

0366

BOX:

209

FOLDER:

2080

DESCRIPTION:

Verry, Charles

DATE:

02/17/86



2080

0367

Witnesses:

Counsel,

Filed 17 day of May 1886

Pleads *Not Guilty*

THE PEOPLE

vs.

*Charles Verry*

VIOLATION OF EXCISE LAW

[III, R. S., (7th), page 1981, § 18, and Laws of 1888, Chap. 340, § 61]

RANDOLPH B. MARTINE,

District Attorney,

A TRUE BILL

*C. H. McCreary*

SUPREME COURT PART 1, Foreman.

December 22 1899

INDICTMENT DISMISSED.

FILED DEC. 16

0368

Excise Violation-Selling Without License.

POLICE COURT- 3<sup>rd</sup> DISTRICT.

City and County } ss.  
of New York, }

of No. 10<sup>th</sup> Precinct Police Robert J. Webb  
of the City of New York, being duly sworn, deposes and says, that on the 20<sup>th</sup> day  
of November 1885, in the City of New York, in the County of New York, at  
No. 125<sup>th</sup> Canal Charles Perry Street, (now here)

did then and THERESELL, CAUSE, suffer and permit to be sold, under his direction and authority,  
strong and spirituous liquors, wines, ale and beer, being intoxication liquors, in quantities less than  
five gallons at a time, to be drunk in the house or premises aforesaid WITHOUT HAVING A  
PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made  
and provided.

That said defendant then and  
there sold a customer a glass of  
Lager Beer which beer said customer  
said said defendant therefor and  
drank on said premises

WHEREFORE, deponent prays that said Charles Perry  
may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 21<sup>st</sup> day  
of November 1885

Robert Webb

Solomon Smith  
Police Justice.

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4/10  
Police Court, 3<sup>rd</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Robert J. Webb

vs.

Charles Perry

EXCISE VIOLATION.  
SELLING WITHOUT A LICENSE.

Dated 21<sup>st</sup> day of Nov. 1886

Smith Magistrate.

Webb Officer.

Witness.

DEC 29 12 M.

Nov 24

3 PM

Bailed \$ to Ans. Sessions.

DEC 4.

By 10 am.

Dec 7 1/2 M. Street.

DEC 11

18 12 M.

26 12 M.

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 of New York, until he give such bail.

Dated 1886

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

Dated 1886

There being no sufficient cause to believe the within named

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

Dated 1886

John O'Rourke  
Police Justice.  
Charles Perry  
Police Justice.



0370

The People } Before  
against } The Hon. Col. B. Smith  
Derry } 1<sup>st</sup> Police Dist Court.

The defendant in this case  
demands a <sup>trial</sup> hearing before the  
Hon. Col. B. Smith a police  
Magistrate of this City - who  
granted the warrant in the  
above case.

Dec 5<sup>th</sup> 1885

Charles Derry

0371

1884 DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF  
*Robert J. Webb*  
*Charles Henry*  
agst.

Examination had *December 30* 1884 ✓  
Before *John B. Smith* Police Justice.

I, *David C. Sutton* Stenographer of the *1st* District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of

the original Stenographer's notes of the testimony of *Robert J. Webb*

*Joseph J. Leavelle*

as taken by me on the above examination before said Justice.

Dated *December 30* 1884 ✓

*John B. Smith*  
Police Justice.

*David C. Sutton*  
Stenographer.

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Robert J Webb.

against

Charles Very

December 18th 1885.

Before Hon

Salmon D Smith

Police Justice

Charged with selling Intoxicating liquors  
Also beer without having a license  
By the Court.

The demand of the  
defendants for a trial before the  
police justice is denied.

Defendants Counsel:

Reception

Defendants Counsel.

I ask for the dismissal  
of the complaint, and the discharge  
of the prisoner upon the grounds,  
that there has been no violation  
of the excise law shown, inasmuch  
as there is no allegation that he  
did not sell strong or spirituous

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liquors or wines.

By the Court

Motion Denied.

Secondly.

That selling without a license is not a misdemeanor, but is merely punishable by a fine in the nature of a penalty, and ordinarily recovered as penalties are ordinarily sued for and recovered.

By the Court.

Motion Denied

Powell

Exception

Thirdly.

That there is no allegation in the complaint, that the complainant was an expert, or competent to pass upon the fact, whether the liquor sold was strong spirituous liquor or otherwise under the law. And therefore I ask the dismissal of the complaint and the discharge of the prisoner.



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By the Court  
Motion Denied  
Removal Exception

The further hearing was adjourned  
to December 26th 12 u.  
Solomon Smith  
Police Justice

0375

December 30<sup>th</sup> 1880  
Examination Resumed.

All parties present.

Robert J. Webb, being duly sworn deposes and says during a witness called on the part of the people.

Examined by the Court.

Q You are an officer attached to the  
Tenth Precinct?

A Yes sir

Q On the 30<sup>th</sup> of November did you  
visit the premises 125 Canal  
Street?

A Yes sir

Q Did you see the defendant there?

A Yes sir

Q What did you see him do?

A I was outside and was looking  
through the window and I saw  
a man going in.

Q What is his name?

A They call him Jack. (This is the  
man, referring to a man in

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the room?

Q What is your answer (referring to the person whom the witness points out)?

A Peter Jacob,

Q Go on? (to the witness).

A I saw him going in, and -

Q What did you next see him do?

A I saw him take a glass of beer from him and put a ten cent piece on the counter and get five cents in return.

Q Did he drink it?

A He did and he drank it I went and took it out of his hands.

Q Did you taste it?

A I drank half the glass full  
and I carried

Q What is your business?

A Police officer

Q Are you an expert in the tasting or manufacture of liquors?

A I am not in the manufacture but I can tell it when I drink

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if

Q Are you expert?

A Yes sir

Q You have been drinking how long?

A Oh about fifteen years I guess.

Q You say this was lager beer?

A Yes sir

Q No question about that?

A No sir

Q That you are positive?

A Yes sir

Q It was nothing else?

A No sir

Q It was not strong all or any of those stronger liquors, that is I mean of malt liquors

A No sir

Q Simply lager beer?

A Yes sir

Q Do you know of your own knowledge that this man has a license

A No sir not of my own knowledge sworn to before me this 30th day of December 1881

Salmon Smith

Robert J. Webb,

Peace Justice



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4.

Peter Jackson called as a witness  
on the part of the people being  
duly sworn depose and say.  
By the Court.

Q where do you reside?

A 121 Roosevelt Street.

Q what is your age?

A 48 years.

Q what is your business?

A Barber, I don't work now, where  
I am now it is a lodging house  
for some part there.

Q Do you recollect on the 20th of  
November going into the  
premises 121 Canal Street?

A Yes.

Q Did you see the defendant there?

A Yes.

Q what did you go in there for?

A I took a walk and I saw it  
was a nice place and I went in  
and asked for a glass of beer  
and he gave me a glass of beer  
and I gave him ten cents and he

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5

gave me five cents change and as-  
ked you taste the beer?

Answer: Yes as I was drinking it  
this policeman I didn't know he  
was one then he came in and  
took it from me and drank it  
Case Examination

Q Did you know whether this man  
had a license or not?

A I cannot tell that.

Q You don't know?

Answer:

Q Did you know that this young man  
was a police officer?

A I didn't know that he was a police  
officer, he was in civil suit clothes

Q Did you speak to him before you  
went in?

Answer:

Q Never saw him before to your  
knowledge?

Answer:

Q Where were you going to on that  
day?

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6.

A Lament to 15 Canal Street in the  
barrery it is about 5 years ago  
since I worked there but it is no  
more there.

Q Was a fact you didn't see this  
young (referring to the complainant)  
before you went in there but you  
had no conversation with him  
before you went in there?

A Yes.

Sworn to before me  
this 30th day of December 1885

Peace Justice

Depts. Council

I move to dismiss  
upon the facts grounds. That  
there is no evidence here that  
this man has no license and  
that its incumbent for the  
people to prove that this is an  
unlicensed person.

By the Court. Motion Denied.

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7.

Secondly: upon the ground. that  
there is no evidence by either of these  
witnesses that the liquor sold was  
strong beer spirituous liquors or  
otherwise.

By the Court

Witnesses Examined  
Case closed  
Solomon Smith  
Police Justice



0382

Sec. 198-200.

1st District Police Court.

CITY AND COUNTY { ss  
OF NEW YORK,

*Charles Verry* 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

*Charles Verry.*

Question. How old are you?

Answer

*51 years.*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*140 Allen Street 3 years.*

Question What is your business or profession?

Answer

*Porter.*

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

Answer.

*I am not guilty of the charge*  
*Charles Verry*

Taken before me this

*30th*

1888

*John J. Smith*  
Police Justice.

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(No. 134.)

State of New York, City and County of New York, ss:

Charles Verry having been  
arrested on the 20 day of November 1885  
and held to answer upon a charge of Violating the  
Excise Law upon which he has been duly admitted  
to bail in the sum of Five Hundred Dollars,  
We, Charles Verry defendant,  
residing at No. 140 Allen Street,  
in the said City of New York, and Bernard Rourke  
residing at No. 35 Forsyth Street,  
in said City, surety, hereby jointly and severally undertake that the above  
named Charles Verry defendant,  
shall appear and answer the complaint of Selling lager beer  
without a license at 125 Canal St  
at 8<sup>10</sup> this p.m.  
before the magistrate before whom he would be arraigned if not bailed on the  
21<sup>st</sup> day of November eighteen hundred and  
eighty five, at 8 a.m. o'clock, to answer to the complaint, and  
there remain to answer, subject to any order of the magistrate, and render  
himself in execution thereof; or if he fail to perform either of these conditions,  
then we will pay to the people of the State of New York the sum of  
Five Hundred Dollars.

\*Describe the  
complaint  
briefly.

Charles Verry Principal.  
Bernard Rourke Surety.

Taken and acknowledged before me this 20th

day of Nov. A. D. 1885.

Timothy J. Breeden  
Sergeant 10<sup>th</sup> Precinct,

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And we, the undersigned, principal and surety in the annexed Recognizance, do hereby Stipulate, Agree and Consent, that in case said Recognizance shall be forfeited, that a copy of the order of the Court forfeiting the same, together with this Recognizance, be filed in the office of the Clerk of the City and County of New York, and that judgment may be entered for the sum set forth in said Recognizance, and that execution issue forthwith thereon according to law.

Charles Verry Principal.

Norman Rowe Surety.

Witness, George W. Eastburn

State of New York, City and County of New York, ss:

The above-named surety, being duly sworn, deposes and says, that he is a resident and a Property holder within the said City, County and State; that he is worth the sum of Ten Thousand Dollars, exclusive of property exempt from execution.

Sworn to before me this 26 day

of Nov, 188 5

Norman Rowe

Timothy J. Greedan  
Sergeant 10<sup>th</sup> Prec.

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State of New York, City and County of New York, ss:

Bernard Bourke  
Forsyth

of No. 35

Street, the surety

named in the annexed recognizance, being duly sworn, deposes and says that he owns in his own right, real estate in the County of \_\_\_\_\_ consisting of \_\_\_\_\_

and that the same is of the value of not less than \_\_\_\_\_

Dollars, and is subject to no incumbrance except a mortgage of \_\_\_\_\_

Dollars,

and that he owns personal estate in the County of \_\_\_\_\_

and that its value is not less than \_\_\_\_\_

Dollars;

that it consists of \_\_\_\_\_

Stock of Liquors and fixtures  
of Store 35 Forsyth St.

and that it is subject to no incumbrance; \_\_\_\_\_

and that there are no unsatisfied judgments or executions against him, and that he is under no recognizance.

and that he is worth in good property not less than \_\_\_\_\_

Dollars over and above all debts, liabilities and lawful claims against him, and all liens, incumbrances and lawful claims upon his property.

Bernard Bourke

Surety.

Sworn to before me this 20 day

of Nov, 1885.

Timothy J. Greedan  
Sergeant 10th Precinct



Police Department

OF THE

CITY OF NEW YORK.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

*Robert J. Webb*

vs.

*Charles Verrey*

Requittance to Answer.

Taken the 24 day of May, 1885.

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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 \_\_\_\_\_

\_\_\_\_\_ *L. Schenck*  
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 *December 30* 188*✓*

*Solomon B. Smith*  
Police Justice.

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

Dated *Dec 30* 188*✓*

*Solomon B. Smith*  
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.

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Police Court 31 District. 13

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Robert J. Welch  
10 Precinct.

Charles Verney

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

Offence 1st - 6th

BAILED,

No. 1, by Bernard Rounse

Residence 35 Gough St.

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

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

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

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

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

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

Dated November 27 1885

Smith Magistrate

Hess Officer.

10th Precinct.

Witnesses Peter Gedda

No. 121 Russell Street.

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

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

\$ 100 to answer G.S.

Bailed

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# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*Charles Verry*

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

*Charles Verry*

(III. Revised  
Statutes, [7th  
edition] p. 193  
Section 18.)

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES WITHOUT A LICENSE, committed as follows:

The said *Charles Verry*

late of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *November*, in the year of our Lord one thousand eight hundred and eighty *five*, at the City and County aforesaid, certain strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at a time, to *Peter Geddel, and to* certain *other* persons whose names are to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1888,  
chapter 840, sec-  
tion 5.)

SECOND COUNT:

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

*Charles Verry*

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said *Charles Verry*

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid, and at the premises there situate known as number *one hundred and twenty five Canal Street*, certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to *Peter Geddel, and to* certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be drank upon the premises aforesaid, without having a license therefor, as required by law, 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.



0390

(Laws of 1883,  
chapter 840, sec-  
tion 5.)

THIRD COUNT:

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

*- Charles Denny -*  
of the CRIME OF GIVING AWAY STRONG AND SPIRITUOUS LIQUORS, ALES,  
WINE AND BEER, WITHOUT A LICENSE, to be drank upon the premises, committed  
as follows:

The said

*Charles Denny*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at  
the City and County aforesaid, and at the premises there situate, known as number *One*  
*Hundred and Twenty-Five Canal Street,*  
certain strong and spirituous liquors, and certain ales, wine and beer, to wit: one gill of wine, one  
gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of  
bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of  
a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give  
away to *Peter Ogden, and to -*

certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be drank  
upon the premises aforesaid, without having a license therefor, as required by law, 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.

**RANDOLPH B. MARTINE,**

**District Attorney.**

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BOX:

209

FOLDER:

2080

DESCRIPTION:

Vertun, Simon

DATE:

02/08/86



2080

0392

#53. Geo. T. Buckenham  
254-8 d Ave  
Counsel  
Filed day of July 1886  
Pleas  
M. J. Mully

RECEIVING STOLEN GOODS  
[Section 650, Penal Code]

THE PEOPLE  
vs.  
R

Simon Vertue  
July 18/86  
New & convicted.  
Pen one year

RANDOLPH B. MARTIN, Jr.  
July 23/86 District Attorney.

A True Bill  
C. M. Keery

Foreman.

July 16  
1886

Witnesses:

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

**POLICE COURT**

**DISTRICT.**

of No. 110 Avenue / St 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,

Now present did unlawfully and feloniously receive and take into his possession certain property consisting of several pieces of jewelry of the value of about four hundred dollars he further well knowing at the time that said property was stolen. as deponent believes and charges that the ground for such belief and charge is based on the facts following - to wit That on the night of said day deponents store at No 5741 East 13<sup>th</sup> Street was broken into and the aforesaid property taken stolen and carried away That deponent is informed by one Henry Bachman that he saw the property so stolen on said night in the possession of three men who brought the same into the defendants residence in East 3<sup>rd</sup> Street, and deponent is further informed by Officer Michael Bissert that he found said property which deponent identifies as the stolen property in a room of the defendants apartments concealed and covered with old clothes to hide the same from observation, and deponent believes the same to be true

Adm to Charles C. Davis  
1st day of February 1886  
Massachusetts  
Office Boston



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CITY AND COUNTY }  
OF NEW YORK, } ss.

Michael Bissess  
aged 42 years, occupation Police Officer of No. the 17<sup>th</sup> Precinct Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Edward Goett

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

Sworn to before me, this 10<sup>th</sup>

day of February 1888

Wm. H. Hude

Police Justice.

0395

CITY AND COUNTY }  
OF NEW YORK, } ss.

Henry Bachman  
aged 18 years, occupation Dressman of No.

107 Lewis Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Edward Goett

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

Sworn to before me, this 1st day of February, 1888, by H. Bachmann

Wm. W. W. W.  
Police Justice.

0396

Sec. 108-200.

CITY AND COUNTY  
OF NEW YORK, { ss

3 District Police Court.

*Simon Vertum* 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. *Simon Vertum*

Question. How old are you?

Answer. *43 Years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *278 East 34th Street*

Question. What is your business or profession?

Answer. *Glazier*

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

Answer. *I am not guilty of the  
charge*

*Simon Vertum*

Taken before me this

day of

188

Police Justice.



0397

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 \_\_\_\_\_

*Simon Hartum*

*Frank J. ...* 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 *February 1st* 188

*H. J. ...*

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.



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Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Edward G. Galt*  
*113 Ave. B*  
*Simon Vachina*

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

188

Magistrate

Officer

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

0399

The People  
vs.  
Simon Vertun.

Court of General Sessions, Part I.  
Before Judge Cowing.

February 13, 1886.

Indictment for receiving stolen goods.

Edward Goett sworn and examined. I live 113 Avenue B and am a manufacturer of parlor suits, my place of business is 541 East 13th Street, I have a store in the front and a factory in the rear, the place was burglariously entered the night of January 27 and about four hundred dollars worth of plush belonging to me taken. I did not know who broke into the premises and took the property then but I know now that one of them was an old employee of mine named Addy Wanamaker. John Smith told the detective and myself when he was taken to the Station House charged with this burglary that Wanamaker and another man by the name of August, they call him Aug, were the thieves who took the stuff, John Smith did not say that he was one of them, he said that he was sent there to collect the money. I have seen some of the property since which was taken out of the house of the prisoner who received it.

Cross Examined. I did not count the number of pieces of plush which were found in the prisoner's house; some of the pieces are thirty-six and forty-two inches in length, some of them are sold by the piece and some are sold by the pound, some of the pieces were worth \$1.25, there was five hundred pieces altogether, I recognized the goods as mine, I bought them from the car companies. There is one more man than I know of in this business in New York, I know the goods belonged to me because I know the shade of my dyeing, I am positive the plush was mine.

I

0400

Henry Bachman sworn and examined. I live at 107 Lewis Street and I work over in Edwin & Co.'s pawn shop in Hubert Street. I was in the city of New York on the evening of the 27th of January, I was going home about half past nine or ten o'clock through Avenue C between 10th and 11th Streets and three young men met me and they asked me would I give them a hand, they said they were moving for a man, I saw them carrying plush to the prisoner's place, I did not know then who it belonged to but I know now it belonged to Mr Goett, a couple of young fellows told me he was robbed. This property was rolled up in bundles and tied with a string.

Michael Bissert sworn and examined, testified: I am an officer of the Municipal Police of the 17th precinct and visited the premises of the prisoner on the night of the 31st of January and found a lot of plush there which was afterwards identified by Mr Goett, the complainant. About eight o'clock on the 31st of January, upon information I received from the complainant, I and Officer Robinson and the complainant went down to East 3rd Street where the prisoner resides, which is a basement. The front part of the basement is fixed up as a glazier's store and then there is a middle room and the back room is occupied as a bed-room, there is where I found the plush covered up with some old clothing and carpet in the corner. I searched the premises and found the goods concealed there, the complainant identified it as his property which had been stolen from his place in 13th Street.

Cross Examined. I saw a bed standing in the room where I found the property, I believe there was a cooking

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stove there too, he did not make any refusal to give up these goods when the complainant claimed them, he made no effort to keep me out of the place, he did not interfere in any way when the complainant identified his property. I asked the prisoner where he got the property? He said three young men threw it down in the basement a few nights before that, I told him, it is very funny that three young men should throw down valuable property worth four hundred dollars and he not ask any explanation about it. He told me that they came in there and asked him if they could store this plush there for a while and then offered to hire the hall; he did not say how much he paid John Smith for this plush. He said that after they had thrown down the property they wanted to hire a hall from him. When I came into the prisoner's place there was three or four men in with him, I did not know which was the proprietor and so I walked through the middle of the room into the back room and there I found the plush, then I came out and asked who was the proprietor and the prisoner stepped forward and said, it is me. I did not tell him what I came for before I commenced hunting for the plush because I went into his place from the back way and Officer Robison was stationed in the front, I did not ask him anything about it but went and found it. The prisoner did not say to me that the three young men who threw the plush down the basement covered it up with rags and carpet, he knew that I had found it at the time he said he was the proprietor of the place. I went there on information received from the complainant.



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Edwin K. Robinson sworn. I am an officer of the Municipal Police of the 17th precinct and accompanied the previous officer to the prisoner's place, I had no conversation with the prisoner before the plush was discovered, I know nothing more about it than what the other officer testified to, I saw the plush in the back room, Officer Bissert found it, I remained in the front room and the prisoner and two or three other men were there, I remained in the front room or shop to prevent anyone going out while Bissert went back to search, I did not know the other men that were there at the time.

The case for the defence.

Simon Meyer sworn and examined. I have a hall at 30 Clinton Street and know the defendant about eight or nine years I believe and know other people who know him, I always knew that he was a glazier, I never can say any harm against him so long as I know him, I know him well, we belonged to lodges together, in one lodge he is at present president and the other lodge he was secretary.

Abraham Mayer sworn and examined. I have got a clothing store at the corner of Second Street and Avenue B, I know the defendant, he has done some jobs for me, I think I know him two or three years and know other people who know him, he has got the name of an honest, upright man, I do not belong to lodges with him.

Jacob Pearl sworn. I am a dealer in cigars in this city and know the defendant five years, he has the reputation of being an honest working man. I belong to

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benevolent societies that he belongs to, in one lodge he is president, they are mutual life insurance companies.

Nathan Pulvermacher sworn. I am a life and fire insurance agent and know the prisoner five years, as far as I know his reputation is A No. 1. I never heard any ill said of him.

Simon Virtun sworn and examined. To-night it will be three weeks a out half past eight o'clock in the evening my store was already locked and the shutters was up, I live in the rear room with my wife; some one knocked at the door, I opened the door and a couple of bundles rolled down the stairs, then three men came into my place and asked me if I would not let them out my hall, one of the three I knew by sight whilst I was living in Second Street, I told him I could not let them have the hall, there was no partition in the rear and anyone living in the house could come down and carry away the goods, there were two hundred and twenty-six pieces. Then I took it and put it in the rear room where I live because I am not home in the day time, my wife cooks in the rear room. They told me that on Friday or Saturday they would come and get the goods and they did not but the bundles remained till the police came and found them. I did not convert the property to my own use, did not know it was stolen and had no intention of buying it.

Cross Examined. I did not think it strange that three strangers should tumble down plush in my basement at eight o'clock at night. I did not pay John Smith \$17.50 for the plush.

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(John Smith was placed at the bar.) I have seen this man before, I think he was there the night the plush was received but I could not be precise about it.

John Smith sworn and examined. The defendant never paid me any money, I was only once in his place.

Cross Examined. There was another man in his place and he laid the money on the table and he (the prisoner) counted it after and he handed it to me. This is my name attached to the paper now shown me.

Mr Bedford: This burglary was committed on the night of the 27th of January and four hundred dollars worth of plush taken which was identified by the complainant. Smith was arrested as one of the men who committed the burglary and the usual questions were put to him by the Police Magistrate. In answer to the last question to explain anything that appeared in the testimony against him he said: "I am not guilty of the charge, I only know that I collected \$17.50 from Simon Virtum, that being the amount he paid for the plush, I gave the money to the other two whose names I do not know."

Witness: I told then at Essex Market when the Judge asked me the questions, that the prisoner handed me the money, I did not know what it was for, the other two parties came up stairs and took the money. I heard Sunday night that the money was for this plush, I did not go there with the plush. On Sunday at one o'clock two parties came to me and asked me if I wanted to make a dollar, I said yes and I went down to the prisoner's place. They gave me a dollar and I went my way.

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Simon Virtun recalled. I have heard the  
state ment about this \$17.50; the Saturday before I got  
arrested a man who belongs to the same lodge came to see  
me and told me that three men brought some plush goods and  
he said he was an upholsterer and could use them, I told  
him I could not sell the goods, that the people were not  
there to whom they belonged, I sent my son to these people  
and told them to take the plush away and that there was a  
man who wanted to buy the goods and that he would be at  
my place at Sunday noon. The man who wanted to buy the  
goods came and bargained with those three persons and he  
~~put~~ put \$17.50 on my table and he asked me to count it  
over again to see if it was right, then Smith took the  
money and they all left. I never was arrested in my life

The Jury rendered a verdict of guilty.



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Testimony in the  
case of  
Simon Verten  
filed Feb.  
1886.

0407

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 Vertun*

The Grand Jury of the City and County of New York, by this indictment, accuse *Simon Vertun* —

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

The said *Simon Vertun*.

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

*Five hundred pieces of gold*  
*of the value of eighty cents*  
*each piece,*

of the goods, chattels and personal property of one *Edward Figgitt,*  
*my one John Smith, and* —

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

*Edward Figgitt, —*

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

*Simon Vertun, —*

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.

RANDOLPH B. MARTINE,  
District Attorney.

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BOX:

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FOLDER:

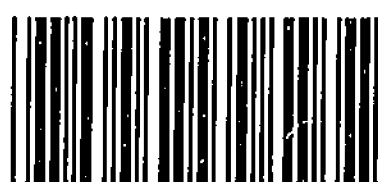
2080

DESCRIPTION:

Viemeister, Louis H.

DATE:

02/10/86



2080

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Witnesses:

Counsel, *89 Alexander*  
Filed *10* day of *May* 188*6*  
Pleads *Not Guilty*

THE PEOPLE

vs.

*B*

*Louis H. Viemeister*

*Violation of Excise Law.*  
(Sunday).  
[III Rev. Stat., 7th Edition, page 1883 Sec. 21, and  
page 1880, Sec. 5].

RANDOLPH B. MARTINE,

District Attorney.

A TRUE BILL.

*James C. [Signature]*  
*Foreman.*



0410

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Samuel D. Diemerster*

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

*Samuel D. Diemerster*

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

The said *Samuel D. Diemerster,*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*nine*, at the Ward, 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 whisky, 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

*Patricia D. Corcoran, 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

*Samuel D. Diemerster*

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows :

The said *Samuel D. Diemerster,*

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, the same being the first day of the week,

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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 whisky, 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 give away as a beverage to

*Patrick M. Casagone, 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.

THIRD COUNT:

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

*- Louis M. Diemerster -*

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 *Louis M. Diemerster,*

late of the Ward, 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 certain premises at number

*One-hundred - and forty - one West Street,*

in the City and County aforesaid, which said place 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.

RANDOLPH B. MARTINE,  
District Attorney.