

0111

**BOX:**

**378**

**FOLDER:**

**3530**

**DESCRIPTION:**

**Savallo, Hasento**

**DATE:**

**12/11/89**



3530

POOR QUALITY  
ORIGINAL

0112

Witnesses;

Henry Rackham  
Clerk of Court

Counsel,

Filed

day of

1879

Pleas,

Attorney - by *John R. Fellows*

THE PEOPLE

vs.

R

Hasento Savallo

Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill. Dec 11

*John R. Fellows*

Foreman.

Dec 11/79

Filed & Requested on  
ground of Necessity  
William H. H. H.  
Attorneys for Criminal

42

The People } Court of General Sessions, Part  
Basento Savallo } Before Judge Gildersleeve. Dec. 11, 1889.  
Indictment for assault in the first degree.

A jury was empanelled and sworn.

Asst. Dist. Atty. Parker: The defendant admits that on or about the second of December inst. in this city and county stabbed one Savarino Radovitch with a certain Knife which he the said Basento Savallo in his right hand then and there held, and that the said act was committed without justification on the part of said defendant or provocation on the part of the informant of the said Radovitch. The people rest.

The case for the Defence.

Matthew J. Field, sworn and examined: I am a physician practicing in New York nearly eleven years. I have examined the prisoner professionally. Will you state the result of your examination with reference to the mental capacity or incapacity at the time of the commission of this offence? I saw him on the 4<sup>th</sup> of Dec. the 6<sup>th</sup> and upon the 9<sup>th</sup> the last time I was accompanied by the Spanish interpreter of this Court in regard to some point, though he speaks fair

English. First, the man is in a wretched physical condition; he has got consumption. He has an abscess on his back in which there have been two tubes inserted, one five inches long and matter is oozing out of it in considerable quantities.

Mr. Parker. I hardly think that his physical condition is necessary to be described.

The Court. Go on.

Witness. I think it has a bearing upon his mental condition. To give a connected account of it; he was in the Charity Hospital; and he tells me that a few days before when he heard the voice of a man by his bed side which told him that he would kill him - he hit him with a club, when he went to the water closet it was dark. Two days later, which was the 29<sup>th</sup> he did not tell me the date - a few days later, he left the Charity Hospital and came to New York; he was much frightened; he went to his old boarding house and they would not take him in. He came to the Spanish consul, and he sent him to the Boarding house where

This affair occurred. While he was in the boarding house he ~~saw~~ <sup>saw</sup> a man with a pistol - he heard these people say that they would shoot ~~the man~~ who had come out of the hospital. They read out of a book something, or a paper, that they would beat him, and he watched this man get this pistol out and then when he got up to the —

Q This was a delusion?

A Yes, he believed that he shot a man with a pistol in his hand, and he heard them say that they would kill him. He asked certain people to move one side in order that he could get a good opportunity to shoot this man. I then wrote to the Charity Hospital and received an answer stating that he made a disturbance two days before he left there and had cried out that people wanted to kill him, and that was the reason he left the Hospital; he was afraid to stay there. I first saw him inside of the prison, and when I turned to go away he jumped at me and caught me by the arm and

wanted to know if they would hang him then - not to let them hang him. He does not sleep in the Lombs. In going across the yard after being in the two prisoners were brought out, <sup>the</sup> first prisoner that we had and this man, and the Keeper kept beside the first man because he thought he was in better physical condition and let this man limp behind. He rushed and caught hold of the Keeper and would not let him away from the yard. He has done that on every occasion when he has been brought across the yard. On account of the talking he could not sleep at night there. He believed they were talking about him. I do not think the defendant at the time of the commission of this act was capable of knowing the difference between right and wrong with reference to its commission. I think his story is true, being confirmed by his actions, his physical condition and the previous history which I have learned from the Charity Hospital. He is still a dangerous man.

and the man requires to be kept in an asylum, and I do not think he will ever come out if he gets there. Allen Fitch sworn and examined, testified that he was a physician and examined the prisoner on two occasions. He found him suffering from consumption of a very advanced stage. He is in a very poor physical condition and has quite a high fever. His mental condition is one of insanity - melancholic phthisis; he has illusions and hallucinations and delusions of persecution, and the probabilities are in my opinion that this stabbing was entirely caused from them. The explanation he gives of it is that he went to this boarding house and sat opposite these men at the table and he saw these men when he was not looking raise a pistol above the table. That was a hallucination. He said every time he looked they would drop it down. I believe he ~~was~~<sup>is</sup> mentally irresponsible and he would be likely to repeat this act.

The jury rendered a verdict of not guilty on the ground of insanity. He was sent to the Hudson River Hospital for the Insane.

POOR QUALITY  
ORIGINAL

0118

Testimony in the  
case of  
Masento Sarullo  
filed Dec.

1889.

POOR QUALITY  
ORIGINAL

0119

*Hudson River State Hospital*

*Poughkeepsie, N.Y.* Jan. 28 1890

Hon. John R. Fellows,

District-Attorney,

32 Chambers, N. Y. City.

Dear Sir,-

I Hereby report the death at this hospital on the 16th day of January, 1890, of Hasento Savallo. Said Savallo was committed to this Hospital December 13th, 1889, on the order of Hon. H. A. Gildersleeve, Judge of Court of General Sessions, of New York City.

Yours respectfully,

*Joseph M. Chambliss,*

*Left -*

**POOR QUALITY  
ORIGINAL**

0120

*Jan 11/89*

POOR QUALITY  
ORIGINAL

0121

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, Dec. 3rd 1889

To whom it may concern:

This is to certify that

*Sabina Radonitch*

is ~~was~~ under treatment at this Hospital,

for *Slit wound of the back*

from \_\_\_\_\_ 188 , to \_\_\_\_\_ 188 ,

and

*Her condition at present  
is not dangerous and it is  
hoped that the wound will  
not prove fatal.*

*J. W. Parrott M.D.  
House Surgeon*

POOR QUALITY  
ORIGINAL

0122

Police Court— District.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No. 338 Pearl Street,

Mariner

being duly sworn, deposes and says, that

on Monday the 2<sup>nd</sup> day of December

in the year 1889 at the City of New York, in the County of New York,

saw Saverino Radovitch Has onto  
he ~~was~~ violently and feloniously ASSAULTED and BEATEN by

Savallo, (now here) who cut and  
stabbed said Saverino Radovitch  
in the back with the blade of  
a knife which he, defendant  
held in his hand. That said  
Radovitch is now confined in  
Chambers Street Hospital.

Said assault was committed

said Saverino Radovitch  
with the felonious intent to take the life of ~~deponent~~, or to do him grievous bodily harm; and without  
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be ~~apprehended~~ and bound to answer  
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 3 day  
of December 1889

H. Rathkamp

[Signature]  
POLICE JUSTICE.

POOR QUALITY  
ORIGINAL

0123

Sec. 193—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Hasento Savallo* 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. *Hasento Savallo*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Philippine Island. Spanish Province*

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

Answer. *18 Oak Street. 2 months*

Question. What is your business or profession?

Answer. *Seaman*

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

Answer. *I am not guilty.*

*Hasento* <sup>*his*</sup> *Savallo*  
mark

Taken before me this *3*

day of *December* 188*9*

Police Justice.

0124

POOR QUALITY  
ORIGINAL

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

Police District.

1741

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Henry Hartkamp

Haecito Savallo

Offence Fel. Assault

Dated Dec 3 1889

Magistrate

Clarke Officer

4 Precinct

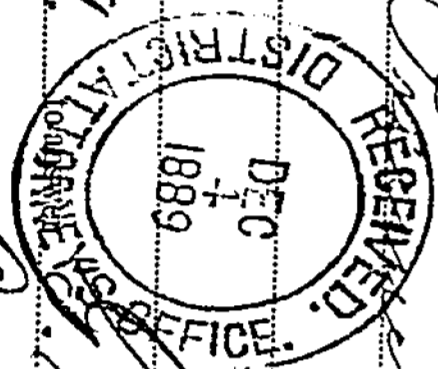
Witness Charles E. Yelle

No. 338 Pearl Street

Robert W. Clarke

No. 4 Pearl Street

No. 1100 Pearl Street



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

defendant

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 Dec 3 1889 \_\_\_\_\_ Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0125

x  
District Attorney's Office.

PEOPLE

vs.

Asento Savallo.

Fel Asst.

Henry Rathkamp  
338 Pearl St.

Off. Clarke.  
4 Prec.

Chas E. Holley  
338 Pearl St.

POOR QUALITY  
ORIGINAL

0126

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Hasento Savallo*

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

*Hasento Savallo*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

*Hasento Savallo*  
late of the City of New York, in the County of New York aforesaid, on the  
*second* day of *December* in the year of our Lord  
one thousand eight hundred and *Eighty-nine* with force and arms, at the City and  
County aforesaid, in and upon the body of one *Savarino Radovitch*  
in the Peace of the said People then and there being, feloniously did make an assault  
and *him* the said *Savarino Radovitch*  
with a certain *knife*

which the said *Hasento Savallo*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and  
wound,

*3* *him* the said *Savarino Radovitch*  
with intent thereby then and there feloniously and wilfully to kill, 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  
*Hasento Savallo*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Hasento Savallo*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid with force and arms, in and upon the body of  
the said *Savarino Radovitch* in the peace of  
the said People then and there being, feloniously did wilfully and wrongfully make  
another assault, and *him* the said  
with a certain *knife*

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

POOR QUALITY  
ORIGINAL

0127

THIRD COUNT—

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

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

The said

Hasento Savallo  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said  
Savarino Radovitch in the peace of the said People then  
and there being, feloniously did wilfully and wrongfully make another assault, and  
him the said Savarino Radovitch  
with a certain knife

which he the said Hasento Savallo  
in his right hand then and there had and held, in and upon the back  
of him the said Savarino Radovitch  
then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and  
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-  
fully inflict grievous bodily harm upon the said Savarino Radovitch

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.

0 128

**BOX:**

378

**FOLDER:**

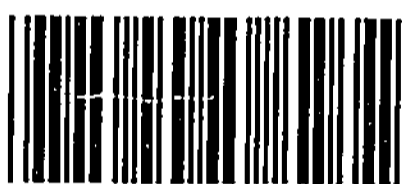
3530

**DESCRIPTION:**

Schloer, Michael

**DATE:**

12/05/89



3530

POOR QUALITY  
ORIGINAL

0129

Witnesses:

*C. W. Gardner*

Counsel,

Filed

188

Pleads,

*5 Day Old Die*  
*Myung 6*

THE PEOPLE

vs.

*B*

*Michael Schloer*

VIOLETION OF EXCISE LAW.

(Selling to Minor)

[H.R. Stat. (7th Ed.) p. 1889, § 16.]

[See Final Copy]

JOHN R. FELLOWS,

District Attorney.

A True Bill. 497

*James Lewis*

Foreman.

Transferred to the Court of Special  
Sessions for trial and final disposition.

Part 2... H.R. Stat. 1889.

POOR QUALITY  
ORIGINAL

0130

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Schloer

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

Michael Schloer

of a MISDEMEANOR, committed as follows:

The said

Michael Schloer

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

sixteenth day of November in the year of our Lord

one thousand eight hundred and eighty-nine, at the City and County aforesaid,

certain strong and spirituous liquors, 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 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 one

child actually and apparently sixteen years, to wit: of the age of

thirteen years; as the said

~~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,

District Attorney.

0131

**BOX:**

378

**FOLDER:**

3530

**DESCRIPTION:**

Schmidt, George

**DATE:**

12/27/89



3530

POOR QUALITY  
ORIGINAL

0132

Witnesses;

James L. Hunt  
C. J. M. E.

Property received  
by the appellee

H.

Counsel, *207*  
Filed *Dec 18*  
Pleads, *30*

THE PEOPLE  
vs.  
George Schmidt  
[Section 408, v. 1, p. 8, 1st ed.]  
Burglary in the Third degree.  
Ague Pleading

JOHN R. FELLOWS,  
District Attorney.  
*13 Dec 20 1887*  
*per R. H. H.*

A True Bill. *2117*  
*James L. Hunt*  
Foreman.

*2117*  
*James L. Hunt*  
*2117*

POOR QUALITY  
ORIGINAL

0133

Police Court—4 District.

City and County { ss.:  
of New York,

of No. 1233 Fulton Avenue 4th Street, aged 45 years,  
occupation Brewer being duly sworn

deposes and says, that the premises No. 69 3rd Avenue 17th Ward  
in the City and County aforesaid the said being a Brick building

and which was occupied by deponent as a Saloon

and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly Opening a  
window leading from an Area way to the  
basement of said premises

on the 10th day of December 1887 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

Two sets of Pool Balls and  
One set of Billiard Balls together  
of the value of One hundred Dollars

the property of deponent  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

George Schmidt (now here)

for the reasons following, to wit: that deponent is informed  
by Charles J. Wade that on said  
date he arrested the said Schmidt  
on 3rd Avenue having in his possession  
the said property and examining said  
premises discovered that said premises  
had been burglariously entered as  
aforesaid and that the said Schmidt  
admitted and confessed to him that he

POOR QUALITY  
ORIGINAL

0134

did enter said premises and did  
take, steal and carry away said  
property from said premises  
Deponent therefore prays that  
the said Schmidt may be held  
to answer

Sworn to before me, this  
11<sup>th</sup> day of December 1889

*Joseph H. Hunt*

*H. J. Magdon*  
Police Justice

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

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

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

vs.

Offence—BURGLARY.

1  
2  
3  
4

Dated

1889

Magistrate.

Officer.

Clerk.

Witnesses.

No.

Street,

No.

Street,

No.

Street,

\$ \_\_\_\_\_ to answer General Sessions.

POOR QUALITY  
ORIGINAL

0135

CITY AND COUNTY }  
OF NEW YORK, } ss.

Charles J. Wade  
aged 36 years, occupation Police Officer of No.

18th Police Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of

1889

W. T. McMahon

Police Justice.

Charles J. Wade

POOR QUALITY  
ORIGINAL

0136

Sec. 108-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

H District Police Court.

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

Question. What is your name?

Answer. George Schmidt

Question. How old are you?

Answer. 33 Years

Question. Where were you born?

Answer. Germany

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

Answer. Arcadia house, 243 St Bowry 1 week

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 guilty of having the  
property in my possession  
George Schmidt

Taken before me this

day of

September

1886

H. J. Madison Police Justice.

POOR QUALITY  
ORIGINAL

0137

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 11 DISTRICT.

of No. 18 Police Precinct Street, aged 36 years,  
occupation Police Officer being duly sworn deposes and says,  
that on the 10<sup>th</sup> day of December 1889

at the City of New York, in the County of New York, That he arrested  
George Smith charged with Burglary  
with having feloniously entered  
the premises Number 69, 3<sup>d</sup> Avenue  
and feloniously stealing therefrom  
property of the value of Fifty Dollars  
deponent prays that the said Smith  
may be committed for examination  
in order ~~to enable~~ deponent to produce  
proper evidence against the said Smith

Charles J. Wade

Sworn to before me, this  
of December 1889 day

Alfred J. Anderson Police Justice,

POOR QUALITY  
ORIGINAL

0138

Police Court-- 4 District.

THE PEOPLE, & c.

ON THE COMPLAINT OF

vs.

George Smith

AFFIDAVIT.

Shugart

Dated December 11 188 9

Wm. M. Adams Magistrate.

Shadr Officer.  
18

Witness, \_\_\_\_\_

Disposition, \_\_\_\_\_

From bail of Dec 11 2 P.M.

POOR QUALITY  
ORIGINAL

0139

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

Police Court-- District. 1808

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Smith  
George Schmidt  
1234 5th St.  
Offence Burglary

3  
4  
Offence

Dated December 11<sup>th</sup> 1889

McMahon Magistrate  
Officer.

Witnesses Charles J. Brady  
18<sup>th</sup> Precinct.

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

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



No. \_\_\_\_\_  
Street \_\_\_\_\_  
to answer \_\_\_\_\_

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

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

Dated December 11<sup>th</sup> 1889 W. D. McMahon 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.

POOR QUALITY  
ORIGINAL

0140

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*George Schmidt*

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

*George Schmidt*

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

The said

*George Schmidt*

late of the *Seventeenth* Ward of the City of New York, in the County of  
New York, aforesaid, on the *ten* day of *December* in the year of  
our Lord one thousand eight hundred and *Eighty nine*, with force and arms, at the  
Ward, City and County aforesaid, a certain building there situate, to wit: the *saloon* of one

*Joseph Kuntz*

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

*Joseph Kuntz*

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

POOR QUALITY  
ORIGINAL

0141

SECOND COUNT—

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

*George Schmidt*  
of the CRIME OF *Grand* LARCENY *in the second degree* committed as follows:

The said *George Schmidt*

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

*thirty-two pool balls of the value  
of two dollars and fifty cents each  
and four billiard balls of the  
value of five dollars each*

of the goods, chattels and personal property of one

*Joseph Kuntz*  
in the *saloon* of the said *Joseph Kuntz*

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

POOR QUALITY  
ORIGINAL

0142

THIRD COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said  
*George Schmidt*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

*George Schmidt*  
late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year afore-  
said, at the Ward, City and County aforesaid, with force and arms,

*thirty-two pool balls of the value  
of two dollars and fifty cents  
each and four billiard balls of  
the value of five dollars each*

of the goods, chattels and personal property of one

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

*Joseph Kuntz*  
unlawfully and unjustly, did feloniously receive and have; the said

*George Schmidt*  
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.

0143

**BOX:**

378

**FOLDER:**

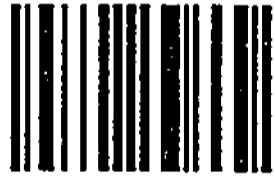
3530

**DESCRIPTION:**

Schneider, Christian

**DATE:**

12/10/89



3530

POOR QUALITY  
ORIGINAL

0144

See Report of N. Y. S. P. C. C.  
for information about defendant  
filed with these papers, If lost,  
notify the Society at once.

Julius Kirschbaum  
Mary Haascher

Counsel,

Filed

Pleads,

10 day of Dec 18

Arguently

THE PEOPLE

vs.

R

Christian Schneiders

*Burglary in the Third degree.*  
*and Petit Larceny*

[Section 498, V.P.C. 1281.531]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

937

John V. Allen

Foreman.

22/12/19

Edward J. Hall

Gen. Sec. Haascher

County of General Sessions

The People  
vs. rel. of  
Mary Flancker  
vs.  
Christian Daunacker  
alias Schneider

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23D STREET,

New York, Dec. 3<sup>rd</sup> 1889

CASE NO. 45852 OFFICER M. Grath 27<sup>th</sup> Dist  
DATE OF ARREST Dec. 2/89  
CHARGE Burglary  
AGE OF CHILD 16 yrs on the 29<sup>th</sup> of September last  
RELIGION Protestant  
FATHER Herman Schneider -  
MOTHER Elizabeth  
RESIDENCE 287 E 98 St

AN INVESTIGATION BY THE SOCIETY SHOWS THAT boy was  
away from home 8 days, up to the time he was  
arrested, he does not work & associates with  
a bad lot of boys, & has been away from  
home at least a dozen of times, he  
was arrested on the 24<sup>th</sup> of December 1888,  
charged with stealing pigeons, & after re-  
maining in prison 3 days, was discharged,  
parents are respectable

All which is respectfully submitted,

To the Dist Atty.

O. Ellows Secretary  
Dist

POOR QUALITY  
ORIGINAL

0146

1449

Court of General Sessions

<i>The People</i>	<i>Boyle</i>
<i>vs</i>	
<i>Christian Bammer</i>	
<i>alias</i>	
<i>Schmidt</i>	

PENAL CODE, §

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. CERRY,  
President, &c.,  
100 East 23d Street,  
NEW YORK CITY.

*Ans Dec 9/89*  
*P*

POOR QUALITY  
ORIGINAL

0147

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 17 years, occupation Butcher of No.

2046-2<sup>nd</sup> Ave Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Mary Flaucher

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

Sworn to before me, this 2

day of December 1889

Julius Kirschbaum

A. J. White  
Police Justice.

Police Court— 5 District.

City and County } ss.:  
of New York,

of No. 2046-2<sup>nd</sup> ave Mary Flancken Street, aged 29 years,  
occupation Housekeeper being duly sworn

deposes and says, that the premises No. 2046-2<sup>nd</sup> ave Street, 12<sup>th</sup> Ward  
in the City and County aforesaid the said being a place of business and

dwellings in part  
and which was occupied by deponent Husband Joseph Flancken as a place of business  
and in which there was at the time human beings by name Mary Flancken & Joseph  
Flancken & Julius Kirschbaum  
were BURGLARIOUSLY entered by means of forcibly entering said store  
with the four light with intent to commit a  
crime

on the 29 day of March 1889 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz: gone one lamp  
of the value of one dollar

the property of Julius Kirschbaum in deponent's care & charge  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by  
Christian Schneider (now here)

for the reasons following, to wit: that deponent saw the said  
Christian Schneider in said store at the morning  
of the above date at the hour of two o'clock  
and deponent has since been informed by Julius  
Kirschbaum (now here) that he was and  
saw the said Christian Schneider from being  
run out of said store and the said Christian Schneider  
admits & confesses that he did enter said store as  
aforesaid — Mary Flancken  
ma

deponent to sign one this  
29th day of March, 1889  
of City of New York  
Police Justice

POOR QUALITY  
ORIGINAL

0149

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

✓ District Police Court.

*Christian Schneider* 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.

*Christian Schneider*

Question. How old are you?

Answer.

*16 years -*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*Same -*

Question. What is your business or profession?

Answer.

*None*

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

Answer.

*I am guilty of the charge*

*Christian Schneider*

Taken before me this

*2nd*

day of

*March*

188

Police Justice.

POOR QUALITY  
ORIGINAL

0 150

The President's Magistrate will  
hear him and determine  
the within can answer my  
charge

*J. H. White*  
Justice

BAILED:  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

936  
Police Court... 1499  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Mary Stuchel  
2046<sup>th</sup> & 4<sup>th</sup>  
Christian Church

2  
3  
4

Offence

Burglary

Dated Dec 2<sup>nd</sup> 1889

White Magistrate

Stuchel Officer

27 Precinct

Witnesses: *Wm. H. H. H.*

No. 3, P. C. C. 100 & 23<sup>rd</sup> Street

No. 2046<sup>th</sup> & 4<sup>th</sup> Street

No. 2000<sup>th</sup> & 4<sup>th</sup> Street



See Report of N. Y. S. P. C. C.  
for information about defendant  
fired with these papers, if lost,  
notify the Society at once.

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Twenty Hundred Dollars, and be committed to the Warden and Keeper of  
the City Prison, of the City of New York, until he give such bail.  
Dated December 2 1889 *M. H. White* Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0 15 1

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Christian Schneider*

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

*Christian Schneider*

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

The said

*Christian Schneider*

late of the *Twelfth* Ward of the City of New York, in the County of New York, aforesaid, on the *twenty-ninth* day of *November* in the year of our Lord one thousand eight hundred and *Eighty-nine*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *store* of one

*Joseph Flacher*

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

*Julius Kirschbaum*

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said  
*Christian Schneider*  
of the CRIME OF *Petit* LARCENY committed as follows:

The said

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

*the sum of one dollar in money,  
lawful money of the United States  
and of the value of one dollar*

of the goods, chattels and personal property of one

in the

*store*

of the said one

*Julius Kirschbaum*  
*Joseph Haucher*

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

*John R. Fellows*  
*District Attorney*

0 153

**BOX:**

378

**FOLDER:**

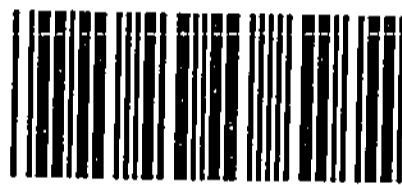
3530

**DESCRIPTION:**

Scholz, Carl

**DATE:**

12/26/89



3530

Witnesses;

*Severance*

Counsel,

Filed 26 day of Dec 18 89.

Pleads,

THE PEOPLE

*vs.*

*Carl Scholz*

Grand Larceny, Second degree. [Sections 528, 531, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

*finds guilty*

A True Bill. 2047

*Severance*

Foreman.

*Severance*  
26 Dec 1890

0154

POOR QUALITY  
ORIGINAL

0155

Police Court—3rd District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 103 Henry Street, aged 23 years,

occupation Henry Reper being duly sworn

deposes and says, that on the 11th day of November 1888 the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent, in the day time, the following property, viz:

One Gold  
Watch my Chain my  
Three Gold Rings of the  
Total Value of Sixty (\$60)  
Dollars

the property of

Reperent

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

Carl Schmidt (now  
here) for the reason that  
said Defendant admitted  
and confessed in open  
Court, of his own free  
will and volition with-  
out coercion or intimid-  
-ation that he (Defendant)  
took said property. Wherefore

Deponent now charges said  
Defendant with taking,  
stealing and carrying  
away said property and  
prays that he be dealt with  
as the Law directs from before

Sworn to before me, this

1889 day

at New York  
City Clerk  
Police Justice.

POOR QUALITY  
ORIGINAL

0 156

Sec. 198-200

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Mr. Schultz* 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. *Mr. Schultz*

Question. How old are you?

Answer. *22 Years of Age*

Question. Where were you born?

Answer. *Austria*

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

Answer. *454 Cell St (3 Men)*

Question. What is your business or profession?

Answer. *Tailor*

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*

*- Carl Scholtz.*

Taken before me this

day of

188

Police Justice.

POOR QUALITY  
ORIGINAL

0157

CITY AND COUNTY } ss.  
OF NEW YORK, }

POLICE COURT,

DISTRICT.

of No. *134 West 10th Street*, aged *30* years,  
occupation *Police Officer* being duly sworn deposes and says  
that on the *15* day of *December* 188*9*  
at the City of New York, in the County of New York *he arrested*

*Carl Schultz & company* my  
complainant of *Sarah Kuchem*  
*sky* who charged the defendants  
with *Grand Larceny*. The  
said *Sarah* having failed to  
appear in Court this deponent  
prays that the defendant be  
held to enable him to prosecute  
the said complainant in  
Court.

*William J. McCormick*

Sworn to before me, this

*William J. McCormick*  
188*9*

day

Police Justice.

0158

dict.  
AFFIDAVIT.  
James Kennedy.

POOR QUALITY  
ORIGINAL

0159

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

Police Court  
District  
1839

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated \_\_\_\_\_ 188

Magistrate  
Officer  
13

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

RECEIVED  
DISTRICT ATTORNEY  
1839  
OFFICE

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

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

Dated Dec 14 1889 \_\_\_\_\_ 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.

POOR QUALITY  
ORIGINAL

0 150

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Carl Scholz*

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

*Carl Scholz*

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

The said

*Carl Scholz*

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

*one watch of the value of  
thirty dollars, one chain of the  
value of fifteen dollars, and  
three finger rings of the value  
of five dollars each*

of the goods, chattels and personal property of one

*Sarah Luchowsky*

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

*John R. Fellows,  
District Attorney.*

0 15 1

**BOX:**

378

**FOLDER:**

3530

**DESCRIPTION:**

Schuchert, John

**DATE:**

12/10/89



3530

POOR QUALITY  
ORIGINAL

0162

Witnesses:

*William Weber*

Counsel,

Filed,

Pleads,

day of

1889

*Dec*

*G. R. W. Verleypen*

THE PEOPLE,

vs.

*R*

*John Schuchert*

Forgery in the Second Degree.  
(Sections 511 and 521, Penal Code.)

JOHN R. FELLOWS.

District Attorney.

*11/25/89*

A True Bill.

*837*

*James J. Davis*

Foreman.

*James J. Davis*  
*State Reformatory*

POOR QUALITY  
ORIGINAL

0 163

Police Court District. Affidavit—Larceny.

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

of No. 218 E. 59 Street, aged 24 years,  
occupation Shoemaker being duly sworn  
deposes and says, that on the 30 day of November 1889 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:

Good and lawful money of  
the United States to the amount  
and of the value of forty one  $\frac{10}{100}$   
dollars. (# 41.10)

the property of Heppner

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by John C. Schuchert (now here) and that this deponent  
attempted to be

from the fact that deponent is informed  
by H. Charles Lerch a clerk employed  
by the German Savings Bank at no  
100 East 14<sup>th</sup> Street. that at about  
the hour of 11.30 O'clock A. M. said  
date the said deponent came into said  
Bank and represented that he was  
Kilian Weber this deponent, and presented  
Kilian Webers pass book which showed  
that Kilian Weber this deponent had the  
sum of forty one  $\frac{10}{100}$  dollars on deposit  
to his credit in said Bank. And told him  
the said Lerch that he the deponent  
wanted to close his account. he the said

of  
1889

Police Justice

Lorch then made out the receipt  
hereto annexed and handed it to the  
said defendant to sign. which he did  
signing the name of Kilian Weber  
the defendant to said receipt, and as said  
Bank had received a letter from Kilian  
Weber which is hereto annexed wherein he  
Weber informed said Bank that his  
pass book had been stolen. he Lorch  
refused to pay said sum of money  
to the defendant. and caused his arrest.  
Whereupon further says that he never  
sent the said defendant to said Bank  
to close his account. and that he never  
gave the defendant his pass book or  
authorized the said defendant to sign  
his name to said receipt.

Wherefore defendant charges the said defendant  
with feloniously attempting to obtain said  
sum of money by color or aid of false  
and fraudulent representations with the  
intent to defraud and prays that he  
may be held and dealt with according  
to law.

Kilian Weber

Sworn to before me }  
this 2<sup>d</sup> day of Dec 1889 }

J. H. Murphy  
Police Justice

POOR QUALITY  
ORIGINAL

0 165

CITY AND COUNTY }  
OF NEW YORK, } ss.

*H. Charles Lorch*  
aged *54* years, occupation *Bank Clerk* of No.  
*100 East 14th* Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *William Weber*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

*4*  
*Dec*  
188*9*

*J. M. [Signature]*  
Police Justice.

POOR QUALITY  
ORIGINAL

0 166

Sec. 188-200.

CITY AND COUNTY OF NEW YORK, ss.

2 District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am guilty*  
*Johann Schuchert*

Taken before me this  
day of *April* 188*9*

*Police Justice*

POOR QUALITY  
ORIGINAL

0 167

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

Police Court---

District

THE PEOPLE, &c.,

VS. THE COMPLAINT OF

William Weber

218 W. East 39 St

John Schuchert

Attorney

Office

Larceny

Date Dec 21 1889

Magistrate

John Parker

Officer

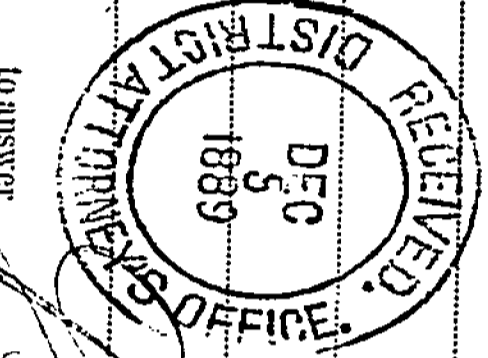
Witness

No. 100 E. 14 St

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

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

No. 1000



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

Dated Dec 21 1889 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0158

New York, Nov 30<sup>th</sup> 1889. \$41.00

Received from The German Savings Bank in the City of New York,

Forty One '00 Dollars  
on pass-book No. 188963

Kilian Weber.

POOR QUALITY  
ORIGINAL

0 159

171. 2nd Fr. x  
Shenaker v.  
3.43.66 x  
Stralungere v.  
Bairam v.  
Bairam v.  
Edmond X.  
2 bro V3  
4 side &

Nov 30, 89.

Mr. Windmüller!

Sie haben mich als Controller für  
Sie will ich Ihnen diese Dinge  
übergeben. Mein Einkauf  
No. 188963 ist mir gegeben  
worden, wenn Sie das  
kann sein, und will  
Geld haben. Sie sind nicht  
die Fragen in dieser Be-  
ziehung können, weil  
es in der Familie steht.  
Die können was für mich  
sein, wie Sie wollen,  
eingesamelt, das überlasse  
ich Ihnen, Sie wissen mir  
das nicht, Sie wissen  
nicht. Ich grüße

Kilian Weber  
218 & 59 St. City

POOR QUALITY  
ORIGINAL

0171

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Weber

215 East 39 St

John Schuchert

Offence

Larceny (felony)

Dated

Dec 2 1889

Magistrate

Officer

Precinct

Witness

H. Chubbuck

No. 100

6, 14

Street

No.

Street

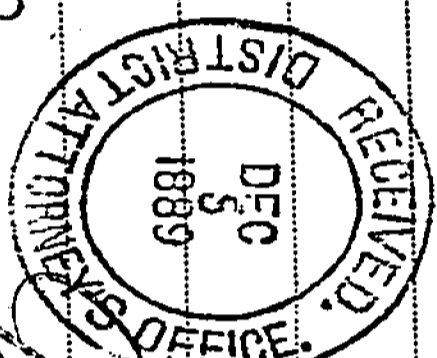
No.

Street

\$

1000

to master



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

Alfred Sank

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

Dated Dec 2 1889 Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

POOR QUALITY  
ORIGINAL

0172

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Schuchert*

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

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

The said

*John Schuchert*  
late of the City of New York, in the County of New York aforesaid, on the  
*thirtieth* day of *November* in the year of our Lord  
one thousand eight hundred and eighty-*nine*, with force and arms, at the City and  
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly  
act and assist in the forging a certain instrument and writing, *to wit; a*

*receipt for money*

which said forged *receipt for money*  
is as follows, that is to say:

*New York, Nov 30<sup>th</sup> 1889 \$41.<sup>00</sup>/<sub>100</sub>*  
*Received from The German Savings Bank in the City of New York,*  
*Forty One <sup>00</sup>/<sub>100</sub> Dollars*  
*on pass-book No. 188.963*

*Kilian Weber*

with intent to defraud, against the form of the Statute in such case made and provided, and  
against the peace of the People of the State of New York and their dignity.

SECOND COUNT:—

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

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

The said

John Schuchert  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, *to wit:*

*a receipt for money*

which said forged  
is as follows, that is to say:

*receipt for money*  
New York, Nov 30th. 1889. \$41.10/100  
Received from The German Savings Bank in the City of New York  
Forty One 10/100 Dollars  
on pass-book No. 188.963

*Kilian Weber*

with intent to defraud, *he*

the said

John Schuchert  
then and there well knowing the same to be  
forged, 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.

0174

**BOX:**

378

**FOLDER:**

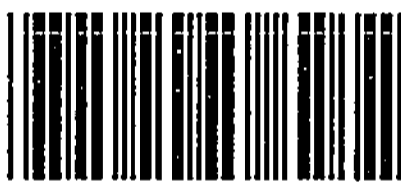
3530

**DESCRIPTION:**

Scott, Richard

**DATE:**

12/18/89



3530

0175

Handwritten signature: *Handwritten signature*

124. 20/1/1900

Dec 20 / 89 Mr. [unclear] can off term right safe on  
JOHN R. FELLOWS,  
governor of Maryland to indictment.  
District Attorney.

Dec 20/89 Th<sup>y</sup> are off tomorrow night early on  
JOHN R. FELLOWS,  
Esquirement respectfully to instruct  
District Attorney.

POOR QUALITY  
ORIGINAL

0176

Police Court First District.

City and County of New York, ss.:

of No. 189 Grand Street, aged 65 years,

occupation Jewelry business being duly sworn

deposes and says, that the premises No. 189 Grand Street, 14 Ward

in the City and County aforesaid the said being a Store for the sale of

jewelry

and which was occupied by deponent as a Store

and in which there was at the time a human being by name George B. Coleman

deponent and two others

were BURGLARIOUSLY entered by means of forcibly breaking a

plate glass in the store window of said premises

by wilfully and maliciously throwing a stone

at the same

on the 8th day of December 1889 in the 7th time, and the

following property feloniously taken, stolen, and carried away, viz:

with the felonious intent to take steal and

carry away therefrom the following property

viz a number of diamond rings

Earrings and other articles of jewelry of

the amount and value of twenty thousand

dollars

the property of deponent and partner

and deponent further says, that she has great cause to believe, and does believe that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Richard Scott (nowhere)

for the reasons following, to wit: That deponent is informed by

William Schenckler that he saw said

defendant throw the aforesaid stone at said

window breaking said glass and thereafter

thrust his hand in said window where

said property was contained and immediately

thereafter ran away. That said Schenckler

ran after said defendant and caught him

and held him until officer Brown came

along

May of 1889

Sworn to before me this 10th day of Dec 1889  
J. M. Scott  
Police Justice

POOR QUALITY  
ORIGINAL

0177

CITY AND COUNTY }  
OF NEW YORK, } ss.

William Schoenthaler  
aged 28 years, occupation Partner of No.

185 Hester Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Mary A. Mulla

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

Sworn to before me, this 10  
day of Dec 188 9

William Schoenthaler

Solon Belmont  
Police Justice.

POOR QUALITY  
ORIGINAL

0178

Sec. 198-200.

151

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

*Richard Scott*

Question. How old are you?

Answer.

*35 years*

Question. Where were you born?

Answer.

*N. S.*

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

Answer.

*97 Crook St*

*2 1/2 years*

Question. What is your business or profession?

Answer.

*Cook*

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*  
*Richard Scott.*

When before me this *10*  
day of *DECEMBER*, 188*9*  
*John D. Smith*  
Police Justice.

POOR QUALITY  
ORIGINAL

0179

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

Police Court... 1803  
District... 156

THE PEOPLE &c.,  
ON THE COMPLAINT OF

Mary A. Wells  
1893 vs. Samuel  
Richard Scott

Offence Burglary

Dated DECEMBER 10 1899

John J. Smith, Magistrate.

Witnesses: Mrs. Belmont, 10 Precinct, Officer.

No. 185 Heaton, Street.



No. 1000 to answer, Street.

Committed to Prison

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 syndicate

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

Dated DECEMBER 10 1899 John Belmont Police Justice.

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

Dated DECEMBER 10 1889 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 1889 \_\_\_\_\_ Police Justice.

**POOR QUALITY  
ORIGINAL**

0 180

Please hand this to  
The Judge

POOR QUALITY  
ORIGINAL

0 18 1

City Prison Jan 6<sup>th</sup>

7-30 pm

to the Judge. Sir

I hope you'll  
excuse the Liberty I take in  
writing to you but it is the  
only way in which I see to  
give you an idea of my case  
in its true light. I have  
been indicted for Burglary in  
the 3<sup>rd</sup> Degree, please Sir  
let me tell you all about it.  
I had just returned from  
the west where I had been  
for 3 years, during which  
time I was converted and  
became a member of Olivet  
Baptist Church in Chicago.

where I was and active  
worker until last spring -  
I left Chicago last May -  
came to Buffalo and from  
there to Niagara Falls worked  
in the Cataract House all  
the summer - had very poor  
luck - then I came on to  
Syracuse - got out of work  
there - then to Utica - no work  
there, and then on to New York.  
and here I could get nothing.  
I had an application in for  
work as Porter on the Elevated  
Road - and got disappointed  
Day after Day - in the mean  
time I tried many other  
places but nothing to be had  
anywhere. I got discouraged,  
went down to the mallery  
Line of Steam Ships and

tried to get a chance to work  
my way to Florida, but  
could not do it, so the Devil  
laid a trap for me and I fell  
in it. when I saw those things  
in that window - that night  
there was some strange power  
mastered me that I could  
no more resist than a man  
can resist going to sleep  
when sleepy - I broke the  
window, and after doing  
it I tried to run - and could  
not do that, I was powerless  
and sorry for what I had  
done 5 minutes after doing  
it. God knows I am no  
Theif at heart. I never did  
such a thing before since I was  
born - and can't tell now  
for the life of me how I came  
to do it then -

Judge Mr Kimball promised  
to do what he could for me.  
I have committed no Burglary  
and will you please Sir for  
God sake give me a chance  
to plead guilty to what you  
deem it right. I have no  
money to employ counsel.  
and if I had I don't see that  
they could do me any good.  
I will swear by the living  
God that you have the whole  
truth in this letter. and  
and in the name of God I beg  
you to show clemency towards  
me - my eyesight is failing  
me every day, and I know  
it will not be long before  
I will lose it. and by the  
help of God the courts will  
have no more trouble with  
me - Hoping for mercy from  
you I yours most humble  
servant Richard Scott.

POOR QUALITY  
ORIGINAL

0 184

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Richard Scott*

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

*Richard Scott*

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

The said

*Richard Scott*

late of the *fourteenth* Ward of the City of New York, in the County of New York, aforesaid, on the *ninth* day of *December* in the year of our Lord one thousand eight hundred and *Eighty-nine*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *store* of one

*Mary A. Mills*

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

*Mary A. Mills*

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

*John L. Fellows*  
District Attorney

0 185

**BOX:**

378

**FOLDER:**

3530

**DESCRIPTION:**

Silverstein, Betsy

**DATE:**

12/26/89



3530

POOR QUALITY  
ORIGINAL

0186

Indy at 11:00  
LH

Witnesses:

Carl Schultz  
off McCormick

Bailed Dec. 26/89

by Amos Chang  
off Boone St.

Bond renewed Dec 30/89

by Gabriel Cohen

10 Elizabeth St

Jan 28 1890. After an examination  
of the available witnesses in  
this case (see memorandum)  
I do not think that the people  
can obtain a conviction.

H. D. Macdonald  
Oct 28

Goodland 1889  
Baltimore

Counsel,

Filed, 26 day of Dec 1889.

Pleas, not guilty

THE PEOPLE,

vs.

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

Betsy Silverstein

Arrested  
Dec 30/89

I appear in the stead of  
JOHN R. FELLOWS  
Mr. Macdonald endorses herein

District Attorney.

I recommend the dismissal  
of this indictment

Wm. Davis, West  
Bill. 2/3 17

Wm. Davis, West

Foreman  
J. D. Macdonald  
Jan 26/90

POOR QUALITY  
ORIGINAL

0187

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

City and County } ss.  
of New York,

William J. McCormick  
of No. 212 West 12th Street, aged 30 years,  
occupation Police Officer being duly sworn, deposes and says,  
that on the Tenth day of December, 1889, at the City of New  
York, in the County of New York, Isaac Silverstein

did feloniously receive and have one gold watch,  
one gold chain, three gold rings - in all of the  
value of sixty dollars, of the goods and  
personal property of one Sarah Guehenby  
of 210 West 12th Street, which goods and personal  
property had been feloniously taken from the said Sarah Guehenby by  
one Carl Schultz who this day pleaded  
guilty to an indictment charging him with  
the taking thereof, and the said Isaac  
Silverstein then and there well knowing  
the said goods and personal property to have  
been so feloniously taken

Sworn to before me this  
26th day of December 1889

William J. McCormick  
Notary Public  
City of New York

William J. McCormick

POOR QUALITY  
ORIGINAL

0188

1888

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

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm. J. McCormick,  
U.S.

~~John J. McCormick~~  
Betsey Silverstein

Offence  
Stealing Goods

Dated December 26, 1889

Witnesses, Sarah Buckenberry  
No. 105 Sheriff's Street,  
Carl Schindler  
No. 100 1/2 Street,  
Weegen  
No. 85 Division Street,

The People  
as  
Betsey Silverstein } Receiving Stolen Goods

Officer William J. McBurnick knows nothing whatever, he says, about the case against Betsey Silverstein, except what he heard from his prisoner, Carl Schultz, now in the Tombs. What Schultz told him is practically what is repeated below from the same source.

Sarah Luchensky can swear to the identity and ownership of the property (tickets for which Mrs Silverstein purchased from Schultz)

Schultz can swear that he sold to Betsey Silverstein two pawn tickets, one for a watch, another for three rings; that the property represented by those tickets was stolen, by him, from Sarah Luchensky; he does not remember how long after pawning the articles, he sold the tickets to defendant; he says he told Mrs Silverstein that the articles in pawn belonged to him; that he has been in and out of work and was

POOR QUALITY  
ORIGINAL

0 190

has compelled to part with the property.  
There is not, so far as I can ascertain,  
from an examination of all the  
available witnesses, any evidence  
tending to show knowledge on the  
part of the defendant.

Dated Jan 28<sup>th</sup> 1890.

Henry D. Macdona  
D. A. D. A.

GOOD QUALITY  
ORIGINAL

0 19 1

John Davis

POOR QUALITY  
ORIGINAL

0 1922

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Betty Silverstein*

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

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

The said *Betty Silverstein*,

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

*one watch of the value of three*  
*dollars, one chain of the value of*  
*twenty dollars and three finger*  
*rings of the value of ten dollars*  
*each,*

of the goods, chattels and personal property of one *Sarah Suchensteyn*  
*and one Paul Suchensteyn, and*

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

*Sarah Suchensteyn*

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

*Betty Silverstein*

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.

0193

**BOX:**

378

**FOLDER:**

3530

**DESCRIPTION:**

Smith, Annie

**DATE:**

12/05/89



3530

POOR QUALITY  
ORIGINAL

0 194

A.C. Borty  
215 Broadway

Counsel,  
Filed 5 day of Dec 1889  
Pleads, Chicago

THE PEOPLE  
vs. B  
Annie Smith  
(2 cases)

[Sections 322 and 385, Penal Code]

JOHN R. FELLOWS,

District Attorney,  
Transferred to the Court of Special  
Sessions for trial and final disposition.

Part 2...Dec. 19...1889.

A True Bill. 31(2)

John R. Fellows

Foreman.

Witnesses:

J.G. Burtley  
J.G. Krum

POOR QUALITY  
ORIGINAL

0 195

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Annie Smith

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

Annie Smith

(Sec. 322,  
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said

Annie Smith

late of the <sup>17th</sup> Ward of the City of New York, in the County of New York aforesaid, on the <sup>twenty-sixth</sup> day of <sup>October</sup> in the year of our Lord one thousand eight hundred and eighty-nine, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Annie Smith

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, 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

Annie Smith

(Section 385,  
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

Annie Smith

late of the Ward, City and County aforesaid, afterwards, to wit: on the <sup>twenty-sixth</sup> day of <sup>October</sup> in the year of our Lord one thousand eight hundred

POOR QUALITY  
ORIGINAL

0 196

and eighty-*nine*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* said house, for *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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

*Annie Smith*

(Section 322  
Penal Code.) of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

*Annie Smith*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *twenty sixth* day of *October* in the year of our Lord one thousand eight hundred and eighty-*nine* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *her* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit; and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

0197

**BOX:**

378

**FOLDER:**

3530

**DESCRIPTION:**

Smith, Annie

**DATE:**

12/05/89



3530

POOR QUALITY  
ORIGINAL

0198

H. C. B. B.

Counsel,  
Filed 5 day of Dec 1889  
Pleads, *M. J. B.*

VIOLATION OF EXCISE LAW.  
(Selling without license.)  
[III, R. S. (7th Ed), page 1981, § 13, and  
of 1883, Chap. 340, § 6].

THE PEOPLE

vs.  
*Annie Smith*  
(recess)

JOHN R. FELLOWS,

District Attorney.

Transferred to the Court of Special  
Sessions for trial and final disposition.

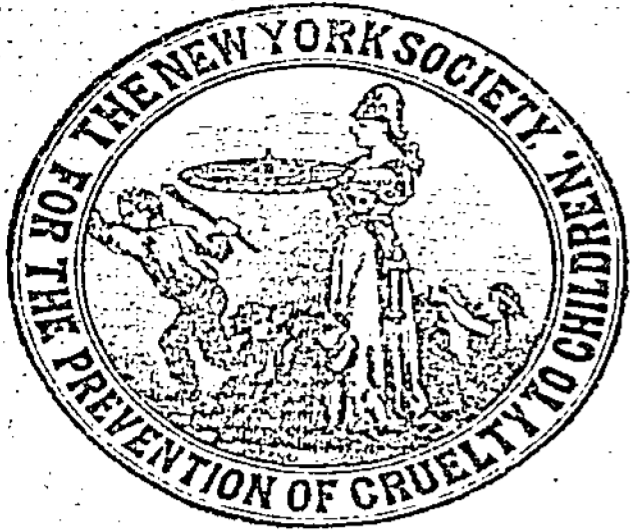
Part 2... Dec. 1889  
**A True Bill**

*John R. Fellows*  
Foreman.

Witnesses:

*J. J. B.*  
*J. J. K.*

0199



*The New York Society for the  
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

*New York, Nov - 29<sup>th</sup> 1889*

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

*The People  
against*

*Annie Smith*

*Notice of Prosecution.*

*To the District Attorney of the  
City and County of New York,*

*Sir: This Society is interested in the prosecution of  
the above defendant, and is familiar with the facts of the  
case. It respectfully requests that before sending the papers  
to the Grand Jury, fixing the day of trial, consenting to  
any postponement thereof, or to any reduction of bail,  
or final disposition of the charge, you will duly notify me as  
its President and Counsel, so that I may confer with you  
in regard thereto. This request is made pursuant to the  
statute (Laws of 1886, Chapter 80, Section 1), and in  
furtherance of the ends of Justice.*

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,*

*President, &c.*

0200

POOR QUALITY  
ORIGINAL

**N. Y. GENERAL SESSIONS.**

THE PEOPLE



CRUELTY TO CHILDREN.

*Dr. Howe*

**NOTICE OF PROSECUTION**

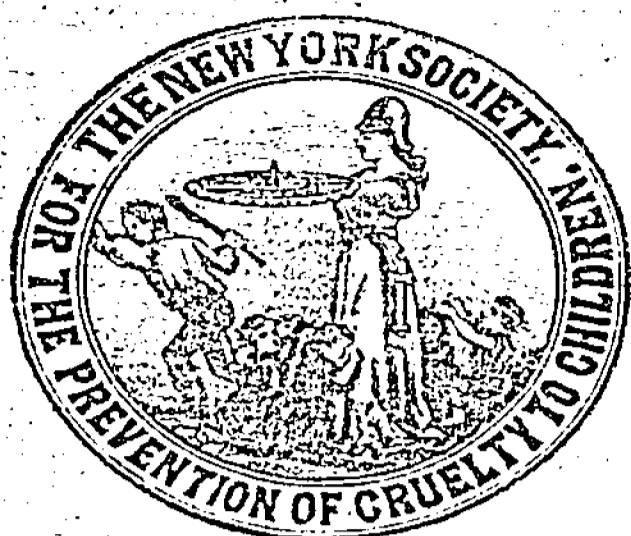
BY THE SOCIETY.

ELBRIDGE T. GERRY,

*President, &c.*

POOR QUALITY  
OF

0201



*The New York Society for the  
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

*New York, Nov. 29<sup>th</sup> 1889*

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

*The People  
against  
Annie Smith.*

*Notice of Prosecution.*

*To the District Attorney of the  
City and County of New York,*

*Sir: This Society is interested in the prosecution of  
the above defendant, and is familiar with the facts of the  
case. It respectfully requests that before sending the papers  
to the Grand Jury, fixing the day of trial, consenting to  
any postponement thereof, or to any reduction of bail,  
or final disposition of the charge, you will duly notify me as  
its President and Counsel, so that I may confer with you  
in regard thereto. This request is made pursuant to the  
statute (Laws of 1886, Chapter 80, Section 8), and in  
furtherance of the ends of Justice.*

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,*

*President, &c.*

POOR QUALITY  
ORIGINAL

0202

**N. Y. GENERAL SESSIONS.**

THE PEOPLE



*Violation of Space*  
CRUELTY TO CHILDREN.

**NOTICE OF PROSECUTION**

BY THE SOCIETY.

ELBRIDGE T. GERRY,

*President, &c.*

POOR QUALITY  
ORIGINAL

0203

**Court of General Sessions of the Peace,**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*Annie Smith*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Annie Smith*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES  
WITHOUT A LICENSE, committed as follows:

GIL Revised  
Statutes, [7th  
edition] p. 1081  
Section 13.

The said

*Annie Smith*

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-*nine*, 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 *one Frank G. Barkley 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 1883,  
chapter 340 sec-  
tion 5) SECOND COUNT—

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

*Annie Smith*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, and at the premises there situate, known as  
number *one hundred and seventy nine Second 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 *one Frank G. Barkley 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.

*John R. Fellows*  
District Attorney

0204

**BOX:**

378

**FOLDER:**

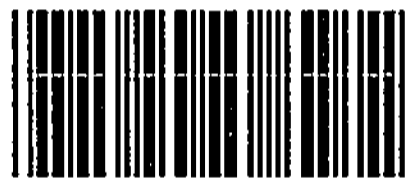
3530

**DESCRIPTION:**

Smith, James

**DATE:**

12/05/89



3530

0205

POOR QUALITY  
ORIGINAL

Witnesses;

*Domestic Rossini*

Counsel, *5 Dec 1889*  
Filed *5 Dec 1889*  
Pleads *Equally*

THE PEOPLE

vs.

*James Smith*

*Burglary in the second degree.*

*Section 49, Penal Code.*

JOHN R. FELLOWS,

*District Attorney.*

A True Bill. 13 (1)

*Paul A. Lewis*

*Foreman.*

*Dec 9/89*

*W. J. Rogers*  
*Aug 24/89*  
*S. J. Mu. Grapes.*

POOR QUALITY  
ORIGINAL

0206

Police Court—4 District.

City and County } ss.:  
of New York,

of No. 327 3<sup>rd</sup> Avenue Street, aged 39 years,

occupation Restaurant Keeper being duly sworn

deposes and says, that the premises No. 327 3<sup>rd</sup> Avenue Street, 18<sup>th</sup> Ward

in the City and County aforesaid the said being a Brick Building

and which was occupied by deponent as a Restaurant

and in which there was at the time a human being, by name Peter Rossini

were BURGLARIOUSLY entered by means of forcibly breaking

a pane of glass in the door leading  
from 3<sup>rd</sup> Avenue to said premises

on the 29<sup>th</sup> day of September 1888 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Corn Antiques money of the  
United States issue of the amount  
and value of five dollars.

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen and carried away by

James Smith (nowhere)

for the reasons following, to wit: That at or about the

hour of One O'clock A.M. on said

date deponent was awakened by

hearing a noise in said premises

and on entering the restaurant

in said premises deponent discovered

that said premises had been burglariously

entered as aforesaid and found the

said Smith in said premises

James Smith

James Smith was arrested on 10/1/88 by Officer [illegible] and taken to the Police Court.

0207

POOR QUALITY  
ORIGINAL

Sec. 198-200

CITY AND COUNTY } ss.  
OF NEW YORK, }

4 District Police Court.

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

Question. What is your name?

Answer. James Smith

Question. How old are you?

Answer. 21 Years

Question. Where were you born?

Answer. New York

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

Answer. 613 East 2 St. 2 1/2 Years

Question. What is your business or profession?

Answer. Painter

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

Answer. I was intoxicated

Done with

Taken before me this

day of March 1885

John Howard  
Police Justice

0200

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Minister of Revenue  
vs.  
James Smith  
Burglar

1451

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Demitted Above*

Offence Burglary

Magistrate.

..... Precinct.

No. 1 Mr. McLean,  
Street.

No. 1 Street, 100

*[Handwritten signature]*



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

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

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

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

0209

POOR QUALITY  
ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*James Smith*

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

*James Smith*

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

The said *James Smith*

late of the *Eighteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *twenty-ninth* day of *November*, in the year  
of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, about the  
hour of *one* o'clock in the *night* time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one *Domenico Rossini*,

there situate, feloniously and burglariously did break into and enter, there being then and there  
some human being, to wit:

*the said Domenico Rossini*

within the said dwelling house, with intent to commit some crime therein, to wit: the goods  
chattels and personal property of the said *Domenico Rossini*,

in the said dwelling house then and there being, then and there feloniously and burglariously to  
steal, take and carry away;

against the form of the statute, in such case made and provided, and against the peace of the People  
of the State of New York and their dignity,

*John J. Kelly,*  
*Attorney*

02 10

**BOX:**

378

**FOLDER:**

3530

**DESCRIPTION:**

Smith, James J.

**DATE:**

12/20/89



3530

POOR QUALITY  
ORIGINAL

0211

1838

Counsel,  
Filed *Dec 20* 188*9*  
Plends, *Not guilty*

THE PEOPLE  
vs.  
*James J. Smith*  
*(2 cases)*  
MURDER IN THE FIRST DEGREE.  
(Section 183, Penal Code.)

JOHN R. FELLOWS,  
*District Attorney.*

A True Bill.  
*James J. Smith*  
Foreman.

Witnesses:  
*Geo J. Meyer*

POOR QUALITY  
ORIGINAL

02 12

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of Coroners Office  
No. 67 Park Row Street, in the 4<sup>th</sup> Ward of the City of  
New York, in the County of New York, this 13<sup>th</sup> day of December  
in the year of our Lord one thousand eight hundred and 89 before  
Fernando Levy, Coroner,  
of the City and County aforesaid, on view of the Body of Elizabeth M. Smith

being dead at  
Upon the Oaths and Affirmations of  
Twelve good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said  
Elizabeth M. Smith came to her death, do  
upon their Oaths and Affirmations, say: That the said Elizabeth M.  
Smith came to her death by  
Penetrating pistol shot wound of  
chest inflicted with a pistol in the  
hands of James C. Smith at 321 East  
9<sup>th</sup> Street. November 22<sup>nd</sup> 1889

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

JUROS.

Wm. Birch 35 New Chambers	John B. Hatt 226 E 2 <sup>nd</sup> St
D. H. Ayckell 133 E 8 <sup>th</sup> St	John J. Genshian 126 E 3 <sup>rd</sup> St
A. A. Hammett 625 - 2 <sup>nd</sup> St	Peter Becker 81 E 5 <sup>th</sup> St
Edwin Norden 101 E 5 <sup>th</sup> St	Carl Brown 59 E 6 <sup>th</sup> St
Joseph Gunther 307 E 12 <sup>th</sup>	
Julius Klay 377 Broadway	
Chas H. Galloway 167 E 4 <sup>th</sup> St	
Sebastian Peters 201 E 13 <sup>th</sup> St	

CORONER, F. S.

POOR QUALITY  
ORIGINAL

0213

Coroner's Office.

TESTIMONY. /

Jacob Theodore. — Meyer-18<sup>th</sup> Precinct  
benefactor's.

I left the station house on  
Nov 24 at 1 Pm. a young  
man told me a man had  
shot his children - at 321  
St. I ran into the room &  
saw the prisoner sitting in  
a chair with one child in  
his arm & another in a  
high chair -

I asked him if he did it &  
he said he did. & that he wanted  
to die & his children with him.  
He was excited & it was  
considerable time before I could  
get an answer from him.  
I picked up the pistol - I found  
one bullet in the next room.

Jacob. T. Meyer

Taken before me

this

13

day of

Dec

1889

Frederick L. Levy

CORONER.

POOR QUALITY  
ORIGINAL

0214

Coroner's Office.

TESTIMONY.

2

Mr Richter M.D. Lungworm  
Casp. Ill. at 328 E 19 St  
I am a physician  
I have treated James  
Smith for over a year  
for Phthisis - contracted during  
the Blizzard.

The disease would affect him  
temporarily

He had been treated by Dr McCay  
prior to that time also two  
other doctors unknown to me

Wm Richter M.D.  
328 E 19 St.

Taken before me

this

13

day of

Dec

1889

Ferdinand Levy

CORONER.

POOR QUALITY  
ORIGINAL

0215

Coroner's Office.

TESTIMONY.

William A. Moberly says:  
I am Supt Stratford Post  
Office & the prisoner was  
under my charge since 1884  
I have known deceased since  
July 1889 - He told me his wife  
had left him - on Nov 16 & took  
the 2 children. Since that time he  
did not act like a man in his  
right senses & seemed dazed &  
worn. I did not know his  
wife before that. He was an ex-  
cellent man.  
The prisoner was away on 16<sup>th</sup> &  
22<sup>nd</sup> - November.  
W. Moberly

Taken before me

this

13 day of Dec 1889  
Frederick L. Lutz

CORONER.

Coroner's Office.

TESTIMONY.

41

Albrecht Bauer being duly sworn  
says: I live at 341 E 9<sup>th</sup> St.

I am a hatter

I did not witness the shooting  
on Nov<sup>about</sup> 24. I heard some shooting  
~~I went out to see what was going on~~

Mr Smith - Smith had a  
sour smile on his face & his eyes  
glittered - I heard some shots  
& ran down & met Police man  
Meyer - & told him of the oc-  
currence - Saw Smith sitting  
on a chair with a dead child  
in his arms & the woman in  
a chair.

His eyes were like on fire  
bulging out.

I have known Mr Smith since  
about May 1889

Albrecht Bauer

Taken before me

this

13

day of

Dec

1889

Frederick L. Esq

CORONER.

POOR QUALITY  
ORIGINAL

0217

Coroner's Office.

TESTIMONY.

Charles Schmidt, being sworn says  
that at 321 E 9 St.  
I am janitor  
The tenants of the building  
asked me to go & see the prisoner  
& see if he was in need of  
anything - I saw him lying  
on the carpet with a pillow  
under his head. I thought  
he was out of his mind.  
He told me his wife had  
left him with only 75 Cents  
He brought the children down  
He was a steady & orderly  
man though sickly.

Chas Schmidt.

Taken before me  
this 13 day of Dec 1889  
Frederick Leroy CORONER.

POOR QUALITY  
ORIGINAL

02 18

Coroner's Office.

TESTIMONY.

6

Sophia Schmidt, housewife.  
I live at 321 E 9 St.  
I saw Mr Smith come in on 21<sup>st</sup>  
I had not seen his wife for a  
couple of days - He told me his wife  
had left him & took the 2 children  
with him - I saw him come  
in with the children the next  
morning at about 11 o'clock -  
He was wearing like glass -  
Smith took the children out of  
the room - I went up with the  
police man - I understood Smith  
asked his wife & brother in law  
that he wanted his children

Mrs Sophie Schmidt

Taken before me

this

3<sup>rd</sup>

day of

Dec

1888

Frederick C. [Signature]

CORONER.

POOR QUALITY  
ORIGINAL

0219

TESTIMONY.

William D. Jenkins M. D., being duly sworn, says:  
I have made an examination of the body of  
Elizabeth M. Smith now lying dead at  
130. First Ave. and from such Examination  
and history of the case, as per testimony, I am of opinion the cause of  
death is Homicide by penetrating pistol  
shot wound of the cheek through the neck  
bullet lodging in spinal column. Throat.

W. D. Jenkins M.D.

M. D.

Nov 23<sup>rd</sup> 3 pm  
On back of neck  
penetrating p.s. wound  
through 4 vertebrae.  
Spine - 1/2 inch  
left of median line  
back flaccid. Can  
fill with  
clothing & hair  
flank - through  
trunk right lung  
artery in 10<sup>th</sup> dorsal  
Spine -  
Jenkins

Sworn to before me,

this 13

day of

Dec 1889

Frederick J. Coroner.

POOR QUALITY  
ORIGINAL

0220

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
2 Years	6 Months	Days	New York	156 Fifth Ave 321 E. 9 <sup>th</sup> St	Mar. 23 <sup>rd</sup> 1889

F. L.

SP. 673

Adm. Court.

1889

AN INQUISITION

On the VIEW of the BODY of

Elizabeth M. Smith

whereby it is found that he came to  
his death by

Inquest taken on the  
day  
of 18 1889

FERDINAND LEVY, CORONER.

✓ 673

POOR QUALITY  
ORIGINAL

02221

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } SS.

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

Question—What is your name?

Answer—

James T. Smith

Question—How old are you?

Answer—

30 years.

Question—Where were you born?

Answer—

Illinois

Question—Where do you live?

Answer—

321 East 9<sup>th</sup> Street

Question—What is your occupation?

Answer—

Letter Carrier

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

I have nothing say  
Jas T Smith

Taken before me, this 13<sup>th</sup> day of Dec, 1889

Frederick Leroy CORONER.

POOR QUALITY  
ORIGINAL

02222

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
2 Years 6 Months Days	New York 321 E 9 St	136 First ave	Nov 23 1889

Inquest taken on the 13<sup>th</sup> day  
of December 1889

Wm. H. Leonard  
Coroner.

Committed  
Buried  
Discharged

Date of death

RECEIVED.  
DEC 19 1889  
DISTRICT ATTORNEY'S OFFICE.

4159  
Surv. 673 1889  
HOMICIDE.  
AN INQUISITION, 1838  
On the VIEW of the BODY of  
Elizabeth M. Smith  
whereby it is found that she came to  
her death by the hands of  
James J. Smith

POOR QUALITY  
ORIGINAL

0223

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*James T. Smith*

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

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

The said *James,*

late of the City of New York, in the County of New York aforesaid, on the *twenty second*  
day of *November*, in the year of our Lord one thousand eight hundred and  
eighty-*nine*, at the City and County aforesaid, with force and arms, in and upon one  
*Mary Agnes Smith*, in the peace of the said People then and there being,  
wilfully, feloniously, and of *his* malice aforethought, did make an assault, and the said  
*James* a certain pistol then and there charged and  
loaded with gunpowder and one leaden bullet, which said pistol the said *James*  
in *his* right hand then and there had and held,  
to, at, against, and upon the said *Mary,*  
then and there feloniously, wilfully, and of *his* malice aforethought, did shoot off and  
discharge, and the said *James,*  
with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the  
gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, *her* the said  
*Mary* in and upon the *chest* of *her*  
the said *Mary* then and there feloniously, wilfully, and of  
*his* malice aforethought, did strike, penetrate and wound, giving to *her*  
the said *Mary,* then and there, with the leaden bullet  
aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

POOR QUALITY  
ORIGINAL

0224

said James, \_\_\_\_\_ in and upon the chest of  
the said Mary, \_\_\_\_\_ one mortal wound of the breadth of  
one inch, and of the depth of six inches, of which said mortal wound she the  
said Mary, \_\_\_\_\_, at the City and County aforesaid,  
from the said twelfth day of November, in the  
year aforesaid, until the seventh day of December, in the same year  
aforesaid, did languish, and languishing did live, on which said seventh  
day of December, in the year aforesaid, the said Mary, \_\_\_\_\_  
\_\_\_\_\_ at the City and County aforesaid, of the said mortal wound did die.

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

James, \_\_\_\_\_  
the said Mary, \_\_\_\_\_ in the manner and form, and by  
the means aforesaid, wilfully, feloniously, and of his malice aforethought, did kill  
and murder, against the form of the Statute in such case made and provided, and against  
the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse  
the said James S. Smith \_\_\_\_\_

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

The said

James, \_\_\_\_\_  
late of the City and County aforesaid, afterwards, to wit: on the said twelfth  
day of November, in the year of our Lord one thousand eight hundred and  
eighty-nine, at the City and County aforesaid, with force and arms, in and upon the  
said Mary Agnes Smith in the peace of the said People then and there  
being, wilfully, feloniously, and with a deliberate and premeditated design to effect  
the death of the said Mary, \_\_\_\_\_, did make an assault, and the said

POOR QUALITY  
ORIGINAL

0225

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

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

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

JOHN R. FELLOWS,

District Attorney.

POOR QUALITY  
ORIGINAL

0226

Hudson River State Hospital

By Joseph W. M. May 9 1890

Hon. Frederick Smyth,  
Presiding Judge of the Court of General Sessions,  
NEW YORK CITY.

Dear Sir,-

James T. Smith, a patient committed  
to this hospital December 28, 1889, on the  
order of Hon. Henry A. Gildersleeve, died here  
yesterday, May 8, 1890.

Respectfully,  
David M. Chandler

Counsel,  
Filed Dec 1889  
Plends, Joseph W. M.

THE PEOPLE  
vs.  
James T. Smith  
(2 names)  
MURDER IN THE FIRST DEGREE.  
(Section 183, Penal Code.)

JOHN R. FELLOWS,  
District Attorney.

A True Bill.  
Dec 27/89  
Foreman.  
Joseph W. M. Defendant  
and J. M. M.  
Hudson River State Hospital  
for the Bureau at Poughkeepsie

Witnesses:  
Joseph W. M.

Callahan & Co. 112  
Albany, N.Y.

POOR QUALITY  
ORIGINAL

0227

The People  
vs.  
James T. Smith.

{ Court of General Sessions, Part I.  
Before Judge Gildersleeve.

Friday, December 27, 1889.

A Jury was empannelled to try the issue of the prisoner's present capacity to be tried upon an indictment for murder in the first degree.

District Attorney Fellows: Gentlemen of the Jury, the Defendant who is now at the bar is charged by the indictment here presented with the murder of his own children, one of whom about two and the <sup>other</sup> considerably younger, I believe about a year old. The Defendant was a letter carrier sometime ago, as you probably all remember from having read the occurrence in the daily papers. He laid those two children upon the bed and shot them under circumstances which would clearly have fastened upon him the crime of murder in the first degree for it contained all the elements of deliberation and premeditation apparently if he was at that time responsible for his acts. It is claimed as to him that he was insane then, suffering from that form of insanity usually characterized as melancholia; that he is in the same condition now and is unable to answer before the jury as to the charge preferred against him in this indictment. And the sole issue that you are empannelled to try is as to whether the Defendant is now sane or insane. If you shall find him to be ~~insane~~ another jury will have to pass upon the degree of his culpability; if you find him insane then the law will make a proper disposition of him until such time as he shall have recovered his reason so that he shall intelligently comprehend the issue against him and prepare his

**POOR QUALITY  
ORIGINAL**

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defence and then the question for consideration will be whether he was sane at the time of the commission of the act. At this time you have to determine from the testimony whether the prisoner is now capable of entering upon a defence.

Matthew D. Field sworn and examined.

By Mr. Parker. Q. Doctor, you are a practicing physician in this city.

A. I am, yes sir.

Q. And have been so how long.

A. About eleven years.

Q. You are examiner in lunacy in this City and County, are you not.

A. I am examiner in lunacy for the Department of Charities and Correction.

Q. Holding an official position.

A. Yes sir.

Q. Your practice has been directed, has it not, especially toward the question of mental alienation or mental disease.

A. Yes sir.

Q. Doctor, have you heretofore examined the Defendant in this case as to his present mental condition.

A. Yes sir, I saw the man on November 27 and on the 30th and on December 4, 6, 19th and I saw him yesterday.

Q. Six visits in all you made.

A. Yes sir.

Q. On those occasions you have inquired into the facts of his present mental condition.

2 A. Yes sir.

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ORIGINAL**

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- Q. With a view of ascertaining whether he has sufficient intelligence to conduct his defence or to advise his counsel.
- A. Yes sir.
- Q. Doctor, what has been the result of your examination upon that question.
- A. I believe that he is now insane.
- Q. From what form of mental trouble is he suffering.
- A. From that form known as meloncholia, simple melancholia.
- Q. From your examination do you believe he has now sufficient intelligence to advise with his counsel concerning the subject matter of this charge against him.
- A. No, I do not think he has. He is more in a condition of don't care what becomes of him than of intelligence and I do not think that would permit him to give a proper account of himself.
- Q. Is the form of insanity from which he is now suffering one of temporary insanity or likely to be permanent.
- A. That depends a great deal ---- I do not think in his case it is temporary because he is in bad physicial condition, has consumption well defined, has high pulse and high respiration; his temperature is above normal, going from 100 to 102 and in that condition I think it will last, I do not think it is curable.

By Mr. Fellows. Q. What are the characteristics of it.

- A. At first depression; it may start in some cases after depression and then it passes beyond that. Such persons are very dangerous, more dangerous than they appear to be; those are the ones commit more crimes than any one class especially towards those of whom they are most fond.

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ORIGINAL**

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By Mr. Parker. Q. It is your opinion that he is at present unable to advise with Counsel as to the manner of his defence.

A. Yes sir.

Q. As to the facts of the crime.

A. Yes sir, and an unsafe man to be at large.

Cross Examined by Ex-Judge Curtis.

Q. Doctor, you spoke of his having phthisis, consumption.

A. Yes sir.

Q. In point of fact in your judgment how long has this man to live.

A. Well, that I cannot say.

Q. In your judgment, only the Deity can tell.

A. He may live anywhere from a few months to a few years, it depends a great deal upon his surroundings. The duration of his disease from the history given would be from his exposure at the time of the blizzard, all those things depend on other circumstances that you cannot estimate.

Q. Now in reference to the melancholia which in his case is typified by depression, is not that liable to result in paresis.

A. No sir, no more than any form of insanity. If its acute form continues the termination of it is what would be called terminal dementia. You might expect if it is continued and he did not die of phthisis that it would be a symptom of terminal dementia -- that would not necessarily be paresis.

Q. I understood you to say that his condition was probably chronic, is that so.

A. Yes sir.

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ORIGINAL**

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Q. Then if it is chronic it must continue on as you say, and it must eventually result in dementia or paresis.

A. Yes, dementia usually, not paresis. The reason why I said it would probably be permanent was that it depended upon his physical condition which was not likely to improve but likely to get worse and that is why I gave the prognosis as to his mental condition.

Q. You consider then from the fact of taking the life of those children that he loved so dearly as indicating in itself an act of insanity.

A. Yes sir, to a certain degree.

Q. Isn't it peculiarly a type of insanity that persons who love other people, without any apparent cause or provocation change their affection.

A. There are acts and I think this is one, that forms strong presumptive evidence of insanity, and then to come to a conclusion you analyze the act to make sure that there was no cause and then you would examine the man to see if his mental and physical condition explained the crime, and upon that analysis if it was supported you would say the crime was an insane act.

Allen Fitch sworn and examined by Mr. Parker.

Q. Doctor, you are a practicing physician in this city.

A. I am.

Q. And have been so for how long.

A. Nearly eleven years, eleven years on the first of April next.

Q. Do you hold an official position in this city.

A. Yes sir.

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Q. What is it.

A. I am examiner in lunacy for the Department of Charities and Corrections.

Q. Doctor, in your practice has your attention been especially directed to diseases of the mind.

A. It has yes sir.

Q. Have you examined the mental condition of this Defendant<sup>a</sup> heretofore.

A. I have.

Q. When and where.

A. I saw him in November, the latter part of November, he was sent to the City Prison on the 22nd of November, I saw him on the 6th of December and once or twice since then.

Q. Three or four visits in all.

A. Yes sir.

Q. And upon those visits did you examine his physical condition also.

A. I did, I found him suffering from phthisis, from consumption in the advanced stages.

Q. Does his mental condition in your opinion in any degree depend upon his physical condition.

A. I think probably it depends wholly upon his physical condition, it is not an infrequent thing that a case of phthisis, consumption, develops melancholia, that is rather a common thing, I think this is just one of those cases.

Q. That is a form of mental alienation, of insanity.

A. Yes.

Q. What did you find his mental condition to be.

**POOR QUALITY  
ORIGINAL**

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A. I believe him to be insane at the present time.

Q. Do you believe he is capable of advising intelligently with his counsel.

A. I do not think he is, no.

Q. Or as to his defence upon the charge on which he is arraigned.

A. I do not think he is. For instance, his reasoning powers seem to be very defective. He reasons because he is in ill health and likely to die, or did at the time of the shooting of these children were likely to starve after he was dead, and consequently it would be better to kill them and put them out of the way himself than have the thing go on and take the chances of what might come to them when he was gone. I think that is bad reasoning power in itself and shows his defective reasoning.

Q. Doctor, what is your opinion as to the temporary or permanent condition of this insanity.

A. I believe his phthisical trouble is wholly incurable and that his mental condition and depression depends upon that and consequently he is in my opinion without the hope of cure.

By Counsel. Q. I believe as matter of fact, Doctor, when he slew his little children he tried to take his own life.

A. I believe he did, yes sir.

Q. That fact in connection with the other fortifies your opinion as to his insanity.

A. It does.

After the Judge charged the Jury they rendered a verdict that the Defendant was now insane.

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ORIGINAL

0234

Mr. Fellows: Your Honor, I ask that an order committing this Defendant to the State Insane Asylum may be immediately made. This Defendant has been for some time in the Tombs and he is kept there constantly manacled -- that has been found necessary. Of course it is apparent that both his physical as well as his mental condition requires that he may immediately be put where this restraint will not be necessary. His physical condition inevitably suffers by his confinement in the Tombs, and it would seem that he should immediately be removed to an insane asylum where he may have proper treatment.

Judge Curtis: I suppose sir, by the verdict that that is the only disposition your Honor can make of this Defendant and I leave it in your Honor's wide discretion and experience to say of course to what institution provided by law he shall be consigned.

The Court: We are in the habit of committing persons found to be insane to the hospital at Poughkeepsie. It is a healthy location, a large and commodious building and the patients are well taken care of there, and that is where this Defendant will be committed -- the Hudson River State Hospital for the Insane at Poughkeepsie.

Judge Curtis: The relatives of the Defendant had an idea, but I told them they were mistaken, that it was within your Honor's power to commit him to their custody if a verdict of insanity should be rendered. I told them your Honor would be compelled by law to send him to an asylum.

The Court: As usual, Judge Curtis, you were correct, I concur in the advice that you gave them. I have no authority to make any other disposition of the Defendant than the one I have made.

POOR QUALITY  
ORIGINAL

0235

I have made a  
careful examination of the foregoing and find that  
the same is a true and correct copy of the original  
as shown to me by the person who produced it.  
I have also examined the original and find that it  
is a true and correct copy of the original as shown  
to me by the person who produced it.  
I have also examined the original and find that it  
is a true and correct copy of the original as shown  
to me by the person who produced it.  
I have also examined the original and find that it  
is a true and correct copy of the original as shown  
to me by the person who produced it.  
I have also examined the original and find that it  
is a true and correct copy of the original as shown  
to me by the person who produced it.  
I have also examined the original and find that it  
is a true and correct copy of the original as shown  
to me by the person who produced it.

Witness my hand and seal this 1st day of December 1889.

Notary Public for the State of New York.

Filed Dec. 1889

Testimony in the  
case of  
James V. Smith

POOR QUALITY  
ORIGINAL

0236

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of *Coroner's Office*  
No. 67 *Park Row* Street, in the *4<sup>th</sup>* Ward of the City of  
New York, in the County of New York, this *13<sup>th</sup>* day of *December*  
in the year of our Lord one thousand eight hundred and *89* before

*Ferdinand Levy* Coroner,  
of the City and County aforesaid, on view of the Body of *Mary Agnes*  
*Smith* being dead at

*Twelve* good and lawful men of the State of New York, duly chosen and  
sworn, affirmed and charged to inquire, on behalf of said people, how and in what manner the said

*Mary Agnes Smith* came to her death, do  
upon their Oaths and Affirmations, say: That the said *Mary Agnes*

*Smith* came to her death by

Penetrating pistol shot wound of  
chest, inflicted with a pistol in the  
hands of *James J. Smith* at 321 East  
9<sup>th</sup> Street. November 22<sup>nd</sup> 1889.

(For testimony see 673-4<sup>th</sup> Quar 1889)

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

JURORS.

*W. H. Hirsch* 35 New Chambers Street  
*A. H. Hirsch* 333 East 2<sup>nd</sup> St  
*A. B. Hirsch* 625 - 2<sup>nd</sup> St  
*Edgar Gordon* 101 Broadway  
*Carl H. Galloway* 157 1<sup>st</sup> St  
*Julius Schlegel* 377 Bowery  
*John B. Witt* 226 East 2<sup>nd</sup> St  
*John L. Gushkin* 1265 3<sup>rd</sup> St  
*Peter Zuker* 81 East 2<sup>nd</sup> St  
*Carl Brown* 59 East 2<sup>nd</sup> St  
*Joseph Gunther* 307 East 12<sup>th</sup> St  
*Ferdinand Levy*  
CORONER, E. S.

POOR QUALITY  
ORIGINAL

0237

7. or Punish . 3

From Bellvue Hospital.

New York, Dec. 1889

To Coroner.....

Sir:

Please hold an Inquest on the body of

Name: Mary Agnes Smith Residence: 321 E 9th St.

Age: 11 months years months days. Admitted Fri day, Nov .

Father James . 22th 1889 , at 149 o'clock P. M.

Nativity, N.S. ; of

Mother Sizzie By Ambulance A

life in U. S., life in City. From Residence . B

Civil Bond: single . Occup.: none . Examined by Dr. T.E. W. Pinner C

Suffering from symptoms of Shock on head & trunk .

trunk . injury seemed to have been caused by convulsion .

Said injuries said to have been received from a fall from a chair .

and lived in hospital .

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Death took place Wednesday day, Dec 11th 1889 at 4 o'clock P. M.

The Autopsy revealed..... F

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Rev. Pinner M. D.  
HOUSE SURGEON PHYSICIAN.

Ad. +. State the day of the week.

Ad. A. State whether by Ambulance or Friends.

Ad. B. State whether from a Precinct or a Residence and give the name.

Ad. C. State whether from Natural Causes or from Shock (conscious or unconscious) due to Injuries, and if so, give name, place, date, number, character, and Extent of Injuries, always stating where indicated, whether right or left.

Ad. D. State when, where, how, by what means or persons received, also whether Accidental, Suicidal or Homicidal; in falls, the distance, location and place; in Burns and Scalds the circumstances attending the same; in runover cases, the line of Street, Car, Railroad or Conveyance; in Weapons, the character of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.

Ad. E. State name, date, place, character and results of any operation or amputation performed.

Ad. F. Give a short resume of the Autopsy with the Pathological Diagnosis and the Cause of Death at the End.

Ad. G. State here any important facts not embodied in the above statements.

TESTIMONY.

Albert D. Weston

M. D., being duly sworn, says:

I have made an examination of the body of  
Mary Agnes Smith now lying dead at  
the morgue and from such examination  
and history of the case, as per testimony, I am of opinion the cause of  
death is Homicide by firing  
pistol shot wound of chest  
Exhaustion

N. J. Weston M. D.

Autopsy,

Dec 11<sup>th</sup> 1889

Body identified by Dr. Primary.  
Body that of a well developed child  
of about one year of age.  
There is a pistol-shot wound over  
much to the left of the right nipple on  
a level with it; the ball entered  
the chest through the 4<sup>th</sup> intercostal  
space passing through the 4<sup>th</sup> rib &  
passing through the right lung &  
was found in the right kidney.  
The right lung was collapsed  
in some points of fibrous exudate  
on the pleura especially at apex.  
Other organs normal.

Cause of death Exhaustion  
following pistol shot wound  
above described.

N. J. Weston

Sworn to before me,

this

day of

Dec 18<sup>th</sup> 1889

William A. Henry

CORONER.

POOR QUALITY  
ORIGINAL

0239

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days	<i>N.S.</i>	<i>Wilmington</i> <i>Ballroom Hotel</i>	<i>Dec 1/14</i>

F.L.

*Sp.*

*Quart.*

*18*

AN INQUISITION

On the VIEW of the BODY of

*Mary Ann Smith*

whereby it is found that he came to  
to death by

Inquest taken on the  
of 18 days  
FERDINAND LEVY, CORONER.

✓ 286

POOR QUALITY  
ORIGINAL

0240

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question—What is your name?

Answer—

*James T. Smith*

Question—How old are you?

Answer—

*30 years*

Question—Where were you born?

Answer—

*Illinois*

Question—Where do you live?

Answer—

*321 East 9<sup>th</sup> Street*

Question—What is your occupation?

Answer—

*Letter Carrier*

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

*I have nothing to say.*  
 *Jas T. Smith*

Taken before me, this *13<sup>th</sup>* day of *Dec* — *1889*  
*Edmund Levy* CORONER.

POOR QUALITY  
ORIGINAL

0241

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
Years <u>11</u> Months <u>X</u> Days	<u>U.S.</u>	<u>Morgue from</u> <u>Bellvue Hosp</u>	<u>Dec 1889</u>

4 Quin St 1889  
HOMICIDE

AN INQUISITION.

On the VIEW of the BODY of

Mary Anne Smith

whereby it is found that she came to  
her Death by the hands of

James J. Smith

Inquest taken on the 13th day

of December 1889

by James J. Smith

Coroner.

Committed

Obtained

Discharged

Date of death

POOR QUALITY  
ORIGINAL

0242

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James T. Smith

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

accuse James T. Smith

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

The said James,

late of the City of New York, in the County of New York aforesaid, on the ~~Twenty-second~~  
day of ~~November~~, in the year of our Lord one thousand eight hundred and  
eighty-~~nine~~, at the City and County aforesaid, with force and arms, in and upon one  
~~Elizabeth M. Smith~~, in the peace of the said People then and there being,  
wilfully, feloniously, and of ~~his~~ malice aforethought, did make an assault, and the said  
~~James~~ a certain pistol then and there charged and  
loaded with gunpowder and one leaden bullet, which said pistol the said ~~James~~  
in ~~his~~ right hand then and there had and held,  
to, at, against, and upon the said ~~Elizabeth~~  
then and there feloniously, wilfully, and of ~~his~~ malice aforethought, did shoot off and  
discharge, and the said ~~James~~  
with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the  
gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, ~~her~~ the said  
~~Elizabeth~~ in and upon the ~~chest~~ of ~~her~~  
the said ~~Elizabeth~~ then and there feloniously, wilfully, and of  
~~his~~ malice aforethought, did strike, penetrate and wound, giving to ~~her~~  
the said ~~Elizabeth~~ then and there, with the leaden bullet  
aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

POOR QUALITY  
ORIGINAL

0243

said James in and upon the chest of  
the said Elizabeth one mortal wound of the breadth of  
one inch, and of the depth of six inches, of which said mortal wound she the  
said Elizabeth then and there died, at the City and County aforesaid,  
from the said day of in the  
year aforesaid, until the day of in the same year  
aforesaid, did languish, and languishing did live, on which said  
day of in the year aforesaid, the said  
at the City and County aforesaid, of the said mortal wound did die.

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

James, her  
the said Elizabeth in the manner and form, and by  
the means aforesaid, wilfully, feloniously, and of his malice aforethought, did kill  
and murder, against the form of the Statute in such case made and provided, and against  
the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse  
the said James T. Smith

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

The said James,

late of the City and County aforesaid, afterwards, to wit: on the said Twenty second  
day of November, in the year of our Lord one thousand eight hundred and  
eighty nine, at the City and County aforesaid, with force and arms, in and upon the  
said Elizabeth M. Smith in the peace of the said People then and there  
being, wilfully, feloniously, and with a deliberate and premeditated design to effect  
the death of the said Elizabeth M. Smith, did make an assault, and the said

POOR QUALITY  
ORIGINAL

0244

\_\_\_\_\_ *James* \_\_\_\_\_ a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said *James* \_\_\_\_\_ in *his* \_\_\_\_\_ right hand then and there had and held to, at, against, and upon the said *Elizabeth* \_\_\_\_\_ then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said *Elizabeth* \_\_\_\_\_ did shoot off and discharge. and the said *James* \_\_\_\_\_ with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, *her* the said *Elizabeth* \_\_\_\_\_ in and upon the *chest* of *her* the said *Elizabeth* \_\_\_\_\_ then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said *Elizabeth* \_\_\_\_\_ did strike, penetrate, and wound, giving to *her* the said *Elizabeth* \_\_\_\_\_ then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said *James* \_\_\_\_\_ in and upon the *chest* \_\_\_\_\_ of the said *Elizabeth* \_\_\_\_\_ one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound *she* the said *Elizabeth* *then and there died.* ~~at the City and County aforesaid,~~ from the said \_\_\_\_\_ day of \_\_\_\_\_ in the year aforesaid, until the \_\_\_\_\_ day of \_\_\_\_\_ in the same year aforesaid, ~~did languish, and languishing did live, on which said~~ day of \_\_\_\_\_ in the year aforesaid, the said ~~at the City and County aforesaid, of the said mortal wound did die.~~

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

*James, her* \_\_\_\_\_ the said *Elizabeth* \_\_\_\_\_ in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said *Elizabeth* \_\_\_\_\_ did kill, and murder, against the form of the Statute in such made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.