

0714

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Smith, Andrew

**DATE:**

01/28/89



3206

0715

300

Counsel, *J. P. [unclear]*  
Filed *day of [unclear]* 188*9*  
Pleads,

Grand Larceny *Second degree.*  
[Sections 528, 537 Penal Code].

THE PEOPLE

vs.

*Andrew Smith*

JOHN R. FELLOWS,  
District Attorney.

**A True Bill.**

*Thos. [unclear]*  
Foreman.

*Jan'y 27/89*

*Edw. J. [unclear]*  
*H. M. [unclear]*

Witnesses:

*Fredrick Gunner*

*By [unclear] done*

*True*

*JR*

0716

6 District Police Court--

Affidavit--Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Keeper of No. 3721 - 3<sup>d</sup> Avenue Street, Friedrich Sommer, 43 years, Restaurateur  
New York City

being duly sworn, deposes and says, that on the 11<sup>th</sup> day of January 1889  
at the said residence of deponent City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time

the following property, viz.: A zinc covered trunk of the  
value of Three dollars, containing One  
Man's suit of cloth<sup>dark</sup> clothes of the value of  
Twenty five dollars, One Rubber coat of the  
value of Two dollars and fifty cents and sundry  
other articles of wearing apparel and toilet-  
appliances of the value of Thirty seven dollars  
and fifty cents; altogether of the value  
of Seventy-one dollars

the property of Andrew Vetter and in the care  
and custody of deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by Andrew Smith, alias Andrew  
Hennessy, now here, from the fact that  
deponent saw said Smith together with a  
companion in the act of carrying said property  
away from the premises of deponent with whom said  
Vetter boarded. Said Vetter informs deponent that he  
did not authorize said Smith to take said trunk which  
was found in the woods near deponent's place and  
identified by said Vetter.

Friedrich Sommer

Sworn before me this

1889  
POLICE JUSTICE

0717

CITY AND COUNTY }  
OF NEW YORK, } ss.

Andrew Vetter

aged 23 years, occupation Car driver of No.

777 Conlland Avenue

~~Street~~, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Frederick <sup>SA</sup> Sumner

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

Sworn to before me, this 15

day of January 1889

Andrew Vetter

A. J. White  
Police Justice.

0718

Sec. 198-200.

6th

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Andrew Smith 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. Andrew Smith

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. New York City

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

Answer. 73<sup>d</sup> street near 1<sup>st</sup> Avenue, 3 months

Question. What is your business or profession?

Answer. Carpenter

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

Andrew Smith

Taken before me this

15th

day of January 188

*[Signature]*  
Police Justice.

0719

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 ~~\_\_\_\_\_~~

Andrew Smith  
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 January 15<sup>th</sup> 1889. [Signature] Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offence within mentioned, I order h to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0720

300  
Police Court--- 6<sup>th</sup> 92 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Frederick Summer  
3721 - vs. 3<sup>d</sup> ave  
1 Andrew Smith

Offence *Carney*  
*Edney*

2  
3  
4

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *January 15<sup>th</sup>* 1889

*White* Magistrate.

*Brady* Officer.

*34* Precinct.

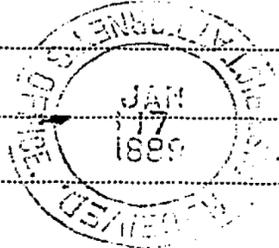
Witnesses .....

No. .... Street.

No. .... Street.

No. .... Street.

\$ *5000* to answer *Edney*



*Edney* *34*

0721

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Andrew Smith*

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

*Andrew Smith*

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

The said

*Andrew Smith*

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

*one trunk of the value of three dollars, one coat of the value of twelve dollars, one vest of the value of five dollars, one pair of trousers of the value of eight dollars, one rubber coat of the value of two dollars and fifty cents, divers articles of clothing and wearing apparel of a number and description to the Grand Jury aforesaid unknown of the value of thirty dollars, and a quantity of toilet articles of a number and description to the Grand Jury aforesaid unknown of the value of seven dollars* of the goods, chattels and personal property of one *Andrew Vetter*

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

0722

SECOND COUNT—

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

*Andrew Smith*

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

The said *Andrew Smith*

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

*one trunk of the value of three dollars, one coat of the value of twelve dollars, one vest of the value of five dollars, and one pair of trousers of the value of eight dollars, one rubber coat of the value of two dollars and fifty cents, divers articles of clothing and wearing apparel of a number and description to the Grand Jury aforesaid unknown, of the value of thirty dollars, and a quantity of tools articles of a number and description to the Grand Jury aforesaid unknown, of the value of seven dollars*

of the goods, chattels and personal property of one

*Andrew Better*

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

*Andrew Better*

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

*Andrew Smith*

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

JOHN R. FELLOWS,

District Attorney.

0723

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Smith, Hubert L.

**DATE:**

01/17/89



3206

0724

Witnesses;

Robert F. Chew

After a full examination of all the facts herein I am of opinion that the circumstances under which the alleged forgery was committed were such that no conviction could be obtained and in view of the good character of the defendant the fact that the defendant made good through in full to the complainant in Aug 1888 the time of his arrest and has been conducting himself properly since I therefore recommend that the indictment be dismissed  
Dec 23/89  
R. A. Hart

130.

W. A. Stewart  
Counsel

Filed 17 day of Jan'y 1889  
Pleads, *Not guilty* Dec 17/89

THE PEOPLE

vs.

Hubert L. Smith

Forgery in the Second Degree.  
[Sections 511 and 521, Penal Code.]  
(Endorsement, etc)

JOHN R. FELLOWS,  
District Attorney

*Dec 23/89*  
*Indicted*  
*for*  
*County of Santa Clara*

A True Bill.

*Wm J. Hartney*  
*Foreman.*  
*Dec 23rd 1889*  
*W. J. Hartney*

0725

Cross Examination of the complainant  
Robert Hollister

Q How long have you known the  
defendant Smith?

A For 3 years.

Q And you had several transactions  
with him, that is your firm?

A Yes sir.

Q And he paid you sometimes in checks  
and cash?

A Yes sir.

Q This was the first check that was  
returned to you?

A Yes sir.

Q Do you think the defendant had  
any intention to defraud you of  
any money or property in this trans-  
action?

A I don't think he intended to defraud  
me at the time.

Q And are you now satisfied that he  
didn't intend to defraud you?

A I feel now that he did not.

Plum & Co. for the  
the 11th day of November 1888  
J. G. Over

J. G. Over

0726

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

POLICE COURT, \_\_\_\_\_ DISTRICT.

of No \_\_\_\_\_ Street, being duly sworn, deposes and says,  
that on the \_\_\_\_\_ day of \_\_\_\_\_ 188  
at the City of New York, in the County of New York, \_\_\_\_\_

*Ex Aug 26, 1880*

*Wm Price Counsel for the defendant  
Waves the cross examination of ~~the~~  
Mr. Mayse jr - witness for the people.  
and calls motion this examination is  
adjourned to Wednesday 9<sup>th</sup> A.M. Sep. 5<sup>th</sup>*

0727

43  
 Washington, D.C. Nov 9 1887  
 Wm. Mayse & Co. Bankers  
 Cash  
 Twenty Five \$ Dollars  
 N. L. Smith



Loch. P.  
 No.

15.00  
 Washington, D.C. Nov 10 1887  
 Wm. Mayse & Co. Bankers  
 Cash  
 Twenty Five \$ Dollars  
 N. L. Smith



Loch. A.  
 No.

Do. 1100  
 Do. 1100

0728

*W. Smith*  
*Clever Bros*

~~Pay NAT'L METROPOLITAN BANK,  
WASHINGTON, D.C.  
Order for Coll. for Acct. of  
THE CHATHAM NAT. BANK, N. Y.  
H. P. DOREMUS, Cashier.~~

NOV 18 1891



~~Pay NAT'L METROPOLITAN BANK,  
WASHINGTON, D.C.  
Order for Coll. for Acct. of  
THE CHATHAM NAT. BANK, N. Y.  
H. P. DOREMUS, Cashier.~~

~~NAT'L METROPOLITAN BANK  
WASHINGTON, D.C.  
NOV 18 1891~~

*Clever Bros*

*W. Smith*

0729

TORN PAGE

Endorsed:

UNITED STATES OF AMERICA.

DISTRICT OF COLUMBIA, to wit:

BE IT KNOWN, That on the 15<sup>th</sup> day of November, in the year eighteen hundred and eighty-~~seven~~one, I, JOSEPH W. HOWELL, Notary Public, residing in the said District, duly commissioned and sworn, at the request of the NATIONAL METROPOLITAN BANK, of Washington, presented the original \_\_\_\_\_ hereto attached

and demanded at The Mayes & Co Bankers check thereof, whereunto I was answered By Mr Mayes payment "not good"

THEREFORE, I, the said NOTARY, at the request aforesaid, HAVE PROTESTED, and by these presents do SOLEMNLY PROTEST, against the Drawer \_\_\_\_\_ and Endorser<sup>s</sup> of the said check and all others whom it may or doth concern, for all costs, exchange, charges, damages, and interest suffered and to be suffered for want of payment thereof. And on the same day, I \_\_\_\_\_ mailed NOTICE OF

and delivered Do. Oliver Cross  
Do. \_\_\_\_\_  
Do. H. P. Wrenn  
Do. \_\_\_\_\_  
Do. H. D. Smith cashier.

Do. Wortham National Bank  
Do. \_\_\_\_\_  
Do. \_\_\_\_\_  
Do. \_\_\_\_\_  
Do. \_\_\_\_\_  
Do. at his office 421 Eleventh Street N.W.  
New York City  
N.Y.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal of Office, the day and year aforesaid.

Protesting..... \$1 75  
Notices..... 30  
Postage..... 2

Recorded, book 207B, page 156

J. M. Howell  
Notary Public.

UNITED STATES OF AMERICA.

DISTRICT OF COLUMBIA, to wit:

BE IT KNOWN, That on the 15<sup>th</sup> day of November, in the year eighteen hundred and eighty-~~seven~~one, I, JOSEPH W. HOWELL, Notary Public, residing in the said District, duly commissioned and sworn, at the request of the NATIONAL METROPOLITAN BANK, of Washington, presented the original \_\_\_\_\_ hereto attached

and demanded at The Mayes & Co Bankers check thereof, whereunto I was answered By Mr Mayes payment "not good"

THEREFORE, I, the said NOTARY, at the request aforesaid, HAVE PROTESTED, and by these presents do SOLEMNLY PROTEST, against the Drawer \_\_\_\_\_ and Endorser<sup>s</sup> of the said check and all others whom it may or doth concern, for all costs, exchange, charges, damages, and interest suffered and to be suffered for want of \_\_\_\_\_ thereof. And on the same day, I \_\_\_\_\_ mailed NOTICE OF

0730

TORN PAGE

*Alfred Bm*

*45  
12,17*

*7717*

*Cash  
Wm. M. ...*

W. HOWELL,  
NOTARY PUBLIC,  
National Metropolitan Bank,  
WASHINGTON, D. C.

*Alfred Bm*

*45  
20*

*7707*

*Cash  
Wm. M. ...*

JOSEPH W. HOWELL,  
NOTARY PUBLIC,  
Office, National Metropolitan Bank,  
WASHINGTON, D. C.

0731

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

POLICE COURT, 1 DISTRICT.

Robert H. Oliver

of No 15 John Street, being duly sworn, deposes and says,

that on the 10<sup>th</sup> day of November 1888

at the City of New York, in the County of New York, Hubert L. Smith

from him, did wilfully and feloniously make forge, utter and counterfeits with intent to defraud the name of Messrs Mayse & Co to the annexed checks, which ~~are~~ checks purporting to be drawn on the firm of Messrs Mayse & Company Bankers of Washington D. C. for the reasons following, to wit: on the above described date the defendant came to defendant's place of business and purchased some diamonds valued at <sup>one</sup> ~~seventy~~ hundred and fifty dollars, and gave in payment the annexed checks. The defendant told defendant that the certification to said checks ~~was~~ in the handwriting of Messrs Mayse & Company and defendant believing the representation made to be true gave to the defendant the said diamonds. Defendant is informed by <sup>(nowhere)</sup> William Mayse Senior of the firm of Messrs Mayse and Company of Washington D. C. that the certification to the said checks is not in his handwriting that he never authorized the defendant to sign his (Mayse's) name to any checks, and further

0732

says that at the time the said  
defendant presented the said check  
to the depositor, he (defendant)  
did not have an amount in  
said firm sufficient to meet  
said check. Repsoner further  
says that the said defendant  
told him that the checks were  
genuine. Whereupon depositor  
charged the said defendant with  
feloniously masquerading, forging and  
uttering the said signature to  
said checks thus depriving  
depositor of his property

Seen to before him  
this 31<sup>st</sup> day of August  
1888

W. J. Oliver

Police Justice

POLICE COURT— DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFFIDAVIT.

vs.

Dated \_\_\_\_\_ 188

Magistrate.

Officer.

Witness,

Disposition

0733

Sec. 198-200.

District Police Court

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Hubert L. Smith* 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. *Hubert L. Smith*

Question. How old are you?

Answer. *32 years.*

Question. Where were you born?

Answer. *Pennsylvania*

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

Answer. *New Jersey - 4 years*

Question. What is your business or profession?

Answer. *Broker*

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

Answer. *I am not guilty and I demand an examination*  
*Hubert L. Smith*

Taken before me this

day of *August* 188*8*

*[Signature]*  
Police Justice.

0734

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Mays Jr.*

aged 30 years, occupation Banner of No.

576 - 7th St. N.W. Washington D.C. Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Robert H. Oliver

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

Sworn to before me, this 31  
day of August 1888

*Wm Mays Jr.*

*W. J. Gray*  
Police Justice.

0735

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Manice Kover Esq a Police Justice  
of the City of New York, charging Huber L Smith Defendant with  
the offence of Forgery

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, Huber L Smith Defendant of No. \_\_\_\_\_

and John B Day Street: by occupation a \_\_\_\_\_ of No. 121 Maiden Lane

Street, by occupation a Real Estate Surety, hereby jointly and severally undertake that  
the above named Huber L Smith 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 Fifteen  
Hundred Dollars.

Taken and acknowledged before me, this 29 H. L. Smith

day of August 1888 John B Day

POLICE JUSTICE.

0736

CITY AND COUNTY }  
OF NEW YORK, } ss.

Sworn to before me, this  
day of July 1888  
*[Signature]*  
Police Justice

the within named Bail and Surety being duly sworn, says that he is a resident and holder within the said County and State, and is worth Five Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of Stock of bond

and business situated at No 121  
Warden Lane in said City valued  
at Five thousand Dollars, clear

*Arthur B. Day*

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

188

day of

Taken the

Justice.

0737

CITY AND COUNTY }  
OF NEW YORK, } ss.

POLICE COURT, 1 DISTRICT.

Robert H. Oliver

of No. 125 John Street, aged 39 years,  
occupation Jeweller being duly sworn deposes and says,

that on the 2<sup>d</sup> day of August 1888

at the City of New York, in the County of New York, he caused

the Hubert L. Smith (now being  
to be arrested for Forgery - he

having forged the name of  
William Mayers of Washington D.C.  
to the amount  
check and obtained from de-  
poner a quantity of Diamonds.  
Deponer prays that the defendant  
be held to enable deponer to  
produce a representative of the  
said Mayers in court.

Robt H. Oliver.

Sworn to before me this

of August 1888

day

at New York

Police Justice,

0738

Police Court \_\_\_\_\_ District.

THE PEOPLE, & c.

ON THE COMPLAINT OF

vs.

*Hubert L. Smith*

*32 yrs.*

AFFIDAVIT.

*John*

Dated *Aug 29* 188*8*

*Parr* Magistrate.

*Dougherty* Officer.

Witness,

*George W. Poggendorf*

*321 Cass St. N.*

Disposition,

*\$1500* *Warrant*  
*Blanch 9<sup>th</sup>*  
*St. W.*

0739

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 Dec 14 1888 Ed Pome Police Justice.

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

Dated Dec 17 1888 Ed Pome Police Justice.

There being no sufficient cause to believe the within named.....

.....guilty of the offence within mentioned, I order h to be discharged.

Dated.....188..... Police Justice.

0740

Ex Sept 5<sup>th</sup> 9:00  
14 7. 9:00  
On motion of defendant  
W. G. ...  
Sept 9<sup>th</sup> 9:00 AM.  
Resam ...  
Counsel ...  
Bailed

Oct 10<sup>th</sup> 9:00 AM  
No. 1, by ...  
Residence ...  
No. 2, by ...  
Residence ...  
No. 3, by ...  
Residence ...

No. 4, by ...  
at the request of the ...  
as of Dec 14. 9:00 AM.

Surety  
John Day  
121 Maiden Lane  
Mary

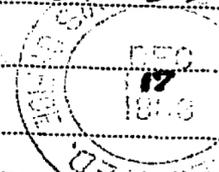
19 Dec 1948  
Police Court--- District.

No. 130  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Robert P. Oliver  
209 W. 104 St.  
Hubert S. Smith  
1  
2  
3  
4

Dated August 31 188  
Magistrate.  
Officer.  
Precinct.

Witnesses  
No. ...  
No. ...  
No. ...

\$ 500 to answer  
Bailed



0741

POOR QUALITY ORIGINAL

Notice for *H. L. Smith*  
*N.Y. Office*  
Do. *H. L. Smith*  
Do. *Oliver Bros.*  
Do. *H. P. Onemus cashier*  
Do.

Do.  
Do.  
Do.  
Do.  
Do.

*Commercial Bank*  
*New York City*  
*N.Y.*

*next day delivery* Do. *H. L. Smith*  
*N.Y. Office*

Do. *at their place business 421 Eleventh St. N. Y.*

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal of Office, the day and year aforesaid.

Protesting..... \$1 75  
Notices..... 40  
Postage..... 2

Recorded, book *B*, page *109*

*J. M. Stone*  
Notary Public.

0742

**DIRECTIONS.**

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.  
When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPCENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York.

To *William M. O'Hara* Street  
of No. *907 Broadway*

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the *22<sup>nd</sup>* day of *DECEMBER* 189 at the hour of 10 $\frac{1}{2}$  in the forenoon of the same day, as a witness in criminal action prosecuted by the People of the State of New York, against *William Dief*

Dated at the City of New York, the first Monday of  
in the year of our Lord 189 /

DECEMBER

DE LANCEY NICOLL, District Attorney.

0743

If the Grand Jury adjourn, and without explanation, inquire of District Attorney's office, if you are clerk.  
may then retire, mentioning your case taken up, you may know—If other witnesses in this case fact to the District Attorney.  
If you are ill when served, sent, and fine you.  
If you do not obey this Subpoena absence, the Court will enforce your If it is very inconvenient for you designated, let the District Attorney the witness room know this at an your turn comes, it may save you good. If you wait patiently on Foreman please. The Foreman The Grand Jury calls witnesses

**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 M. O'Hara*

Affidavit of Service of Subpoena.

City and County of New York, ss.

*John Reilly*

being duly

sworn, deposes and says: I reside at No. *452 West 29<sup>th</sup> St* Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York, and am over twenty-one years of age. On the *21<sup>st</sup>* day of *December* 1891, at *907 Broadway*

in said city, I served a subpoena in the above-entitled action, of which a copy is hereto annexed, upon *William M. O'Hara* a witness in the said action, personally by delivering the said subpoena to and leaving the same with the said *William M. O'Hara* in person, at the place aforesaid; and that I know the said *William M. O'Hara* so served as aforesaid, to be the person named and described in the said subpoena as such witness.

Sworn to before me, this *23<sup>rd</sup>* day of *December* 1891.

*John H. Reilly*

*For. H. Maguire*  
Court of Dues & Co

0744

**Court of General Sessions.**

THE PEOPLE, *on the Complaint of*

vs.

Offense: \_\_\_\_\_

**DE LANCEY NICOLL,**

*District Attorney.*

*Affidavit of Service of Subpœna by*

Subpœna Server

*Filed Dec 23/91*

0745

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael S. Smith

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

Michael S. Smith

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

The said Michael S. Smith

late of the City of New York, in the County of New York aforesaid, on the tenth day of November, in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, having in his custody a certain instrument and writing,

which said instrument and writing is as follows, that is to say:

\$75.00 Washington D.C. Nov 10 1887  
Wm. Mayne & Co. Bankers  
Pay to the order of M. S. Smith  
Twenty Five Dollars  
No. 5511 M. S. Smith  
Wm. Price

the said Michael S. Smith afterwards, to wit: on the day and in the year

aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge,

and cause and procure to be forged, and willingly act and assist in forging on the

of the said instrument and writing which said forged instrument and writing commonly called an is as follows, that is to say:

\$75 Wm. Mayne & Co  
Nov 10 1887

with intent to defraud, 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.



0747

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Smith, James

**DATE:**

01/09/89



3206

0748

Witnesses:

*John Lynch*

*W. H. [unclear]*

Counsel,

Filed

9 day of May 1889

Pleas,

*North Italy*

THE PEOPLE

*vs. James Smith*

Burglary in the Third degree.  
[Section 498, 506, 34, 528, 530.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Wm B. Worley*

Foreman.

Pay III January 11/89.

Pleas Attempted & L. 12 day

State of Missouri

15

7-

0749

Police Court \_\_\_\_\_ District.

City and County }  
of New York, } ss.:

of No. 114 Varian Street, aged 25 years,  
occupation Watchman being duly sworn.

deposes and says, that the premises No A freight car Street,  
in the City and County aforesaid, the said being a car which was standing  
on the tracks on Hudson Street  
and which was occupied by deponent as a \_\_\_\_\_

and in which there was at the time a human being, by name \_\_\_\_\_  
it being securely locked and fastened  
were BURGLARIOUSLY entered by means of forcibly breaking  
a seal and forcing back  
a door on said car

on the 16<sup>th</sup> day of December 1888 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

A quantity of sole-leather  
valued at Two thousand  
dollars

the property of The New York Central & Hudson River Railroad  
Company and in the car of deponent  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

James Smith (now here) and three  
others not yet arrested, who were together  
for the reasons following, to wit: at about the hour

of two o'clock on the said  
date deponent saw this de-  
fendant and said instrument  
standing around said car  
and deponent saw this defendant  
break the seal on said car force  
back the said door insert  
his hand in said car and

0750

pull out some leather from  
said car, which leather fell  
to the street.

Sworn to before me } John P. G. }  
this 16<sup>th</sup> day of December 1888

Wm Patterson  
Police Justice.

Police Court \_\_\_\_\_ District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.  
Burglary  
Degree

Dated \_\_\_\_\_ 1888

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ \_\_\_\_\_ Bail.

Bailed by \_\_\_\_\_

No. \_\_\_\_\_ Street.

0751

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*James Smith* 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.

*James Smith*

Question. How old are you?

Answer.

*20 years.*

Question. Where were you born?

Answer.

*New York.*

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

Answer.

*422 W. 56<sup>th</sup> St. 9 months.*

Question. What is your business or profession?

Answer.

*Labourer.*

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*

*James Smith*

Taken before me this *16* day of *December* 188*8* at *109 W. 4th St.*  
*W. J. M. [Signature]* Police Justice.

0752

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.....

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

Dated.....*188*.....*John Patterson* Police Justice.

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

Dated.....188..... Police Justice.

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

Dated.....188..... Police Justice.

0753

20578  
Police Court--- 1946 District.

THE PEOPLE &c  
ON THE COMPLAINT OF

*John Lynch*  
114 *Warrick's*  
*James Smith*

*Officer*  
*Angela*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

2  
3  
4

Dated *Dec 16* 188

*Patterson* Magistrate.

*Gorman* Officer.

*5* Precinct.

Witnesses *Call officers*

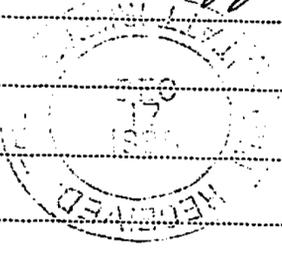
No. .... Street.

No. .... Street.

No. .... Street.

\$ *1000* to answer *G.S.*

*Comm*



0754

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*James Smith*

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

*James Smith*

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

The said *James Smith*

late of the *5th* Ward of the City of New York, in the County of New York, aforesaid, on the *nineteenth* day of *December*, in the year of our Lord one thousand eight hundred and eighty *eight*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *rainwater* of *one* a *corporation known as the New York Central and Hudson River Rail Road Company.*

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

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

0755

SECOND COUNT—

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

*James Smith of the crime of unlawfully*  
*to commit*

of the CRIME OF Grand LARCENY in the first degree, committed as follows:

The said *James Smith*,

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

*a quantity of sole leather (a more*  
*particular description whereof*  
*is to the Grand Jury aforesaid*  
*unknown) of the value of two*  
*thousand dollars,*

of the goods, chattels and personal property of ~~one~~ *a corporation known*  
*as the New York Central and Hudson*  
*River Rail Road Company,*  
in the ~~vicinity~~ *of the said corporation.*

there ~~situate~~ <sup>attempt to</sup> then and there being found, *from the* ~~vicinity~~ *of the* aforesaid, then and there  
'feloniously did steal, take and carry away, against the form of the statute in such case made and  
provided, and against the peace of the People of the State of New York and their dignity.

*John H. Collins*  
*Attorney at Law*

0756

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Smith, James

**DATE:**

01/29/89



3206

0757

62

330

Counsel,  
Filed  
Pleads,

29<sup>th</sup> day of  
Jan'y  
1889

ATTEMPTING SUICIDE.  
(Section 174, Penal Code).

THE PEOPLE

vs.

James Smith

John R. Fellows  
District Attorney

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

John R. Fellows  
Foreman.

Jan'y 29/89

John R. Fellows  
District Attorney

Witnesses:

Bernard Reilly

0758

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, DISTRICT.

*Edward Keilly*

of No. *Park Police* Street, aged *32* years,

occupation *Police Officer* being duly sworn deposes and says,

that on the *16<sup>th</sup>* day of *November* 188*8*

at the City of New York, in the County of New York, *James Smith*

*knows* *him* with intent to take his own life did commit upon himself an act dangerous to human life, to wit: he did cut his throat with a pen-knife in violation of Section 174 of the Penal Code of the State of New York. for the reasons following to wit: Respondent found the said defendant in a *urnal* in *Battery Park* with his throat cut, and he found a pen-knife <sup>in said urnal</sup> which pen-knife defendant

*Sworn to before me, this*

*day*

188-

*Police Justice,*

0759

admitted to deponment, was the knife which he used to inflict said injuries.

Served to before me this 14<sup>th</sup> day of December 1888

J. M. Peterson

Bernard Kelly

Police Justice.

Police Court District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 1888

Magistrate.

Officer.

Witness,

Disposition,

0760

Sec. 103-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*James Smith*

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

Question. What is your name?

Answer.

*James Smith*

Question. How old are you?

Answer.

*24 years.*

Question. Where were you born?

Answer.

*Sunder.*

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

Answer.

*At home*

Question. What is your business or profession?

Answer.

*Seaman*

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 was despondent, being  
out of work, and having no  
friends, I did not know what  
I was doing.*

*James Smith*

Taken before me this

*11th*

Day of *December* 188*5*

*W. M. Sullivan*

Police Justice.

0761

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.....

Richardson  
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 Sept 8 188..... J. M. Patterson Police Justice.

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

Dated..... 188..... Police Justice.

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

Dated..... 188..... Police Justice.

0762

330 1948  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Bernard Reilly*

vs.

*James Smith*

2  
3  
4

*Henry W. Smith*  
Officer

BAILED,

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

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

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

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

Dated *Dec 14* 188 *8*

*Patterson* Magistrate.

*Reilly* Officer.

*Parr* Precinct.

Witnesses \_\_\_\_\_

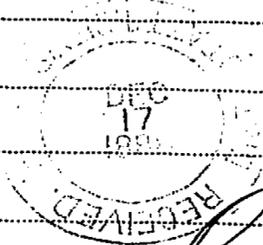
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *500* to answer *G.S.*

*Comm*



0763

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*James Smith*

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

*James Smith*

of the CRIME OF ATTEMPTING SUICIDE, committed as follows:

The said *James Smith*,

late of the City of New York, in the County of New York aforesaid, on the  
*fifteenth* day of *November*, in the year of our Lord  
one thousand eight hundred and eighty-*eight*, at the City and County aforesaid,  
with intent to take *his* own life, did feloniously *cut his throat*  
*with a certain razor*;

the same being an act dangerous to human life, 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.

0764

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Smith, John

**DATE:**

01/10/89



3206

0765

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Brady, Owen

**DATE:**

01/10/89



3206

0766

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Carney, George

**DATE:**

01/10/89



3206

0767

Witnesses:

Jacob Koehler  
James James & Moran  
A. D.  
All names  
Thompson  
Munson  
H.

188

Counsel,  
Filed  
Pleads, Machinery 11. 13

Grand Larceny 5<sup>th</sup> and degree  
[Sections 528, 531, 532, Penal Code].

THE PEOPLE  
vs.  
F

John Smith,  
Owen Brady  
and \$116.00  
George Carney

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Wm. J. Woolery  
Foreman.  
Jury 18. 1899.  
Call  
Spied & mounted  
Alb. J. M. S. P.  
Jury 18. 1899.

T.

0768

Police Court— H District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 410 East 13<sup>th</sup> Street, aged 32 years,  
occupation Licensed Tender being duly sworn

deposes and says, that on the 24 day of Dec 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the night time, the following property viz :

One licensed tender wagon  
of the value of fifty dollars  
(\$50.00)

the property of

deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by John Smith, Owen Brady  
and George Kearney (all

new york) from the fact that  
said wagon was standing in  
front of No 410 East 13<sup>th</sup> Street  
that deponent is informed by  
William Williamson of No 410 East  
13<sup>th</sup> that at about 11<sup>30</sup> O'clock P.M.  
of the above date he saw each of said  
deponents with said property in  
their possession on First Avenue  
between 17<sup>th</sup> and 18<sup>th</sup> streets and caused  
their arrest. Deponent has since  
seen said property and fully and  
positively identifies the same

John H. Hetherington

Sworn to before me, this 25 day of Dec 1888  
William Williamson Police Justice.

0769

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Williamson*  
aged *30* years, occupation *Licensed Dealer* of No. *410 East 13* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Jacob Koehler*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this *25* day of *Dec* 188*8* at *Wm Williamson*

*John Pittman*  
Police Justice.

0770

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

H District Police Court.

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

Question. What is your name?

Answer. *John Smith*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *No 410 East 8th St. 24 years*

Question. What is your business or profession?

Answer. *Pedlar*

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

Answer. *I am not guilty*

*John Smith*

Taken before me this

day of *Dec* 188*8*

*A. M. Williams*

Police Justice

0771

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Owen Brady*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No 417 East 18th St. 2 years*

Question. What is your business or profession?

Answer. *Laborer*

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*

*Owen Brady*

Taken before me this

day of *Sept* 188*7*

*J. J. Williams* Police Justice

0772

Sec. 198-200.

11 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

George Kearney 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. George Kearney

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. New York City

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

Answer. No 419 East 18th St. 2 years

Question. What is your business or profession?

Answer. Laborer

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

Answer. I am not guilty

George Kearney

Taken before me this 23 day of Sept 1888  
Wm. Williams  
Police Justice.

0773

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

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

Dated Dec 28 1888 J. M. Platts Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offence within mentioned, I order h to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0774

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Jacob Koehler*  
410 East 13<sup>th</sup> St  
*Geo Smith*  
*Owen Brady*  
*Geo Kearney*

Offence  
*of*  
*of*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated Dec 25 1888

*Patterson* Magistrate.

*Mcron* Officer.

18 Precinct.

Witness *Wm Williams*

No. 410 East 13<sup>th</sup> Street.

No. Ex Dec 28 Street.

No. 9<sup>th</sup> 6<sup>th</sup> Street.

No. 1500 Back G.S. Street.

to answer  
*Conrad*

0775

The People  
vs.  
John Smith;  
Owen Brady and  
George Carney.

Court of General Sessions, Part 1.

Before Recorder Smythe.

Friday, January 18, 1889.

Indictment for grand larceny in the second degree.

Jacob Koehler sworn and examined.

I resided on the 24th of December of last year at 410 East 13th Street, I am a vender of fruits, vegetables and poultry, I had a wagon on that day, a one horse open wagon valued at about fifty dollars, it came home about eight o'clock in the evening, I had not room inside and I left it standing in front of my house at 410 East 13th Street, I last seen it there about ten o'clock, I did not look for it again until I heard remarks that it was gone, I did not go out, I was in my slippers and sent a friend of mine, I looked out to see if my wagon was there and it was not, that was between half past eleven and a quarter to twelve o'clock at night, I next saw the wagon at the 22nd Street Police Station, the sergeant of police told me to go out and see if that was my wagon, I did so and it was my wagon, I did not see the officer there at all, I saw the wagon at the police station about ten minutes past twelve the same evening. I generally keep my wagon inside, I was well filled up with stock and my other wagon was inside and I left that little one outside on the street. There are lots of wagons in the street the one I missed was a one horse wagon, I think I paid for it seventy-five dollars, I have had it since early spring. I know Peter McGlynn, he also owns certain wagons and he resides in the same block that I do. It

0776

was Christmas Eve I missed the wagon, I have not seen Mr McGlynn since that night, I do not know which side of the street he lives on, he kept some wagons on the same side of the street I did, he has not a wagon like that one I missed but he has some of another kind, my name was not on the wagon but my licensed vender number was on. This was a single wagon and Mr McGlynn has several single wagons but none similar to the one that was taken away from me that night.

William Williamson sworn and examined.

I was in the employ of the complainant on the 24th of December of last year, I know the wagon that he told about when on the stand, I remember when it came in that night, it was about eight o'clock and the last time I saw the wagon was about ten o'clock, we were upstairs in the house we did not miss it until a boy rang the bell and says, some men hitched up the horse and wagon and drove off. Somebody rung the bell and you went down stairs and the wagon was gone? Yes. My employer told me to run after them to see if I could find the wagon, I ran up 18th St. I got information which direction the wagon went and I went up First Avenue to 18th Street, I found the wagon there, there was a horse hitched to it, I do not know whose horse it was, these three defendants were with the wagon, they were in the wagon. I ran up and I tapped the officer on the shoulder and said, "I want you to arrest those three men, they have got my employer's wagon", and he ran and he caught them. Then the officer told me to drive the wagon to the Station House and I did so; I heard

0777

no conversation between the officer and these defendants and I had no conversation with them; that is all I know about it.

By Counsel. They were driving along leisurely, were they not?

Yes. Do you know whether 419 East 18th Street is East of First Avenue? Yes sir, it is below First Avenue, east, and the defendants were just below 18th Street.

James S. Moran sworn and examined.

I was an officer of the municipal police of this city in December of last year and I arrested the defendants now at the bar on the night of the 24th of December of last year about half past eleven. Mr Williamson came running up to me and said something, he pointed out these men to me driving this wagon and said that they stole it from 13th Street; when he pointed out the wagon and the men to me they were then at 16th Street sitting in a wagon, I ran and stopped them at the corner of 17th Street and when I stopped them Smith was driving the horse, he dropped the reins just on the other side and attempted to get away, he started to run; there was an officer standing on the other side and I hollered to him to stop him and I jumped up on the wagon and held on to the other two, there was another officer came along and we brought the three of them to the Station House on Mr Williamson's complaint, the officer caught Smith and brought him back to me, I had no conversation with the defendants, I told them that I arrested them for taking that wagon that did not belong to them, I did tell them that they had stolen the wagon, they did not say anything to me that I know of, made no reply,

0778

I took them to the police station and the next morning to the court. They gave fictitious names in the Station House. Their pedigree was taken there, Owen Brady gave the name of Smith and Carney gave his name as Carney, the other fellow gave his name as Smith, Brady admitted the next morning that his name was not Smith. I did not accuse any one of the defendants of taking the wagon but Mr Williamson said in their presence that they had taken it, he said they stole the wagon from 13th Street. One of them said he was drunk and did not know what he was doing. None of them were drunk, Smith the one who was driving the wagon said he was drunk, he is the one that jumped out and made an attempt to get away.

Mary McKenna sworn and examined for the Defense, testified: I live 424 East 13th Street and lived there on Christmas eve, I previously resided at 419 East 18th St. which is east of First Avenue, I left at 419 a sewing machine, a table and four chairs that I did not have place for. I have known the defendant John Smith going on two years, he moved things for me three times, he removed some things which I had at 424 East 13th Street from 419 East 18th Street on the 5th of December; on each of the occasions that he moved things for me he did it with a horse and wagon, I saw Smith on Christmas eve in 424 East 13th Street about eight o'clock in the evening, I asked him if he would move those things for me that were in 419 East 18th Street down and he said yes that he would try to, I did not see him any more until I heard that they were in trouble, he promised that he would move the things

0779

for me if possible on Christmas eve, the 24th of December.

Cross Examined. I am no relative of John Smith, he lived at one time in the same house with me, I moved part of my furniture on the 5th of December from 419 East 18th to 424 East 13th Street, I only lived two months in 419 East 18th Street but I lived in the next house 421 going on two years. Smith lived at 421 when I lived there, I could not exactly say how long he lived there, I had no conversation with him, just merely acquainted with him and asked him to help me move. From the 5th of December I slept in 13th Street; on the night of the 24th of December he came to my room 424 East 13th Street, I met him on First Avenue when I was out that evening buying somethings and I asked him if he would not come over and move those things for me, I met him on First Avenue between 17th and 18th Streets about seven o'clock in the evening, he came to my room about eight o'clock. All the conversation I had with him was if he would not please take those things down for me, that I needed them; he said if he could get a horse and wagon he would take them down; it was after eleven o'clock when I retired and he did not come up to that time. I was subpoenaed here in this case.

John Smith sworn and examined, testified:

I am one of the defendants in this case, I was arrested Christmas eve with two others on a horse and wagon in First Avenue. On the night of the 24th of December, Christmas eve, me and these two men here were on the corner of First Avenue and 18th Street, we were after drinking

0780

several glasses of beer and the three of us went down to 13th Street and after we made the call on Mrs. McKenna she said she had some things that she left behind at 419 East 18th Street that she did not like to leave them there any longer, she asked us to take them up for her, we told her we would; we were going to get the loan of Mr McGlynn's wagon, we got the loan of Mr Brady's horse and we took the horse down to 13th Street and through mistake we put the horse in the wrong wagon, McGlynn's wagon was mixed up with the other wagons, I was intoxicated at the time and I took this man's wagon. We were going along First Avenue, me and these two men, we were pretty well full of drink, I did not know anything until I reached 17th St. and First Avenue, the horse got stopped all of a sudden and I almost fell, crossing the gutter, one officer grabbed hold of me and one officer got hold of the horse and I was fetched up to the 22nd Street station house, I was authorized by Peter McGlynn to take the loan of his wagon that night for the purpose of moving the things down from 18th Street to 13th. I had no intention of stealing the wagon, I was on the road to Mrs. McKenna's house at the time I was arrested and was going along quietly.

Cross Examined. I live now at 410 East 18th Street. I told my counsel about Peter McGlynn, I do not see him in court; Brady from whom I borrowed the horse is in court, I was convicted of assault and battery last October a year and was sent to the Penitentiary for three months, I have been convicted of being drunk and disorderly and sent to the Penitentiary for six months.

The Jury rendered a verdict of guilty.

0781

Testimony in the case  
John Smith, O. Brady  
& George Carney

filed Jan.  
1889

[Faint, mostly illegible text, likely a transcript or legal document]

0782

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against  
John Smith, Owen  
Brady and George Carney

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

John Smith, Owen Brady and George Carney

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

The said

John Smith, Owen Brady  
and George Carney, all

late of the City of New York, in the County of New York aforesaid, on the twenty fourth  
day of December in the year of our Lord one thousand eight hundred and  
eighty-eight, at the City and County aforesaid, with force and arms,

one wagon of the value of  
fifty dollars

of the goods, chattels and personal property of one

Jacob Koehler

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

0783

SECOND COUNT—

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

*John Smith, Owen Brady and George Carney*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

*John Smith, Owen Brady  
and George Carney, all*

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

*one wagon of the value of  
fifty dollars*

of the goods, chattels and personal property of one

*Jacob Koehler*

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

*Jacob Koehler*

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

*John  
Smith, Owen Brady and George Carney*

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

JOHN R. FELLOWS,

District Attorney.

0784

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Smith, William

**DATE:**

01/31/89



3206

0785

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Snyder, Herman

**DATE:**

01/31/89



3206

0786

#391

Witnesses:

Nora Carlson  
before  
before F.K.

Counsel,  
Filed 31 day of January 1889  
Pleads

THE PEOPLE  
vs.  
William Smith  
and  
Sterman Snyder

Grand Larceny, Second degree.  
[Sections 528, 537 - - , Penal Code].

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Wm. B. Woodruff  
Foreman.  
January 31/89.  
J. H. Woodruff  
1906  
J. H. Woodruff

0787

Police Court District.

Affidavit—Larceny.

City and County }  
of New York, } ss.:

of No. 509 East 9th Street, aged 59 years,  
occupation Married being duly sworn

deposes and says, that on the 25 day of January 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property, viz:

A quantity of drying clothes  
of the full value of thirty-  
dollars

the property of deponent

Sworn to before me, this 25 day

of January 1888  
John W. Black Police Justice.

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by William Smith and Henry Snyder  
(both now fug), from the fact that  
deponent had placed said property  
upon the roof of her premises  
to dry, and subsequently discovered  
the defendants in the act of  
stealing it, carrying away and  
stealing it. That they had on  
piece of fastened upon the line  
and yoked preparatory to taking  
it away

Mrs. Cashin

0788

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Herman Snyder* 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. *Herman Snyder*

Question. How old are you?

Answer. *43 years*

Question. Where were you born?

Answer. *NY*

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

Answer. *344 City St. 5 mos*

Question. What is your business or profession?

Answer. *Factor*

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*

*Herman Snyder*

Taken before me this *28* day of *July* 189*7*  
*[Signature]*  
Police Justice.

0789

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

William Smith

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. William Smith

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. Md

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

Answer. 542 E 6th St. 3 mos.

Question. What is your business or profession?

Answer. None

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

Answer. I have nothing to say

W. Smith

Taken before me this

day of August 1888

[Signature]

Police Justice.

0790

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 January 26 1889 A. J. White Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0791

#395

Police Court--- 5-137 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Mrs. C. Shui*  
500 East 188  
*William Smith*  
*Merian Snyder*

*offence: illegal sale of  
marijuana*

BAILED,

No. 1, by .....  
Residence ..... Street.

No. 2, by .....  
Residence ..... Street.

No. 3, by .....  
Residence ..... Street.

No. 4, by .....  
Residence ..... Street.

Dated *January 30* 188*9*  
*White* Magistrate.  
*Fitzsimmons* Officer.  
*24* Precinct.

Witnesses.....

No. .... Street.

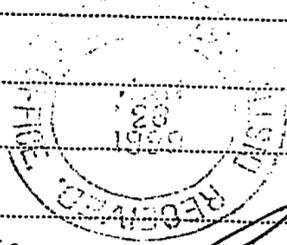
No. .... Street.

No. .... Street.

\$ *500* to answer *Cost*

*Case*

*attest  
9-1-2*



0792

**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 Smith*  
and  
*Herman Snyder*

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

*William Smith and Herman Snyder*  
attempting the crime of  
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed  
as follows:

The said *William Smith and*  
*Herman Snyder*, both  
late of the City of New York, in the County of New York aforesaid, on the *twenty-fifth*  
day of *January* in the year of our Lord one thousand eight hundred and  
*nine*, at the City and County aforesaid, with force and arms,  
*divers articles of clothing*  
*and wearing apparel of*  
*a number and description*  
*to the Grand Jury afore-*  
*said unknown of the*  
*value of thirty dollars*

of the goods, chattels and personal property of one

*Nora Cashin*

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

*John R. Fellows,*  
*District Attorney -*

0793

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Solisnick, Isaac

**DATE:**

01/30/89



3206

0794

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Ossen, Morris

**DATE:**

01/30/89



3206

0795

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Friedman, Herman

**DATE:**

01/30/89



3206

0796

368  
Counsel, 30 day of January 1889  
Filed  
Pleads, Chazy

THE PEOPLE  
Monday vs. Isaac Solomon, P  
Stanis Ossent  
Herman Sireman  
H. D.

Burglary in the Third degree.  
Section 488, 506, 528, 530, 531

JOHN R. FELLOWS,

Dist. Atty.  
A True Bill  
J. H. [Signature]

John R. Fellows  
Foreman  
J. H. [Signature]

March 20 1889  
The [Signature] and [Signature]  
[Signature] [Signature]  
May 12 1889

45 W. 177

Witnesses:

Isaac Cohen  
J. M. J. [Signature]

On examination of this  
case & am of opinion  
that there is not sufficient  
evidence against [Signature]  
a criminal and  
therefore recommend  
that he be discharged  
on his own recognizance  
John R. Fellows  
Dist. Atty.

Rec'd of No. 3  
before, her [Signature]

0797

COURT OF GENERAL SESSIONS.

-----X  
The People &c. :  
vs :  
Herman Friedman and Others. :  
-----X

Memorandum in Opposition to Motion for a new  
Trial.

If there is any merit whatever in this motion,  
it must be founded upon one of the cases in which a new  
trial may be granted, and which are specified in subdi-  
vision 7 of section 465 of the Criminal Code. These  
cases are--when it is made to appear by affidavit that  
upon another trial (1) The defendant can produce evi-  
dence such as, if before received, would probably have  
changed the verdict; (2) that such evidence has been  
discovered since the trial, (3) is not cumulative, (4)  
and the failure to produce it on the trial was not ow-  
ing to want of diligence.

In the first place there is no evidence what-  
ever shown which would on a new trial probably change  
the verdict. The affidavit of Moses Levine and Simon  
Levine do not show a particle of new evidence on the  
question of whether the defendant was or was not guilty  
of criminally receiving the stolen property. That  
was the crime of which he was convicted. The ques-  
tion, so far as these affidavits are concerned, is  
solely confined to Rothman and Dimond, neither of whom

0798

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has been accused of the offense, and certainly the affidavits do not show them to be guilty.

Secondly, Moses Levine was one of the complainants, and a witness upon the trial of this action. He was also a witness upon the trial of the action against the first named defendant, Solisnick. Simon Levine, while not called upon the trial of Friedman, yet was in court on very many occasions on which the case was called for trial, and was called as a witness on the trial of the first defendant tried, Solisnick. Israel Levine was in court during the trial of Friedman, and also in court during the trial of Solisnick. The cases had been on the calendar for trial a great many times and all those witnesses were in court, and the affiants, Moses and Simon Levine had time and time again reiterated in the presence of Officer Reap to the prosecuting officer all of the facts within their knowledge and everything that they knew about it. This alleged newly discovered evidence was certainly in the knowledge of all the parties at the time of the trial and could have been produced by them if such was admissible.

Finally, it is submitted that the affidavits of the complainants in the case who were persistent during the months preceding the conviction of the defendant in their efforts to convict, and being produced now after conviction is certainly open to grave suspicion, even if their affidavits contained anything of value or ma-

0799

3

teriality, which it is submitted are not present? No single fact, material or immaterial is shown that could possibly, ~~xxxx~~ if given on a new trial, alter the verdict in this case.

JOHN W. GOFF,

Assistant District Attorney.

H. S. See counter statement of Moses Levine ,  
and affidavits thereon.

0800

COURT OF GENERAL SESSIONS.

-----X  
The People &c. :  
vs. :  
Herman Friedman and others. :  
-----X

City and County of New York ss.

Moses Levine, being duly sworn deposes as follows: I was one of the complainants in the criminal action of the People against Herman Friedman and Others. When I made the affidavit of the 28th day of March, 1889, I was led to believe by the attorney for Friedman that the purpose of the affidavit was to enable me to get my property from Dimond and Rothman. I was not told, nor did I know, that the affidavit was to be used on a motion for a new trial for Friedman, neither was my brother Simon nor my father, Israel, aware of such purpose. If I had been aware that the affidavit was to be used for the purpose of obtaining a new trial I should not have made it. I now state solemnly that I do not join in any application for a new trial for Herman Friedman. I am of the firm belief that justice has been done him.

Sworn to before me this :  
7th day of May, 1889. :



0802

from Levine's lips.

Sworn to before me this :

7th day of May, 1889. :

Joseph N. Jordan

Henry Herzbach

Notary Public  
N. Y. Co.

0803

COURT OF GENERAL SESSIONS.

-----X  
 :  
 The People &c. :  
 :  
 vs. :  
 :  
 Herman Friedman and Others. :  
 :  
 -----X

City and County of New York ss.

Michael J. Reap, being duly sworn, deposes as follows: I am a police officer attached to the 11th precinct. I have read the foregoing affidavit of Joseph F. Jordan, and know that the statements therein made are true.

Deponent further states that on the 6th day of May, 1889, he told Moses Levine that the property which was stolen from him (Levine) was with the Property Clerk and that he could get it by applying for the same. Levine then said that he did not want the property, but that Friedman could take the property and let Friedman pay him for it.

Sworn to before me this  
7th day of May, 1889.

*Michael J. Reap*

*James McLeabe  
Notary Public  
N.Y.C.*

0804

        
Court of General Sessions.

-----X

The People of the State of New York.

-vs-

Herman Freidman

& others.

-----X

Please take notice that upon the annexed affidavits and upon all the evidence in this case, I will move this Honorable Court for a New Trial upon newly discovered evidence at the opening of the Court before the Honorable Recorder Smyth on tuesday morning at 11 A.M. or as soon thereafter as Counsel can be heard.

yours &c.,

Robert Greenhal  
Attorney for Defendant,  
Freidman.

0805

Court of General Sessions.

-----X

The People of the State of New York.

-VS-

Herman Freidman

& others.

-----X

City and County of New York.S.S.

Robert Greenthal being duly sworn deposes and says I am the Attorney herein and defended the said Freidman in this Honorable Court that the newly discovered evidence was unknown and could not be obtained at the trial of said Freidman.

Deponent further says that he has examined the newly discovered evidence and verily believes that the said Freidman will be able to establish his innocence.

Sworn to before me this

29th day of March 1889.

*[Handwritten signature]*  
*[Handwritten text]*

0806

*Hill* Court of General Sessions

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

-VS-

Herman Freidman

& others.

-----X  
City and County of New York S.S.

Moses Levine being duly sworn deposes and says ,I am a Segar Manufacturer at No 82 Eldridge Street this City, and I am the complainant herein, that immediately ~~wxxx~~ upon the discovery of the Burglary I visited many segar stores in this City and found some of our stolen goods in various stores, and that said parties stated to me that they had purchased our brand of Cigarettes from a segar dealer by the name of Dimond whereupon I proceeded accompanied by 2 Officers to the said Dimonds place and upon inquiring what he said Dimond did with the large lot of Cigarettes of our brand which he purchased, the said Dimond stated that he never had such brand for sale, whereupon the said Officers requested me to bring one of those parties who claimed to have purchased said Cigarettes from Dimond, and also a box of said Cigarettes which I did. and after Dimond saw the man and the Cigarettes the said Dimond at once admitted that he had bought several thousand of Rothman No. 17 Ludlow Street whereupon we immediately went to the said Rothmans store and ~~asked~~ I asked Rothman what he had done with the large lot of Cigarettes he had and said Rothman replied that he had bought the Cigarettes unstamped for 20 cents a box and sold them unstamped to one Dimond, and I further say that said statement was made in the presence of my father whose

0807

affidavit is hereto annexed, that the reason why I did not call the attention of the learned District Attorney to this fact is that I was not in Court when said Rothmans testimony was given.

Sworn to before me this

*23* day of March 1889.

*John Henry Smith*  
*Notary Public*  
*Superior*

0808

Court of General Sessions

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

-VS-

Herman Freidman  
& others.

-----X  
City and County of New York S.S.

Simon Levine being duly sworn deposes and says I am a  
Segar Manufacturer at No 82 Eldridge Street this City, and am  
one of the complainants in the above proceedings, that on or  
about the 18th day of January 1889, I went to Rothmans store  
one of the witnesses in these proceedings and at whose place  
one of the stolen boxes of Cigarettes were found, and found  
the Sister of said Rothman in charge of said store, I stated  
to the said woman that I wish to see some Cigarettes as I  
desire to buy a large <sup>quantity</sup> ~~quinty~~, whereupon the said woman ran to  
the Corner of the Street and sent her Brother the said  
Roth man to the store, and after repeating what I had said to  
his sister the said Rothman produced a box of Cigarettes  
unstamped and I purchased the same for the sum of 75 cents  
and that the said Rothman stated to me that he can furnish  
me with 5.000.00 of the same brand and for the sum of \$25.00  
as he the said Rothman had bought a large lot of said Cig-  
arettes, and while I was in conversation with the said Roth-  
man 2 Officers who were waiting outside entered the store  
and took said Rothman in the rear room of said store ,  
and while I was standing in front of said store with the box  
of Cigarettes in my hand the said sister <sup>a</sup>approched me and  
said "who gave you that box<sup>?</sup> Rothman?" I said yes, whereupon  
she replied "hurry up put the box in your pocket and go quick"

0809

I further say that I was absent from the City at the trial of this action, and was unable to appear as a witness as I would have done had I been in the City.

Sworn to before me this

28<sup>th</sup> day of March 1839.

*John H. ...*  
Notary Public  
*Wiggo (sp)*

0810

Court of General Sessions

-----X

The People of the State of New York.

-VS-

Herman Freidman

& others.

-----X

City and County of New York S.S.

Isreal Levine being duly sworn deposes and says I am the  
father of Moses and Simon Levine the parties who ~~were~~ were  
robbed of Cigarettes, that I was present at the various times mentioned  
in the affidavit of Moses Levine and that I have heard the  
conversations had between my son Moses and said Rothman and  
Dimond, and that all the facts stated in said affidavit are  
true to my own personal knowledge.

Sworn to before me this

28 day of March 1889.

*John Henry ...  
Notary Public  
my office*

*not mine  
...  
...*

0011

General Sessions Court.

The People of the State  
of New York

Plaintiff

against

Thomas Friedman,  
John

Defendant

Applicants  
and State of New York

Robert Greenthal,

Attorney for

49 & 51 CHAMBERS ST.,  
NEW YORK CITY.

To: *Maxton Friedman*  
Attorney for *Max Friedman*  
*May 13/89*

Due and timely service of a copy of the within

is hereby certified

Dated New York,  
*Frederick* 188  
*May 13/89*  
Attorney for

0012

General Sessions Court.

The People of the State  
of New York.

Plaintiff

against

Herman Goldwasser,  
Defendant.

Applicants

and Petitioners of Justice

Robert Greenthal,

Attorney for

49 & 51 CHAMBERS ST.,  
NEW YORK CITY.

To *Morton F. H. H. H.*  
Attorney for *Meyers* 1/17/89

Due and timely service of a copy of the within

is hereby admitted.

Dated New York, *Frederick* 13/89 188

Attorney for



0814

2

f-und by me in the segar store of a man by the name of Marcus Rothman. In the rooms of one Sarah Cohen at No. 17 Orchard St. we found two trunks full of cigarettes. This was also part of the property which was stolen from us on the night of the 26th of November .

CROSS EXAMINATION:

Subsequent to this alleged robbery our firm failed in business . I identified these boxes of cigarettes which were found by our factory number 1,048. . During the time we were in business we sold a large quantity of cigarettes similar to those which were stolen . I can tell that these were not sold in the regular way because we do not sell cigars or cigarettes without putting revenue stamps on them .

MARCUS ROTHMAN, a witness for the People, sworn, testified: -

I keep a segar store at No. 15 Ludlow street in this city . About the 15th or 16th of last December the defendant Herman Friedman came to my place and showed me some cigarettes similar to those you have here and asked me if I would buy them. I bought two thousand of him for six dollars . The box which was produced and shown to the last witness is one of the boxes which I purchased from the defendant . He told me that a firm he had done some expressing work for had gone into bankruptcy and that they had given him these cigarettes instead of paying him money that they owed him .

## CROSS EXAMINATION:

I did not personally pay the defendant for the cigarettes; my mother pays all bills .

Q. This man had his express wagon outside of your store at one time ? A. Yes sir .

Q. Did you not several times order him away from there ?

A. No sir ; the street is free .

Q Did you not say to this man frequently that you

would get square with him ? A. No sir; never; I never had any quarrel with the man at all .

SARAH ROTHMAN, a witness for the People, sworn, testified :

I am the mother of Marcus Rothman, the last witness. I was in the store in Ludlow Street in last December at the time the defendant delivered there two thousand cigarettes--nineteen boxes-- and I paid him for them six dollars . I asked him where he got them, and he told me that a manufacturer had gone into bankruptcy and that they gave him these cigarettes for his claim against them .

## CROSS EXAMINATION:

I never bought any cigarettes from this man but this one time . I remember it well . . . I have not talked with my son about this case . I pay all bills in the store . I did not examine the goods when they were delivered .

08 16

4

JULIUS ROTHMAN, a witness for the People, sworn, testified:

I am the son of the last witness on the stand and a brother of Marcus Rothman. I was present in the cigar store on the day that my mother paid the defendant Herman Friedman some money for cigarettes which he delivered. I saw my mother pay him and I heard her ask him where he got them; I heard him reply that the manufacturer owed him some money for express moving and as he could not pay him in money he gave him the cigarettes. I did not examine the contents of the boxes.

CROSS EXAMINATION:

I am a cap maker by trade but I was not working at that time. I had just gotten up out of bed and washed myself and come into the store at the time this transaction occurred. It was about eight or nine o'clock in the morning.

ISAAC JACOBS, a witness for the People, sworn, testified:

I sell confectionery. I live at No. 133 E. B'Way. in this city. I know the defendant Herman Friedman. One Saturday night in last December I met him in the street and he told me he had a good chance to make money now; he showed me two boxes of cigarettes which he had under his arm and told me that he had sixty thousand of them at his house. He took me up with him to his

0817

5

house at No. 17 Orchard St. and in a corner of the cellar he showed me four or five barrels full of these boxes of cigarettes. He told me he would sell me some for two dollars and a quarter a thousand. I asked him where he got them and he told me that a manufacturer got busted and as he owed him some money and could not pay it he gave him these cigarettes.

CROSS EXAMINATION:

I was arrested in Boston for selling candy on Sunday and I was also arrested in connection with a murder case but nothing was proved against me and I was discharged. I am a converted Hebrew and am a missionary.

MICHAEL R. REAP, a witness for the People, sworn, testified:-

I am a detective officer attached to the 11th precinct. On the morning after the burglary, Dec. 27th. I visited the premises of the complainant at No. 180 Orchard Street. I found indentures on one of the doors as though a jimmy had been used to pry it open. When I was informed that a number of cigarettes had been stolen I went around to a number of cigar stores in the neighborhood; and I finally traced some of them to Julius Rothman's. When I found one of the boxes in Rothman's place I asked him where he got it and he told me that he had purchased two thousand similar cigarettes. In pursuance of what he told me I went to the defendant

0818

6

Friedman's house ; I asked Friedman where he got the cigarettes which he sold to Rothman and he denied having sold him any cigarettes. I then arrested him; as we were going out of the house he said to me "I will show you where those cigarettes are"; and he took me into Sarah Cohen's apartment on the ground floor; I found there under a bed a trunk full of these boxes of cigarettes similar to the one I found in Rothman's store. In a little shed alongside of the house I found two bags of tobacco which was identified by the complainant as his property . He pointed out Morris Ossin to me as the man who carried these things into the house . Ossin attempted to run away and I arrested him . Friedman, the defendant, denied all knowledge of having sold any cigarettes to Rothman.

CROSS EXAMINATION:

Q. When you came in to arrest this man was it not his wife that directed your attention to Mrs. Cohen's room where these cigarettes were ? A . No sir; the defendant <sup>was</sup> with me and showed me where they were in the room. I found several other boxes of cigarettes in the course of my search . I found but the one box of these cigarettes in Rothman's store. Mr . Levien identified the contents of the box as being property taken from his manufactory .

0819

D E F E N C E .

HERMAN FRIEDMAN, the defendant, sworn, testified:

I am an expressman by occupation and have been in that business for eight or nine years past . I am a married man and live at No. 17 Orchard Street in this city. I am the housekeeper of that house . I have a wood house in the yard, but not in the cellar . I am not a burglar . I never committed this or any other burglary . I did not steal any cigarettes or leaf tobacco from the premises No. 17 Orchard Street . I never had in my possession any cigarettes or tobacco which were stolen. When the officer came to my house to arrest me, I was asleep. When I was awakened he asked me if I stole any cigarettes and I told him I did not; when we were going out my wife who was present said "Go into Mrs. Cohen's room, there were some cigarettes carried into her room "; she told that to the officer. I have always worked and worked up to the night of my arrest . I always remain at home at night . On the night of the 26th of December I was home about six o'clock and remained home until seven o'clock in the morning following . I never sold two thousand or any other number of cigarettes to Julius Rothman. I never received from Mrs. Rothman any money for cigarettes . While I lived in Boston I knew the witness Isaac Jacobs. I was once a witness against him when he was accused of stealing a watch and chain . The testimony of Jacobs is false

0820

8

I have not seen him since I saw him in Boston. I had some difficulty with Julius Rothman at one time about keeping my express wagon in front of his door . I have never been arrested ~~or~~ charged with any crime in this or any other state .

Cross Examination:

Q. You pointed out a trunk to the officer under a bed in Mrs. Cohen's room ? A. My wife told me that the two trunks were in there, and she said "If you go in there officer, you will find two trunk in there .

Q Were any of the trunks under a bed ? A. No sir: they were standing in the room .

HANNAH FRIEDMAN, a witness for the defendant, sworn, testified :

I am the wife of the defendant . During the months of November and December my husband was at home every night . We never had any cigarettes or tobacco in our rooms . When the officer came to my rooms he woke up my husband who was asleep. He said something about cigarettes and I said that I had seen a man carry a trunk of something into Mrs. Cohen's rooms--two trunks and I had asked Mrs. Cohen if they were boarders and Mrs. Cohen told me that the trunks were full of cigarettes and that they were only to be left there for a few days . Isaac Solesnich brought in one of the trunks and was helped to carry it by a brother of Marcus Rothman. These trunks were brought in a couple of weeks before my husband was arrested . The next day after the trunks were

0821

9

brought there the brother of Rothman passed my door with a basket in his hands and returned out of Mrs. Cohen's room with the same basket covered with paper .

CROSS EXAMINATION:

I never told my husband anything about this ~~time~~ until the officer came to arrest him . As soon as he comes home at night he has his supper and goes to sleep .

YETTA OSSIN, a witness for Deft. sworn, testified:

I am the wife of Morris Ossin who is charged with this offence . I do not know the defendant Friedman; I never saw him at my house . I saw Jacobs once but I never heard him say anything about Friedman .

CHARLES KLEINBAUM, owner of 17 Orchard St; Samuel SCHUL-  
man of 17 Orchard St.; and Jacob LEVY of No. 12 Grand  
Street testified to the good character of the accused.

Officer REAP, recalled, testified that as soon as he went into Mrs. Cohen's room with the defendant Friedman pointed out to him the trunk full of cigarettes under the sofa .

MARCUS ROTHMAN and JULIUS ROTHMAN, recalled, denied ever having carried a trunk or basket or having obtained any cigarettes in Mrs. Cohen's room .

The Jury returned a verdict of GUILTY of Re-  
ceiving Stolen goods knowing them to have been  
stolen .

0822

9

brought there the brother of Rothman passed my door with a basket in his hands and returned out of Mrs. Cohen's room with the same basket covered with paper .

CROSS EXAMINATION:

I never told my husband anything about this ~~time~~ until the officer came to arrest him . As soon as he comes home at night he has his supper and goes to sleep .

YEMTA OSSIN, a witness for Deft. sworn, testified:

I am the wife of Morris Ossin who is charged with this offence . I do not know the defendant Friedman; I never saw him at my house . I saw Jacobs once but I never heard him say anything about Friedman .

CHARLES KLEINBAUM, owner of 17 Orchard St; Samuel SCHUL-  
man of 17 Orchard St.; and Jacob LEVY of No. 12 Grand  
Street testified to the good character of the accused.

Officer REAP, recalled, testified that as soon as he went into Mrs. Cohen's room with the defendant Friedman pointed out to him the trunk full of cigarettes under the sofa .

MARCUS ROTHMAN and JULIUS ROTHMAN, recalled, denied ever having carried a trunk or basket or having obtained any cigarettes in Mrs. Cohen's room .

The Jury returned a verdict of GUILTY of Re-  
ceiving Stolen goods knowing them to have been  
stolen .

0023

Indictment filed Jan. 30-'89

COURT OF GENERAL SESSIONS  
Part 3.

The People &c.

against

HERMAN FRIEDMAN, impleaded  
with Morris Ossin, and ano.

Abstract of testimony on

trial New York, March 20th

1889.

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0824

Police Court— 3 District.

City and County }  
of New York, } ss.:

Moses Levine

of No. 82 Eldridge Street, aged 23 years,

occupation Cigar manufacture being duly sworn

deposes and says, that the premises No 180 Delancey Street, 10 Ward

in the City and County aforesaid the said being a four story tenement  
brick building and the basement

which was occupied by deponent as a place for the manufacture of cigars

were BURGLARIOUSLY entered by means of forcibly forcing the  
basement door open and then with  
some instrument forced the inner door  
leading into said basement

on the 26<sup>th</sup> day of November 1888 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

68,900 Cigarettes of the value  
of five hundred dollars, one thousand  
pounds of leaf tobacco of the value of six  
hundred dollars and one clock of the value  
of five dollars and in all of  
the value of eleven hundred and five dollars \$1105-

the property of deponent and his brother Simon Copartners  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by  
Isaac Schismick, Morris Ossew and  
Herman Freedman (all known)

for the reasons following, to wit: That previous to said  
Burglary and larceny the said property  
was in the basement of said premises  
and the doors leading to said apartments  
was securely closed and fastened and this  
deponent has been informed by Marcus Rottman  
that Herman Freedman came to him and  
sold him two thousand cigarettes saying  
at the time he purchased from a man that

0825

Saw failed and defendant identifies the  
 property as the property that was stolen from  
 his place on the day in question, and that  
 defendant has been further informed by Sarah  
 Cohen that the said prisoner came to  
 her apartments with two trunks full with  
 cigarettes which defendant identifies as  
 his own the property that was taken and  
 stolen from his place on the day in question  
 and this defendant says that he has been  
 further informed by one of the defendants  
 Friedman that he saw the defendants  
 Olsen and Polissick carrying a quantity of  
 cigarettes and leaf tobacco into the apartments  
 of the said Sarah Cohen 17 Orchard Street in  
 this city.

Moses Levin

sworn before me this  
 19<sup>th</sup> day of January 1889

Daniel C. Kelly Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
 committed, and that there is sufficient cause to believe the within named  
 guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
 Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
 of the City of New York, until he give such bail.  
 Dated 1889 Police Justice.

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

There being no sufficient cause to believe the within named  
 guilty of the offense within mentioned, I order he to be discharged.  
 Dated 1889 Police Justice.

Police Court, District,

THE PEOPLE, etc.,  
 on the complaint of

1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_

Dated 1889 Magistrate.

Officer. \_\_\_\_\_  
 Clerk. \_\_\_\_\_

Witnesses, \_\_\_\_\_  
 No. \_\_\_\_\_ street,  
 No. \_\_\_\_\_ Street,  
 No. \_\_\_\_\_ Street,  
 \$ \_\_\_\_\_ to answer General Sessions.

Offence—BURGLARY.

0826

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Samuel Cohen*

aged *37* years, occupation *Housekeeper* of No.

*17 Orchard* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Roses Lewin*

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

Sworn to before me, this *19*

day of *January* 188*9*

*Samuel Cohen*  
*Munk*

*Samuel Cohen*  
Police Justice.

0827

CITY AND COUNTY }  
OF NEW YORK, } ss.

Marcus Rollman  
aged 29 years, occupation Legar Business of No. 107 Lincoln Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Moses Lommi and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 19<sup>th</sup> day of August 1889 } Marcus Rollman

Samuel C. Hall  
Police Justice.

0828

Sec. 109-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

3  
District Police Court.

*Morris Osseu* 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. *Morris Osseu*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *46 East Street 4 months*

Question. What is your business or profession?

Answer. *Painter*

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

Answer. *I am not guilty*

*Morris Osseu*  
M.O.

Taken before me this

*19*

day of

*May*

188*9*

Police Justice.

0829

Sec. 193-200.

3

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer. *Isaac Schinick*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *3 Allen Street 2 days*

Question. What is your business or profession?

Answer. *Legal 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 Schinick*  
*Mark*

Taken before me this *19*  
day of *January* 188*9*  
Police Justice.

0830

Sec. 103-200.

3 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*Hermon Freeman*

Question. How old are you?

Answer.

*32 years*

Question. Where were you born?

Answer.

*Russia*

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

Answer.

*17 Helms Street 5 months*

Question. What is your business or profession?

Answer.

*Express 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 and  
Hermon an Examiner  
Hermon Freeman  
Musk*

Taken before me this

day of *January* 19  
188*9*

Police Justice.

0831

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

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

Dated JANUARY 19 1889 PLG. Ruffey Police Justice.

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

Dated.....188..... Police Justice.

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

Dated.....188..... Police Justice.

0832

Sarah Cohen committed to  
the House of Detention in default  
of \$100 to testify  
Daniel Kelly Police Justice

368 719 2850-282 / 115  
Police Court - 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Moses Levine  
42 Eldridge  
Manc Solimanick  
Morris Osben  
Herman Freedman  
H.D.

Offence - Burglary

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated JANUARY 19 1889

Daniel Kelly Magistrate.

Reap G. Muscare Officer.

Mrs. Rothman 11 Precinct.

Witnesses 19 Ludlow St.  
Marcus Rothman

No. 14 Ludlow Street.

Sarah Cohen

No. 16 16th Street.

Michael Reap

No. 11 \_\_\_\_\_ Street.

\$1500 to answer by Jan 22 am

10 a.m.

G. S. Long



The Justice presiding in this  
Court will hear and determine  
this case by reason of my  
absence

Daniel Kelly  
Police Justice

0833

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

Isaac Solismick, <sup>against</sup> Morris  
Osseu and Herman Friedman

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

Isaac Solismick, Morris  
Osseu and Herman Friedman  
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said Isaac Solismick, Morris  
Osseu, and Herman Friedman, all

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

Moses Levin

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

Moses Levin

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

0834

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said *Isaac Solisnick, Morris Osseu and Herman Friedman* of the CRIME OF *Grand* LARCENY in the first degree, committed as follows:

The said *Isaac Solisnick, Morris Osseu and Herman Friedman*, all late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms, *sixty-eight thousand and nine hundred cigarettes of the value of one cent each, one thousand pounds of tobacco of the value of sixty cents each pound, and one chest of the value of five dollars*

of the goods, chattels and personal property of one

*Moses Levin*

in the *Manufactory* of the said

*Moses Levin*

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

0835

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said *Isaac Solisnick, Morris Osseu and Herman Friedman* of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Isaac Solisnick, Morris Osseu and Herman Friedman* late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

*sixty-eight thousand and nine hundred cigars<sup>ettes</sup> of the value of one cent each, one thousand pounds of tobacco, of the value of sixty cents each pound, and one coat of the value of five dollars*

of the goods, chattels and personal property of one

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

*Moses Levin*  
unlawfully and unjustly, did feloniously receive and have; the said *Isaac Solisnick, Morris Osseu, and Herman Friedman* then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,  
District Attorney.

0836

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Steinborn, William

**DATE:**

01/11/89



3206

0037

*[Handwritten mark]*

Witnesses:

*John H. Post*  
*Alfred Meyer*  
*Henry J. Southland*

Upon an examination of the evidence in this case, I find that there is no case in law agst the defendant. The goods alleged to <sup>have</sup> been received had originally been stolen, but were recovered before they came into possession of defendant & were sold to him by the thief together with the consent & procurement of complainant.

*Jan. 25/89*  
D. Mc. Davis  
Court.

No 80  
*[Handwritten mark]*

Counsel,  
Filed, 11 day of May 1889  
Pleads, *Chiquity*

THE PEOPLE,  
vs.  
William Steinhorn  
H.D.

RECEIVING STOLEN GOODS.  
(Section 550, Penal Code.)

JOHN R. FELLOWS,  
District Attorney.

*Jan. 23/89*  
*Jan. 25/89*  
A True Bill.

*[Signature]*  
*Jan. 25/89*  
on undeposited statement  
of Dist. Atty. indict. *[Signature]*

0838

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK,

ss:

POLICE COURT, 1 DISTRICT.

*John Henry Vogt*

of No. *270 Broadway* Street, being duly sworn, deposes and says,

that on the *3rd* day of *January* 188*9*

at the City of New York, in the County of New York, *William Steinborn*

*(now being) did wilfully and feloniously receive into his possession, he well knowing the same to have been stolen, the following property, to wit: two packages containing eight spools of tinsel thread valued at four <sup>50</sup>/<sub>100</sub> dollars, and a quantity of fringe silk valued at twelve dollars the whole being valued at sixteen <sup>50</sup>/<sub>100</sub> dollars, the property of this deponent, in violation of section 530 of the Penal Code of the State of New York for the reasons following, to wit: Deponent having from time to time been missing property from his store found in the possession of one Alfred Meyer, who was employed by deponent as porter, and who is now held to answer a complaint of larceny made by deponent against said Meyer, the said property. Deponent is informed by said Meyer that the Meyer brought the said property, after it had been marked for identification by Detective Sergeant Mull Holland to the defendant Steinborn*

0839

who received the said property promising to pay to him Meyer the sum of ~~three~~ <sup>for the same</sup> dollars and sixty-cents. Deponent is further informed by Detective ~~Wiggins~~ Mulholland that he Mulholland found the said property in the possession of this defendant Steinborn, which property deponent has since seen and identified as being the property which was feloniously taken, stolen and carried away. Deponent further says the wholesale price of said goods is sixteen <sup>50</sup>/<sub>100</sub> dollars and the said Meyer further informs deponent that the defendant Steinborn gave to him Meyer the annexed note marked Exhibit "A" in the back of which note the said Steinborn wrote the figures 3.60 telling him Meyer that he would pay him three dollars and sixty cents for said property. The said Meyer further informs deponent that he Meyer sold to said Steinborn diverse other ~~other~~ <sup>articles</sup> or diverse other times, which property he had stolen from deponent receiving from said Steinborn about one fifth of the real value of said ~~articles~~.

POLICE COURT—

DISTRICT—

THE PEOPLE, & c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT

Dated 1889

Magistrate

Office

Witness

Disposition

Sworn to before me  
 this 3<sup>rd</sup> day of January 1889  
 J. Mulholland  
 Police Justice

0840

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Alfred Meyer*

aged *40* years, occupation *Writer*

of No.

*117 Broome*

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

*John H. Coyle*

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

Sworn to before me, this

*3rd*

day of

*January* 188*9*

*Alfred Meyer*

*J. H. Murphy*

Police Justice.

0841

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 29 years, occupation Detective Sergeant of No. Police Central Office Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of John N. Vogt

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

Sworn to before me, this 3rd day of January 1889 } John Mulvaney and

John Mulvaney  
Police Justice.

0842

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*William Steinborn* 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. *William Steinborn*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *Brooklyn, N. Y.*

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

Answer. *15 Bergen St. Brooklyn. 1 1/2 years*

Question. What is your business or profession?

Answer. *Silk Broker*

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

Answer. *I am not guilty and I waive examination*

*W. Steinborn*

Taken before me this

day of

*January 1889*

*John J. [Signature]*

Police Justice.

0843

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

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

Dated Jan 3rd 1889. J. M. Bennett Police Justice.

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

Dated Jan 4th 1889. J. M. Bennett Police Justice.

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

Dated.....188..... Police Justice.

0844

\$1000. bail for G  
Jan 4<sup>th</sup> 2 PM

<sup>\$0</sup> Police Court--- District. <sup>47</sup>

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John H. Covert*  
229 Bowery  
*William Steinberg*  
2  
3  
4

*John H. Covert*  
Officer

BAILED,

No. 1, by *John Covert*  
Residence *4 Hester* Street.

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

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

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

H.D.  
Dated *Jan 3rd* 1889  
*John H. Covert* Magistrate.  
*William Steinberg* Officer.  
C.D. Precinct.

Witnesses *Alfred Meyer*  
*Harold G. Delantoni*  
No. *17* Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000* to answer *Y.S.*

*Bailed*



0845

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, DISTRICT.

of No. 301 Mulberry Street, aged 29 years,  
occupation Electrician being duly sworn deposes and says,  
that on the 3rd day of January 1889  
at the City of New York, in the County of New York, Alfred Meyer

now here is a material witness  
for the People against one  
William Steinbohm charged  
with receiving stolen goods  
and depenings believing that  
the said Meyer will not  
appear when wanted I pray  
he may be committed to  
the House of Detention for  
witnesses

James Mulvolland

Sworn to before me, this 3rd day

of January 1889

James Mulvolland

Police Justice,

0846

Brooklyn, N. Y., \_\_\_\_\_ 1888

*M.*

To GRÄFE & STEINBORN, Dr.

15 Duryea Street,

TERMS:

*— P. O. Office 416 Broadway* Bet Broadway and Bushwick Ave.

*You can see me  
at my home will  
be here between 12 & 1 o'clock  
without fail*

*Wm. Steinborn Dr.*

0847

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 Steindorn*

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

*William Steindorn*

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *William Steindorn*

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

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

*eight pieces of kind thread*  
*of the value of sixty cents*  
*each piece, and a quantity*  
*of yarn of a more particular*  
*description referred to in the*  
*Grand Jury aforesaid indictment*  
*of the value of twelve dollars*

of the goods, chattels and personal property of one *John Henry*

*Wolf, by one alleged thief, and*

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

*John Henry Wolf.*

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

*William Steindorn.*

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

JOHN R. FELLOWS,  
District Attorney.

0848

**BOX:**

339

**FOLDER:**

3206

**DESCRIPTION:**

Steinert, Simon

**DATE:**

01/24/89



3206

0849

254

WITNESSES:

*James Whitten*

1889

Counsel,

Filed

*21st Jan*

day of

Pleads

*Not guilty*

THE PEOPLE,

vs.

*B*

*Simon Steiner*

*Legal copy*

State Bar Court of Special Sessions for trial, by request of Defendant.

*166*

**VIOLATION OF EXCISE LAW**  
(Selling on Sunday, Etc.)  
(III Rev. Stat. (7th Edition), page 1083, Sec. 21 and page 1080, Sec. 6.)

JOHN R. FELLOWS,

*District Attorney.*

**A True Bill.**

*W. T. Wooley*

*Foreman.*

0850

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Simon Steiner*

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

*Simon Steiner*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

*Simon Steiner*

late of the City of New York, in the County of New York aforesaid, on the *thirtieth* day of *December* in the year of our Lord one thousand eight hundred and eighty *eight*, at the City and County aforesaid, the same being the first day of the week commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

*James Thaler*  
and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

*Simon Steiner*  
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Simon Steiner*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

**JOHN R. FELLOWS,**

District Attorney.