

0984

**BOX:**  
293

**FOLDER:**  
2796

**DESCRIPTION:**  
Schnabel, Daniel

**DATE:**  
01/18/88



2796

0985

221

Witnesses:

*F. G. Bankley*

Counsel, \_\_\_\_\_  
Filed *11* day of *January* 188*8*  
Pleads, *Chattel Mortgage*

THE PEOPLE

vs. *B*  
*370 E. 4th*

*Daniel Schmabel*

Violation of Excise Law.  
(Selling to Minor).  
[III Rev. Stat. (7th Ed.) p. 1982, § 15].

JOHN R. FELLOWS,

RANDOLPH B. MARINE,

Pr. & Chy. W. District Attorney.

*pleads guilty.*

*Y. med \$25.*

A True Bill.

*J. Bloom*

Foreman.

*Proctor*

0985

Fourth District Police Court.

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

of Number 190 East 23d Street being duly sworn  
deposes and says, that on the 4th day of January 1888, at the  
City of New York, in the County of New York one

unlawfully and wilfully did, by his employees, or agent,  
himself being present, at and within a certain  
liquor store situate at No. 320 East 48th St.  
sell a certain strong and spirituous liquor, to wit, one pint of lager  
commonly known as lager beer  
to one James Mc Eroy  
who then and there was a minor, under the age of fourteen years, to wit of the age of  
eight years, then and there knowing and having reason to believe such  
minor to be under such age of fourteen years: ~~\_\_\_\_\_~~

Wherefore, the complainant prays that the said \_\_\_\_\_

may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 5th  
day of January 1888. } Frank G. Barkley  
[Signature]  
Police Justice.

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

THE PEOPLE, &C.,  
ON THE COMPLAINT OF



CRUELTY TO CHILDREN:  
SELLING LIQUOR TO MINOR.  
Laws 1877, Chap. 420.

DATED \_\_\_\_\_ 18

Magistrate.

Clerk.

Officer.

Witnesses:

E. FELLOWS JENKINS, Sup't,  
100 East 23d Street.

Disposition \_\_\_\_\_

AN ACT TO AMEND CHAPTER SIX HUNDRED AND TWENTY-EIGHT OF THE LAWS OF EIGHTEEN HUNDRED AND FIFTY-SEVEN, ENTITLED "AN ACT TO SUPPRESS INTemperance, AND TO REGULATE THE SALE OF INTOXICATING LIQUORS."

§ 1. Section fifteen of Chapter six hundred and twenty-eight of the Laws of eighteen hundred and fifty-seven, entitled "An Act to Suppress Intemperance, and to Regulate the Sale of Intoxicating Liquors," is hereby amended so as to read as follows:

§ 15. No inn, tavern or hotel keeper, or any other person licensed to sell any strong or spirituous liquors or wines, shall, either personally or by his wife, servant, employee or other agent, sell or give any such liquors or wines to any Indian or apprentice, knowing or having reason to believe him to be such, or within the knowledge of such agent, without the consent of his master or mistress, nor to any minor under the age of eighteen years, without the consent of his father or mother, or guardian.

Whoever shall, either personally or by his wife, servant, employee or other agent, offend against either of these provisions, shall forfeit ten dollars for each and every offence, to be recovered by the master of such apprentice or servant, or by the parent or guardian of such minor; and any person who shall, either personally, or by his wife, servant, employee or other agent, sell or give away any strong or spirituous liquors, ale, beer or wine to any Indian in this State, or shall sell any beer, ale, wine or any strong or spirituous liquor to any minor under the age of fourteen years, knowing or having reason to believe such minor to be under such age, shall be deemed guilty of a misdemeanor, and, on conviction, shall be liable to a fine of twenty-five dollars for each and every offence.

Laws of 1877, chap. 420, § 1.

§ 2. This Act shall take effect immediately.

Laws of 1877, chap. 420, § 2.

0987

0988

Sec. 198-200.

Fifth District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Daniel Schnabel 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. Daniel Schnabel

Question. How old are you?

Answer. Forty-eight years

Question. Where were you born?

Answer. Germany

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

Answer. No. 320 East 45<sup>th</sup> St - 3 yrs.

Question. What is your business or profession?

Answer. Hotel Keeper.

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 de-  
mand a trial by jury.

Daniel Schnabel

Taken before me this

5<sup>th</sup>

day of February 1888

Police Justice.

0989

Date 188

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

Date 188

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

Date 188

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.

Police Court 4 District 42

THE PEOPLE, & C., ON THE COMPLAINT OF Frank G. Barkley 100 East 23rd Daniel Schnabel

Dated January 5th 1888 by Ingham Magistrate. Witness: Murray Barkley, 1 SPECK

James [unclear] District Attorney, 31 [unclear] Street. \$ 100 to answer. Jan 7th 1888

BAILABLE, No. 1, by Rudolph Opperman, Residence 100 E. 46th Street.

No. 2, by [unclear], Residence [unclear] Street.

No. 3, by [unclear], Residence [unclear] Street.

No. 4, by [unclear], Residence [unclear] Street.



Handwritten signature: Barkley

0990

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

Daniel Schnabel

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

— Daniel Schnabel —

of a MISDEMEANOR, committed as follows :

The said Daniel Schnabel,

late of the City of New York, in the County of New York aforesaid, on the  
fourth day of January in the year of our Lord  
one thousand eight hundred and eighty-eight, at the City and County aforesaid,  
certain strong and spirituous liquor and certain wine, ale and beer, to wit: One gill of wine,  
one gill of brandy, one gill of rum, one gill of gin, one gill of 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully  
did sell to one James McEvoy who was then and there a minor  
under the age of fourteen years, to wit: of the age of eight years, as he the said  
Daniel Schnabel then and there well knew and had  
reason to believe; against the form of the statute in such case made and provided, and  
against the peace of the People of the State of New York, and their dignity.

John R. Fellows,

~~RANDOLPH B. MARTINE,~~

District Attorney.

0991

**BOX:**

293

**FOLDER:**

2796

**DESCRIPTION:**

Schrank, Sillick

**DATE:**

01/06/88



2796

0992

256-

~~\*~~

Counsel, \_\_\_\_\_  
Filed, 6 day of Jan 1888  
Pleads, \_\_\_\_\_

Grand Larceny, second degree [Sections 528, 521 Penal Code]

THE PEOPLE  
vs.

*in B. P. No. 111*

*2*

*Sillich Schrank*

JOHN R. FELLOWS,  
~~RANDOLPH B. MARTINE,~~  
District Attorney.

A True Bill.

*Emmed J. W.*  
*Foreman.*  
*Jan 9/88*  
*Wanda J. Gibby*  
State Refractory & Curia.  
*Jan 11/88*

Witnesses:

*Joseph Strideberg*

*Notary Simpson*  
*18/ Brewery*

0993

Police Court— 3<sup>d</sup> District.

Affidavit—Larceny.

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

*Simon Farnsworth*  
of No. *312 East 34<sup>th</sup> Street*, aged *22* years,  
occupation *Tailor* being duly sworn

deposes and says, that on the *3<sup>d</sup>* day of *December* 1887 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the *night* time, the following property viz :

*One gold watch and one gold chain in all of the value of one hundred and twenty dollars*

*(7120)*

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 *Lillies Schurman* from the fact that the deponent and the deponent lived together and slept together in an bed in premises of *312 East 34<sup>th</sup> Street*, that on the afore-said day they went to bed at the house of *2. O. B. S. A. H.* that at the hour of five *O. B. S. A. H.* with some way when the deponent got awake, the said deponent had left the room, and the deponent (who had some suspicion) went and looked for his watch and chain which he had placed

Subscribed and sworn to before me this 3<sup>d</sup> day of December 1887  
*[Signature]*  
Police Justice

0994

in his vest-pocket, when he  
perceived that the said watch and  
chain was missing.

Shewn to before me this 5<sup>th</sup> day of December 1887  
J. G. Murphy  
Police Justice

Dated 1887 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 1887 Police Justice

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

Dated 1887 Police Justice

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

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

Police Court, District

THE PEOPLE, &c.,  
on the complaint of

vs.

1  
2  
3  
4

Offence—LARCENY.

Dated 1887  
Magistrate

Officer

Clerk

Witnesses,  
No. Street,  
No. Street,  
No. Street,  
to answer Sessions.

0995

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Sillick Schwant* 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. *Sillick Schwant*

Question. How old are you?

Answer. *20 years of age*

Question. Where were you born?

Answer. *Poland*

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

Answer. *11 Ludlow St. 4 months*

Question. What is your business or profession?

Answer. *Operator on machines*

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

Answer. *I am guilty of taking two watches and one chain*

*Sillick Schwant*  
*(Mark)*

Taken before me this

day of *January*

188 *8*

*W. J. ...*

Police Justice.

0996

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Sillick Schwartz* 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. *Sillick Schwartz*

Question. How old are you?

Answer. *20 years of age*

Question. Where were you born?

Answer. *Poland*

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

Answer. *11 Ludlow St. 4 months*

Question. What is your business or profession?

Answer. *Operator on machines*

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

Answer. *I am guilty of taking two watches and one chain*

*Sillick Schwartz*  
*(his mark)*

Taken before me this

day of *January*

188

*W. J. ...*

Police Justice.

0997

Sec. 151:

3<sup>d</sup> District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police Justices in and for the said City, by Samuel Lammertbaum

of No. 312 East 14<sup>th</sup> Street, that on the 3 day of December 1887 at the City of New York, in the County of New York, the following article to wit:

One gold watch and one gold chain worth of the value of one hundred and twenty dollars of 1887

of the value of the above Dollars, the property of the complainant was taken, stolen, and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Sillick Lammertbaum

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

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

Dated at the City of New York, this 3 day of December 1887

[Signature]  
POLICE JUSTICE.

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Samuel Lammertbaum  
vs.  
Sillick Lammertbaum

Warrant-Larceny.

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

Magistrate

Officer

The Defendant \_\_\_\_\_ taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Officer

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

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, \_\_\_\_\_

Native of \_\_\_\_\_

Age, \_\_\_\_\_

Sex \_\_\_\_\_

Complexion, \_\_\_\_\_

Color \_\_\_\_\_

Profession, \_\_\_\_\_

Married \_\_\_\_\_

Single, \_\_\_\_\_

Read, \_\_\_\_\_

Write, \_\_\_\_\_

0998

Dated 1888 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 1888 Police Justice.

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

Dated 1888 Police Justice. the City Prison of the City of New York, until he give such bail.

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

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.

Police Court-- 3 District.

THE PEOPLE, &c., ON THE COMPLAINT OF

Emily Mary Lamm 32 East Houston Street

William Schramm 32 East Houston Street

2 No. 1, by [Signature] Street.

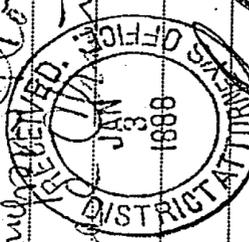
3 Dated 1888 Magistrate. [Signature]

4 [Signature] and [Signature] Officer. Heidtkey C. O. Precinct.

Witnesses Mary Goldkey 32 East Houston Street.

No. [Signature] Street. [Signature] Street.

No. [Signature] Street. to answer [Signature]



BAILED, No. 1, by [Signature] Street.

No. 2, by [Signature] Street.

No. 3, by [Signature] Street.

No. 4, by [Signature] Street.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Sissida Edmunda*

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

*- Sissida Edmunda -*

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

The said *Sissida Edmunda*,

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

*one watch of the value of*  
*one hundred dollars, and one*  
*chain of the value of twenty*  
*dollars.*

of the goods, chattels and personal property of one

*Simon Benetbaum.*

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 H. ...*  
*...*

1000

**BOX:**

293

**FOLDER:**

2796

**DESCRIPTION:**

Schratz, John

**DATE:**

01/25/88



2796

1001

325  
*A.W. Chertoff*

Counsel,  
Filed *15* day of *January* 188  
Pleads *Guilty*

Violation of Excise Law.  
(Bellington Sunday Law)  
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and  
page 1989, Sec. 5.]

THE PEOPLE,  
vs. *B*  
*John Schratz*

*115 B*

*124* JOHN R. FELLOWS,  
RANDOLPH B. MARINE,  
*173* Feb 16 *AD* District Attorney,  
Complaint sent to the Court  
of Special Sessions,

A True Bill... 19... 1888.

*Edmondson*

Foreman.

*F. J. Mar 28 1888*

WITNESSES:

*Officer Mark*

1002

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*Plaintiffs*

*against*

*John Schratz*  
*Defendant.*

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *twenty-second* day of *January* — 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

*Hugh Martin* —

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 defendant 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 defendant, 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. Bellows*  
~~RANDOLPH B. MARTINE,~~

District Attorney.

1003

**BOX:**

293

**FOLDER:**

2796

**DESCRIPTION:**

Schwacke, Theodore

**DATE:**

01/16/88



2796

Witnesses

Counsel

1888

day of

*Kelgan*

*Chilguthy*

THE PEOPLE,

Section 228431, Penal Code.

*Theodore Schwack*

JOHN R. FELLOWS,

FRANZOLPE B. MARRINE,

District Attorney.

Title Bill

*Edward C. ...*

Foreman.

*Feb 13 1888*

*Alfred ...*

*Elmira Ref. P.B.M.*

*Feb 20 1888*

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*Plaintiffs*

*against*

*Henry Schiviering*  
*Defendant.*

The Grand Jury of the City and County of New York. by this indictment accuse the above named defendant 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 defendant late of the City of New York, in the County of New York, aforesaid, on the *eighth* day of *January* in the year of our Lord one thousand eight hundred and eighty-*eight*, 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 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. Feltows,*

~~RANDOLPH B. MARTINE~~, District Attorney.

451  
Counsel,  
Filed, 26 day of May 1888  
Pleads, *Henry Schuring*

THE PEOPLE,  
vs.  
B  
*Henry Schuring*  
*Robert C. Pearce*  
*1st Defendant: Schuring*

VIOLATION OF EXCISE LAW  
(Keeping Open on Sunday.)  
(III Rev. Stat., 7th Edition), page 1889, Sec. 61

JOHN R. FELLOWS,  
RANBOLPH B. MARINE,  
District Attorney.

A True Bill.  
*Edward J. ...*  
Foreman.

Witnesses:  
*Henry Schuring*

.....x  
 T H E P E O P L E : AT A Special Term of the Supreme  
 - agst. - : Court, held at the Chambers  
 T H E O D D R E S C H W A C K E . : thereof in the New Court House  
 : in the City of New York, on  
 : the 25th day of February, 1888.  
 :  
 .....x

Present, The Hon. Edward Patterson, Justice.

ON motion of ANDREW H. H. DAWSON, Deputy  
 Assistant District Attorney, it is

ORDERED that the order to show cause  
 herein be, and the same hereby is, dismissed.

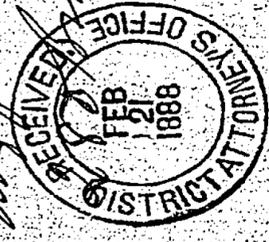
Supreme Court -  
in appeal  
from Federal Sec.

The People v

Therese Schmale

(copy)  
Order to show  
cause.

Paul Miller  
205 1/2 S. 1st St  
St. Louis, Mo



SUPREME COURT, NEW YORK COUNTY.  
IN APPEAL FROM THE COURT OF GENERAL SESSIONS.

#####  
 #  
 #  
 #  
 #  
 #  
 #  
 #  
 #  
 #  
 #####

The People, &c,  
 Respondent,  
 against  
 Theodore Schwacke,  
 Appellant.

ON READING the annexed Affidavit of FRANK J. KELLER  
 Counsel for the Appellant herein, it is hereby ORDERED that  
 the District Attorney of the City and County of New York,  
 show cause before me, <sup>or</sup> one of the Justices of this Court,  
 at Chambers thereof, in the Court House, in the City of New  
 York, on ~~Thursday~~ <sup>Friday</sup> the ~~23rd~~ <sup>24th</sup> day of February, 1888, at 10.30  
 A.M. why a permanent stay of proceedings should not be  
 granted Appellant from the Judgment of Conviction rendered  
 against him this day.

And it is further ordered, that in the meantime and  
 until further ordered, that all proceedings under and by  
 virtue of said sentence shall be stayed.

Dated New York, February 20th, 1888.

*Edward Patterson*

*J. S. C.*

SUPREME COURT, NEW YORK COUNTY.  
IN APPEAL FROM THE COURT OF GENERAL SESSIONS.

#####  
THE PEOPLE, & C. #  
Respondent, #  
against #  
THEODORE SCHWACKE, #  
Appellant. #  
#####

CITY AND COUNTY OF NEW YORK. ss.

Frank J. Keller, being duly sworn says:  
That he is Counsel for the above named Appellant and desires that certain questions of Law shall be decided upon the appeal to be taken by said Appellant from the sentence rendered against him this day in the Court of General Sessions.

That said Appellant was indicted for Larceny, and receiving stolen goods ~~and property~~. Said indictment containing four counts. That a general verdict of "Guilty" was rendered thereon.

That deponent verily believes that the said verdict was and is illegal and that no Judgment or sentence could be rendered thereon. That moreover a number of important exceptions were taken at the trial to the admission of certain testimony, which testimony deponent believes should not have been admitted.

That Deponent is desirous of obtaining an Order to Show Cause why a certificate or permanent stay of proceedings should not be granted appellant, and unless Deponent

1011

obtains the present Order to Show Cause, Appellant may be immediately removed to the Reformatory at Elmira, to which Institution he was sentenced.

Sworn before me, this 20<sup>th</sup> day of February, 1888, *Frank G. Keller*

*Robert Byrne*  
*Notary Public*  
*N.Y.C.*

1013

Police Court—2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

Gertrude P. Leonard  
of No. 137 East 35<sup>th</sup> Street, aged 30 years,  
occupation Marie Lady being duly sworn

deposes and says, that on the 5<sup>th</sup> 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 purse containing  
One bill of the denomination of one dollar  
good and lawful money of the Dominion  
of Canada. and several bank notes or  
bills of different denominations good  
and lawful money of the United States  
to the amount and of the value of thirty  
six dollars and one gold coin of the  
denomination of one dollar good and lawful  
money of the United States. together of the value  
of Thirty eight dollars \$38.00  
the property of Deponent

Sworn to before me, this  
1888 day

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 Louis Bell and Theodore Schwabe (both now here) from the

fact that at about the hour of 3:30 o'clock  
on said date deponent went into the  
premises no 29 West 35<sup>th</sup> Street leaving  
said purse containing said sum of money  
in her carriage which was standing in front  
of said premises. and after being in said  
premises for about fifty five minutes  
deponent came out and got into said  
carriage when she discovered that said  
purse containing said sum of money was  
missing.

And deponent is informed by Detective  
Sergeant Stephen O'Brien that at about

the hour of 3.30 O'clock P.M. said date  
 he saw the said defendants together and in  
 company with each other on West 35<sup>th</sup> St  
 and saw the defendant Lewis Bell go to  
 said carriage and place his hand into  
 the window of said carriage and take  
 some thing there from and place in the  
 pocket of his overcoat. He Bell then walked  
 rapidly away toward 3<sup>rd</sup> Avenue up said Avenue  
 to 36<sup>th</sup> Street. Through 36<sup>th</sup> Street toward  
 Madison Avenue. When he was joined by the  
 defendant Schwack when they each of said  
 defendants proceeded rapidly toward 3<sup>rd</sup> Avenue  
 and at the corner 3<sup>rd</sup> Avenue & 36<sup>th</sup> Street they  
 the said defendants took a 3<sup>rd</sup> Avenue surface  
 car going down town he the detective then  
 got on board of a 3<sup>rd</sup> Avenue Elevated Railroad  
 train at 28<sup>th</sup> Street and got off of said  
 train at 14<sup>th</sup> Street and 3<sup>rd</sup> Avenue and intercepted  
 said surface car and found the two defendants  
 in said car and placed them under arrest.  
 and when he searched them he the detective found  
 in the left hand overcoat pocket of the said  
 Bell a number of bank notes or bills to the  
 amount of thirty seven dollars amounting  
 which was a dollar note of the Dominion  
 of Canada.

Dependent is further informed by her husband  
 Lewis Cass LeSquad that he has since  
 seen said sum of money so found by said  
 detective in the possession of the defendant  
 Bell and identifies a portion thereof as  
 consisting of bills given by the said Lewis Cass  
 LeSquad to his said wife.

Wherefore dependent charges the said defendants  
 with being together and acting in concert with  
 each other and feloniously taking, stealing  
 and carrying away said sum of money.

Sworn to before me  
 this 8<sup>th</sup> day of July 1888.  
 J. H. [unclear]

Gertrude P. Sedgwick.

Police Justice

10 15

CITY AND COUNTY }  
OF NEW YORK, } ss.

Stephen O'Brien

aged 34 years, occupation Detective Sergeant of No.

200 Mulberry

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Fortune P. Phoyard

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

Sworn to before me, this

day of January 1888

Stephen O'Brien

J. Mumford

Police Justice.

10 16

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Lewis Cass Ledyard*

aged *36* years, occupation *Lawyer* of No.

*137 E. 35* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *John R. Ledyard*

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

Sworn to before me, this *2* day of *July* 188*8* *Lewis Cass Ledyard*

*J. Murray Ford*  
Police Justice.

1017

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Louis Bell*

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. *Louis Bell*

Question. How old are you?

Answer. *23 years old*

Question. Where were you born?

Answer. *New York*

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

Answer. *456 W. 50th St. N.Y.*

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 may think will tend to your exculpation?

Answer. *I am not guilty*

*Louis Bell*

Taken before me this

day of

*John J. Thompson*

188

Police Justice.

10 18

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Theodore Schwacke*

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. *Theodore Schwacke*

Question. How old are you?

Answer. *25 years old*

Question. Where were you born?

Answer. *New York*

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

Answer. *115 Charlton St 1 year*

Question. What is your business or profession?

Answer. *Marble setter's helper*

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*

*Theodore Schwacke*

Taken before me this

day of

*John J. ...*

188

Police Justice.

1019

Dated 1888 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 1888 Police Justice

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

Dated 1888 Police Justice

the City Prison of the City of New York, until he give such bail.

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

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

Bill order by No 135 District Police Court-

THE PEOPLE, &c., ON THE COMPLAINT OF Arthur P. Ledyard 137 - East 35th St. Louis Bell Theodore Schwack

Dated 1888 Jany 8 Ford Magistrate.

O'Brien & M. C. Caulder Officers

Witnesses Stephen O'Brien Precinct Central Office Street

Louis C. Ledyard No. 66 West Street

Michael Gray No. 137 Street

1000 Street

CM

No 135 Bill order

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



1020

IN N. Y. SUPREME COURT  
SPECIAL TERM.

THE PEOPLE

- v. -

THEODORE SCHWACKE.

ORDER.

TO FRANK R. KELLER, Esq.,

Defendant's Counsel,

Please take notice that the  
within is a copy of an order  
this day entered in the above  
case by the Special Term of  
the Supreme Court.

New York, Feb. 25th, 1888

John R. Fellows,  
Dist. Atty.

.....X  
 T H E P E O P L E : AT A Special Term of the Supreme  
 - agst. - : Court, held at the Chambers  
 THEODORE SCHWACKE. : thereof in the New Court House  
 : in the City of New York, on  
 : the 25th day of February, 1888.  
 :  
 .....X

Present, The Hon. Edward Patterson, Justice.

ON motion of ANDREW H. H. DAWSON, Deputy  
 Assistant District Attorney, it is

ORDERED that the order to show cause  
 herein be, and the same hereby is, dismissed.

Court of General Sessions  
New York County  
The People vs,

<sup>10</sup>  
Theodore Schwabe  
City & County of New York S.S.

Martin J. Donner being  
duly sworn, says that he  
knows the above named  
defendant, who has worked  
for him for the last  
year and a half, as a marble setter  
that deponent always found  
him to be honest, industrious,  
and hardworking, and  
would be quite willing to  
give him a position at  
once if released.

Deponent resides  
at No 67 West 63<sup>rd</sup> Street, and is  
a tile setter by occupation.  
Sworn to before  
me this 18<sup>th</sup> January  
1888 -

Edw Swager  
Comms of Deeds  
N.Y.C.

Martin J. Donner

1023

Court of General Sessions  
New York County  
The People vs

<sup>vs</sup>  
Theodore Schwabe  
City & County of New York S.S.

August J. Feigel being duly  
sworn and says;

1. He resides at no 16 Vandam Street  
and has been a resident  
of the City of New York for the  
last 24 years, and is a  
porter by occupation.
2. Deponent is well acquainted  
with defendant Theodore  
Schwabe, and has known  
him for the last fifteen years.
3. Deponent is ready and willing  
to give defendant <sup>steady</sup> employ-  
ment at once, if he be  
released.

Given before me A. J. Feigel  
this 18<sup>th</sup> February 1888 } #16 Vandam St  
Edw Swager } City  
Comptroller of Deeds  
N.Y.C.

Court of General Sessions  
New York County

The People vs  
Theodore Schwacke

City & County of New York ss.  
Edward Wall  
being duly sworn says:

I am engaged in business as a druggist at No 48 Grand Street New York City. I have known the above named Theodore Schwacke for about fifteen years last past. He is to my knowledge a hardworking young man, sober, industrious and trustworthy in every respect.

Sworn to before me this 18th day of February 1888 } Edward Wall  
Edw Swager  
Clerk of Deeds  
N.Y.C.

Court of General Sessions  
New York County

The People vs  
Theodore Schwacke

City & County of New York vs.  
Michael Brennan  
being duly sworn says:

I reside at No. 18 Grand Street and am engaged in business as a dealer in liquors &c. I am also a member of the Assembly of this State representing the 5th District therein. I am acquainted with the above named Theodore Schwacke and have known him for a dozen years last past. I have always known him to be a hardworking, sober, honest & industrious young man.

Sworn to before me, this } Michael Brennan  
18th day of February 1887 } Member of assembly  
John Swager } P. Grand  
Clerk of Court

my a

Court of General Sessions  
New York County

The People vs  
Theodore Schwacke

City and County of New York ss  
George Hoppe being  
duly sworn says:

I reside at No 10  
Mott Street in the City of New  
York and am engaged in  
business as a Trustman. I  
have known the above named  
Theodore Schwacke for about  
ten years last past and know  
him to be an honest and hard-  
working young man of good  
character.

Sworn to before me, this }  
18<sup>th</sup> day of February 1888 } Geo Hoppe  
Edw Swager  
Clerk of Deeds  
N.Y.C.

Court of General Sessions  
New York County

The People vs }  
vs. }  
Theodore Schwacke }

City and County of New York ss.  
David Brizzolara being  
duly sworn says:

I am engaged in  
business as a dealer in cigars  
and tobacco at No 212 Spring Street  
New York City. I am and have  
been acquainted with the above  
named Theodore Schwacke for  
the past ten years or more.  
During all that time I have  
known said Schwacke to be a  
sober, honest and industrious  
young man of good habits and  
reputation.

Sworn to before me, this } David Brizzolara  
18<sup>th</sup> day of February 1883 }

Edw Swager

— Clerk of Court

nyc

Court of General Sessions  
New York County

The People vs }  
vs. }  
Theodore Schwacke }

City & County of New York ss  
Richard J. Malloy  
being duly sworn says:

I am engaged  
in business as a dealer in wines  
& liquors at No 112 West Houston  
Street New York City. I have known  
the above named Theodore Schwacke  
for about eight years last past  
and know him to be a person  
of good character & habits &  
one who always worked hard  
for a living

Sworn to before me, this }  
18<sup>th</sup> day of February 1888 } R. J. Malloy  
Edw Swager

Comun of Deeds  
N.Y.C.

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Court of General Sessions  
of the Peace

The People vs  
Theodore Swartz

City and County of New York ss.  
Thomas Londrigan  
being duly sworn says:

I am engaged  
in business as a dealer in wines  
at No. 111 Charlton Street in this  
City. I am acquainted with the  
dependant Swartz and his family  
and have known them well for about  
eight years last past. They are  
near neighbors of mine. The said  
Theodore Swartz bears an ex-  
cellent reputation in the neigh-  
borhood and I know him to  
be a well behaved, honest, up-  
right and industrious young man.  
Sworn to before me, this 7<sup>th</sup> & Thomas Londrigan  
15<sup>th</sup> day of February 1883

Edw. Sawyer

Commissary of the Peace  
N.Y.C.

1030

Court of General Sessions  
New York County

The People vs  
Theodore Schwacke

City and County of New York ss.  
Thomas Harnett  
being duly sworn says:

I am engaged  
in the liquor business at No  
27 Grand Street New York City.  
I have been acquainted with  
the above named Theodore  
Schwacke for the past five  
years and have always  
known him to be a person of  
good character and habits, and  
he has always to my knowledge  
worked for a living  
Sworn to before me, this }  
18th day of February 1888 }  
Edw Swager  
Clerk of Deeds  
N.Y.C.

Thomas Harnett

Court of General Sessions  
New York County

The People vs }  
vs }  
Theodore Schwacke }

City & County of New York ss.  
George H. Brennan,  
being duly sworn says:

I am engaged  
in business at No. 2 Beugh  
Street New York City. I have  
known the above named Theodore  
Schwacke for about eighteen  
years last past and during  
all that time have known him  
to be a young man of good  
character and habits, honest  
industrious and trustworthy in  
every respect.

Sworn to before me, this } George H. Brennan  
18th day of February 1888 }

Edw Swager

Commissary of Deeds

N.Y.C.

1032

Court of General Sessions  
of the Peace

The People vs

Theodore Schwabe

City and County of New York ss  
George Beimler being duly  
sworn says:

I reside at 515 Broome  
Street New York City and am  
engaged in the grocery business.  
I have known Theodore Schwabe  
above named for the past five  
years and during that time  
have known him to be honest,  
industrious and hardworking,  
and a young man of good  
character.

Sworn to before me, this }  
18th day of February 1888 } George Beimler  
Edw Swager  
Com. of Deeds  
N.Y.C.

Court of General Sessions  
New York County

The People vs  
Theodore Schwacke

City and County of New York ss.  
John George Holymann being  
duly sworn says:

I am a cabinet  
maker by occupation and reside  
at No 515 Broome Street New  
York City. I am acquainted with  
Theodore Schwacke above named  
and have known him for about  
five years last past. He is  
a person of good character  
and habits to my knowledge  
and has always worked for a  
living.

Sworn to before me, this } John G. Holymann  
18th day of February, 1888 }

Edw Swager

Comur of Deed

N.Y.C.

Court of General Sessions  
of the Peace

The People vs.  
Theodore Schwacke

City and County of New York  
Philip E. Doolin be-  
ing duly sworn says:

I reside at No. 137 West Houston St. New York City. I am a physician practicing in said City and have been for many years. I know the defendant Theodore Schwacke and have known him for several years past. I am and have been for a long time his father's family physician. The said Theodore Schwacke bears a good reputation for honesty, sobriety and industriousness and has a good home & family connections. I have never during my acquaintance with him known of his being in any difficulty before.

Theora to before me this } P. E. Doolin, M.D.  
X

Court of General Sessions  
of the Peace

The People vs  
against  
Theodore Swaacke

City and County of New York ss.  
Bruno Rocks  
being duly sworn says:

I reside <sup>(in)</sup>  
am engaged in business as a  
barber & at No. 471 Canal Street  
in the City of New York. I am  
acquainted with Theodore Swaacke  
above named and have known  
him for upwards of five years  
last past. During all that time  
I have known said Swaacke to be  
a young man of good character  
& habits, sober, honest & industrious,  
and have never known of his being  
in any difficulty before. From  
my knowledge of his character &  
connections I can cheerfully recom-  
mend him to judicial clemency.

Sworn to before me, this }  
14th day of February 1898 } x Bruno Rocks  
Edw. Swager Commissioner of said }  
City and County of New York } 471 Canal St.

Court of General Sessions  
of the Peace

The People vs }  
Theodore Schwabler }

E.S.

City & County of New York ss.  
Louis C. Burns being  
duly sworn says:

I am Clerk of the  
First Judicial District Civil Court.  
E.S. I know the defendant Theodore Schwabler,  
and have been acquainted with  
him and his family for ten or  
twelve years past. I know his  
reputation and cannot speak  
too highly of it. He is an honest  
sober and industrious young man  
of respectable family.

Sworn to before me this 7<sup>th</sup> day of February 1883  
Louis C. Burns  
Edw. Swager  
Clerk of Deeds  
C. W. C.

Court of General Sessions  
of the Peace

The People }  
vs }  
Theodore Schwabe }

City & County of New York ss.  
Dominick F. Mullaney  
being duly sworn says:

I am engaged in  
business as a dealer in boots  
and shoes at No. 281 Hudson Street  
New York City. I know Theodore  
Schwabe and have been acquainted  
with him for from 6 to 8 years.  
During that time I have known  
him to bear a first rate repu-  
tation in the neighborhood for  
honesty, sobriety and uprightness  
and cheerfully testify to his general  
good reputation and conduct  
Sworn to before me this 2<sup>d</sup> day of February  
15<sup>th</sup> day of February 1883 281 Hudson St  
Edw. Swager  
Com. of Deeds  
N.Y.C.

Court of General Sessions  
of the Peace

The People vs }  
vs }  
E.S. Theodore Schenck }

City and County of New York ss.  
Joseph Waters being  
duly sworn says:

I am a member  
of the firm of Ward & Waters man-  
ufacturers of and dealer in min-  
eral waters at No 377 Water Street  
in this City. I have known Theodore  
Schenck above named for about  
nine years & during that time have  
always known him to be honest  
upright and trustworthy. He has  
always worked since I have been  
acquainted with him & he bears  
an excellent reputation. My firm  
will employ him at any time when  
released.

Sworn to before me } Joseph R. Waters  
this 15th day of February 1883 }

Edw. Swager

Arrive of seeds  
etc

Court of General Sessions  
of the Peace

The People vs  
Theodore Schwabe

City and County of New York vs.  
Julius Berrier being duly  
sworn say;

I am engaged in business as a dealer in boots and shoes at the corner of Canal & Renwick Streets in the City of New York and have been for many years past. I know Theodore Schwabe and have been acquainted with him for seven years or more past. He has been in my employ and I have always found him to be honest & upright, industrious and attentive to business.

Sworn to before me, this 15<sup>th</sup> day of February 1885

Edw Swager  
Clerk of Deeds  
N.Y.C.

Court of General Sessions  
of the Peace

The People }  
vs }  
E.S. Theodore Schwabe }

City & County of New York ss.

Jeremiah O. Donnell  
being duly sworn says:

I am a liquor  
dealer engaged in business at  
No 18 Grand Street in said City.  
I am acquainted with Theodore  
Schwabe above named & have  
been for two or three years past.  
I know his reputation and can  
say that it is the very best. He  
is an upright, honest and in-  
dustrious lad

Sworn to before me this Jeremiah O. Donnell  
15<sup>th</sup> day of February 1885

Edw. Swann

Commissioner of the Court  
N.Y.C.

Court of General Sessions  
of the Peace

The People vs  
Theodore Swake

City & County of New York vs.  
Charles Parke being duly sworn says:

I am engaged in business as a dealer in wines and liquors at the north east corner of Sixth Ave & Third Street New York City. I have known Theodore Swake about twelve years and know his reputation. He is an exemplary young man of good moral habits, honest & industrious. He has always borne a good reputation in the community.

Sworn to before me this }  
15th day of February 1883 } \*

Edw Swager

Commissary of Deeds

Chas. H. Parke

Residence # 116 - King St

Court of General Sessions  
of the Peace

The People vs  
E.S. Theodore Schwacke

City and County of New York ss  
Michael Ward being  
duly sworn says:

I am a member  
of the firm of Ward & Waters  
referred to in the affidavit of  
Joseph Waters hereto annexed I  
have known Theodore Schwacke  
for about four years and know  
his reputation. It is very good.  
I know said Schwacke to be honest  
upright and industrious and  
my firm will employ him at any  
time.

Sworn to before me, this } x Michael Ward  
15<sup>th</sup> day of February 1883 }  
Edw Swager  
Clerk of Court  
N.Y.C.

Court of

General Sessions

The People vs

v

Theodore Schwanz

affidavit as  
to character.

Chemistry — De Luca  
 Zoology — Costa  
 Physics — Giordano  
 Botany — Cesati  
 Comparative Anatomy — Panceri  
 General Pathology — De Martino  
 Materia Medica — Serruola  
 Physiology — Albini  
 Descriptive Anatomy — Antonelli  
 Topographical Anatomy — Favalaro  
 Special Medical Pathology — Anka  
 Special Surgical Pathology — De Santis  
 Medical Clinics — Tommasi and Cantani  
 Surgical Clinics — Gallorri  
 Operative and Surgical Anatomy — Frusci  
 Obstetrics — Morisani  
 Pathological Anatomy — Schöen  
 Skin and Venereal Diseases — Santurri  
 Hygiene — Turchi  
 Medical Jurisprudence — De Crecchio  
 Ophthalmology — Castorani

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

THE PEOPLE &c,

against

Theodore Schwacke.

Frank J. Keller,

Attorney for Defendant,

280 Broadway, N. Y.

*Bill of Exemption  
(copy)*

1045

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

THE PEOPLE &c,

against

Bill of Exceptions.

THEODORE SCHWACKE.

The defendant was indicted on the 16th day of January, 1888, for larceny and receiving stolen money, and entered plea of not guilty. The indictment contained four counts.

The first count was for the larceny of \$38.00, the money of Gertrude P. Ledyard, and the second count was for receiving the same, knowing said money to have been stolen by one Louis Bell and certain other persons to the Grand Jury unknown.

The third count was for the larceny of \$38.00 the same money, the property being laid in Louis Cass Ledyard, and the fourth count for receiving the same, knowing the said money to have been stolen by one Louis Bell and certain other persons to the Grand Jury unknown.

On the 12th day of February, 1888, the issue between the People and the defendant was brought to trial and the defendant was convicted, the ~~jury~~ Jury returning a verdict of "Guilty according to the indictment".

A motion was made in arrest of judgment upon the ground that no such general verdict could be rendered under the indictment, but that a verdict on one or other of the counts should have been rendered, and that the Court could

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not pass sentence thereon. The motion was denied. A

Motion for new trial was made on the same grounds, and also denied, *the defendant taking exceptions in each case,* and defendant was sentenced generally, and not on any one specific count of the indictment.

And this the said Bill of Exceptions, the Honorable Randolph B. Martine, Judge of said Court on Motion of Frank J. Keller Esq of Counsel for the defendant hath on this day of March, 1888, signed, sealed, and made part of the record of this Action.

*BR*  
*1888*

1048

W.M. Supreme Court.

People  
vs  
Schwab }

The above motion adjourned &  
by consent to Feb'y 23<sup>rd</sup> 1888.  
W.M. Feb'y 20<sup>th</sup> 1888.

August P. Weyman  
Dep'ty Atty.

1049

W. Supreme Ct.

People }  
in } \$ 157  
Schwab }

Within motion - adjourned to  
March 5<sup>th</sup> 1888. same time and  
place

W. Feb 23 - 1888.

August P. Wagner

Deft Atty  
John R. F. DeLoach

D. A. Deft Atty.

Indictment filed Jan. 16. 1888

COURT OF GENERAL SESSIONS

Part III.

The People &c.

against

Theodore Schwacke.

Abstract of testimony on

trial Feb. 15th 1888.

1050

COURT OF GENERAL SESSIONS

Part III.

-----:Before Hon. Ran-  
 The People of the State of New York, :dolph B. Martine  
 :  
 against :and a Jury.  
 :  
 Theodore Schwacke :  
 -----

Indictment filed Jany. 16th 1888.

New York, February 13th 1888.

APPEARANCES: For the People, SAsst. Dist. Atty. Parker.

For the defendant. F. J. Keller, Esq.

GERTRUDE P. LEDYARD, a witness for the People, testified:

I reside at No. 137 East 35th St. On the 5th of January I lost a pocket book containing \$40. I left it in my carriage while it was standing in 35th St. and when I came out of the house where I was visiting it was gone .

LEWIS CASS, LEDYARD, a witness for the People, testified:

I am the husband of the last witness. About the 5th of January I gave my wife about \$200. which part of a package of \$500. in new five dollar bills which I had received at the bank. I compared the numbers of the bills which were found on the possession of Lous Bell, the other defendant, with those which Mrs. Ledyard and myself and the servants had left and they corresponded in number and series .

STEPHEN O'BRIEN , a witness for the People, testified:

I am a detective seargeant attached to the Central office. On the 5th of January this year I saw the de-

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STATE OF NEW YORK  
COUNTY OF NEW YORK  
IN SENATE  
JANUARY 11, 1911.  
COMMISSIONER OF CORRECTIONS

2

defendant in company with a man named Louis Bell. I followed them; they walked up 5th Ave. as far as 50th st. and on the way stopped occasionally on corners; three or four times this defendant remained on corners while Bell walked down a side street and walked around a carriage. Then they turned around and walked down as far as 35th St. and when they got in the middle of the block between 35th and 6th Ave. Bell held a short conversation with Michael Fay the coachman on a carriage that was standing there. Then Bell and this man walked to the corner and looked around and then came back. I stood on the opposite side of the street in a vestibule door. I saw Bell go over to the carriage and put his hand into it. Then he crossed to the other side of the street and this defendant joined him. They walked towards third Avenue and I followed them; they got on a third Avenue car and I got on and arrested both of them. I found the money which I produce in Bell's pocket.

**CROSS EXAMINATION:**

The carriage I speak of in 35th St. was standing about in the middle of the block Bell never left the defendant. When Bell went over to this carriage in 35th St. Schwacke stood on the opposite side of the street.

**JOHN McCAULEY, a witness for the People, testified:**

I am a detective sergeant attached to the central office. I have seen these bills before; Detective

O'Brien gave them to me . I took them to Mr. Ledyard's house and he compared them with other bills he had .

MICHAEL FAY, a witness for the People, testified:

I am coachman for Mr. Ledyard. On the 5th of January I drove Mrs. Ledyard to 39 West 35th St. and stood in front of the door waiting for her for an hour.

JAMES A. TERHUNE, note teller of the American Exchange National bank, testified to giving a package of \$500. in five dollar bills to Mr. Ledyard and that the numbers in such packages run consecutively .

GEORGE W. MARLOWE, a witness for the People, testified, that he was employed in the Treasury Department and that packages of Bills sent to banks are numbered consecutively ..

D E F E N C E

LOUIS C. BRUNS, a witness for the defendant, testified to his good character .

The jury found the prisoner guilty of Grand Larceny in the second degree.

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.  
vs.  
Louis Beck  
2<sup>d</sup> offence -  
vs.  
Theodore Schwacke  
Grand 2<sup>d</sup> Degree.

BRIEF OF FACTS.

For the District Attorney.  
2 Cases -

Dated January 20<sup>th</sup> 1888  
Wm. H. Haddock  
Deputy Assistant.

Arthur  
Gertie P. Ledyard,  
137 E. 35<sup>th</sup> St.  
Louis Carr Ledyard,  
137 E. 35<sup>th</sup> St.  
Michael Fink,  
137 E. 35<sup>th</sup> St.  
Stephen O'Brien,  
Central Office.  
John W. Cawley,  
Central Office.  
W. H. Marlowe,  
15 Sub-Treasury,  
Wall St. & Terhune,  
100 N. 1st St.  
Office of  
22 of Precinct

People } People }  
 vs. } vs. } Memorandum  
 Louis Bell } Theodore Schwacke }

This brief applies to both cases, the prisoners being separately indicted as Louis Bell is indicted for a second offence. It is very much desired that this case be taken up as the first case because two of the witnesses, James A. Terhune and G. W. Harlow are employed respectively in the American Exchange National Bank and the U.S. Sub-treasury, and their absence from their places of employment causes serious inconvenience.

People	}	People	}
r.	}	r.	}
Louis Bell	}	Theodore Schwacke	}

Statement of Facts.

Louis Bell Case.

Indicted for grand larceny in 2<sup>d</sup> degree as a second offence. Two counts in the indictment one charging the larceny of money belonging to Gertrude P. Ledyard, and the other of the same money the property of Louis Cass Ledyard. Bell pleaded guilty of grand larceny in the 2<sup>d</sup> degree before in the General Sessions on 9<sup>th</sup> March 1885 and was sent to Elmira Reformatory.

Theodore Schwacke Case.

Indicted for grand larceny 2<sup>d</sup> degree and receiving stolen goods. 2 counts charge the larceny, in one the goods are alleged to be the property of Gertrude P. Ledyard and in the other of Lewis Cass Ledyard. 2 counts charge receiving, the property being alleged to have been stolen by Louis Bell and certain others unknown and <sup>charged in one count</sup> to be the property of Gertrude P. Ledyard and in the other of Lewis Cass Ledyard.

Both Cases.

On Dec. 31<sup>st</sup> 1887 Lewis C. Ledyard drew

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from the American Exchange Nat. Bk.  
\$300<sup>00</sup> in new <sup>75<sup>th</sup></sup> bills numbered consec-  
-utively with the treasury band unbroken  
about them. Before Jan'y 5<sup>th</sup> 1888 he gave  
some of these bills to his wife, Gertrude P.  
Ledyard, she put them in a purse and  
on Jan'y 5<sup>th</sup> left the purse <sup>with the bills</sup> in her  
carriage, while she made a call in West  
35<sup>th</sup> St. Sergeant O'Brien had been following  
both the defendants for some time. Saw  
them act ~~as if~~ suspiciously and after  
following them into West 35<sup>th</sup> St. saw  
Schwacke stand on one side of the  
street while Bell thrust his hand  
into the carriage, and withdrawing his  
hand put something into his pocket.  
The defendants went away together  
and a few minutes after O'Brien  
arrested them in company together  
and found in Bell's pocket the  
bills which were identified by  
Mr. Ledyard as the bills he gave his  
wife by the fact that he ~~was~~ retains  
bills from the package received whose  
numbers are above and below those  
found on Bell. Also the coachman  
has a bill given him from this  
package whose number is intermediate

between those found on Bell. Bell was formerly provided under the name Geo. Foy.

Witnesses -

As to prior offence of Bell's - Identification.

Officer Lawless  
22<sup>nd</sup> Precinct

As to bills when new and with the treasury wrapper unbroken being always consecutively numbered.

G. W. Marlowe, U.S. Sub-treasurer  
James A. Terhune, Am. Ex. Nat. Bk.

As to bills when received, and the ~~fact~~ giving of them to Mrs. Ledyard, and leaving them in the carriage, and in the case generally, identification of the bills,

Lewis C. Ledyard  
Gertrude P. Ledyard  
James A. Terhune

As to the commission of the larceny, conduct of defendants &c.

Sergt. Stephen O'Brien.

Also as to the particular bills shown to Mr. Ledyard and then returned to O'Brien

Officer John Mc-Caulley.

given her from this package. The  
numbers of Among the bills I had  
retained and had given my wife I  
found ones having upper and lower  
numbers. I got the money from the  
American Exchange National Bank.  
I had also given my coachman one  
of these \$5<sup>00</sup> bills. I got the money from the  
Note Seller.

Michael  
Fay.

Michael Fay,  
137 East 35<sup>th</sup> St.

I am in the employ of the complainant.  
I am a coachman. Mr Kedyard gave  
me a new \$5<sup>00</sup> on January 1<sup>st</sup>, 1888. The  
number of this bill is B 3149771. I was  
driving the carriage in 35<sup>th</sup> street on Jan'y 5<sup>th</sup>, 1888.

Stephen  
O'Brien.

Stephen O'Brien,  
Detective Sergeant, Central Office.

On January 5<sup>th</sup> 1888 about 2<sup>15</sup> P.M. I  
saw <sup>Bell</sup> the defendant <sup>and Schwacke</sup> together walking up  
the west side of 5<sup>th</sup> Ave. near 32<sup>nd</sup> St. They  
went up 5<sup>th</sup> Ave as far as 50<sup>th</sup> St. They  
stopped on corners four or 5 times and Bell  
would leave Schwacke and cross the Ave.  
walk around carriage standing at the  
curb, and look in, and then return to  
Schwacke and they would go on. They went  
through 50<sup>th</sup> St. to Madison Ave, down

Madison Ave. to 45<sup>th</sup> St., back through 45<sup>th</sup> St to 5<sup>th</sup> Ave. and down 5<sup>th</sup> Ave to 35<sup>th</sup> St. then they turned down 35<sup>th</sup> St. toward 6<sup>th</sup> Ave. Michael Fay was driving Mr. Ledyard's carriage up and down through the center of the street. <sup>Bell and Schwacke</sup> They were on the south side of the street about the middle of the block, Schwacke stopped on the south side of the street, Bell went to run down to 6<sup>th</sup> Ave. looked up and down and then returned on the north side of the street to No 39 W. 35<sup>th</sup> to which house Fay was just driving up with the carriage. I saw Bell put his left hand and head in the carriage window, then (in the door) then withdraw it and run toward 6<sup>th</sup> Ave. about 200 feet. Then Bell turned to the south side of the street. Schwacke had meanwhile crossed to the north side. Bell then turned and they both walked toward Madison Ave on opposite sides of the street. At Madison Ave. Schwacke crossed over to the south side and joined Bell. They then walked together to the rear third ave. and seeing a 3<sup>rd</sup> Ave car they ran for it, and got aboard. The car was going down town. I followed the car to 28<sup>th</sup> Street, then I took the elevated R.R. and got off at 14<sup>th</sup> St. intercepted the car and found both of Bell and Schwacke on board. I entered the car and arrested the

Bell and Schwacke. After riding a few blocks I put my hand in Bell's overcoat pocket and found a roll of bills, amounting to \$37.00. These are the bills I showed Mr. Ledyard and which he identified. I took Schwacke and Bell to Jefferson Market. In court Schwacke was told that he was charged with stealing this money with Bell. He said he had never seen ~~the~~ Bell until he got into the car. That he had not seen him that afternoon at all.

1-15-35

James A. Terhune.

James A. Terhune,  
Rate Teller, American Exchange Nat. Bank.  
Sergeant O'Brien has seen this witness by my direction and Terhune has informed him that he remembers giving Ledyard a package of 100 new \$5.00 bills with the government band around them. In all his experience under these circumstances he has never known the bills to run in any other way as to numbers than consecutively. He will bring a government wrapper band with him.

G. W. Marlowe.

G. W. Marlowe  
U.S. Sub-treasury, Wall Street.  
Sergeant O'Brien has seen this witness as the former one and he will swear that bills under these circumstances are always numbered consecutively.

John  
McCauley

John McCauley,

Officer Central Office.

On January 7<sup>th</sup> I took some bills given me by Sergeant O'Brien and showed them to Mr. Ledyard. I then returned them to O'Brien.

Officer  
Lawless.

Officer Lawless

22<sup>d</sup> Precinct

Identifies Louis Bell as the person who was convicted under the name of George Fox on March 9<sup>th</sup> 1886 in the General Sessions and sentenced to Elmira Reformatory for grand larceny 2<sup>d</sup> degree.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Theodore Schwacke

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

Theodore Schwacke

of the CRIME OF Grand Larceny in the second degree committed as follows:

The said Theodore Schwacke,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the fifth day of January in the year of our Lord one thousand eight hundred and eighty-eight, at the Ward, City and County aforesaid, with force and arms six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes) of the denomination and value of five dollars each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank notes) of the denomination and value of five dollars each; six United States Silver Certificates of the denomination and value of five dollars each; six United States Gold Certificates of the denomination and value of five dollars each; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes) of the denomination and value of two dollars each; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank notes) of the denomination and value of two dollars each; three United States Silver Certificates of the denomination

and value of two dollars each: three United States Gold Certificates of the denomination and value of two dollars each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes) of the denomination and value of one dollar each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank notes) of the denomination and value of one dollar each; six United States Silver Certificates of the denomination and value of one dollar each; six United States Gold Certificates of the denomination and value of one dollar each; one promissory note for the payment of money issued under the authority of the government of the Dominion of Canada of the kind called Bank notes, of the denomination of one dollar and of the value of one dollar; one purse of the value of one dollar and one gold coin of the kind called dollars of the value of one dollar, of the goods, chattels and personal property of one Gertrude P. Sedgwick 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.

### Second Count—

And the Grand Jury aforesaid, by this indictment, further accuse the said Theodore Schwacke of the crime of Criminally Receiving Stolen Property, committed as follows:

The said Theodore Schwacke 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 arcs six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes) of the denomination and value of five dollars each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank notes) of the denomination and value of five dollars each; six United States Silver Certificates of the denomination and value of five dollars each; six United States Gold Certificates of the denomination and value of five dollars each; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes) of the denomination and value of two dollars each; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank notes) of the denomination and value of two dollars each; three United States Silver Certificates of the denomination and value of two dollars each; three United States Gold Certificates of the denomination and value of two dollars each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes) of the denomination and value of one dollar each; six

promissory notes for the payment of money,  
 being then and there due and unsatisfied (and  
 of the kind known as Bank Notes) of the  
 denomination and value of one dollar each;  
 six United States Silver Certificates of the  
 denomination and value of one dollar each;  
 six United States Gold Certificates of the de-  
 nomination and value of one dollar each;  
 one promissory note for the payment of money  
 issued under the authority of the government of  
 the Dominion of Canada, of the kind called Bank  
 notes of the denomination of one dollar and of  
 the value of one dollar, one purse of the value  
 of one dollar, and one gold coin of the United  
 States of America of the kind called dollars, of  
 the value of one dollar of the goods, chattels  
 and personal property of one Gertrude P  
 Ledyard by <sup>one Simon Galt, and certain other</sup> ~~a certain person or persons~~ to the  
 Grand Jury aforesaid unknown, then lately  
 before feloniously stolen, taken and carried  
 away from the said Gertrude P. Ledyard un-  
 lawfully and unjustly, did feloniously receive  
 and have; the said Theodore Schwabe then  
 did them well knowing the 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.

Third Count.

And the Grand Jury aforesaid, by this indictment further accuse the said Theodore Schwacke of the Crime of Grand Larceny in the Second Degree, committed as follows:

The said Theodore Schwacke, 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, six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes) of the denomination and value of five dollars each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank notes) of the denomination and value of five dollars each; six United States Silver Certificates of the denomination and value of five dollars each; six United States Gold Certificates of the denomination and value of five dollars each; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes) of the denomination and value of two dollars each; three promissory notes for the payment of money, being then

and there due and unsatisfied (and of the kind known as Bank notes), of the denomination and value of two dollars each: three United States Silver certificates of the denomination and value of two dollars each: three United States Gold certificates of the denomination and value of two dollars each: ~~one~~ promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes) of the denomination and value of one dollar each: six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank notes) of the denomination and value of one dollar each: six United States Silver Certificates of the denomination and value of one dollar each: six United States Gold Certificates of the denomination and value of one dollar each: one promissory note for the payment of money issued under the authority of the government of the Dominion of Canada, of the kind called Bank Notes of the denomination of one dollar, and of the value of one dollar, and purse of the value of one dollar, and one gold coin of the United States of America of the kind called dollars of the value of one dollar of the goods chattels and personal property of one Lewis Cass Ledyard 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

#### Fourth Count.

And the Grand Jury aforesaid by this  
 indictment, <sup>further</sup> accuse the said Theodore  
 Schwacke of the crime of criminally  
 Receiving Stolen Property, committed as  
 follows:

The said Theodore Schwacke late of  
 the Ward, City and County aforesaid, after  
 wards to wit: on the day and in the year  
 aforesaid, at the Ward, City and County  
 aforesaid, with force and arms, six  
 promissory notes for the payment of money  
 being then and there due and unsatisfied  
 (and of the kind known as United States  
 Treasury Notes) of the denomination and value  
 of five dollars each: six promissory notes  
 for the payment of money, being then and  
 there due and unsatisfied (and of the kind  
 known as Bank Notes) of the denomina-  
 tion and value of five dollars each: six  
 United States Silver Certificates of the denomina-  
 tion and value of five dollars each: six  
 United States Gold Certificates of the denomina-

ation and value of five dollars each; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes) of the denomination and value of two dollars each; three promissory notes for the payment of money, being then and there due and unsatisfied and of the kind known as Bank Notes) of the denomination and value of two dollars each; three United States Silver Certificates of the denomination and value of two dollars each; three United States Gold Certificates of the denomination and value of two dollars each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes) of the denomination and value of one dollar each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes) of the denomination and value of one dollar each; six United States Silver Certificates of the denomination and value of one dollar each; six United States Gold Certificates of the denomination and value of one dollar each; one promissory note for the payment of money issued under the authority of the Government of the Dominion of Canada, of the kind called Bank Notes, of the denomination of one dollar, and of

the value of one dollar, one purse of the value  
of one dollar, and one gold coin of the United  
States of America of the kind called dollars  
of the value of one dollar, of the goods, chat-  
tels and personal property of one Lewis Cass  
Ledyard by ~~one John J. ... and certain other~~  
~~persons to~~ the Grand Jury aforesaid unknown, then lately  
before feloniously stolen, taken and carried away  
from the said Lewis Cass Ledyard, unlaw-  
fully and unjustly, did feloniously receive and  
have; the said Theodore Schwack, 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

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**BOX:**

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**FOLDER:**

2796

**DESCRIPTION:**

Schwiering, Henry

**DATE:**

01/26/88



2796

1073

Witnesses:

*officer Schryver*

451  
Counsel, *John R. Fellows*  
Filed, *L. B. Kelly* 188  
Pleads, *C. M. Kelly*

THE PEOPLE,  
vs.  
*B*  
*Henry Schryver*  
*County of Ramoth*  
*1st District - City of*

VIOLATION OF EXCISE LAW  
(Keeping Open on Sunday)  
(III Rev. Stat., 7th Edition, page 1889, Sec. 5)

JOHN R. FELLOWS,  
RANBORTH B. MARINE,

District Attorney.

A True Bill.

*Amdeon*

Foreman.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*Plaintiffs*

*against*

*Henry Schiviering*  
*Defendant.*

**The Grand Jury of the City and County of New York.** by this indictment accuse the above named defendant 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 defendant late of the City of New York, in the County of New York, aforesaid, on the *eighth* day of *January* in the year of our Lord one thousand eight hundred and eighty-*eight*, 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 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. Bettows,*

~~RANDOLPH B. MARTINE~~, District Attorney.

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**END OF  
BOX**