
A No sir.

Q What were you going to say "as"? A I asked him if all the juries were here.

Q You had an interest in the jury? A Yes sir.

Q Is that all you asked him? A Yes sir.

Q You don't enjoy the acquaintance of any of these gentlemen? A No sir.

Q And you were anxious to know if they were all here? A Yes sir.

Q And that is all you said to him? A Yes sir.

Q Did he say anything to you? A No sir.

Q If he comes here and states that he did, he would make a mistake, would he? Suppose I let you go back, and Hassinger says he did speak to you about this case, who is telling the truth? A I am. He didn't speak a word to me then.

Q When did he speak a word? A When I asked him

0227

if the jury was all here.

Q Did he ~~apssak~~ speak a word to you of how the boy was hurt? A No sir.

Q Not one word? A No sir.

Q At any time? A No sir.

Q You are quite sure of that? A Yes sir.

Q And if Hassinger should come in, and I asked him, and he said he had, who would make a mistake?

A He would.

Q Do you know Mr. Hassinger, Hassinger's father?

A Yes sir.

Q Did you have any conversation with Mr. Hassinger, the father of the boy? A Yes, he asked me what I saw.

Q And you told him? A Yes sir, and he said that is what I had to say.

Q He said just what you have to say? A He said that is what I have to say.

Q Just what you would say? A I told him what I saw, and he said that is what I have to say.

Q You told him what you saw, and he said that is what you have to say? A Yes sir.

MR. HUMMEL: Leonard, stand up.

Q Did you ever see this boy Leonard before?

A Yes sir.

Q Do you know him well? A Yes sir.

Q Did you speak to him about this case?

A Yes sir.

Q What did you say to him? A I said--I told him that Hassinger said to blame it ^{all} on Lutz.

0228

Q You told Leonard that Hassinger told you to blame it all on Lutz? X A Yes sir.

Q Did Hassinger say that to you? A No sir.

Q Then you lied when you told that to Leonard?
A Yes sir.

BY MR. ANSBACHER: Q How did you come to be around there that afternoon? A I just passed there.

Q You live around that corner? A Yes sir.

Q What time of the day was it when you passed there? A It was on a Wednesday.

Q What time of day was it when you passed there?
A I don't know.

Q Was it in the morning or afternoon? A Afternoon.

Q Where did you see Lutz? A Lutz was standing on the corner.

Q Where was this boy Hippar? A He was in the gutter.

Q Where was Hassinger? A He was on the sidewalk.

Q Near the gutter? A Yes sir.

Q Did anybody hold this boy Hippar? A I didn't see them hold him.

Q What did you see done there? A I don't know nothing about it.

Q You don't know about the cellar? A No sir.

Q How long were you there altogether? A I wasn't around long at all. I just went past there.

Q You just went past, and looked at them? A Yes.

0229

Q How long were you there; can't you tell?

A About one minute.

Q Which way was you going, ---up or down the avenue? A I was coming up from 81st st .

Q Where was this--where did this happen?

A Right in front of the cellar.

Q What cellar--what is the number? A 1612.

Q Then it didn't happen in the gutter, did it?

A Yes, this happened in the gutter.

Q Tell these gentlemen what happened in the gutter, and what happened in the cellar. You don't know what happened in the cellar, do you? A No sir.

Q What happened in the gutter? A They only wiped manure under his nose.

Q How could you see that? A I just looked at it.

Q In what hand did he have the manure? A I guess in his right.

Q Where was this boy that died? A He was right by him.

Q Was he on the sidewalk--partly on the sidewalk and partly in the gutter? A He was in the gutter.

BY THE CORONER: Q Little Tobias was in the gutter? A Yes sir.

Q And Lutz was on the side walk right at the gutter? A The two were in the gutter.

BY MR. ANSBACHER: Q Who was the other one that was in the gutter? A The little boy Willie, Eddie Dorr, and another little boy named Willie.

0230

Q Did you see this boy Lutz getting knocked down in the gutter? A No sir.

Q When you came up he was in the gutter? A Yes sir.

Q Did you stop or walk right along? A I stopped a moment, and then I went away.

Q When did you next see this boy. You didn't see him at all after that? A No sir.

Q When did you see the Hassinger boy? A He was with me all the time.

Q Did Hassinger tell you he was arrested and taken to the station house? A Yes sir.

Q What else did he tell you? A Then he asked me if he did it.

A He asked you if he did it? A Yes sir, and he said the Jew man came to his store.

Q Who do you mean by that? A The Jew man came to his store, and he asked me---

Q Wait a moment. Did he mention any names, who this man was that he called the Jew man? A No sir, he didn't.

Q Take your time now. Did he mean Mr. Hippar? A yes sir.

Q Was there anything else he said to you? A No sir; I don't know any more.

Q But he told you what to say? He asked you whether he did it, whether you knew whether he did it? A Yes sir.

Q What did you say? A I said no.

Q He had been talking to you prior to this occasion

0231

hadn't he? A Yes sir, but I don't know no more what he said to me.

Q You remember everything else he said, but you don't remember what he said before this?

A No sir.

BY THE CORONER: Q How old are you? A Twelve years.

Q You live with your parents? A Yes sir.

Q Are they in court? A No sir.

Q You came down alone? A I came down with Hassinger.

Q What business has Hassinger? A A grocery.

Q Did you go to the store? A Yes sir.

Q Did he tell you to come there, to meet him at the store? Were you there last night? A No sir; this morning.

Q What did Hassinger say to you? A Lorry Hassinger came to my house, and asked me if I am going, and I said yes.

Q And you came to his store at what time this afternoon? A Yes, at two o'clock.

Q You came to his store and who came down with you? A Lorry Hassinger.

Q And his son and yourself? A Yes sir.

Q And on the way down you sat next to little Hassinger? A Yes sir.

Q What did you talk about? A Nothing about this.

Q Nothing at all? A No sir, I was looking out the window.

0232

Q All the time? A Yes sir.

Q What was he doing? A He was looking out too.

Q When did you hear of this boy's death? A I first heard about it--it is early---

Q The day after he died? A Yes sir; the day after he died, when I first heard it.

Q You heard the boy had died? A Yes sir.

Q Who told you? A My mother. Leonard told Hassinger, and Hassinger told my mother, and my mother told me.

Q Do you go to school? A Yes sir.

Q Do you do any fighting on your way to school?

A No sir.

Q You didn't come right home from school, did you?

A I just walked along with the fellows, and talked with them.

Q Talked with the fellows and went home? A Yes sir.

Q That is all you did? A ~~YES~~ Yes sir.

Q Did you tell your mother anything when you heard this Hippar boy had died? A No, she told me.

BY MR. HUMMEL: Q About how the boy was killed, or what the boys were doing? A No sir.

Q Didn't you tell your mother about what the boys did? A She knew that ~~before~~ the day before.

Q You told her the day before? A Yes sir.

Q About those boys stuffing dirt down little Toby's mouth? A Yes sir.

0233

BY MR. ANSBACHER: Q Did you ever play with these little boys, Ha ssinger, and Dorr, and Lutz? A yes sir, with every one of them.

Q Do you mean to tell this court and jury that you came up from 83rd street right along there, and went home?

A Yes sir.

MR. HUMMEL: I am in this position in regard to this case. I don't want to call Hassinger now, because if he testified under oath, the State of New York will be foreclosed against indicting him in case the Grand Jury determine that he had a participation in this affair.

THE CORONER: We will take an adjournment now, to allow Mr. Hassinger time to consult counsel in regard to this matter---whether he desires his boy to make a statement now or not.

Adjourned to April 26, 1889, at 3 P.M.

0234

Hearing resumed April 26, 1889.

A p p e a r a n c e s :

Messrs. Howe & Hummel (represented by Mr. May);

Carl Ansbacher, Esq., for accused;

Lawrence Zeller, for boy Hassinger.

J O H N L E O N A R D, sworn and examined, testified as follows:

BY THE CORONER: Q Do you know the nature of an oath? A Yes sir.

Q Did you understand the oath administered to you? A Yes sir.

Q To tell the truth and nothing but the truth? A Yes sir.

Q How old are you? A Sixteen.

Q Who subpoenaed you? A I don't know who it was.

Q Was it Howe & Hummel? A yes sir.

THE CORONER: Do you know why this boy was subpoenaed?

MR. MAY: I understand one of the boys told him something.

THE CORONER: You are not prepared to say what this witness knows?

MR. MAY: No; I haven't spoken to the witness at all, and don't propose to speak to him.

BY MR. MAY: Q Do you know the boy Saucke, that

0235

was on the stand yesterday? A Yes sir.

Q Have you ever had any conversation with him?

A Yes sir.

Q What did he say? A He told me Hassinger to tell him that they should put the charge against Lutz, and they get free.

BY MR. ZELLER: Q When did he tell you that?

A About two days after Lutz got arrested; I am not sure of that; I am not sure of the date.

Q What time of the day was it he told you that?

A In the afternoon.

Q Did you ask him about it? A No sir.

Q How did he come to talk to you about this case?

A We were talking about it.

Q Give the jury the exact words, as far as you can recollect, what he said to you? A I can't recollect what we were talking about besides that.

Q Give the words as near as you can recollect that thi Saucke told you on that afternoon about this case?

A I cannot recollect any other words, but I am sure of that words.

BY THE CORONER: Q Repeat that. Where was it?

A Right in front of his own dorr, the fish store--the corner of 84th street; I think it is 302.

Q 302 East 84th st.? A Yes sir.

Q What did he say to you? A That Hassinger told him that he should put the charge against Lutz, and they get free; that both of them should put the charge against

0236

Lutz and they get free.

Q Who is both? A Hassinger and Saucke.

Q That they would get free? A Yes sir.

Q That is all that was said? A Yes sir.

BY MR. MAY: Q You had a talk with him at that time about the case, didn't you? A I don't know what I was talking about; I can't recollect the words.

Q You recollect that he told you what you have testified? A Yes sir.

BY THE CORONER: Q Is that all you recollect?
A Yes sir.

BY MR. ZELLER: Q To whom did you tell that first after you had the conversation with Saucke? Do you remember? A No sir, I do not.

Q Is it Mr. Howe or Mr. Hummel, in the office of the counsel, when you stated these words first? A I can't remember the man that I saw.

Q Was it this gentleman here? (Indicating)
A Yes sir.

Q How did you come to see him? A I don't know; he was talking to me.

Q Did you send any word to the counsel that you had had this conversation with Saucke? A No sir; I didn't say a word.

Q Never said anything to anybody about it except to him? A I said it to another man in the hall yesterday, besides him.

Q But you had no conversation with anybody except the man here yesterday? A Not as I can remember.

0237

Q Who was it you spoke to in the hall yesterday--
was it Mr. Moss? A I guess so. It was a little man.

Q Saucke and Hassinger were playing together,
weren't they? A I didn't see them.

BY MR. ANSBACHER: Q Who did you talk to--this
conversation you have testified to here--"They said both
of them could get free" who do you mean by both of them?
A Hassinger and Saucke.

Q Was he talking to Saucke? A I guess that is
what he meant.

Q That is what you guess he meant? A Yes sir.

Q You are not sure; he might have meant some-
body else than Saucke? A He said "Both would get free."

Q He didn't mention any names, did he? A No sir.

BY A JUROR: Q Did Saucke mention the name of
Hassinger when he told you this? A No sir.

Q He never mentioned any names? A Yes sir; he
said Hassinger told him; that is the way he mentioned it.

Q Saucke told you that? A Yes sir.

Q And Saucke told you that Hassinger and Saucke
would be free if they blamed it all on Lutz? A He said
both of them would get free if he blamed it on Lutz.

Q Saucke was speaking to you? A Yes sir.

Q And he mentioned the name of Hassinger to you,
didn't he? A Yes sir.

BY MR. MAY: Q Did you see Saucke here yester-
day? A Yes sir.

0238

Q Was he the boy that told you that? A Yes sir.

HERMAN SAUCKE, recalled.

BY MR. ^{Teller} MAX: Q You remember that afternoon the trouble between this boy Hippar and some other boys?

A Yes sir

Q Where were you? A Hassinger and Hughes was riding on a velccipede, and I was alongside of him, and I passed there, and----

Q You say the two boys Hassinger and Hughes were riding on a vedccipede? A Yes sir.

Q And another boy was along with them? A I was along with them.

Q And where was the boy Hippar? A He was in the gutter then.

Q How many boys were with you then? A There was about five of them.

Q Had you see the boy Hippar before he was in the gutter? A No sir.

Q Do you know whether anybody else hit him in your presence? A I didn't see anybody hit him at all.

Q Don't you know that the boy Hippar and some other boys were in the sellar? A I don't know nothing about that.

Q Didn't the boy Hassinger say to you that the boy was down in the basement with the other boys? A No sir.

Q The first time you saw this boy on that day

0239

was when he was in the gutter? A Yes sir.

Q What was Hassinger doing all the time when you saw him in the gutter? A He jumped on the velocipede, and he was standing there a little while.

Q Was the boy ~~Hassinger~~ Hippar sitting down or lying down? A He was standing up on the sidewalk.

Q Did any of the boys have hold of him? A No sir.

Q None of them? A Not then when I saw him.

Q At any time? A I don't know. He didn't have hold of him when he was in the gutter; nobody had hold of him.

Q Did you see anybody at any time have hold of Hippar? A No sir, not in the gutter. I only saw him standing in the gutter, and wiping manure on his face.

Q Who was wiping manure on his face? A Lutz.

/ Q And how far was this boy Hassinger away when you saw Lutz wiping something over Lutz mouth? A From here to that man there.

Q This gentleman--the last juror? A Yes sir.

Q And how far were you away from Hippar? A From here about to you.

Q Where was the boy Hughes? A He was on the Velocipede, riding up and down.

Q You never saw this boy Hassinger with Hippar? A No sir.

Q Did you have any conversation with this boy John Leonard, that you saw here? A Yes sir.

Q Is it true or untrue that you told Leonard that Hassinger told you to testify so as you and him could get

0240

free and put it all on Lutz? A No sir.

Q You never told him any such thing? A No. I said to Leonard that Hassinger told me to blame it all on Lutz.

Q That Hassinger told you? A To blame it all on Lutz, but he didn't do it

BY THE CORONER: Q You said that Hassinger told you to put it all on Lutz? A Yes sir.

Q You told that to Leonard? A yes, I told that to Leonard.

BY MR. ZELLER: Q You had been with Hassinger all the time, hadn't you? A Yes sir.

Q You know that he never had anything to do with Hippar? A No sir.

Q Did Hassinger tell you at any time to blame it all on Lutz? A No sir.

Q You were all playing together--the boys were?
A Yes sir; he was riding up and down, and I was alongside of him.

BY THE CORONER: Q You say that Hassinger never told you that? A No sir.

Q Why did you tell that to Leonard? A Because he was all the time asking me about it.

Q And you told a lie to Leonard? A Yes sir.

Q And you swore yesterday you lied in some other point? A Yes sir, because I didn't want to tell him.

BY MR. MAY: Q Has anybody been talking to you since last night? A No sir.

Q Did you go right home from here? A Yes sir.

62

0241

Q Who went home with you? A Nobody.

Q How did you go home? A I lost the Hassingers.

Q Did you walk home? A No sir.

Q How did you get home? A I rode home.

Q Where? A On the elevated.

Q Did you have your fare? A Yes sir.

Q Who paid it? A My mother gave me ten cents

Q When you came from home? A Yes sir.

Q Have you talked with this boy Hassinger at all since this trouble has commenced? A yes, only a little bit.

Q You talked a little bit? A Yes sir.

L O R E N Z H A S S I N G E R, examined, testified as follows:

BY THE PRONER: Q How old are you? A Eleven years.

Q You go to school? A Yes sir.

Q Sunday school? A No sir.

Q Never been to Sunday school? Yes sir, last year I went to Sunday school, but not this year.

Q If you are going to testify, what are you going to tell--the truth? A Yes sir.

Q Or the untruth? A The truth.

BY MR. ZELLER: Q Do you know what will become of you if you don't tell the truth? A Yes sir.

Q What does the Sunday school teacher tell you will become of you if you don't tell the truth? A Wont go to heaven.

0242

Q You know you will be punished if you don't tell the truth? A Yes sir.

Q And you are taught in Sunday school that you must tell the truth at all times? A Yes sir.

Q And if you don't tell the truth you will go to hell. Do you know what kind of a place that is? It is a punishment? A Yes sir.

BY THE CORONER: Q Where do you live? A 1624 Second ave.

Q How many houses is that from where this boy Hippar lived? A He lives in the third house from me.

Q On the same block? A No sir, the next block.

Q You live on the same side of the street?

A Yes sir.

Q Do you know this boy Tobias Hippar? A No sir; I didn't know his name.

Q You knew you boy, but you didn't know his name?

A No sir.

Q You knew the little boy? A I saw him a couple of times.

Q At the time you didn't know his name was Tobias Hippar? A No sir.

Q Did you go to the same school? A No sir.

Q Were you in the habit of playing with him?

A No sir.

Q Or his brother Sammy? A No sir.

Q Do you recollect ~~six~~ the trouble that took place about two weeks ago where this boy Hip par is said to have been injured---do you recollect that? A Yes sir.

0243

Q What time of the day was this? A It was on a Wednesday, about four o'clock.

Q Just tell the jury what you saw, what took place, and tell the whole transaction--everything you know, and tell the truth and nothing but the truth.

A I was riding on a velocipede with Darnie Hughes going down 83rd street, on the way---

Q A little plainer. A And on the way coming up we heard a noise down in the cellar, and we saw Lutz down the cellar.

Q What cellar? A 1612/

Q That is next door to where he lived? A Yes sir.

Q You saw Lutz? A Yes sir, Lutz, and little Eddie Dorr and the boy that was dead.

Q You saw little Eddie Dorr, Lutz (you mean this boy), and who else? A And his brother.

Q And this little Tobias Hippar? A Yes sir.

Q All down in the cellar? A Yes sir.

Q What were they doing? A And this boy Lutz was putting horse dirt right in front of his mouth, and then in the meanwhile they came up and in the gutter he done it again, and in the meanwhile the boy came around with his velocipede, and I went on riding.

Q Then did this little Hippar try to get away? A I didn't see that at all.

Q But you saw him come up stairs? A Yes sir.

Q And when he was up what did he do? A He went to the gutter.

Q Did they push him? A No sir, he walked in the

0244

gutter.

Q And did they put horse dirt to his mouth again?

A Yes sir.

Q Who did? A Lutz.

Q Again? A Yes sir.

Q Show the jury how he did that, with your hand?

A He did like this (indicating.)

Q Did he take hold of him? A No sir.

Q Or any other boys? A No sir.

Q You are positive they took horse dirt twice--
first in the cellar and afterwards in the gutter?

A Yes sir.

Q After they put the horse dirt to his mouth the
second time, what became of little Hippar? A I don't know
any more, because I went on riding with the velocipede.

Q You don't know any more? A No sir.

Q You are sure about that? A Yes sir.

Q Have you told what you have told myself and
the jury to anybody else before? A No sir.

Q You never told it? A No sir.

Q Is that the whole truth? A Yes sir.

Q You know you have been called here to say what
you know yourself, not what anybody else might have
told you, but just exactly what you saw on that Wednesday
afternoon? A Yes sir.

Q And you say you tell the truth? A Yes sir.

Q And if you said anything else it wouldn't be
true? A Yes sir.

Q Did you make a statement to anybody about this

0245

case? A No sir.

Q Did you ever speak to this boy Saucke? A Yes

Q Did you tell Saucke to blame it all on Lutz
so you should get out of it? A No sir.

Q How long have you been going to school?

A Since six years old.

Q Always been a good scholar? A Yes sir.

Q Were you ever in the habit of fighting with the
boys in the street? A No sir.

Q You never was arrested for violating any ordi-
nance or the laws of the City? A No sir.

Q Never been locked up? A No sir.

Q Never been engaged in any street fights?

A No sir.

Q What would you do when you got home from
school? A Go out, and sometimes play with Danny Hughes.

Q Played with some of the boys? A Yes sir.

Q And when you went to school you would go right
to school, or would you stop and fight on the way?

A I would go to school.

Q What class are you in now? A I go to private
school.

Q Where is that? A 84th street, between 1st and
2nd avenue,--Goebel's private school.

BY A JUROR: Q Was this boy lying in the gutter?

A He was standing up.

BY THE CORONER: Did they have him down in the
cellar? A No sir, he was standing up.

Q He was a good deal smaller than yourself?

0246

A Yes sir.

BY A JUROR: Q Did he stand there, and not make any demonstration? A I didn't see that, but when I came I saw Lutz in the cellar--I just happened to see that, and then he came up.

BY THE CORONER: Qn You said you couldn't see whether he tried to get away? A No sir.

Q Was it a deep cellar? A About ten steps down.

Q You say you were riding a velocipede? A Yes sir/

Q What made you stop? A BY the noise I heard.

Q And then you looked down the cellar and saw th these boys down there? A Yes sir.

Q Who made the noise? A These little boys that was down with him; they was hollering.

BY A JUROR: Q Did you see any of them strike hi m? A No sir.

Q Or any evidence of fighting? A No sir.

Q Simply holding dirt to his mouth? A Yes sir.

Q You didn't go down the cellar? A No sir .

BY THE CORONER: Q They came up, and did the same thing in the gutter? A Yes sir.

Q And you didn't stay there to see what happened after that? A No sir, the velocipede isn't mine---

Q Never mind about that.

BY A JUROR: Q Are you sure you never spoke to Saucke? A No sir.

Q You are pretty positive of that? A No sir.

BY THE CORONER: Q Where does Saucke live?
A 302 East 84th.

Q Is he a playmate of yours? A Yes sir.

0247

Q And you say you didn't speak to him about this case? A I didn't speak to him about the case, only when we played we spoke, but not about this case.

Q He said you told him to shove all this on Lutz, and you two might get out of it. Did you ever say that to him? A No sir.

Q You did not? A No sir.

BY A JUROR: Q Do you know anything about his truthfulness? Does he tell the truth generally?

A Yes sir.

Q And you say he didn't say that to you?

A No sir.

BY THE CORONER: Q You say this boy Saucke is truthful? A Yes sir.

Q Do you know what that means? A Yes sir, don't tell any lies. I didn't catch him in any.

BY MR. ANSBACHER: Q If anybody has testified to anything different from what you testified to to-day, that wouldn't be the truth, would it? A I don't know what testify means.

THE CORONER: To tell what you have just told here; you have been testifying--you have been speaking to the jury.

Q If anybody told anything different from you you have testified that wouldn't be the truth? A It would not be true, no sir.

Q What time did you leave your house that afternoon when you started out with that velocipede? A About half past three.

0248

Q And how far did you go? A Down to 83rd st/
and back to 84th street.

Q And you was there from half past three up to four
when you first discovered this Hippar boy down in the
basement? A Yes sir.

Q What called your attention to it? A I heard a
noise.

Q And you brought the velocipede to a stop, did
you? A No sir; I was standing on the back, and the
boy that the velocipede belongs to he went on riding,
and when he came around the block---I jumped off the back
and then the boy went around 84th street, and he came
around again, and I went on the back again.

Q Who owned this velocipede? A Darny Hughes.

Q Is he in the court room? A Yes sir.

Q What was you doing? A Where?

Q You say you was on the velocipede? A When I
heard the noise.

By THE CORONER: Q Were you changing off--you and
Hughes? A No sir, I was on the back.

By MR. ANSBACHER:

Q Where was you at the time you looked down the
basement? A On the sidewalk.

Q How far from the basement--from the steps lead-
ing down in the basement? A About from here to the
railing.

Q Just step down here and walk the distance you
was away from the basement steps? A (Witness walks
a few feet from witness stand) Right here.

Q From where you was standing? A Yes sir.

0249

BY THE CORONER: Q From where you were standing on the sidewalk could you distinctly see what was going on in the basement? A Yes sir, I could see what he done there to his mouth.

Q Could you see the boys that were down in the cellar? A Yes sir.

Q Were you near enough to see it? A Yes sir.

Q And you could see the bottom of the cellar? A Yes sir.

BY A JUROR: Q What kind of a cellar was this-- was it simply a place with a door? A It was steps, and down the cellar there was a door, downstairs.

Q Were they against this door? A No sir.

BY THE CORONER: Q Was it open? A No sir, it was closed.

Q They were down in the bottom against the door? A Yes sir.

BY MR. ANSBACHER: Q It was a sub-basement about ten steps? A Yes sir.

Q Stone or wooden steps? A Wooden steps.

Q Is this basement occupied by anybody--any business carried on? A There is a lager beer saloon.

Q A lager beer saloon upstairs? A Yes sir.

Q How far were these boys down these steps? A All the way down.

Q Right in front of the door? A Yes sir, all the way down.

Q And you saw this little boy Lutz--you saw all them distinctly? A Yes sir.

0250

Q And he shoved this dirt in the boys mouth?

A Yes sir.

Q You are positive about that? A Yes sir.

BY THE CORONER: Q Did you hear these boys make any remarks at the time--call any names? A No sir.

Q Nothing was said? A No sir.

Q Was anything said when they got upstairs?

A Yes sir, he said nobody else----

Q Who was he? A Lutz.

Q Said what? A That nobody else is going to get this candy except you.

Q Nobody else would get a piece of candy except you---meaning who? A The little boy Hippar.

Q Did you mention any names? A He said "except you".

BY MR. ANSBACHER: Q You say this little boy--- according to your evidence--that he shoved some horse dirt into this little Hippar boy's mouth? A Yes sir.

Q How could you tell it was horse dirt from where you was standing? A Because I saw it lying down there, and his little brother had some in his hand.

Q What little brother? A Lutz' little brother.

Q Did you see it? A Yes sir, and it was hanging on the boys mouth---on the boy's chin.

BY THE CORONER: Q You could see it on his chin? A He was shoving it in.

BY MR. ANSBACHER: Q Did you go down these steps? A No sir.

Q How could you tell? A Because I saw him.

0251

Q You looked down and saw him? A Yes sir.

BY THE CORONER: Q Did they pick up some more in the gutter? A Yes sir.

BY MR. ANSBACHER: Q Do you mean to state to this jury that this horse dirt was picked up from the gutter? A Yes sir.

BY A JUROR: Q How did the boys get down the cellar? A I didn't see them.

THE CORONER: He said he heard some noise when he was riding by on the velocipede.

BY THE CORONER: Q Were you there before they got down the cellar? A No sir, afterwards.

Q You didn't see them go down? A No sir.

BY MR. MAY: Q How many boys were there there altogether? A Four.

BY MR. ANSBACHER: Q You mean to tell this jury that just at the time when this Lutz boy was down in the cellar, and this Hippar boy and some other boys, you just passed there, and the noise attracted your attention, and you saw this little fellow here put that horse dirt in the boy's mouth? A Yes sir.

Q That is what you mean this jury to understand? A Yes sir.

Q And that is true? A Yes sir.

Q Just as true as anything else you have testified to? A Yes sir.

Q How long did you remain around there? A About two minutes.

Q How long were these boys down there? A I could

0252

not tell you.

BY THE CORONER: You mean to say two minutes after they came up? A No sir, I was standing there about two minutes.

Q You were standing there about two minutes?

A Yes sir.

BY MR. ANSBACHER: Q Who were the other boys down in the cellar? A Little Lutz' brother, Eddie Dorr and ^{Willie Gutz} ~~Danny Hughes~~.

Q You wasn't down there? A No sir.

Q What did they do when they came up from the cellar? A Little Hippar went to the gutter, and they went after him, and this boy Lutz he picked up some dirt and put it in his mouth.

Q What was done after that? A I couldn't tell you, because I wasn't there then.

Q Your interest in this proceeding ceased?

A Yes sir.

BY MR. MAY: You went away, didn't you? A Yes sir.

Q How did you go away? A On a velocipede again.

BY MR. ANSBACHER: Q Who did you say was riding on the velocipede? A Danny Hughes.

Q Did you speak to Hughes since this thing happened? A When I was playing with him, but I didn't tell him about the case.

Q You have played with Danny Hughes since this thing happened? A Yes sir.

Q And do you mean to tell us now that you never

0253

spoke to him about this affair? A I didn't speak to him about this case.

Q What did you speak to him in reference to this boy's death? A Nothing at all.

Q From the time that you went away with Dan Hughes riding on the velocipede, you never spoke to him about this case? A No sir.

BY THE CORONER: Q Have you seen him since? A Yes sir.

Q How often--every day, or every other day? A Some days I don't come out at all.

Q But you have seen him several times since? A Yes sir.

Q Did you understand what counsel asked you? Did you speak to Darny Hughes since the time you saw this boy Lutz put horse dirt to Hippar's mouth? A I didn't speak to him about the case.

Q You spoke to him, but not about the case? A Yes sir.

BY MR. ANSBACHER: Do you know where this horse dirt came from that these boys had, downstairs? A No sir; but ^{when} ~~when~~ he went on the gutter I know they picked it from the gutter then.

Q But I am asking about the dirt they shoved in his mouth down cellar? A I don't know where it came from.

Q Where did they have it? A The dirt?

Q Yes? A Down in the cellar.

Q How did they stuff it in his mouth? A With his

0254

hand.

Q Did you watch that proceeding? A Yes sir.

Q You say you saw Lutz put it in? A Yes sir.

Q What hand did he use? A The right hand.

Q You paid especial attention to that? A Yes sir.

Q That has been in your mind ever since?

A Yes sir.

Q Did you speak to anybody about the case?

A No sir.

Q Sure of that? A Yes sir.

Q Not since this thing happened? A No sir.

Q Didn't you speak to your father about it?

A Yes sir.

Q Why don't you say so then. He is somebody, isn't he?

BY THE CORONER: Q You told your father about it?

A Yes sir.

Q What did you tell your father? A Nothing.

Q Did you tell him what you told us--the same story? A Yes sir.

Q Tell the jury what you told your father?

A My father asked me what I done---

Q When did he ask you? A The next day, and I told him I was riding on a velocipede with a boy, and I saw Lutz put dirt down his mouth; and that is all.

Q Down little Hippar's mouth? A Yes sir.

Q You told your father that? A Yes sir.

BY MR. ANSBACHER: Q Did you tell your mother that?

A Yes sir.

Q Did you tell any one else about that? A No sir.

0255

Q Did you speak to this gentleman (indicating) about this affair? A Yes sir.

Q Why don't you say so then. You did talk to different people about this case then? A Yes sir.

THE CORONER: Q Who is this gentleman?

MR. ANSBACHER: Mr. Zeller; I believe he represents Hassinger.

Q Did you speak to any of the boys about it--did you speak to Saucke? A No sir.

Q Sure? A Yes sir.

Q Did you speak to Hughes about it? A No sir.

Q You didn't speak to any of the boys about this affair at all? A No sir.

Q Who was with you downstairs in the cellar?

A I wasn't downstairs at all.

Q You mean to say you wasn't downstairs. You know there is a saloon downstairs? A No sir; there is a saloon upstairs.

Q I mean this building here. Before you came up to this room where were you? A Downstairs

Q Where? A In the saloon.

Q Who did you speak to in the saloon? A Dorr and Saucke .

Q Will you tell us what those conversations were?
A We was talking about the electricity printing machine--

THE CORONER: The ticker, you mean?

THE WITNESS: Yes sir.

Q How far was you from the ticker? A I was standing looking at it .

Q The time I have reference to was when you was

0256

talking with these two other boys---wasn't you right near the street door,--the side door leading upstairs here? A No sir.

THE CORONER: Oh, what difference does that make.

Q Are you positive there wasn't anybody else down in that basement but yourself, this boy, and his brother? A Eddie Dorr and little Hippar.

Q That is all the boys, and the boy that died?
A The boy that died, yes sir.

BY THE CORONER: Q When did you first hear of little Hippar's death? A In the night.

Q The same night he died? A Yes sir.

Q Who told you? A A lady, who came in our store.

Q Who was that lady? A Mrs. Meyer.

Q She told you that this little fellow---

A I was in the store when she told my father.

Q You were there when she told your father that this little Hippar boy had died? A Yes sir.

BY MR. ZELLER: Q Who was present when you told your father about this affair? A Nobody.

Q The next day? A The next day when he came in-- Lutz and his mother, and my father and me and my sister, and a couple of more ladies was in the store.

Q Wasn't Mr. Hippar, the father of that boy, present? A Yes sir.

BY MR. MAY: Q What was the noise down in the cellar that attracted your attention? A Laughing.

Q They were playing, were they not? A Yes sir.

Q And what did you do then? A I stopped up-

0257

stairs.

Q How far from the cellar? A From here over to the foot of that table.

Q Do you know what ~~xx~~ they were laughing about? What was they saying? A Nothing, they was only laughing when they came up in the gutter.

Q Who came up first? A Hippar.

Q Was he running up? A No sir.

Q Who came up after him? A The other little boys.

Q Which one came up first? A I don't know.

Q Was it Lutz? A I don't know; they all came up at once.

Q Was little Hippar crying? A No sir.

Q After he got up on the sidewalk, what did Hippar do? A He walked in the gutter.

Q Did you stand in front of the cellar?

A Yes sir, I stood in the same place.

Q Did they go past you? A Yes sir.

Q Did you turn around to see what they were doing to Hippar then? A Then the boy came with the velocipede, and I went on.

Q Were you always looking down the cellar?

A Yes sir.

Q Didn't you turn around at all? A No sir.

Q How do you know they threw some dirt in this boy's mouth when he was in the gutter? A At that time I was on the velocipede when he came around.

BY A JUROR: , You say a lady by the name of Mrs. Meyer told you of this boy's death? A Yes sir.

0258

THE CORONER: He said when he informed his father
---is that the time?

THE WITNESS: No sir, when Lutz said that I done
it, and Mrs. Lutz and ~~xxxx~~ and Mr. Hippar came over to
my father.

BY THE CORONER: Q You say that when Lutz accused
you of doing it, then Mr. Hippar, the father of the de-
ceased boy, came over to your father and spoke to him?

A Yes sir.

Q Who was present then? A Mrs. Lutz, and Lutz
here, and some more ladies; I only remember one lady.

Q You don't remember the other lady A No sir.

BY MR. ANSBACHER: Q Was you ever accused of
having shoved some dirt in this boy's mouth? A No sir.

Q By anybody? A No sir.

Q Was you ever charged with having done this?
A No sir.

Q You understand what I mean? A Yes sir.

Q Nobody ever charged you or accused you of hav-
ing put that dirt in that boy's mouth? A I don't know
what he means.

THE CORONER: Did anybody ever say that you did it?

THE WITNESS: No sir, except this boy Lutz.

Q When did you first hear of it that this boy said
you did it? A The next morning.

Q Who told you this? A Mrs. Lutz and him when
they came over to my father.

Q You were present when Mr. Hippar, the boy's
father, came and told your father? A Yes sir.

0259

Q What did he say? A Mr. Hippar says "Where is your boy? He killed me child."

BY THE CORONER: Q Mr. Hippar aid tha t? A Yes sir.

Q Repeat that. Speak louder. Mr. Hippar came in, and said "Where is your boy? He killed my child."?

A Yes sir, to my father.

Q What did your father say? A My father said "Killed your child? My boy wasn't out this morning yet", and then they said it was yesterday afternoon, and then my sister called me out , and when I came out they asked me, and ---they asked Lutz what I did, and he said it wasn't him, and it wasn't me, and I said "Was it little Dorr--little Eddie Dorr."

Q That is what you said? He said it wasn't you?

A Yes sir.

Q Who did he say it was? A It was his little brother, and little Eddie Dorr.

BY MR. ANSBACHER: Q When did this happen?

A Wednesday afternoon.

Q I mean when this conversation took place?

A Thursday morning.

Q And this little fellow was in your father's place?

THE CORONER: He came in with Mr. Hippar.

THE WITNESS: And his mother.

Q Lutz' mother came with him to your father's store, with Mr. Hippar, and ~~that~~ he said it wasn't you?

A Yes sir. After my father called me out, after I asked him "What did I do" and he told me it wasn't me, it was

0260

his little brother and little Eddie Dorr.

Q Was you ever brought to the station house?

A Yes sir, Thursday afternoon when that detective came.

Q That took place after this boy was around with his mother? A Yes sir, in the afternoon, when I come from school; Thursday afternoon.

Q And what happened then at the station house

A He said I commenced it, up in the station house.

Q He said something different from what he said in the morning? A Yes sir.

BY THE CORONER: Q Lutz accused you in the station house, and said you commenced it? A Yes sir.

BY MR. ANSBACHER: Q Who else was taken to the station house? A Nobody else but me and Lutz.

Q Wasn't there another boy there also? A No sir.

Q How many of you boys was arrested? A Only one,--that is Lutz.

Q How many were taken to the station house?

A Two; me and Lutz.

Q You was brought before the police justice up in 125th st? A Yes sir.

Q What statement did you make there? A I don't know what statement is.

THE CORONER: What did you tell the police magistrate?

THE WITNESS: I said I only saw him stick dirt in his mouth.

BY THE CORONER: Q You told the police magistrate what you told us here? A Yes sir.

0261

Q Did you or did you not put horse dirt into this boy Hippar's mouth? A I did not.

Q Did you help any of the other boys in doing it? A No sir.

Q Did you go into that basement at all? A No sir.

Q Did you take any part at the time they were in the gutter and put horse dirt in this boy's mouth? A No sir.

Q You did not? A No sir.

Q You have told nobody you did? A No sir.

Q Did you tell your father or mother you did? A No sir.

Q Never? A No sir.

Q And you say positively you did not? A Yes; I did not do it.

Q Did you ever use any horse dirt in that manner? A No sir.

Q Did you ever pick up any horse dirt to put it in any boy's mouth? A No sir.

Q Did you ever pick up any horse dirt? A No sir.

BY A JUROR: Q Was this other boy Saucke on the sidewalk at the same time? A Yes sir.

BY THE CORONER: Q How near was he to you? A He was standing right against me.

Q At the time they were putting this horse dirt in Hippar's mouth, this boy Saucke was standing next to you? A Yes sir.

BY A JUROR: Q Did he do anything? A No.

BY MR. MAY: Q Was he looking down the
A Yes sir.

0262

BY MR. ANSBACHER: Q There was somebody with you besides this Hughes boy? A Saucke was with me then.

BY A JUROR: Q Were you near enough to Hippar to touch him or reach him with your hand? A No sir.

Q Not within two or three feet at any time? A No sir; I couldn't reach him neither.

BY THE CORONER: Q Were you as near to this boy Hippar after he came up and went into the gutter as you are to this young man over here? A No sir.

Q Not quite as near? A No sir.

Q About how near? A About the third gentleman there.

Q That is when he was in the gutter? A Yes sir.

Q Could you see distinctly what was going on? A Yes sir.

Q There is no doubt in your mind as to that horse dirt being used? A The horse dirt was used.

Q And put into this Hippar's mouth? A Yes sir.

BY MR. MAY: Q Didn't Hippar go past you when he came upstairs? A Yes sir, but he didn't go close against me.

Q How far away was he? A About from here to that second man

Q I thought you said before that you stood in the doorway? A In which doorway?

Q In the doorway of the cellar? A No sir.

BY THE CORONER: Q I think you said you saw this boy Hippar have some dirt on his chin when he was down in the cellar? A Yes sir.

Q You saw that, did you? A Yes sir, when they

0263

put it in I saw some sticking on his chin.

BY MR ANSBACHER: Q About how much horse dirt was there that you saw ~~any~~ any of these boys have in their hands? A A piece about as big as that (indicating.)

Q Where was the Saucke boy when you were looking down in the basement? A He was standing with me.

Q And you two were right in front of these steps? A Yes, about from here to the foot of that table.

Q Did the Hippar boy when he came upstairs say anything about the boys? A No sir.

Q Did he say anything after he got up from the gutter? A I wasn't there at that time.

BY A JUROR: Q You say Saucke didn't have a hand in it? A No sir, he didn't put a hand in it.

Q And you never saw any scratches on that boy Hippar? A No sir.

Q Was he bleeding in his face? A No sir.

Q No marks on him at all? A No sir.

DANIEL HUGHES, called and examined, testified as follows:

BY THE CORONER: Q How old are you? A Thirteen.

Q Do you go to school? A Yes sir.

Q How long have you been going to school? A Three or four years.

Q Do you know the nature of an oath? A Yes sir.

Q Do you know what the Bible is? A Yes sir.

0264

Q Do you go to Sunday school? A I go for instructions for communion.

Q You go to church? A Yes sir.

(The witness as thereupon sworn by the Coroner.)

BY THE CORONER: Q Where do you live? A 306 East 84th st.

Q Were you acquainted with this little boy Hippar?
A No sir.

Q Did you ever see him before—did you see him at any time? A No sir.

Q Do ^{you} ~~boy~~ recollect the day that he was injured?
A No sir; Mr. Hassinger came over.

Q What Hassinger—the boy or the father?
A The father.

Q Came where? A To my house Thursday night, and said he should like me to go to court, that Mr. Hippar came and ^{said} his boy killed him.

Q Hassinger came to you and wanted you to go to Court? A Yes sir.

Q Did you go to court? A No sir, because I didn't see any of it.

Q You didn't go because you didn't see any of it?
A No sir.

Q Did you ever see this boy Hippar? A Not that I know of.

Q Do you recollect about two weeks ago on Wednesday you were on the east side of 84th street, near 1614, in the afternoon? A I was on my velocipede.

0265

Q Did little Hassinger use that also? A He was on the back.

Q Are you and he playmates? A Sometimes he gets on.

Q And did he get off? A Yes sir, when I went past 1614.

Q He got off? A Yes sir.

Q Why? A I don't know; I went around.

Q You kept on? A Yes sir.

Q Did you hear any noise? A No sir.

Q You paid no attention? A No sir.

Q Did he ask to get off the velocipede? A He jumped right off.

Q And you went on? A Yes sir.

Q How long before you came back was it? A I ~~sat~~^{stayed} around by my door.

Q You stayed around by your door? A Yes sir.

Q And you didn't go back? A No sir, and I went in and wrote my lessons for school.

Q And you didn't see this occurrence at all?
A No sir.

Q You say you didn't know this boy Hippar?
A No sir.

Q Did you know his brother Sammy? A I have seen him on the street.

BY A HUROR: Q I would like to ask if you didn't go back a second time and take Hassinger away? A He didn't get on again.

Q You went back to your house after Hassinger first got off the velocipede and didn't leave your house after-

0266

wards? A No sir.

BY MR. MAY: Q Didn't you come back with the velocipede? A No sir.

BY MR. ANSBACHER: Q How do you know this was 1614 where Hassinger got off? A That is the number that is on the door.

Q Did you look at it at the time he got off?
A I always knowed that house.

Q Why? A Because I was riding past there.

Q There are other houses there? A It is the one right next to the corner.

Q That is the house you mean by 16 14? A Yes sir.

Q And that is the reason you remember it?
A Yes sir.

Q Did you speak to Hassinger since this affair happened? A No sir.

Q Not a word? A No sir.

Q Did you speak to his father? A No sir.

Q Nor to anybody? A No sir.

Q How did you come to be down here today?

A I was subpoenaed.

Q Didn't you see the Hassinger boy this afternoon? A I came down with my mother.

Q Did you speak to the Hassinger boy? A No sir.

BY THE CORONER: Q You came down with your mother? A Yes sir.

Q Is she here? A Yes sir.

BY MR. ANSBACHER: Q You say you haven't spoken to Hassinger since the day he was riding on your veloc-

0267

ipede? A No sir.

Q Not a word? A No sir.

Q You say you knew this house? A Yes sir.

Q Did you see any other boys around there?

A I didn't take any notice; there was a lot, but I didn't look at them.

Q You didn't see who they were? A No sir.

Q Do you know what time of the day this was

No sir

Q In the afternoon, was it? A yes sir.

Q But you cannot tell what time in the afternoon?

A No sir.

BY MR. MAY: Q How soon after school was out?

A I guess over an hour .

BY A JUROR: Q Are you sure that the Hassinger boy didn't go back on your velocipede again? A He didn't go on any more, because I went in after, and wrote my lessons.

BY THE CORONER: Q What did you do with the velocipede? A I took it in my house.

BY MR. MAY: Q And you didn't go back again?

A No sir.

LEWIS DORR, called as a witness, testified as follows:

BY THE CORONER: Q How old are you? A Ten years.

Q Are your father and mother here? A No sir.

Q Who is here? A My father.

Q What business is he in? A Barber.

0268

Q Do you go to school? A Ye sir.

Q What do you think would happen to you if you should say something to this jury, and it would turn out to be a lie? Would you be punished? A Yes sir.

Q If I ask you to say something to the jury in reference to this case about this boy Hippar, what are you going to tell---the truth? A Yes sir.

Q You were in the police court in Harlem, were you not? A No sir.

Q Were you not taken up there? A No sir.

Q Where do you live? A 1614 Second av .

Q The same house where this little boy Hippar lived? A Yes sir.

Q You knew this little Toby Hippar? A Yes sir.

Q You were acquainted with him? A Yes sir.

Q And his brother also? A Yes sir.

Q You knew them both? A Yes sir.

Q Were you in the habit of playing with them?
A Yes sir.

Q Now, Lewis, I want you to tell me the whole truth. On that Wednesday afternoon do you remember what happened? A No sir.

Q Wasn't you there? A No sir.

Q You were not there when these boys were in that cellar. A No sir.

Q Nor when they were in the gutter? A No sir.

Q You were not there at all? A No sir.

Q Were you there at any time when this boy Hippar was with these other boys? A No sir.

0269

Q Then you know nothing of this case? A No sir.

Q How often have you spoken about this case to different people since this boy Hippar died? A I didn't speak anything about it.

Q Didn't you speak to this Willie Lutz about it?
A I didn't speak to him.

Q Did he speak to you? No sir.

Q Did he tell you anything at all? A No sir.

Q Who have you been playing with since this boy's death---who have been your playmates? A Henry Barney and Charles Corell.

Q Do you play with Hassinger? A Yes sir.

Q Did he talk to you about this case? A No sir.

Q Did Danny Hughes talk to you about the case
A No sir.

Q Or the Lutz boy? A No sir.

Q None of them? A No sir.

Q Saucke? A No sir.

Q Do you know the mother of this boy Toby Hippar?
A Yes sir.

Q Did you ever speak to her about the case?
A No sir.

Q You are certain you were not there in that neighborhood when they had the boy Hippar in the basement?
A No sir.

Q Didn't see him at all? No sir.

Q When was the last time you saw Tobias Hippar alive---how long before he died? A The day before.

Q He died on Thursday evening, and you saw him Wednesday. I mean Tobias. You called him Toby, didn't you? A Yes sir.

0270

BY A JUROR: Q Who told you of this little Hippar's death? A No one.

Q When did you hear it? A When Lutz got locked up

BY MR. ANSBACHER: Q The Saturday before this boy was injured--did you see this boy Hippar on that Saturday? A No sir.

Q That is three or four days before he was injured. Do you know what I mean? A No sir.

Q You don't understand me? A No sir.

Q How long before the boy died did you see him? When was the last time you saw him before he died? Do you remember? A I don't remember.

Q Isn't it true that you kicked the boy on the Saturday before he died? A yes sir.

BY THE CORONER: Q What made you kick him? A Because he was cursing.

Q The little boy Toby was cursing you?

A I didn't kick the little boy.

Q Who did you kick? A The big boy.

Q You didn't kick the little boy? A No sir.

Q Did you at any time kick the little boy?

A No sir.

Q Did you ever pick up any horse dirt and try to stuff it down his mouth? A No sir.

Q Never did? A No sir.

Q Is this the boy you kicked? (Indicating Sammy Hippar) A Yes sir.

0271

L O R E N Z H A S S I N G E R, recalled.

BY A JUROR: I would like to ask this boy: He stated he had come around the block with the boy Hughes, on the back of the velocipede, and he jumped off and stood there and saw these boys assault the little boy Hippar, and immediately after that Hughes came back on the velocipede, and he jumped on and rode away. A Yes sir.

Q Is that true? A Yes sir.

Q You are pretty sure of that? A Yes sir.

Q What boys did you see down in the cellar?

A Eddie Dorr, and Hippar, and Willie Lutz and his little ~~brother~~ brother; that is all.

BY THE CORONER: Q Lutz little brother? A Yes sir.

Q That was four in all, A Yes sir.

By MR. ZELLER: Q Did you see Lewis Dorr down there

A No sir; I didn't see him on the street ~~xxx~~ as long as I was out.

BY A JUROR: Q Which Dorr did you see? A The little Dorr--Eddie Dorr.

Q m You are sure about going back on the velocipede? A Yes sir.

Q He came around and picked you up? A Yes sir.

Q And where did you go with him then? A Down 83rd street and on Second avenue.

Q Where did you go after that? A Then we rode around a couple of times, and then I saw a wild horse on the next block, and a man told me to get three or four yards of rope in our store, and I got it for him.

0272

Q And you went around the block ~~ax~~ twice, you say?
after you saw these boys down the cellar? A Yes sir.

Q Where did he drop you? A On Second ave. on
the corner--the corner o f 84th st.

BY MR. ANSBACHER: Q How long have you lived
around that corner? A Three and a half or four years.

Q Can you tell the number of the house where the
Hughes boy dropped you? A 1616 Second ave.

Q Are you sure of that? A Yes sir; the corner is
a liquor store.

BY A JUROR: Q Was that the first time or the las
time you stopped? A The last time we stopped when on
Second ave.

Q He left you at the corner of 84th st. and Sec-
ond ave? A Yes sir, 1616.

BY MR. MAY: Q Did you tell Hughes what you saw?
A No sir.

Q Didn't you tell him the boys were having some
fun there? A No sir.

BY THE CORONER: Q You didn't speak to Hughes
about it? A No sir.

Q Didn't say a word? A No sir.

BY MR. ANSBACHER: Q You got off on the corner?
A Yes sir.

Q Where did you leave Hughes when you jumped off --
the velocipede? A At the corner of 84th st. and Sec-
ond ave.

Q And what you saw in the basement happened where--
what was the number of the house? A 1612 Second ave.

0273

Q And you got off at 1618? A Yes sir, on the corner, when the boy went home.

Q When Hughes left you? A yes sir---no, this was after this happened.

Q That was after what happened? A This dirt got put in the boy's mouth--in little Hippar's mouth.

Q That you got off the velocipede? A Yes sir.

Q Where did you get off the first time? A 1612.

Q And how long did you remain there? A About two minutes until Danny came around with his velocipede.

BY THE CORONER: Q He was riding around the block? A No sir; he went down 84th st.

BY MR. ANSBACHER: Q You stopped and looked down the basement and got on the velocipede? A Yes sir.

BY A JUROR: Q Where does Hughes live?
A 306 East 84th st.

Q He went around 83rd st? A He only went down 83rd st corner.

Q And he came back and went home? A No, he came around from 84th street when the boys was in the gutter, and then he went on riding down 83rd st. and came up, and then I left him.

BY MR. ANSBACHER: Q Did you say anything to Hughes about what you saw there? A No sir.

Q Not a word? A No sir.

BY A JUROR: Q Do the boys generally do that up around that way? A No sir.

Q They never do? A No sir.

BY THE CORONER: Q Did you ever see the boys before that put horse dirt in any boy's mouth? A No sir/

0274

Q You never did? A No sir; I never picked up horse dirt in my hands.

Q You never picked it up? A No sir.

Q Did you ever hear of this boy doing it? - -

A No sir.

DR. STERN, recalled.

BY THE CORONER: Q I asked you a question yesterday which I do not think you understood thoroughly, as the answer to my mind was not as satisfactory as I would wish it to be. You have been here this afternoon, so that you have heard pretty much all the evidence that has been given. You have listened to the fact that the horse dirt was forcibly put down this boy's mouth, and on two occasions. Now let me ask you once more: If that be true,-- if the evidence that has been given be true that horse dirt was on several occasions put down or forced down this boy's mouth--a boy of that age--I believe his mother swore he was four and a half years old---now, what, in your opinion, as an old practitioner--you stated yesterday you practiced medicine in this City for thirty two years, that you were a graduate of Erlanger, Bavaria,--now, what, in your opinion, would be the effect to a boy of that age, who otherwise was healthy,--what would be the effect, or how would you connect that fact with the cause of death? What connection would it have with the cause of death, if any? A It would depend a great deal upon the resistance which that boy had made to that effort to put the dirt in his mouth. If he would have swallowed it willingly

0275

with out reluctance to it, without making efforts to avoid it---

Q Do you think he would have done it voluntarily?

A If he would have done it voluntarily, the effect would have been only the effect of some strange thing in his stomach, something which ought not to be there, and he would vomit it.

Q Give us your theory in case it was forced down his mouth. A In case it was forced down his mouth, the simple thing would be this--he would close his mouth as tightly as he possibly could; by doing so he would not have been able to breathe. Of course nobody could breathe that doesn't open his mouth.

Q You mean not for any length of time? A Not for any length of time. If somebody tries to put this dirt in his mouth, he will try, even if he hasn't power to resist, he will be compelled--the effect of it will be that the muscles of his whole body will contract rigidly, the muscles of his abdomen will be contracted, the muscles of the chest, and of his neck, and throat,--everything will contract rigidly, and by doing that involuntarily,--he is compelled to do that--the blood that has been running to his head will not be able to come back. My idea about this is this, that it is not necessary that it should take a very long time; half a minute nobody would stand it; not a child of that age--not a quarter of a minute could he stand it. The blood would run to his face, and all the blood vessels of the brain, of the cellular parts of the brain would be filled with blood to bursting.

0277

and this blood, after he has been able to breathe again, will not flow back directly; it will remain there for sometime in these vessels.

Q I believe you said yesterday you found the boy in a high state of fever--105 1-2 I believe. Can you connect that with that which you have just said as to this dirt--was that the result of it? A Certainly.

Q It was the result? A Certainly; the direct result.

Q You are positive of that? A I haven't the shadow of a doubt. Let me say further: in my opinion the position of the boy was about the same as of a man who has been suspended with a rope and left down again after a short time; the state of his brain will be about the same; and it is a state of passive congestion of the brain. I have never seen the postmortem examination of a man that has been on that position, but I have read of such cases, and it just agrees to that. There isn't a shadow of a doubt with me that the death has been directly affected by the injuries he has received the day previous. I am so much more sure of it as I haven't found any sign of any previous sickness in that boy. All his organs have been well. I have been told by the mother of the child that he had been perfectly well all his life, and this statement has been verified by the postmortem examination.

Q Could a boy die of fright under such circumstances? A No. I don't say he wouldn't die of fright, but the state of his brain would not be that what we found it.

Q Or suffocation? A That is what I call it;

0278

the principal cause of the death of that boy has been suffocation. That is what I have been describing to you.

Q That is what you mean by the statement you have made? A That is asphyxia as you would call it.

BY A JUROR: Q In your opinion, how long could that child live with its mouth closed? A That is very hard to say.

THE CORONER: You mean under these circumstances?

A JUROR: Yes, breathing through his nostrils.

THE WITNESS: I don't think he could have lived--- he would have been suffering from asphyxia,--may be for a quarter of a minute; I don't think that a boy of that age could have lived through it any longer. Allow me. The boy went to the gutter they say. Why should the boy go voluntarily to the gutter?

BY THE CORONER: Q Never mind. If you were going to connect this with any medical statement, it is a different thing.

A Yes. I have heard the statement that he went to the gutter. I think when he came up he has been reeling, staggering--he has not been able to go straight, and he was compelled to go to the gutter; that is my opinion.

Q Now, when you came to the house, you considered the case already hopeless? A I gave it to the detective in writing, who was there.

Q That you considered the case a hopeless one?

A Not hopeless, but a very dangerous one.

Q And you told him to notify the coroner? A Not right away, but during my second visit, when I saw this

0279

paroxysm of convulsions, after the first one was over. The station house is very near to the house where the boy lived, and I went to the station house and told the sergeant there to notify the coroner, and the captain asked me this question, "What is the matter with the boy", and I told him "It is meningitis". That was before he died.

BY MR. ANSBACHER: Q Can you tell us in plain English what this boy died of. Give us your opinion, what did he die of?

THE CORONER: He has stated that half a dozen times--suffocation and asphyxia. He stated yesterday in his direct statement. He went into that very thoroughly.

MR. ANSBACHER: I don't see that there is any harm in asking him again.

THE CORONER: Very well. Accommodate the counsel, doctor.

Q What, in your opinion---use the plain English language--what did this boy die of? A If I would have to write a certificate of--

Q Never mind about the certificate. What did this boy die of. If it is suffocation, say so.

THE CORONER: Dr. Stem, just state plainly what, in your opinion, was the cause of death of this boy.

A Traumatic meningitis.

Q Now, what you know about this horse dirt, that was told you, as you testified yesterday, by the boy's mother? A I don't know anything about it. By myself, I don't know anything about it.

Q Except what you have been told? A Except what

0280

I was told, and what I heard today and yesterday from the evidence.

Q And your synopsis of this case must have resulted from what you have heard? A From what I have seen.

Q State what you saw, of your own knowledge?

THE CORONER: We don't want to stay here the whole night and go over this whole case again. We have gone over this thing very thoroughly, and if you commence it over again it will only be an accumulation of evidence, and it cannot change the jurors' minds on that subject at all.

THE WITNESS: I want to say this, that what I said yesterday had no relation at all to the dirt. I said what I had seen; it is only to day I told you about the dirt.

BY MR. ANSBACHER: Q You mean to say what you testified yesterday was only what you saw and nothing else? A Nothing else; as much as I remember.

LOUIS HIPPAR, called as a witness, testified as follows:

BY THE CORONER: Q You are the father of this boy that died? A Yessir.

Q Do you know anything about the case? A I know so much that when I came home---

Q You know something about it? A Yes sir.

THE CORONER: Very well. I will swear you.

(The witness was thereupon sworn.)

Q How long have you lived in this City? A Nine years.

101 Q What is your occupation? A Furrier by trade.

Q Were you in your rooms on the Wednesday after-

0281

noon when your boy was injured? A No sir.

Q When did you first hear of it? A When I came home.

Q What time was that? A About eight o'clock in the evening.

Q And you were informed your boy had been hurt?

A I came home and my wife told me a lot of boys stuffed horse dirt in his mouth and pushed him down the cellar.

Q Your wife told you that? A Yes sir.

Q Did you see your boy then? A I seen he was asleep.

Q And what happened after that? A After that, it was about the middle of the night, and I heard him crying, and I went there, and my wife told me, she seen the boy is a little feverish, and after that he fell ^{asleep} again; and in the morning, it was about five o'clock, he commenced again, and he says "Lutz! Oh, Lutz, and the other boys and Hassinger, and all the boys pushed him down and give him horse dirt. And then it was quite light and I wanted to go for Lutz----

Q Did you go for a doctor? A Yes sir.

Q What time? A I don't know the time.

Q Was that the morning after he was feverish?

A It was in the morning.

Q Who did you go for? A I went for a doctor, which I don't know his name, I was so excited, and on the way I told a policeman after when I came back from the doctor, and the doctor told me he would be over right away, and I told the policeman what happened to my boy,

0282

and he told me I should go to the station house and report it. I went to the station house, and the captain gave me-- I don't know whether he was the captain or the sergeant-- and he gave me a private detective, and when I came back I met the doctor, and the policeman asked the doctor "What is this"; and the doctor was afraid, and he told me he didn't want to have anything to do with the court, and I asked the policeman for what doctor I should go, and he said I should go for Dr. Palmer; and I went for Dr. Palmer, and I didn't meet him home; and I went to the druggists, and I met him on the street, and I said "My boy is very dangerous; will you be so kind to come to me right away, because I cannot wait". And the doctor told me he only wanted to carry some medicine home, and he would be around right away. The doctor came right away, and examined him, and the doctor seen he was vomiting; he seen the horse dirt, and I asked the doctor what it was, and he says "You seen it"; and he said the horse dirt alone was enough to kill him besides what the boys treated him.

Q What doctor was that? A Doctor Palmer. He prescribed him medicine, and he told me he would be in in the afternoon, but the doctor didn't come in the afternoon, and I went to the druggists and asked him where there is a doctor in the neighborhood, and he told me Dr. Stern. I run to Dr. Stern, and Dr. Stern come right away and examined the boy, and he told me the same thing.

Q We know all about that. Now, how long did you live at 1614 Second ave? A About four months.

Q Do you know of any trouble that existed between

0283

your boys and some of these others? A My wife told me they always----

Q Do you know of any---did you see any trouble yourself? A No, but my wife told me the boy is always getting hits from the children.

Q Did you see any children hurt your boys?
A No sir.

Q Did your wife tell you what children? A She told me the barber's boy, and Lutz----

Q Did you go and see the parents of these children?
A I will tell you the truth, I was afraid to say anything, because I was so hated by that people; I have seen them all the time, and they called me sheeny---

Q What is that? A They called me always sheeny.

Q Who did? A The barbers and the other neighbors; and of course I was afraid to state anything, because I am very weak man, and I cannot fight, and my wife told me I should not commence any fight, because they are all down on me.

Q You mean to say that you didn't do it because you feared violence? A I was afraid. I didn't speak to anybody, and---

Q Did you see any of those boys yourself hit any of your children? A I didn't see it myself, but my wife told me.

Q Were you in the habit of taking your boys to school? Did you ever take them to school? A Yes sir.

Q Why did you take them? A Because I was afraid the boys would hit him.

0284

Q Did any of these boys come up to you while you took them to school? A No sir.

Q Not when you were a long? A No sir.

Q Do you remember the age of the boy that died, Tobias? A Four and a half years.

Q Dr. Palmer didn't wish to treat your children?

A He came, and said he would come back, but he didn't.

Q Did he say why he wouldn't come back?

A He didn't say anything.

BY A JUROR: Q Did he see your child vomit at all?

A Yes sir.

Q Did he see it? A Yes sir.

Q And he saw the child vomit this horse dirt?

A yes sir. He opened his mouth with a spoon, and he saw the horse dirt.

M R S. H I P P A R, recalled.

BY THE CORONER: Q Who was the first doctor that came to your house? A Dr. Liebman.

Q Dr. Palmer wasn't there? A Dr. Palmer was the second doctor.

Q But Dr. Palmer saw this boy as he vomited?

A Yes sir. He examined him thoroughly, and he said he felt sorry for the little fellow; I can't remember what he said.

Q Did Dr. Palmer say anything about horse dirt?

A He looked down his throat; ^{he} and opened his mouth with a spoon, and looked down.

0285

Q What did he say? A He said he seen some horse dirt, and he seen how the child had a sore mouth, and tried to spit when he wasn't able to spit.

Q Had the child vomited already? A He vomited and vomited, and the doctor gave him some medicine.

Q And he saw it? A Yes sir.

Q And he pronounced it horse dirt? A Yes sir. I asked him what he thought, and he said the shock was enough to kill him.

BY MR. ANSBACHER: Q Did the doctor prescribe for the child? A Yes sir.

Q Did you get that prescription? A Yes, my husband.

Q Your husband did? A Yes sir.

GEORGE DORAN, recalled.

BY THE CORONER: Q You heard what Mrs. Hippar said? A Yes, and that is just what I heard the doctor say, just as she said.

Q Repeat it to the jury. A Dr. Palmer put a spoon in the little boy's mouth, and said he seen some horse dirt down his mouth, and he says the shock of holding this boy's mouth closed and stuffing this into him was what caused his sickness.

BY A JUROR: Q You were present? A Yes sir.

BY THE CORONER: Q You were there and heard the doctor say that? A Yes sir.

0286

Q And he pronounced it horse dirt? A Yes sir.

Q And he said the shock was enough to cause the sickness? A The condition of the child, yes sir.

Q The condition the child was in? A Yes sir.

BY MR. ANSBACHER: Q Was Mr. Hippar present at the time you went there? A Yes sir.

Q Did Mrs. Hippar say anything to Dr. Palmer about this horse dirt before he gave his opinion on the subject? Did he tell him what was done to the boy? A I really don't recollect.

BY THE CORONER: Q You were there when Dr. Palmer came in? A Yes sir.

Q What did he do when he came there? A She didn't speak to him at all. He went over---

BY MR. ANSBACHER: Q Did Mr. Hippar speak? A No, he didn't.

Q Did anybody? A No, Mr. Hippar didn't because he couldn't speak very good English; his wife did all the talking.

Q Was there any conversation between Mrs. Hippar and the doctor before he went near the boy? A No, they did not; he went right over, and pulled the clothes down and examined the boy.

Q And then he expressed his opinion this was horse dirt? A I believe she told him before.

Q She did tell him? A I think so.

BY THE CORONER: Q And he took a spoon? A Yes sir.

Q What did he say about the shock? A That it was enough to kill him--that sickness, his nervous condi-

0287

tion; he was all the time spitting up.

BY MR. ANSBACHER: Q Did he say he would be back again? A He said he would be back in the afternoon, but he didn't come.

LOUIS HIPPAR, recalled.

BY THE CORONER: Q Your boy when he died was four years and a half old? A Yes sir.

Q Had he ever been sick? A Never.

Q He never had the scarlet fever? A Never.

Q Or measles? A Never.

Q No children's diseases? Q No trouble at all; he was a healthy and strong-- he was the healthiest child of all my children.

Q How many children have you living now? A Two.

Q How many are living now---I mean altogether?

A There are four living.

Q Did you go to Lutz' mother when your child got sick? A The same morning before I went to the doctor I went to Lutz' mother, and I told the mother "What has your boy done to my child; he killed him; he is half dead", and Lutz' mother told me it wasn't only her boy-- that it was Hassinger boy and some other boys, and she called her boy, and she followed me to the store, and I told Mr. Hassinger about that, and he called his boy out, and asked him what he had done to my boy; and one put it on the other.

BY MR. ANSBACHER: Q What time did you call in

0288

the doctor? A I don't know the time, because I was so excited.

BY THE CORONER; Q It was early in the morning?

A Yes, the first thing when I went out. I don't know the time.

Q You had no clock in your room? A No sir.

DR. S T E R N,, recalled.

BY MR. ANSBACHER: Q You were informed at the time you were called in that this boy had been injured, --that something had been done to him. Now, in your opinion, if a physician had been called in in the first instance, would not that boy's life have been saved? A No.

Q Are you sure of that? A I am sure of that.

Q Can you explain the reason for this? A Yes, I can.

Q Explain it. A I gave you my explanation, how this state of the brain of this boy was ~~in~~, and how that condition of the brain came on. I can accept this as true, and if I take this as true it is not possible that it could have been otherwise a few hours ago. This stoppage of the blood must have begun at the time the child has been assaulted, on the evening before, and this is proved ^{convulsions which} I should think by these ~~convulsions which~~ I saw on that child.

Q Were these convulsions different from others you have seen? A Entirely different; they are not only twitches of the mouth, which is often with children when they have convulsions, but there was contortions of the

0289

face, and his mouth open as wide as ~~tk~~ it could, and his tongue come out entirely. I never have seen that before in such a case.

BY THE CORONER: Q There was some remark made yesterday about his tongue. You mean it came out as far as possible? A As far as it could. I never thought it would be possible the tongue could come out that way. It was a fearful sight, I am used to seeing such things, but the case went to bed with me, and was with me when I got up in the morning.

BY A JUROR: Q I suppose that must be the germinating power?

(Question repeated in German by the juror)

A The effect of all these injuries he had received.

THE CORONER: Explain that in German.

(Witness explains his answer in German.)

BY MR. ANSBACHER: Q Did you prescribe for that child? A What do you mean by prescribing? Writing?

Q Yes, a prescription? A No. I told you yesterday that the child was vomiting, and Mrs. Hippar told me, and complained that the child was vomiting, and that it was because of the medicine he got.

THE CORONER: Never mind all that. That was explained yesterday.

Q You didn't analyze that medicine that Dr. Palmer prescribed? A Yes, I gave it to the child myself.

Q What did it contain? A The medicine I gave him contained---

Q What Dr. Palmer prescribed. It was Dr. Palmer's

0290

prescription--what did it contain? A It contained antifibrine. He might have given him just so much plain sugar; it was composed of two grains of antifibrine, and---

BY THE CORONER: Q You considered that harmless, didn't you? A Entirely harmless.

BY MR. ANSBACHER: Q If you had been called in in the first instance, what would you have prescribed then--- say within half an hour after this happened to the boy?

A I would have prescribed the same thing as I did.

Q As Dr. Palmer did? A No; I would have clipped his hair, and made ice cold applications, and I wouldn't have given him any medicine because I was sure no medicine could effect him.

Q If you had been called in, say within half an hour after this happened.

THE CORONER: He ^{answered} has just ~~xxxxxx~~ that.

W I L L I A M L U T Z, called as a witness in his own behalf, testified as follows:

MR. MAY: I want it noted that the witness is called by Mr. Ansbacher, and not either by you or by myself.

THE CORONER: He testifies by and with the consent of his counsel.

MR. ANSBACHER: He is here to make a statement, and tell the jury what occurred.

THE CORONER: You understand the boy is charged with this alleged homicide; and he is in the same position as

a grown person, charged with the same offense. Now, he is not compelled to testify here.

MR. ANSBACHER: I understand that.

THE CORONER: The stenographer will so note it.

BY THE CORONER: Q How old are you? A Ten years.

Q What is your name? A Willie Lutz.

Q William, isn't it? A Yes sir.

Q Do you go to school? A Yes sir.

Q Did you ever go to Sunday school? A Yes sir.

Q You were in the police court were you, in this case? A Yes sir.

Q Before Judge Murray? A No sir.

MR. ANSBACHER: He doesn't know who it was.

Q Did you make a statement there? A No sir.

Q Did the judge ask you any questions? A Yes sir.

Q Tell us what you told the judge up there in the police court? A I told him who started it, and that is all he asked me.

Q What did you tell him? Who did you say started it? A I said Larry Hassinger started it.

Q You mean Lulu? A No sir, Larry Hassinger.

Q That Larry Hassinger did what? A He had some in his hand, and he threw it at him; he was the one that started it.

Q He had some sard in his hand? A No sir; horse dirt.

Q Now, you told the police justice that Larry Hassinger did what? A That he had some in his hand, and --

Q Had what? A Horse dirt, and he threw it down.

0292

at Toby Hippar.

Q He threw it down at Toby Hippar? A Yes sir; he was at the door.

Q What door? A The cellar door.

Q Downstairs? A Yes sir.

Q And he threw it down? A Yes sir.

Q You told that to the police justice? A Yes sir.

Q What else? A That was all, and I went up to the society.

Q Now, Willie, tell the jury all you recollect; tell them what happened on Wednesday afternoon the day before Tobias Hippar died? A Lawrence Hassinger --

Q What time was it? A Four o'clock. Lawrence Hassinger threw the horse dirt down at him, and he told me to put it in his mouth, and then I did it twice, and threw it at him, and then---

Q You did it twice? A Yes sir, and threw it at him, and wiped it across his mouth.

Q A cross his mouth? A Yes sir, and then Toby Hippar came up, and started--he was taking off his coat, and Eddie Dorr he was swinging around, and he touched Toby Hippar, and Toby fell down the cellar steps.

Q Who pushed Toby? A Eddie Dorr.

Q And Toby fell down? A Yes sir.

Q And did he fall backwards? A No sir, forwards.

Q And then? A And then he came upstairs, and ^{threw} ~~threw~~ his coat out in the gutter, and I went out and rubbed it across his mouth, and that was all I did.

0293

Q You rubbed it across his mouth again? A Yes sir.

Q You say Hassinger threw this horse dirt down this basement? A Yes sir.

Q Who was there when he threw it down? A I was there, and Saucke and Darny Hughes, and my little brother and Eddie Dorr.

Q Five of you? A Yes sir.

Q And this boy Hippar? A Yes sir.

Q Didn't any of you put horse dirt in any other boy's mouth? A No sir.

Q Only the Hippar boy? A Yes sir.

Q Why---because Hassinger told you? A Yes sir.

Q That is the reason you did it? A Yes sir.

Q And then when he fell down that basement, or was pushed down, he came up again? A yes sir.

Q And you followed him to the gutter? A Yes sir.

Q And there you did it once more? A yes sir.

Q Was Hassinger present? A No sir, he went around the corner.

Q Did Hassinger say anything when he told you to put that horse dirt down his mouth? A He said to do it.

Q Did he say do it to Tobias? A Yes sir.

Q What did he say? Recollect it as near as you can. A He says "Lutz come on, and we will have some ~~xx~~ fun; we will throw horse dirt on that little boy". He didn't know his name.

Q Is that all he said? A yes sir.

Q How did you know what boy he meant? A He was

0294

down on the steps; that was the only boy that was down the steps--Toby Hippar.

Q Why did he go down the steps--was he running away from you? A Yes sir.

Q And you followed him downstairs? A No sir, upstairs, and Larry Hassinger and me threw it down at him.

Q How often did Hassinger throw horse dirt at him? A Once, the first time.

Q Did he take it in his hand? A Yes sir.

Q And threw it at him, and you followed? A Yes sir.

Q He told you to do it, and you did what you just testified? A Yes sir.

Q What did the other boys do? A Nothing.

Q What did Saucke do? A Nothing.

Q He looked on? A Yes sir.

Q You knew this little Toby? A Yes sir.

Q Didn't he try to get away? A No sir, he was right before me.

Q But after you stuffed that horse dirt down?

A Then he got away, and I threw it at him.

Q I thought you rubbed it across his mouth? A That is what I did too.

BY MR. ANSBACHER: Q You didn't stuff any down?

A No sir.

Q How did you do it? Show us with your hand.

A Right across it (indicating; it didn't any go down.

BY THE CORONER: Q Did he close his teeth?

A He had his mouth closed.

BY MR. MAY: Q How much horse dirt did Hassinger throw down? A pretty near a handful.

0295

Q A big handful? A Yes sir.

BY THE CORONER: Q And what you have said is the truth? A Yes sir.

Q Did you make the same statement to your lawyer?

A Yes sir.

Q Tell him the same thing? A Yes sir.

Q How long did this whole thing take--five minutes or ten minutes? A The fight?

Q yes. A About pretty near a quarter of an hour.

Q How did this Hippar boy get away? A He went in his house; he hollered to his mamma, and his mamma took him in.

BY MR. MAY: Q Did he have his coat off? A Yes sir.

Q Did he take it off? A Yes sir; it was out in the gutter.

BY THE CORONER: Q Did you tell that to your father or mother,--what you just told me? A No sir.

Q You did not? A No sir.

Q Now, Willie, did your parents ever say anything to you about this case? Ever speak to you about it?

A yes sir.

MR. ANSBACHER: He has been confined for two weeks.

Q But before you were arrested--locked up--you were locked up the day before the boy died? A Yes sir.

Q Before you were taken to the police court did you speak to your parents about it--your father or mother?

A No sir.

Q You didn't tell them anything? A No sir.

Q You were arrested the day this boy died?
A yes sir; that afternoon.

0296

Q Did any of these boys say anything to you about this Toby? A When he died?

Q When he was down in the basement? A No sir.

Q They said they wanted to have some fun? A That is what Hassinger says. He says "Come on, w will have some fun."

Q Is that all he said? A Yes sir, and he says "We will throw horse dirt down at him."

Q He asked you to go? A He did it first, and then I did afterwards.

Q What did he tell you? A ~~He~~ He throwed it at him, and put it in his mouth.

Q Where was Hassinger? A At the bottom of the stairs.

Q Did you see any velocipede at the time? A No sir.

Q Did you see him go off on the velocipede?

A No sir. Only when I came upstairs I saw one, when we were all there.

Q That was Danny Hughes' velocipede? A Yes sir; that was all that was on.

Q Only Danny Hughes? A yes sir.

Q Did Hassinger go away with him on the velocipede?

A No sir; I don't know where Hassinger was.

BY MR. ANSBACHER: Q Who was down in that cellar first, -- Toby? A Yes sir.

Q And you came down with the other boys?

A No sir, Eddie Dorr and my little brother.

Q Did you go down there? A I went down after them.

0297

Q Was there any horse dirt down there at the time you went down there? A It was out in the gutter.

Q And who flung it down there? A I did.

Q You said Hassinger threw it down? A And so did I.

Q You was upstairs at the time? A Yes sir.

BY THE CORONER: Q This little Toby Hippar was down in the basement, and you and Hassinger threw horse dirt at him? A Yes sir.

BY MR. MAY: Q How did you get Toby down in the cellar? A He went down himself.

Q With you? A With my little brother and Eddie Dorr and Toby Hippar; they were playing together, and my little brother and Eddie Dorr came upstairs, and Saucke came along ----

THE CORONER: He has stated already two or three times that this little boy went down first; he went down first alone. Isn't that so?

THE WITNESS: Yes sir.

Q Didn't Toby go alone? A Yes sir.

Q When you threw horse dirt at him he was alone? A yes sir.

BY A JUROR: Q Was this boy chased down?

A No sir, he went down. My little brother, and Eddie Dorr and Toby Hippar were playing together.

BY THE CORONER: Q What made him go down the cellar? A They were all playing.

Q What made him go down the cellar? Don't you know? A No sir; they were playing down the cellar.

0298

Q But when you threw dirt down at Toby Hippar he was there alone, wasn't he. You didn't throw it at any of the other boys? A No sir; Toby was alone.

Q Did you ~~xxxxTobyxxxx~~ throw dirt again when Toby was thrown down the second time? A No sir; we did that all before.

BY MR. ANSBACHER: Q Who threw him down? A He fell down. Eddie Dorr was swinging around, and Eddie Dorr touched him, and he fell down. He was turning around like that (indicating), and he touched him.

BY A JUROR: Q When he went down the first time they all went down together? A No sir.

Q He went down alone? A yes sir; he was down with my little ~~brother~~ brother and Eddie Dorr, and my little brother and Eddie Dorr they came up, and that was all that was down--Toby Hippar.

Q And then the horse dirt was thrown at him?
A Yes sir.

BY THE CORONER: Q When you and Hassinger, as you say, threw horse dirt at him, was any other boy below in the basement or cellar? A No sir; there was another boy; my little brother; that is all.

Q I mean at the time you threw the horse dirt?
A My little brother, he was standing on the side ~~all~~.

Q And you threw horse dirt at who? A At Toby Hippar.

Q You stated a little while ago you rubbed it against his mouth. You said Hassinger told you to go down, and put it in his mouth? A Yes sir.

Q And you went down and did it? A No sir; that

0299

was upstairs I did it.

BY A JUROR: Q When he was down in the cellar you threw horse dirt at him? A Yes sir.

Q And you went down afterwards? A No sir, he came upstairs, and we rubbed it across his mouth.

BY THE CORONER: You said that Hassinger told you to go down, and do that, and you went down and did it.

MR. ANSBACHER: May be he misunderstood you.

BY A JUROR: Q Didn't you go downstairs and rub it into his mouth when Hassinger told you to do it?

A No sir; upstairs.

BY MR. ANSBACHER: Q Was his mouth open? A No sir; his mouth was shut.

Q You just rubbed it on him? A Yes sir.

BY A JUROR: Q Did any of the boys help you?

A No sir.

BY MR. ANSBACHER: Q Who else was there at that time? Did the Hassinger boy have a hand in it? A No sir; Hassinger threw it at him.

Q How far was he away from Toby? A He was right at the top of the stairs.

Q And Toby was downstairs? A Yes sir.

Q Hassinger was never downstairs in the cellar?

A No sir.

BY A JUROR: Was he with you when ~~you~~ the boy was in the gutter, putting it in his mouth? A No sir.

BY MR. MAY: Q Let me have the exact words Hassinger used when he told you to throw this at the boy.

A He says "Come, let us have some fun, and throw horse

0300

dirt at this little fellow".

Q Did he use any other word? A No sir.

Q Sure of that? A yes sir.

Q Didn't he use the word "sheeny"? A No sir.

BY MR. ANSBACHER: Q Did you see anybody force any horse dirt down the boy's throat? A No sir.

BY A JUROR: Q When your mother told you this little fellow was dead, what did you say to her? A I went up to the station house, and the detective told me.

BY MR. MAY: Q Do you know why Hassinger told you to throw it at that boy? A Because he was a Jew.

BY THE CORONER: Q Did Hassinger tell you that? A yes; he always used to call him Sheeny.

MRS. I D A L U T Z, sworn and examined, testified as follows:

BY THE CORONER: Q How long have you been in this country? A Eight years.

Q You speak English? A A little.

Q That little boy, who has just testified, is your son? A Yes sir.

Q Is your husband in court? A Yes sir.

Q What is his name? A William Lutz.

Q What is your husband's occupation? A Locksmith.

Q How many children have you got? A Four.

Q Where do you live? A 1614 Second ave.

Q This is the house where the Hippar family used to live? A Yes sir.

0301

Q They don't live there any more? A No.

Q Do you know of any trouble between your boys and the Hippar children? A Never.

Q Did have any talk with your boys, or advise them to have any fight with these Hippar boys? A Never.

Q Were you on good or bad terms with the Hippar family? A I didn't know them.

Q When did you hear of this little Hippar boy's sickness? A On Thursday morning.

Q Who told you? A Mr. Hippar.

Q Did he come up to your room? A He came up to my room, and said you have struck my boy.

Q Did he say that Willie struck him? A Yes sir. He said that Willie had struck or hit his boy.

Q What happened---what did you say or do? A I said ---I asked my son Willie "Did you do it", and he said it wasn't him alone who did it, but Hassinger also. Then I said I will go with you to Hassinger, and find out who did it.

Q Did you go to Hassinger with Mr. Hippar?
A Yes sir, and with my Willie, and then one shoved it all on the other---they accused each other.

Q Is that all? A Then I went with Mr. Hippar into his room, and I saw that the child was sick and feverish, and then Mrs. Hippar said the boy had vomited, and it was all water that he threwed up.

Q Who said that? A I saw it.

BY MR. ANSBACHER: Q That was in the morning?

A Yes sir.

Q Did Mrs. Hippar show you what the boy had

0302

vomited? A No sir.

Q She didn't show you? A No sir.

Q How could you see it? A The water was there-- Mrs. Hippar showed me what the boy had vomited, and I said it was water.

Q Is that what you said? A I say she showed me what the child vomited, and I saw it was water.

Q Clear water? A Clear water.

Q And then what happened? A Then I went up and told the landlady.

Q What is the landlady's name? A Mrs. Boehnig. I told what had happened.

Q And then? A And Mrs. Boehnig came with me, and we went down together.

Q And then? A And Mrs. Boehnig said they should get a doctor, and Mrs. Hippar said no, and then she said "Why don't you give the child something, as it is so sick" and Mrs. Hippar said "I won't give him anything without the doctor", and I went down again about twelve o'clock; and the doctor came about ten o'clock.

Q What doctor? A I don't know.

Q Is that all? A Yes sir.

Q Did you ever see your boy engaged in any fighting on the street--your boy Willie? A Never.

Q Do you know what this is?

THE CORONER: Do you read English at all?

THE WITNESS: No.

Q Do you know what this paper is? A It is a report from Willie.

0303

Q Who told you that? A He brings one every month.

Q This report, who got it for you? It was about the time the boy was arrested? A Yes sir. I went up about the time he was arrested, and got his report.

MR. ANSBACHER: I desire to hand this report to the jury.

THE CORONER: They will take it for granted that the report is good.

BY THE CORONER: Q Why did you get that report?

A The teacher sent around, and wanted to know why Willie didn't come, so I went there, and told the teacher what had happened, and she said his report was ready, and so I says I will take it along.

WILLIAM LUTZ, SR., sworn and examined, testified as follows:

BY THE CORONER: Q Where do you live? A 1614 Second ave.

Q This little boy is your son? A Yes sir.

Q What is your business? A Working in a brass shop now.

Q Did you see any of this trouble between your boy and the Hippa boy? A I didn't see nothing at all.

Q Have you ever had any trouble--any of your children with any of the boys in your neighborhood?

A Not now, so far.

Q At any time, before this happened? A No sir.

BY MR. ZELLER: Q Were you present at the time Mr.

0304

Hippar went to Mr. Hassinger? A I was in the shop;
I go to the shop every morning at half past six.

L A W R E N C E H A S S I N G E R, SR., sworn and examined., testified as follows:

BY MR. ZELLER: Q You remember the time Mr. Hippar and Mrs. Lutz, and the boy came to your store? A Yes sir.

Q State the conversation that took place between your son, and all the parties who were present? A I had been out, and I come in about half past eight in the morning, and about nine o'clock Hippar came in, and say "Where is your boy" I say "He is inside, I guess, in the back room" and I say "What is the matter", and he said "He killed my boy", and I said How is that? Killed your boy when"; and I told my little girl to call Lawrence out, and she called him out, and I said "What you done yesterday about that boy"--I don't know his name at all--and he says "I didn't do nothing". He didn't change any color or anything. I could always tell when the boy was saying something--they change a little in the face; and he says "I didn't do nothing at all", Then he went to Willie Lutz and says "What do you say, Willie"and he says "I did not say you done it, it was little Dorr and my little brother that done it"; and then they went out, and his mother licked him right in the store.

BY THE CORONER: Q Licked who? A The little Lutz fellow.

0305

Q In the store? A Yes sir; licked him a couple of times.

BY MR. MAY: Q You said he went over and asked this little boy something, when they were in your store?
A I said so?

Q That your boy went over and asked Willie Lutz whether he said he done it? A My boy asked what he did---

Q He went over and asked this little boy what he had done? A In the store, yes sir, and he says "You didn't do it; my little brother and Dorrie done it.

Q He went to little Lutz in the store? A At the same time-----

THE CORONER: Never mind all this.

MRS. E M M A B O E H N I G, sworn, and examined, testified as follows:

BY THE CORONER: Q Where do you live?
A 1614 Second ave.

Q Are you the landlady? A Yes sir.

Q And you live there too? A Yes sir.

Q On what floor? A The first floor.

Q Do you recollect the time this little boy Hippar was hurt? A Yes, I remember the time.

Q Do you remember Mr. Hippar's coming to your room? A No sir.

Q With Mrs. Lutz? A Mrs Lutz came to me about nine o'clock Thursday morning, and she told me. I didn't hear nothing before.

0306

Q What did she tell you? A She told me, she says "Mrs. Boehnig, Mr. Hippar came to my room, and says that the boys hit his child, and he is sick," and I went in the room and found him sick.

Q You went downstairs and found him very sick?
A Yes sir.

Q Little Toby Hippar? A I went down with Mrs. Lutz and found him very sick.

BY MR. ANSBACHER: Q Do you remember the conversation that took place down there? A When I came down the gentleman came before the door, and the policeman was inside, and I said "What did the doctor say", and Mr. Hippar told me he didn't say nothing; may be he was afraid when he seen the policeman; he wouldn't have nothing to do with the case; and I said "What did the doctor do for the little child", and she said "Nothing at all", and I said "See how the child suffers; I would give him something if I was the mother"; and she says "I wouldn't do nothing without the doctor"; and I says "Well, you ought to have a doctor, that child is so sick." He must have suffered terrible.

Q What else was said? A I said to the policeman "You must get a doctor here; that child must have a doctor", and he went away.

Q Did Mrs. Hippar tell you what the child suffered from? A Yes sir.

Q What was it? A I asked the boy myself.

Q You asked him? A Yes sir.

Q What did he say? A He said they threw dirt at him.

0307

Q Did he say horse dirt? A No sir; he couldn't say that. He was too sick. I asked him "Who hurted you" and he said "The boys", and I said "Do you know the boys" and he said "Yes; Lutz".

Q Did he give any other names? A No; another big boy he said. He knew Lutz' name, and he didn't know the other boys' names, because little Lutz went always into Mrs. Hippar's room on a Saturday and made the fires for them, and that is the reason the boy knew his name.

Q Did anything else take place? A No sir; I told her any time she wanted me I would come up.

Q Did anything else take place? A No sir.

Q Did Mrs. Hippar tell you he vomited? A Yes sir.

Q Did she tell you that? A Yes sir, and I told her she ought to keep it and show it to the doctor.

Q Did she say anything about horse dirt? A No sir, she only spoke about the dirt.

Q Did she show you the vomit? A No sir.

Q Mrs. Lutz says she did? A Mrs. Lutz was in before.

Q She said she showed it to you too? A No, she did not.

Q Did she speak in German? A No sir, she spoke English.

Q Did you speak German to her or to Mrs. Hippar?
A No sir.

Q She didn't show any of that vomit? A No sir
the water
Mrs. Lutz seen ~~xx~~ before I was down. Mrs. Lutz went right in.

Q She told you she saw some water? A Yes sir.

0308

Q But you didn't see any? A No sir.

Q You didn't ask to see it? A No sir. I said to Mrs. Hippar "Have you got what the boy throwed up", and she said "No"; and I said "You ought to keep it and show it to the doctor." I didn't see it.

BY MR. MAY: Q You say you saw the little boy when he was in bed? A Yes sir.

Q What was it he said to you? A "The boys".

Q The boys did it? A Yes sir.

Q Did he mention any names? A Yes sir, Lutz' name, because he knew his name.

Q Did he say anything about big boys? A Yes sir, "another big boy."

Q Could he talk any more--this boy that was in bed--
---or did he sink away? A I didn't speak to him any more.

Q Could he say any more? A Yes sir, he---

THE CORONER: But she didn't ask him any more.

THE WITNESS: No, because I saw the child was very sick.

M R S. H I P P A R, recalled.

BY THE CORONER: Q Did Mrs. Lutz ask you to see that vomit? A She didn't ask, but I showed it to her. I asked her in the room. I swept the bedroom all around, and left that so the doctor could see it, and I showed it to her; it was a greenish substance.

Q Was it clear water? A Oh, no sir, and she didn't say it was clear water then, and the landlady

0309

stated that the child said they had thrown dirt at him.

BY A JUROR: Q Did you ever talk with this Mrs. Lutz? Was you ever in conversation with this Lutz family before? A No sir.

Q Ever meet her or talk to her? A Oh, yes, just passed the time of day.

Q But you never spoke to her? A Just passed the time of day.

BY MR. ANSBACHER: Q The little boy used to come in your rooms quite often? A Yes sir.

C H A R G E.

LEVY, Coroner: Gentlemen of the Jury: I suppose it is the wish of the jurors, and it certainly is my wish, that this case be concluded this evening. If I had had an adjournment, or if the case had gone over, I should have prepared a careful charge in this matter, but I hardly think it necessary for the reason that the interest manifested by the jurors satisfies me of the fact that the testimony has been carefully scrutinized and considered by the jury; and that when you retire you will be ready to review the testimony very carefully and thoroughly.

It is true that cases of this kind seldom come up before this tribunal, but I would say that since I have had the honor of serving in the position I now hold there have been several--not more than two or three, however--there have been such cases before me, and at those times

03 10

the cases on behalf of the prosecution were prepared and thoroughly gone into by the representative of the Society for the Prevention of Cruelty to Children. In this instance nobody has been here, and I cannot account for it; nevertheless, I think the testimony has been very carefully gone into; and from the fact that counsel have been here representing various parties, and the fact that the jurors have questioned the witnesses very thoroughly, I do not think there is any necessity for any extended remarks from the court.

You understand that the Code provides in sections 778 and 779 that a coroner's jury is summoned for the purpose of ascertaining the cause of death of the deceased, and to see whether that death was caused by criminal means---whether it was due to violence, or whether it was due to natural or accidental causes. Therefore the province of this jury is simply this: You are to say by your verdict whether this boy died from natural causes, or whether he died through the acts of any other person or persons; whether his death was a violent one, and also whether it was connected with criminal means---whether criminal means were used.

In coming to that conclusion you will depend altogether upon what you deduce from the evidence presented in this case. Of course the evidence has been quite extensive, and it is perhaps not so light or easy a task for this jury to review this case as it is for other ~~juries~~ juries, when they have grown people of mature age before them. In this case you have to rely mainly upon

03 11

the evidence of small boys; but at the same time it must not be forgotten that the one whose death was caused was also a small boy---in fact younger and smaller probably than those who have testified before you.

You will of course look into all the facts surrounding this case; you have a right to consider all the probabilities of the case if it will aid you in arriving at your verdict; but of course your verdict, as you all know, must be based upon the evidence presented before you.

Now, the prosecution in this case has gone into the facts as thoroughly as they could probably; although I was under the impression that perhaps it might have been better to have adjourned the case this afternoon in the absence of one of the counsel; but for all that, we have been able to get at the facts connected with the case, as far as we could command the attendance of witnesses. I hardly think there were any others---it is more than probable there were no other witnesses except the ones you have had before you, and who were there at the time of this affray.

Now, gentlemen, if you believe that this boy Hippar was simply playing with these children, and that while thus playing that he accidentally fell down, and that the sickness that followed did not cause his death, of course, then the death of Tobias Hippar was due to natural causes, as stated by the medical certificate. But if, on the other hand, you believe that what you have been told with reference to the acts of these boys is true,

0312

then you have a right to state it in your verdict, and implicate whomever you think ought to be implicated in the cause of this little boy's death.

I wish to call your attention to the medical testimony; and it is a very important feature in this case. You have listened to the evidence of the two physicians---one of whom is officially connected with this office, and who is my deputy, and whose evidence was given yesterday afternoon; and you have listened to the evidence of Dr. Stern, who treated this child some four or five hours before his death, and was with him during nearly all that time---I believe he says nearly four hours of the time that he lived---the last four hours of his life. Dr. Stern's testimony has been very explicit, and I need not dwell or comment upon it. I think you all understood it thoroughly. So as to the evidence of Dr. Jenkins, the deputy coroner. I believe I put the question to Dr. Jenkins yesterday, if I am not mistaken, whether he coincided with the testimony given by Dr. Stern on the main issue, as to the general result, and I believe his answer was in the affirmative. However, to satisfy myself, I recalled Dr. Stern again today, and he again explained what, in his opinion, was the cause of death.

MR. NOW, you have these two elements to consider. You have the evidence of these boys, and you have the evidence of the doctors. Now, from that evidence---if you compare the evidence of the doctors and the evidence of the boys---if from that evidence you are satisfied that this boy Hippar was killed, or died from the injuries re-

0313

ceived from a person or persons, then you have a right to name them, if the evidence warrants it, and your verdict must be that the boy died from the result of the injuries he received on that Wednesday afternoon.

Of course I would ask you to be very careful in considering every point in the case, as I know this case has been considerably discussed publicly and otherwise---not that that has anything to do with you, of course as jurors, but I have been careful in the selection of a jury of business men, well known in the community so that they could listen to the evidence patiently and attentively, as you have done; and after considering everything that has been testified to here, I would like to leave it in ^{the} ~~xxxx~~ hands of a careful and conscientious jury, and I think I have succeeded in that respect.

Now, gentlemen, you will retire to consider the case in its entirety; carefully weigh the evidence, and after so doing return to the court room with your verdict. Gentlemen, the case is with you.

MR. MAY: Will your Honor instruct the jury ~~that~~ that if they find that the boy died from the result of injuries received, they may also find at whose hands they were received.

THE CORONER: The jury have been so instructed.

MR. MAY: Also that if that find that this boy Hassinger directed these other boys to commit an assault upon this little boy, even if this boy Hassinger did not participate in that assault, that he is as guilty as the others,---that he is an accessory.

03 14

THE CORONER: I would charge the jury that the Code does provide that where a person is present and directs an assault, even if he absents himself when it is committed---as long as he directed the assault--- I would ^{say} ~~state~~ that the counsel is right in his request, and I so charge you.

MR. ZELLER: I would ask your Honor to instruct the jury---

THE CORONER: As far as instructing the jury is concerned---unless it is something else you wish to add---they are the best judges of what the testimony amounts to, and as to whether the evidence does or does not implicate your client.

The jury then retired, and subsequently brought in the following verdict:

"We the jury do find the cause of death of Tobias Hippar that his death was caused by injuries sustained at the hands of William Lutz; and we also find Lawrence Hassinger implicated by advising said William Lutz.

The Coroner then directed that the two prisoners be committed to the City Prison without bail.

134

03 15

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of Coroners Office
No. 67 Park Row Street, in the 4th Ward of the City of
New York, in the County of New York, this 26th day of April
in the year of our Lord one thousand eight hundred and eighty nine before

Ferdinand Levy Coroner,
of the City and County aforesaid, on view of the Body of Tobias Kipper
lying dead at

Eleven good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
Tobias Kipper came to his death, do
upon their Oaths and Affirmations, say: That the said Tobias Kipper
came to his death by

Injuries sustained at the hands of William
Lutz at 1614 Second Avenue April 10th
1889 and find also Lorenz Hassinger
implicated by advising said William
Lutz.

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

JURORS.

Leo Schlesinger 129 Crosby

Daniel J. Hoag 574 49

Philip J. Hahn
72 Murray St -

J. Mandel
99 Greene St

Joseph Keller 28 & 30 Greene St

Patrick J. Murphy 80 Duane, Saml. M. Schaper

2 West 56
C. J. Tenney

Emil Reiman 10 E. 4th St

J. L. Van Thet 37 1/2 52 St

W. D. Nichols - 153 E. 79th

52 W 46 St

Ferdinand Levy
CORONER, J. S.

03 16

Coroner's Office.

CITY AND COUNTY } ss.
OF NEW YORK.

Lorenz Hassinger 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.

Lorenz Hassinger

Question. How old are you?

Answer.

11 years

Question. Where were you born?

Answer.

91 1st avenue

Question. Where do you live?

Answer.

1624 - 2^d ave

Question. What is your occupation?

Answer.

I go to school

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

Answer.

Nothing

Lorenz Hassinger.

*Taken before me, this 26th day of April 1889
Friedman Levy Coroner*

0317

Coroner's Office,

CITY AND COUNTY
OF NEW YORK, } SS.

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

Question—What is your name?

Answer—

William Lutz

Question—How old are you?

Answer—

10 years

Question—Where were you born?

Answer—

Germany

Question—Where do you live?

Answer—

1614—2^d Ave

Question—What is your occupation?

Answer—

I go to school

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

Nothing

William Lutz

Taken before me, this *26th* day of *April* 188*9*
Ferdinand Levy CORONER.

0318

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
5 Years	Months	Days	New York	1614 2nd Ave	April 13/89

200-
 Edm. Sutcliffe killed by
 E. Sterling, 185
 185 Monroe St.
 1614 Second Avenue.
 Lawrence Manger killed by
 Henry Moller
 1624 Second Avenue.
 Bonds filed in office of Clerk
 of General Session May 2/89
 \$500 bond
 Witnesses:
 Eugene R. Dora 1614 2nd Ave
 Sarah Miller 229 E 82 St
 Samuel Miller " "
 Dr. James E. Khan 164 E. 81 St
 Dr. W. S. Jenkins, Coroner of M.D.
 Herman Sanchez, 302 E 84
 John Saunders 408 E. 99 St
 X Joseph Manning 1548 1st Ave
 Louis Miller 229 E 82 St
 X Wm. Sutcliffe
 Joe Sutcliffe 1614 2nd Ave
 John Sutcliffe Sr.
 Emma Gooding
 185 Monroe St.
 1614 2nd Ave

2005
 No. 132-1889
 HOMICIDE.
 AN INQUISITION.
 On the VIEW of the BODY of
 Josiah Suppan
 whereby it is found that he came to
 his Death by the hands of
 William Dora
 Joseph Manning
 Request taken on the 25th day
 of April 1889
 Discharged
 Commitment
 Discharged
 Date of death
 FFB
 1890
 DISTRICT ATTORNEY'S OFFICE.
 Coroner.

0319

MEMORANDA.

AGE	5 Years	Months	Days
PLACE OF NATIVITY	New York		
WHERE FOUND	1614 2nd Ave		
DATE When Reported	April 3/89		

Wm. Sutzy, Bailed by
E. Berding, Koch
185 Monroe St.
1614 Second Avenue

Lawrence Harringer Bailed by
Henry Wohlers
1624 Second Avenue.

Bonds filed in office of Clerk
of General Session May 2/89
\$500 bond

Witnesses:

George ~~Don~~ 1614 2nd Ave
Saml. Singer 227 E 82 St
Saml. Singer " "
Dr. James Skene 164 E. 81 St
Dr. W. S. Yantis, Coroner's office
Steman Sanders, 302 E 84
John Leonard 408 E. 79 St
x Lawrence Harringer 1544 2nd Ave
x Louis Skene 227 E 82 St
x Wm. Sutzy
Jas Sutzy 1614 2nd Ave
Wm Sutzy Sr. "
Esther Buchning "
Jas Gordon 217 E 82 St

HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

Josias Hippard

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

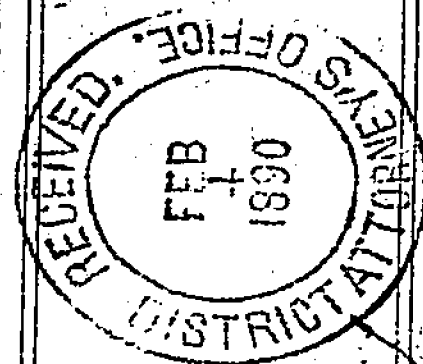
William ^B ~~Sutzy~~

Joseph Harringer ^B

Inquest taken on the 28th day

of April 1889

before J. J. Leonard
Coroner.



Committed
Bailed
Discharged

Date of death


over

0320

IN THE MATTER OF
THE CUSTODY OF WILLIAM LUTZ.

February 9 (in A.M.), 1895, Officer Deubert S.P.C.C. at 1614 Second Avenue learned from housekeeper that Lutz family moved from there about four years ago and that she does not know their present whereabouts. Officer next called at No 1548 Second Avenue (wein saloon), where found Mr. Lorenz Hassinger, proprietor, and his son, Lorenz, aged 17 years, who helps his father in the business. Young Lorenz appears to be a respectable young man and is well spoken of by people in the neighborhood. He knows nothing as to whereabouts of the boy William Lutz, whom he has not seen in over four years. Officer made other efforts in the neighborhood but was unable to get any trace of the boy Lutz.

February 13 (P.M.), 1895, Officer Deubert reports, that the boy William Lutz lives with his parents, William and Ida, at No. 73 East 106th Street, third floor, West side. Boy was 16 years of age last January and at present is employed by Adolph Rothchild, butcher, at No. 51 East 110th Street. Boy is well spoken of. His parents are respectable. They have lived at above address over three years. F. Cook of No. 185 Monroe Street, bondsman for boy, has been dead over four years.



0321

-----X
THE PEOPLE OF THE STATE OF NEW YORK :
a g a i n s t :
WILLIAM LUTZ and LAWRENCE HASSINGER. :
-----X

In this case the two defendants were respectively ten and eleven years of age at the time of the commission of the crime in April 1889. This indictment was filed in March 1890, almost a year after the crime. I have seen the defendant Hassinger, and he is apparently a very respectable boy of sixteen years, and lives with his parents. The evidence against him is not sufficiently strong to warrant a conviction. The Society for the Prevention of Cruelty to Children made an investigation as to the conduct of Hassinger and find he bears a very good name in the neighborhood in which he lives, and that he is in business with his father at No. 1548 Second Avenue.

The evidence against the defendant, Lutz, is very strong, but taking into consideration his age, ten years, at the time of the commission of the crime in 1889 and the result of the investigation made by the Society for the Prevention of Cruelty to Children, which report is annexed, I would respectfully recommend the discharge of the two defendants on their own recognizances.

Dated, New York, February 15 1895.

Respectfully submitted,

Joseph H. Hennessey
Deputy Asst. Dist. Atty.

I approve of the above recommendation.
Oct. 8/96
Vernon H. Davis,
Acting D. A.,
Dist. Atty.

0322

Court of App. and Sessions.

THE PEOPLE OF THE STATE OF
NEW YORK

against
William Coby
Lawrence H. Hensinger.

Report.

JOHN R. FELLOWS,
DISTRICT ATTORNEY,
No. 82 CHAMBERS ST.,
NEW YORK CITY.

0323

GRAND JURY ROOM.

PEOPLE

vs.

William L. ...

...

...

...

...

...

...

...

0324

POOR QUALITY
ORIGINAL

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

THE PEOPLE OF THE STATE OF NEW YORK,

against
William Dwyer and
Lawrence Harringer

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

indictment, accuse *William Dwyer and Lawrence*
Harringer

of the crime of *Manslaughter in the second degree,*

committed as follows:

The said *William Dwyer and*
Lawrence Harringer,

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

— tenth — day of *April,* in the year of our Lord one thousand
eight hundred and ~~ninety~~ *ninety-nine*, at the City and County aforesaid,

in and upon one John Dwyer, well known and known

and did make an assault, and then the said

John Dwyer, with both the hands and feet of

then the said William Dwyer and Lawrence Harringer,

0325

POOR QUALITY
ORIGINAL

in and upon the body of him the said John's Shipper,
 then and there maliciously and feloniously did strike, beat,
 strike, bruise and wound, giving unto him the said
 John's Shipper, by means of such striking, beating,
 striking, bruising and wounding, in and upon the
 body of him the said John's Shipper, divers mortal
 wounds, bruises and injuries; and the said William
 Suter and Lawrence Harringer, a quantity of
 excrement, dirt, filth and other substances and
 materials, to the purpose aforesaid, into the
 mouth of him the said John's Shipper, then and
 there maliciously and feloniously did ~~thrust~~ put,
 place, thrust and force, and into the said John's
 Shipper, with the said excrement, dirt, filth and
 other substances and materials, so put, placed,
 thrust and forced into his ~~mouth~~ mouth as
 aforesaid, and by means thereof, did then and
 there maliciously and feloniously choke, strangle
 and strangle; as well of which said mortal wounds,
 bruises and injuries, as also of which said choking
 and strangling, he the said John's