

0002

**BOX:**

382

**FOLDER:**

3569

**DESCRIPTION:**

Sammarco, Antonio

**DATE:**

01/17/90



3569

Witnesses:

Officer Porter

10 March

N. Zelle

P. Montross

Counsel,

Filed

Pleads,

W. J. J. J. J.

17 day of May 1890

W. J. J. J. J.

THE PEOPLE

vs.

I

Antonio Sammarco

MURDER IN THE FIRST DEGREE.

(Section 183, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

Filed 10 by consent with counsel in open court

A True Bill.

Feb 21, 1890.

Filed + jury disagreed.

6 Nov  
1 Dec  
5 Mar 1.

W. J. J. J. J.

Part 3 March 17, 1890 by agreement in Court Counsel present.

W. J. J. J. J.

Part III March 24, 1890.

Tried and acquitted

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0004

## 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 10<sup>th</sup> day of January  
 in the year of our Lord one thousand eight hundred and 90 before  
 Ferdinand Levy Coroner,  
 of the City and County aforesaid, on view of the Body of Vincenzo Peretto  
 lying dead at

Nine 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  
 Vincenzo Peretto came to his death, do  
 upon their Oaths and Affirmations, say: That the said Vincenzo Peretto  
 came to his death by  
 Penetrating pistol shot wound of the chest  
 inflicted with a pistol in the hands of  
 Antonio San Marco at South West corner of  
 Grand & Mulberry Streets. December 28<sup>th</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.

## JURORS.

Adolphus 161 St & 10 <sup>th</sup> Ave	Edm Reissow 156 St & 10 <sup>th</sup> Ave
Fred. C. 156 St & 10 <sup>th</sup> Ave	Ernst Heuler 53-1 Ave
Aug. G. Sailer 1717 - 1 <sup>st</sup> Ave	Ab Buchsbaum 284 7 <sup>th</sup> Ave
John Phig 10 <sup>th</sup> Ave 151 <sup>st</sup>	Charles H Van Orden
John Schuler 1751 - 1 <sup>st</sup> Ave	1674 15 <sup>th</sup> Ave

Ferdinand Levy  
 CORONER, L. S.

0005

IN THE CORONER'S COURT OF THE CITY AND COUNTY OF NEW YORK.

INQUEST IN THE MATTER OF THE  
DEATH OF  
VINCENTO PERFETTO.

BEFORE  
HON. FERDINAND LEVY, CORONER,  
AND A JURY.

New York, Friday, January 10th, 1890

MR. G. R. WESTERFIELD, of 280 Broadway, appeared for Antonio San Marco, the prisoner.

DAVID D. PORTER, sworn and examined.

BY THE CORONER:

Q. To what precinct are you attached? A. The 10th.

Q. Now tell the Jury all you know about this case? A. On December 28th, while patrolling my post, Grand and Mulberry Streets, I was about twenty feet off the corner of Mulberry when I heard a pistol shot and I turned around and saw a man fall. I ran there quick and found a pistol in this prisoner's hand. He was standing then about ten feet away from the dead man. He handed me the pistol and I put him under arrest and brought him to the station house. I couldn't get anything out of him; he wouldn't talk to anybody; he wouldn't talk to an interpreter.

Q. Did you see the shooting? A. No, I saw the man fall after the shot was fired.

Q. But did you see this prisoner discharge the pistol?

A. No, sir.

Q. Did you find a pistol in his hand? A. Yes, sir; a 38 calibre. It had five barrels, one was unloaded and four loaded.

Q. Where was this? A. At the corner of Grand and Mulberry Streets.

Q. In the Street? A. Yes, sir.

BY A JUROR:

Q. You didn't see any smoke? A. The pistol was hot. I got there within half a minute of the time the shot went off.

Q. Did the prisoner seem excited? A. No, he was cool?

CARMINE STANZIONE, sworn and examined.

BY THE CORONER:

Q. How long have you been in this country? A. Since 1887.

Q. Where do you live? A. # 43 Mott Street.

Q. What do you do for a living? A. I am a musician.

Q. Did you know the deceased, Perfetto? A. Yes, I knew him.

Q. Now on the 28th of December last did you see the shooting?

A. Yes, sir.

Q. Where? A. On the Southwest corner of Mulberry and Grand Streets.

Q. Please tell the Jury what you saw? A. I was walking arm in arm with Perfetto, the dead man, through Grand Street. He was going to take the ferry to go to Newark and I was going with him as far as Broadway intending then to leave him, because I had to go to the Theatre to play. I met him at the corner of Grand St., I think it was, half past seven, and he said, "It is too early yet, if you want to come along, come as far as Broadway." "Well,

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all right," I said, and we took hold arm in arm and went along. At the corner of Mulberry Street the dead man told me that that man was San Marco, I having asked him so many times who was the man that he had a law suit with. I never knew the man.

Q. You had asked him several times before? A. Yes, and the dead man was with me in Liberati's band, and I asked him to show me who was the man San Marco. Well, just then he just had time to show me who was San Marco and I saw that man shoot and Perfetto go down and die.

Q. He showed you the man at the Southwest corner of Grand and Mulberry Streets; what did he say to you? A. He said that man was San Marco. San Marco was going down Mulberry Street.

Q. He turned around and said "That man is San Marco?"

A. Yes, and when he said that I had just time to raise my head.

Q. And then what did you see? A. I saw that man take out his pistol---

Q. (Interposing) This man here? A. I couldn't tell you. But that face I remember in a dream. I know that San Marco shot Perfetto. Just at the time he shot I was out of my senses and I hadn't time to look at his face. But I know that San Marco shot Perfetto, because Perfetto told me that was San Marco and the same fellow he showed me shot him.

Q. He had been speaking to you several times about San Marco as the man with whom he had a law suit? A. Yes, sir.

Q. And then he said "There is San Marco coming"? A. Yes, sir.

Q. And as you were going to look up the shot was fired?

A. Yes, I had only time to look up when that man shot.

Q. Did you ever see that man before? A. No, I never knew him; that is the reason he showed me San Marco.

Q. After he was shot Perfetto fell, didn't he? A. Yes, he fell right away as soon as he was shot.

Q. Was he shot through the chest? A. Well, I never saw it? X

BY A JUROR:

Q. Were you there when this man was arrested? A. Yes, I was in the middle of the Street.

Q. And is this the same man you saw with the pistol? A. Yes, I remember the overcoat, you know, and the red hair. I don't remember the face prominently, because I was all nervous, trembling out of my senses. I was just like a crazy man.

Q. Did the man run away after he shot Perfetto? A. No, he stood right at the corner.

Q. And the policeman took him there? A. Yes, because the people stepped around there and told the policeman "He is right at the corner," and the policeman went there and arrested him with the pistol in his hand.

BY MR. WESTERFIELD:

Q. Do you mean to say you identify this man of your own knowledge as the man who fired the shot, or because somebody told you so? A. No. I have said that I do not remember the face of that man. I know that San Marco shot because Perfetto told me in that moment that that was San Marco.

Q. That was before the shot? A. Yes, he had just time to say that and I had time to look up to see who was San Marco.

Q. Had you and Perfetto been talking about San Marco before you saw San Marco? A. No, we were talking about some business and then Perfetto saw San Marco and he says, "You want to know



San Marco ? That is San Marco." But we were talking on other business before.

Q. Did he tell you anything about a difficulty that had existed between himself and San Marco before ? A. Well, I know from other people that San Marco and Perfetto loved the same girl; that is all; because I knew Perfetto just a few months before we went to Liberati.

Q. Do you know whether or not Perfetto stabbed that man on account of loving the same girl and cut his eye in that way ?

A. No, I didn't know that. I didn't see that.

Q. Did Perfetto ever tell you anything about that ? A. I know that Perfetto had a difficulty with San Marco, because San Marco said that he had his face cut from Perfetto.

BY THE CORONER:

Q. Who was this girl; do you know her ? A. No.

MR. WESTERFIELD: She is Perfetto's wife now; Perfetto stole her from this man.

Q. Did you know that Perfetto married that girl afterwards ?

A. Yes, I know that Perfetto married that girl in the City Hall.

Q. The girl over whom this trouble took place ? A. Yes.

Q. That is the girl that is now the wife of Perfetto ? A. Yes sir.

Q. As I understand you, you and Perfetto were very good friends?

A. Yes, sir.

Q. And Perfetto had been talking to you on several occasions about San Marco ? A. Yes.

Q. About the troubles he had with him ? A. Yes.

Q. And you knew that they were enemies, that they were not on good terms, not friendly ? A. No.

Q. You don't understand me. You knew that San Marco and Perfetto were enemies ? A. Yes, I knew it.

Q. But you never knew San Marco before that day ? A. No, I never knew him.

Q. And the reason that you believe this man fired that shot is---A. (Interrupting) Because Perfetto told me "There is San Marco."

Q. And as soon as he said that the shot was fired ? A. Yes, I saw the man fire.

Q. Was anybody else there ? A. No, only me and Perfetto and that man at the moment of the shot.

A JUROR: Has the witness made it quite clear whether he knows positively that the officer arrested the same man he saw shoot ?

THE WITNESS: The policeman arrested him with the revolver in his hand.

A JUROR: Does this witness say he saw the man shoot ?

THE WITNESS: Yes, I saw him.

BY MR. WESTERFIELD:

Q. Do you say you saw that man shoot ? A. Well, I saw the man. I had no time to look at San Marco.

THE CORONER: The witness is apparently truthful. He don't want to say more than he exactly knows. He simply says he was walking arm in arm with Perfetto, and it appears Perfetto caught sight of this prisoner here and naturally said to his friend "That is San Marco," and in turning around trying to look at San Marco the first thing he knew a shot was fired at his friend Perfetto.

THE WITNESS: That is right.

THE CORONER: That is as far as he can go. He cannot swear positively that that was the man who fired the shot, except from the fact that his friend said "There is San Marco," and of course it



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is for you gentlemen afterwards to say how you can connect that evidence.

Q. What time was this? A. 7.10.

THE CORONER: What time did you make the arrest, officer?

OFFICER PORTER: 7.10.

Q. Did you see the officer arrest that man? A. Yes, I saw when the policeman went near that man, but I had no time to look at him, because the policemen were keeping the people off.

OFFICER DAVID D. PORTER, recalled and examined.

BY THE CORONER:

Q. You heard the discharge of a pistol? A. Yes, sir.

Q. Where were you then? A. Between Centre Market place and Mulberry Street.

Q. How near to the place of the shooting? A. About half a block.

Q. And you hurried there? A. Yes, sir.

Q. Did you walk or run? A. I ran.

Q. And when you got at the corner what happened? A. The prisoner was pointed out and he stood there with a pistol in his hand.

Q. Who pointed the man out to you? A. Mr. Telli, one of the witnesses here.

VINCENZO TELLI, sworn and examined.

BY THE CORONER:

Q. Where do you live? A. 123 Forsyth Street.

Q. What is your business? A. Tailor.

Q. Were you at the corner of Mulberry and Grand Streets the night of December 28th last at the time of this shooting? A. Yes, sir.

Q. Tell the Jury all you know about it? A. Well, I was just looking in the show window of the jewelry store at the corner of Grand and Mulberry Street and I heard the shot and I turned around and I saw the man with a revolver in his hand and he says "Look out; stand back."

Q. Who said that? A. The man that had the revolver in his hand.

Q. This man here? A. Yes.

Q. Did you know him? A. I didn't know him before.

Q. Is the prisoner the man you saw? A. Yes, the prisoner.

Q. And he had a revolver in his hand? A. Yes.

Q. What hand? A. The right hand; and he says, "Stand back."

Q. Did you go up to him? A. No, I stood back.

Q. Did you intend to go up to him? A. No, I did not; when I heard the shot I just turned around this way (illustrating).

Q. And you saw the prisoner? A. Yes.

Q. And he said, "Stand back"? A. Yes.

Q. And did you see him arrested? A. Yes.

Q. And you saw the officer come up? A. Yes, I saw the officer come up and go right and arrest him and take him to the station house.

Q. Did you know Perfetto? A. No, I never knew him.

Q. And where is your place of business? A. 123 Forsythe Street.

Q. I live the same place; I have a floor there.

Q. On what side of the Street were you? A. The Grand

0009

Street side, on the same side where the shooting took place.

Q. How near to this man were you when you turned around ?

A. About six feet.

BY MR. WESTERFIELD:

Q. What time was it ? A. Ten minutes past Seven.

Q. How do you know ? A. I know the time, I had my watch in my pocket.

Q. Did you look at your watch ? A. Yes, sir.

Q. Your back was turned towards this man when you heard the shot fired, was it not ? A. Yes, sir.

BY THE CORONER:

Q. You did not see the shooting ? A. No, sir.

Q. You heard it ? A. I heard it.

BY MR. WESTERFIELD:

Q. To whom did the prisoner say stand back ? A. I don't know.

Q. Were other people there ? A. Well, I was in front of the show window and some people were there, but I didn't know those people at all.

Q. When he said stand back he must have been speaking to some one, must he not ? A. Well, I don't know to whom he said that.

Q. Did you see anybody else there ? A. No, I didn't see anybody else. I saw the man just fall down dead on the sidewalk and the policemen came right up and caught the prisoner.

Q. In what language did he say stand back; in English or Italian ? A. In Italian.

PASQUALE VENDURED, sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. 63 Mulberry Street.

Q. What is your business ? A. I keep a restaurant and lodging house.

Q. You heard the testimony of the last witness ? A. Yes.

Q. Do you corroborate it ? A. Yes.

Q. Do you know anything different ? A. No, sir. I heard the shot, I turned around and one man was on the ground and this man here had a revolver in his hand. This man said, "Stand back", and the policeman came up and arrested him.

SIRO VICARRO, sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. 268 Elizabeth Street.

Q. What do you do for a living ? A. I am a tailor.

Q. You saw the shooting ? A. Yes, sir.

Q. How long are you in New York ? A. 18 months. I have nothing more or less to say than what the two preceding witnesses have said. I corroborate their testimony.

ALBERT C. HART, sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. 9 Chatham Square.

Q. Your occupation ? A. Salesman.

Q. Did you witness the shooting in question ? A. No, sir.

I was on the other side of the Street and I didn't see the prisoner shoot that man. I saw the prisoner had a revolver in his hand and saw the dead man fall and saw the prisoner arrested.

The Coroner here charged the Jury.

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## TESTIMONY.

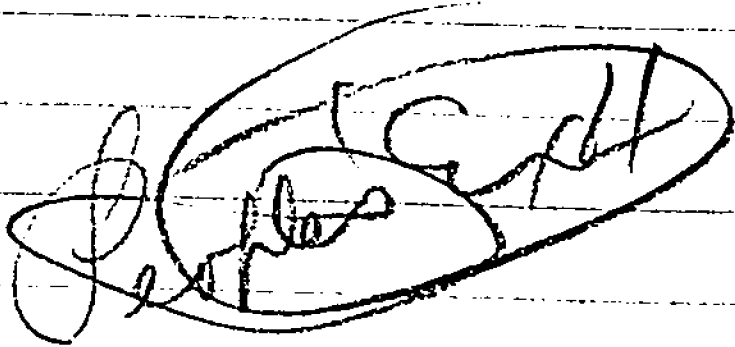
W<sup>m</sup> A. Conway, M.D. being sworn says, I made an autopsy on the body of Vincenzo Perfetti at 194 Mulberry St with the following result.

An external examination of the body showed a pistol shot wound in the chest in the median line of the body and about 3 inches below the top of the breast bone.

On opening the cavity of the chest it was discovered that the ball had passed through the breast bone and pierced the aorta (the artery leading from the heart) and passed backwards into the vertebrae of the spine where it had lodged. The cavity of the chest was filled with clotted blood. There was evidence of old pleurisy on left side and also of a slight one on the right. The heart was normal, the liver slightly fatty, the kidneys normal, all also were the brain and all other organs of the body & head.

In my opinion the cause of death was Shock from Hemorrhage from a pistol shot wound of the Chest

W<sup>m</sup> A. Conway, M.D.



Sworn to before me,

this

10

day of

January 1890

Frederick Levy

CORONER.



0091

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } SS.

*Antonio San Marco* 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—*Antonio St. San Marco*

Question—How old are you?

Answer—*26 years*

Question—Where were you born?

Answer—*Italy*

Question—Where do you live?

Answer—*26 Mulberry St*

Question—What is your occupation?

Answer—*Laborer*

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

*By advice of my  
counsel - I say  
nothing -*

*Antonio San Marco*

Taken before me, this *10<sup>th</sup>* day of *January* 18*89*  
*Ferdinand Levy* CORONER.



0092

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported	
27	Years	Months	Days	Italy	194 Mulberry St.	Dec 29.

1127 1889  
HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

Uincenzo Perpetto

whereby it is found that he came to  
his Death by the hands of

Antonio Dammare

Inquest taken on the 10 day

of January 1889

before

W. A. ducaudrey  
CORONER.

Committed

Obtained

Discharged

Date of death

0093

427 1127 1889

HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

Vincenzo Perretto

whereby it is found that he came to

his Death by the hands of

Antonio Sammarco

Inquest taken on the 10 day  
of January 1889

before  
H. Edmund Leary  
Coroner.

Committed

Bailed

Discharged

Date of death

27 Years	Months	Days	PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
			Italy	194 Mulberry St.	Dec 29.

MEMORANDA.

0094

CITY AND COUNTY  
OF NEW YORK, } ss.

POLICE COURT, 1 DISTRICT.

David D. Porter

of No. 10 Recumbent Street, aged 27 years,  
occupation Police officer being duly sworn deposes and says  
that on the day of 188

at the City of New York, in the County of New York, Albert C. Hart,  
Vincenzo Tilli, Pasquale Vautoralli, Gino Vaccaro  
are necessary and material witnesses  
for the People against Antonio Santoro  
charged with Homicide. Deponent  
fears that they are unwilling witnesses  
and will not appear or be found  
when wanted and deponent asks  
that they be sent to the House of  
Detention in default of their giving  
bail for their respective appearance

Sworn to before me, this

December 29

188

day

Police Justice.



0895

Pasquale Vantorelli being  
duly sworn deposes and says

I reside at 63 Mulberry Street  
being 45 years of age and keep a  
restaurant, that between 7<sup>th</sup> & 8<sup>th</sup>  
o'clock P.M. on the night of the 28<sup>th</sup>  
day of December 1889 I was standing  
on the South East corner of Grand  
& Mulberry Streets, when I heard a  
pistol shot fired <sup>when I looked around</sup> and saw deceased  
<sup>lying on</sup> ~~fallen~~ the sidewalk, and saw a per-  
son with a pistol in his hand  
about 7 feet from deceased, and  
said defendant went backward  
and forward saying "Stand back  
<sup>by yours</sup> Stand back," to whom I said I  
don't know. He still having the  
pistol in his hand, when the officer  
came up and arrested him, and that  
is all I know

Shown to before me  
the 29<sup>th</sup> day December 1889 } Pasquale  
Do Vantorelli }  
Prosecutor



David A. Pater a police officer  
 attached to the 10th precinct police  
 being duly sworn deposes & says  
 That about the hour of 7 o'clock  
 PM on the night of the 28th day of  
 December 1889 while deponent  
 was patrolling his post in Grand  
 Street, he heard a pistol shot, and  
 went to the corner of Grand and  
 Mulberry Street, and there saw  
 a man lying on the sidewalk  
 whom he since has learned was  
 Vincenzo Perfetto, and found the  
 defendant Antonio San Nino  
 standing about 10 feet away from  
 said Vincenzo Perfetto with a  
 pistol in his hand, and arrested  
 him, and found four of the  
 bullets of said pistol still loaded  
 and one empty, and said pistol  
 was still hot at the time, and  
 deponent then took said defendant  
 to the station house, and about  
 four minutes thereafter said

0097

Vincenzo Perpetto died Dependent  
then summoned assessor and  
and took defendant to the Station  
house and had said deceased  
brought in on a stretcher, and  
that is all I know of the case

Sworn to before me  
this 29th day of November 1889 } David D Porter

D. J. Kelly  
Police Justice

0098

Piero Vaccaro being duly sworn  
deposes and says

I reside at 26 S Elizabeth  
Street and am 34 years of age  
and am a tailor. That between the  
hours of 7<sup>45</sup> 30 o'clock P.M. on the  
eight of the 28th day of December 1889  
I was passing through Grand Street  
and when near Mulberry Street  
I heard a pistol shot fired, and looked  
around and saw a man on the  
ground, and saw the prisoner with  
a revolver in his hand about 6 or 7  
feet from the deceased saying "by  
"Jesus stand back" to whom he said  
that I don't know. And when the officer  
came I picked up the charcoal which  
lay near the deceased and gave it to the  
officer and that all I know  
I know before me  
this 29th day of December 1889 } Piero Vaccaro

Sworn to before me  
Police Justice

0099

Albert B Hart, being duly  
sworn deposes and says

I reside at 6 Chatham Square  
am a seaman and am 36 years  
of age, a little after 9 o'clock P.M.  
on the night of the 28th of December  
1889 while I was walking through  
Mulberry Street, and when near  
the corner of Grand Street, I saw  
the defendant hold a pistol in  
his hand and point the pistol  
at deceased; and immediately  
heard a shot fired, and saw the  
deceased fall to the sidewalk,  
~~dead~~, I then saw officer Porter  
come up and arrest defendant  
who still had the pistol in his hand  
which the officer took from him  
and that all I know of the case.

Sworn to before me: 1889 } Albert B Hart  
this 29th day of December }  
Saml J. Kelly  
Notary Public



0900

Vincento Tilly being duly  
sworn deposes and says

I reside at 68 Spring Street  
and am 29 years of age and am  
a tailor, between 4<sup>th</sup> & 5<sup>th</sup> o'clock  
Pm on the night of the 28<sup>th</sup> day  
of December 1889 I was looking  
in the show window of a jewelry  
store in Grand Street corner of  
Mulberry Street, when I heard a pistol  
shot fired, and I looked around and  
saw deceased fall to the sidewalk  
and I saw the defendant with a  
pistol in his hand standing about  
6 feet from deceased, and saying "Stand  
back" to whom he said that I don't  
know; and then the policeman came  
up and arrested him. And that all  
I know

Sworn to before me }  
this 29<sup>th</sup> day of December 1889 } Vincento Tilly

D. J. [Signature]  
Police Justice

0901

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

1st District Police Court.

*Antonio Sammarco* 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.

*Antonio Sammarco*

Question. How old are you?

Answer.

*26 years*

Question. Where were you born?

Answer.

*Italy*

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

Answer.

*26 Mulberry Street 1 month*

Question. What is your business or profession?

Answer.

*Mason*

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

Answer.

*I am not guilty, and  
that is all I have to say  
I did not kill the man*

*Robert  
134  
road.*

*Antonio Sammarco*

Taken before me this

*29th*

day of December 1889

*John J. McQuinn*  
Police Justice.

0902

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 ~~to be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give security.~~  
~~Hundred Dollars,~~ and be committed to the Warden and Keeper of  
the City Prison, of the City of New York, until he give security.

Dated December 29<sup>th</sup> 1889 So. C. R. R. R. 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.



0903

Witness - Ciro Vaccaro  
bailed by - Augustus Sbarboro  
46 Mulberry St  
Witness Vincenzo Gelli

Bailed by - Paul Garbarino  
28 Mulberry St

Witness Pasquale Santorelli

Bailed by - Vito Cimino  
59 1/2 Mulberry St.

Carmino Stanzione  
43 Mott

BAILED, Patrick Gellan

No. 1, by Off. Fubbs

Residence 10 Beek Street.

No. 2, by Pasquale Sanna

Residence 110 Christie Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Witness Albert C Hart  
discharged on his own  
recognizance to appear  
when required  
Jan 2, 1890

Recorder

Police Court---

1883 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles H. Porter  
vs.  
Antonio San

2  
3 All witnesses commit  
4 to House of correction

Dated December 29 1888

Porter Magistrate.

Porter Officer.

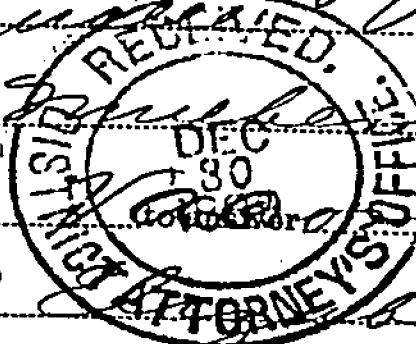
10 Precinct.

Witnesses Albert C Hart  
can William Bro. 44 Duane St  
or No. 6 Chatham Square Street.

Bailed Vincenzo Gelli  
No. 66 Spring Street.

Bailed Pasquale Santorelli  
No. 63 Mulberry Street.

Bailed Ciro Vaccaro  
268 Street  
Committed without bail





0904

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Antonio Sammarco*

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

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

The said *Antonio Sammarco*,

late of the City of New York, in the County of New York aforesaid, on the *twenty eighth*  
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, in and upon one  
*Vincenzo Perbetto*, 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  
*Antonio Sammarco*, a certain pistol then and there charged and  
loaded with gunpowder and one leaden bullet, which said pistol the said *Antonio*  
*Sammarco* in *his* right hand then and there had and held,  
to, at, against, and upon the said *Vincenzo Perbetto*  
then and there feloniously, wilfully, and of *his* malice aforethought, did shoot off and  
discharge, and the said *Antonio Sammarco*  
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, *him* the said  
*Vincenzo Perbetto*, in and upon the *chest* of *him*  
the said *Vincenzo Perbetto*, then and there feloniously, wilfully, and of  
*his* malice aforethought, did strike, penetrate and wound, giving to *him*  
the said *Vincenzo Perbetto*, then and there, with the leaden bullet  
aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

0905

said *Antonio Sammarco*, in and upon the chest of  
the said *Vincenzo Peretto*, one mortal wound of the breadth of  
one inch, and of the depth of six inches, of which said mortal wound he the  
said *Vincenzo Peretto* 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.  
then and there died.

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

*Antonio Sammarco*, him —

the said *Vincenzo Peretto*, 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 *Antonio Sammarco* —

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

The said *Antonio Sammarco*, —

late of the City and County aforesaid, afterwards, to wit: on the said twenty eighth  
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, in and upon the  
said *Vincenzo Peretto*, 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 *Vincenzo Peretto*, did make an assault, and the said

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Antonio Sammarco, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said Antonio Sammarco, in his right hand then and there had and held to, at, against, and upon the said Vincenzo Peretto then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Vincenzo Peretto, did shoot off and discharge. and the said Antonio Sammarco, 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, him the said Vincenzo Peretto, in and upon the chest of him the said Vincenzo Peretto, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Vincenzo Peretto, did strike, penetrate, and wound, giving to him the said Vincenzo Peretto, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said Antonio Sammarco, in and upon the chest of the said Vincenzo Peretto, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound he the said Vincenzo Peretto 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. then and there died.

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

Antonio Sammarco, him the said Vincenzo Peretto, 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 Vincenzo Peretto, 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.



0907

**BOX:**

382

**FOLDER:**

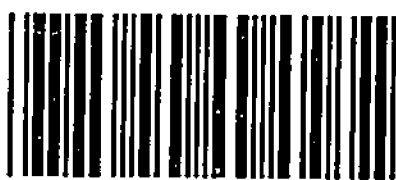
3569

**DESCRIPTION:**

Sauter, Louis

**DATE:**

01/14/90



3569

0908

**BOX:**

382

**FOLDER:**

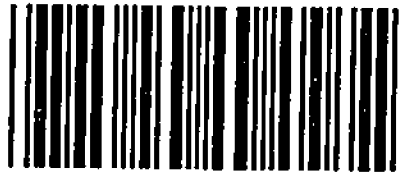
3569

**DESCRIPTION:**

Schneider, Joseph

**DATE:**

01/14/90



3569

Witnesses:  
 E. Annie Samuels  
 Stanley W. Hanna

No. 2 Bailed by  
Enosel Spers  
167 C. 75<sup>th</sup> St.  
I presented Lantz  
who was convicted  
or sentenced to Penit  
for 3 months - for  
Mink in this Court  
Justice was satisfied &  
ask that Schneider be  
discharged on his own recogni-  
tance - <sup>conced</sup> 10.00  
\$10.00

Filed *H* day of *Aug* 188*3*  
 Pleadings, *C. H. Quincy* - *15*

# THE PEOPLE

55

Louis Sauter

Joseph Schneider

*Print and record July 18/  
JOHN R. FELLOWS, 1990  
March 1990 District Attorney.*

*District Attorney.*

No. 1 *Proven*  
A TRUE BILL.

A TRUE BILL.

24

*John Over*  
*all right*  
*Moscow*

# Forensic

Received of  
 \$100.00  
 March 1993  
 No. 1 Paul R. [unclear]  
 7.5.03

Wm. L. Garrison  
Boston, Mass.  
Sept. 1848

卷五

0909



0910

165-  
L/90

The People  
vs.  
Louis Sauter.

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

Tuesday, March 13, 1890.

Jointly indicted with Joseph Schneider for  
oppression.

Sampson Lachman sworn and examined.

I am Judge of the Sixth Judicial District of the Civil Court, I remember at nine o'clock on October 2nd sitting in the Fifth District Court as judge in the absence of Judge Goldfogle. I do not remember that Mrs. Samuels appeared before me but there was some talk about the case.

I simply held court for Judge Goldfogle as matter of convenience for him, he being absent at the time. I adjourned any hearing in the matter. Schneider the landlord was present and the man who said that he was the Marshall's assistant, I do not know what his name was, Sauter is the man that was in Court on that morning. I adjourned the matter till the next morning October 3rd at nine o'clock.

My attention has not been called to this matter until this very moment I was asked to come here, my recollection is not very distinct and it has not been refreshed, I remember in a general way that it was a tenant dispossess proceeding, Schneider against Samuels was called and the parties appeared before me, I then stated to them that it had been brought to my attention there had been some irregularities in connection with the removal of the tenant and that before signing or granting any warrant in the matter it must be fully investigated. The Defendant stated in my presence that he had nothing to do with putting the tenant out. Schneider said he had nothing to do with putting the

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tenant out and the defendant then began to explain, and as the matter was not pending in my court, as I was simply there to accomodate Judge Goldfogle, as it was a matter that would affect the administration of justice in that district, I told all the parties that I would adjourn the matter until the next morning for Judge Goldfogle's investigation. I did not sign any warrant to dispossess in the meanwhile.

Henry M. Goldfogle sworn and examined.

I am at present and have been for two years or more Judge of the District Court in the City of New York for the Fifth Judicial District, I was not on the first of October 1889 in the city of New York. I believe I returned on the night of the 2nd and my best impression is that on the morning of the 3rd of October last I opened the Fifth District Court at nine o'clock in the morning. Among the business I had on that occasion Mrs. Samuels, Joseph Schneider and Louis Sauter were before me in a proceeding of Schneider the landlord against Samuels the tenant.

I called the case, Sauter was not then present, Mrs. Samuels was, I directed an officer of the Court in view of the fact that Judge Lachman had directed that the matter be investigated by me, to secure the attendance of both Schneider and Sauter; a short time after that Schneider came into Court, I interrogated him and he answered with regard to the matters that I inquired. Schneider left and then Sauter came, I asked Sauter whether he had dispossessed or attempted to remove Mrs. Samuels from the possession

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of the premises mentioned in the petition. Sauter made some explanation and I then directed that the matter be adjourned until the following day which was October 4, for further investigation. On October 4 I appeared before me in the Fifth District Court then temporarily holding in Suffolk Street while repairs to the Court House were being made, Mrs. Minnie Samuels the tenant in the proceeding, Mr. Joseph Schneider the petitioner or landlord and Mr. ~~Edw. Sauter~~ the defendant. Mrs. Samuels was unattended by Counsel, Sauter if I remember correctly was attended by Counsel and so was Schneider. Mrs. Samuels was sworn in the presence of both defendants and examined. My memory can be best refreshed by the reference to the notes now in my hands. . Those are stenographic notes read over by me and found to be correct, very soon after the stenographer had prepared it. She (Mrs. Samuels) said that she had gone to the Fifth District Court and that some one had informed her in answer to her question whether there was a Judge there, that there would be no Court and that she was to come the following morning at nine o'clock. She said that on her return home or after she had returned to her home at 177 Stanton Street the young man that she had pointed out and who is the defendant here, was at her house. She asked him, "what are you doing that for", as he was unhooking the door or had unhooked it, and he said, "I am going to put some one out." She responded, "who is it?" He said, "Samuels; so said, "I am Mrs. Samuels, you would not put me out"; and he said, "go to hell, you God damned liar, I will put you out, I have a warrant for you." She says she was frightened and went to Houston Street



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and met a gentleman whom she pointed out in Court and said that there had been no trial but that they were going to put her out and that she was running around to the shop to her husband and said that they broke in her door and that the ice-box and machine were down. She further said that when her husband came he said, "have you got a warrant?" and he said (referring then to Sauter) "yes, here is a warrant from Judge Goldfogle." Then her husband said, "give me a card, this is a big swindle"; and he said, "see if he has a badge." She further testified that the Defendant told her that he was a marshall and handed her a card, which card is now here.

The card was offered in evidence with the name of Marshall Alt on it.

Witness: She then further stated that the defendant said, "I am a marshall, I am th Marshall and Schneider has a warrant for you. Schneider then said, "go upstairs and bring down her things and don't care"; that her husband said, "he shall prove that he has a warrant because I told my husband sure there is no trial in Court because I was told in the Clerk's office to come to-morrow at nine o'clock. So Schneider said not to care, to throw my things down in the street, Schneider told Sauter to do that, and they wanted to go upstairs and I commenced to faint and they got frightened. Mrs. Samuels said that Schneider replied "don't make any more noise, I will give you until to-morrow morning at nine o'clock; it was the Marshall Sauter who said that Schneider said, "no, no, he will give no time and we shall go out. After stating some of the other circumstances of the case and being cross-examined Schneider

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was put upon the stand and he having been examined Sauter was called. Sauter stated after being sworn that he had never seen Mr. Schneider until the first or second of October, that the first time he saw Schneider was in the basement of the house where the Court was temporarily held.

He was asked by Judge Goldfogle what conversation he had with Schneider and he responded, none whatever, only he told him he had taken out a paper, I did not serve the paper, I do not know if it was a five days notice and he said "go down and attend to this, it is all right, the people want to move." Q. Where did he tell you to go?

A. 177 Stanton Street. Q. Had you been doing any work for Marshall Alt? Sauter was asked and he said yes, I had no warrant and I showed no warrant, I showed no shield, I have nothing but a special deputy sheriff's shield, Mrs. Samuels took five fits, Mrs. Samuels had stated that I had exhibited a shield and that he had stated that he had a warrant. Sauter then admitted having a shield in his possession and being asked the question how he accounted for her knowledge of the fact that he had a badge since the badge was pinned to the suspender, he said. "I can account for it because the lady when she took the first fit on the landlord's floor, she went into a faint or fit, I am not certain which, I threw off my coat and I asked the lady next door to please give me some pillows but there was not a woman in the house who would give me vinegar or salt.

I told her not to worry, I could not put her out, and she took five fits in succession, and then is when she saw the badge." He was asked, "Q. Did you move an ice-box and a sewing machine from the rooms of Mrs. Samuels on the

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first of October?" And he answered, "A. I did not do it but one of the men did." He was asked, "Q. When you say one of the men do you mean one of the men that accompanied you?" And he answered, yes. Q. At your request? And he answered yes. Sauter gave me the names of the men that were with him, Cooper and Joseph. He said that he never did any of the carrying of the goods himself, that he employed others to do that. Sauter said that Cooper was the man who obtained entrance to Mrs. Samuels room through the fire-escape and opened the door and delivered the key to him, that he the defendant, took the key and delivered it to the landlord the next day. I believe I put questions to him regarding the ice-box and the sewing machine and the substance of his answers were that they were taken down stairs by Cooper under his direction after admittance was obtained as I have already stated. He said that as soon as he came there Mrs. Samuels insisted upon going for a police officer questioning his authority. My recollection is that she went for a policeman she said and that during her absence admission was obtained by Cooper. Q. Was asked, "Q. While she was away looking for a policeman, as she claimed, you or the men employed by you, moved out the ice-box and sewing machine from her room", is that so? and he answered, Yes. At whose request did you do this, he was asked? And the answer was, Mr. Schneider. He was asked, when did Schneider tell you to do that? And he answered, he told me to do that in the morning; he was down to the house three or four times and he was downstairs three or four times, and he said everything is all right, the people will move." I went according to his instructions.



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I asked him in different forms whether he knew that the judge of the Court was absent on October 1st and he stated in substance that he did not know but subsequently he said that he did know that the Judge was absent. I also asked him whether he knew that there was a warrant issued that day and he said that he knew no warrant had been issued. He said Schneider said to him that he wanted this woman moved out and that he would pay him twenty-five dollars to put her out; subsequently he stated that Schneider had requested him to move her that day and that he would pay him fifteen dollars if he put the woman out; he admitted taking two or three men with him to move Mrs. Samuels; I asked him the question if he told Mrs. Samuels that he was a Marshall. I do not remember all his replies but the minutes will refresh my memory. I asked him, "did you hand Mrs. Samuels a card?" He answered, "I did, one of our own." Q. Did you hand Mrs. Samuels a card bearing the name of William Alt, Marshall? And he answered, "I said I was from a Marshall's office when I had her upstairs. He was asked, Q. Was that before you removed the ice-box. And he said, A. No sir, it was after I helped carry her up and put her in bed. He was asked, Q. What was your object in giving her the card? And he answered, A. Because I knew I did not do anything wrong and if I had an idea I had done anything wrong I could not give her the card with my name on the back of it. I depended on Schneider that everything was right." Q. Did Schneider tell you when you got to the premises that he wanted Mrs. Samuels moved out? A. He did. Q. What did he say. A. I said I will not put her out, she can stay until to-morrow morning, and he said

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and he said, "if it costs fifteen dollars, put her out."

Q. What did Schneider tell Sauter to do after he ordered him to go upstairs and put this woman out.

A. I have not a clear recollection as to the precise answer. The entire testimony of Sauter on that subject was that he was acting under Schneider's direction and that Schneider told him to go ahead and would pay him this money to which I referred. He testified that he was paid by Schneider some money, that he depended on Schneider, that Schneider told him there was no danger.

Q. Do you recollect that it was after two o'clock and what did he tell this man to do when he told him to go down stairs, if not, I want you to refresh your memory on that because that is very important, the language that Schneider used to this man at the time he was putting this woman out.

A. Sauter was asked what was said there, referring to the interview downstairs or rather in the hall where the ice-box and machine were, and Sauter replied, "he wanted me to go right down and fire those people out as quickly as possible, and I said, "you go home and be contented, this and that and never mind."

Q. What was said about this woman having any fits and how many

A. Sauter said Mrs. Samuels had five fits.

Q. When you asked him, "did you say you would dispossess her, given the two answers that he said if you can remember the first answer and the second answer.

A. I asked him, "Q. Did you say you would dispossess her?" And he answered, No sir; and then having said no sir, he followed it up by saying, "I told her that, yes sir."

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First he denied it and secondly he admitted it.

A. Yes sir.

Q. After he told you that he delivered the key to Schneider \* didn't he say that these men Cooper and Joseph acted under his instruction (Sauter's).

A. He did.

Q. And that Sauter acted under Schneider's instructions.

A. He did.

Q. And as I understand it you have testified that Sauter admitted that there was no warrant issued, did you have any conversation with Schneider as regards his knowledge pertaining to the warrant.

A. I did, I examined Mr. Schneider, on the day preceding the day on which this investigation was had he was before me, as I have stated and I then told him that if I found the facts to be as they were charged I should consider it my duty to send the matter to the District Attorney for his action or to the Grand Jury for their investigation and he made some reply to that.

Q. What did he say as regards that, did you ask him whether he knew that there was no warrant issued.

A. He admitted that he had been before Justice Lachman on the morning of the 2nd of October and that the Judge had stated to him that he would not sign the warrant.

Q. This is Schneider you are referring to.

A. Schneider, Sauter being present.

Q. I believe you also asked him if he did not know that he had no right to dispossess without a warrant.

A. I asked him that question.

Q. What was his answer.



A. Sauter said he knew that he had no right to dispossess without a warrant.

By Mr. Bedford. Q. Do you remember putting this question to him and if so what reply was made: "Q. When he told you to go down and frighten Samuels did not you know then there was no warrant in existence."

A. I think he admitted that he knew there was no warrant in existence at that time. To that question he replied, yes sir. Q. You knew at the time you had no warrant? A. He said everything is all right. Q. When he told you to go down and frighten Samuels did not you know that there was no warrant in existence. A. I did."

Q. I call for the original papers in this case, I now offer them in evidence, what are they, they are the notices to quit, are they not.

A. I have here the petition of Joseph Schneider for the removal of Mrs. John Samuels, his first name is fictitious, the real name being unknown to the petitioner, from the premises 177 Stanton Street with the notice to quit annexed and the affidavit of Louis Sauter with reference to that notice dated the 20th of September, 1889 and the precept. The petition is verified first of October, 1889. The affidavit of Louis Sauter the Defendant showing service of notice to quit on the 20th of September 1889, of Samuels; then the precept issued by the clerk of the District Court in the City of New York for the Fifth Judicial District returnable on the first of October, 1889 at three o'clock in the afternoon with the certificate at the District Court in the City of New York for the Fifth Judicial District at the place designated for holding that Court, with the

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certificate of William Alt a city marshall endorsed upon it showing that the copy of the precept was duly served upon Samuels name in the precept on the first day of October, 1889 at forty-five minutes past eleven o'clock in the forenoon, no doubt intended for forty-five minutes after one o'clock in the afternoon. Upon the precept is endorsed the blank for the final order in such proceedings but no final order in favor of the petition was ever made.

There is upon the back of the precept an endorsement that in the absence of the Justice the matter wa adjourned by the clerk to October 2, 1889 at nine A.M. and then another endorsement in the handwriting of MR. Justice Sampson Lachman, "matter adjourned to October 3 for investigation by Judge Coldfogle." Finding that endorsement upon the papers and my attention having been called to the matter I proceeded as I believe it to be my duty to investigate the matter fully.

Q. Besides those papers you have already described was there a warrant there filled out.

A. There is a warrant filled out as usual but no justice's name, it never was signed and it never left the possession of the clerk.

Q. And the warrant is not worth the paper it is written on, it does not become a warrant unless it has the judge's signature.

A. Certainly not.

Q. Consequently you tell these gentlemen that in this case of Schneider and Sauter Mrs. Samuels being a tenant, that there never was a warrant issued.

A. There never was a warrant or any process issued whatever

0921

for the removal of the tenant excepting the precept to which I referred; that was returnable as I have before stated; there never was a final order made in favor of the landlord.

By the Court. Q That was returnable on October 1st, 1889 and it was adjourned on account of your absence and then the action was taken by you that you have testified to.

A. Yes sir.

Cross Examined.

Q. Judge Goldfogle, did you interrogate the defendant Sauter as to when he knew there was no warrant in existence for the dispossession of Mrs. Samuels from these premises as to the time particularly.

A. I did.

Q. What was his reply if you recollect.

A. The substance of his examination on that point or the substance of his replies rather upon that point, was that he knew there was no judge sitting on the first day of October, that he knew there was no warrant in existence. There were a number of questions put and different replies made but the sum and substance of all the replies were that he knew there was no warrant issued and no Judge present on the first of October to make the final order.

Q. Did he say that at the time he went to those premises in question he knew there was no warrant in existence, did he say so specifically.

A. Yes, I think if you run through that testimony you will find. He said he had been employed by the Marshall before. Any man that has ever been around the court would know that unless there be a Judge present there can be no judgment  
12 and hence no warrant.



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Couns31: I move that that be stricken out as not responsive to the question.

The Court: Yes, strike it out, it is not responsive.

Witness: He was asked where did he (Schneider) tell you to go to and he (Sauter) answered, 177 Stanton Street. "Q. Had you been doing any work for Marshal Alt? And he answered, "before that. Q. Yes sir. A. Yes sir, I had no warrant and I showed no warrant and I showed no shield, I have nothing but a special deputy Sheriff's shield and Mrs. Samuels took five fits.

By Counsel. Q. Read all the answers.

A. Then I asked Sauter this question: "Q. Then at three o'clock you were here, that is at the Court House, and knew no judge presided and at four o'clock you were at 177 Stanton Street." And he answered, "something around that time." Then comes the two questions to which I believe you specially refer; "Q. The removal took place about four o'clock. A. Yes sir. Q. Then you knew you had no warrant? A. I did not go there with any warrant, I did not show any warrant."

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22 90  
THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs.

LOUIS SAUTER.

BEFORE JUDGE FITZGERALD.

Tuesday, March 18, 1890.

Jointly indicted with Joseph Schneider for oppression.

Minna Samuels sworn and examined by Mr. Bedford.

Q. You are Mrs. Samuels.

A. Yes sir.

Q. Before October 1st, before last October and up to the first of October you were occupying a room on the fourth floor of 177 Stanton Street in this city.

A. Yes sir.

Q. You and your family.

A. Yes sir.

Q. Who composed your family, what members were living there at Stanton Street at that time, of whom did your family consist.

A. My husband and two children.

Q. How old were the two children.

A. A daughter twenty years and one son fourteen years.

Q. Who was the landlord of that house.

A. Mr. Schneider.

Q. Mr. Joseph Schneider.

A. Yes sir.

Q. How long had you been his tenant up to the first of October.

A. On the 14th of September it was two years.

Q. Two years.

A. Yes sir.

Q. You had always paid your rent promptly.

A. Yes sir.

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Q. And you had always conducted yourself in a nice way.

A. Yes sir.

Q. Never had any trouble with him.

A. No sir.

Q. Do you remember the 20th of September, did anybody come to you and leave a paper, try to serve it on Mr. Samuels and then give it to you.

A. Yes sir, I do not remember the date but I know I received a paper.

Q. This notice to quit on or before the first of October, it is dated the 20th of September, who served this do you know.

A. I do not remember, a young man.

Q. It is in evidence that on the 20th of September Mrs. Samuels received a notice to quit the premises on or before the first of October, this bears an affidavit on its back which says that Louis Sauter served this by leaving it on Mrs.

Samuels on the 20th of September, there is the affidavit and there is the signature. After he gave you this paper on the 20th of September telling you that you must move away on or before the first of October at twelve o'clock, did you go about looking for rooms.

A. Yes sir.

Q. Where did you finally determine to have rooms.

Objected to. Objection overruled.

A. The landlady next door begged me not to move away but to rent rooms from her.

Q. Where were your rooms.

A. The next house.

Q. After receiving this notice to quit you went to work and



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got rooms in the next house.

Objected to. Objection overruled. Exception.

A. Yes sir.

Q. You were prepared to move about what time on October 1st.

A. After five o'clock.

Q. You were going to leave after five o'clock on October 1st.

A. Yes sir.

Q. Now do you remember about one o'clock on October the 1st.

A. Yes sir.

Q. Who came there.

A. A young man.

Q. Well, this man here, Sauter.

A. No sir, I do not know if it was him.

Q. You do not know who it was.

A. No sir.

By the Court. Q. At one o'clock on October 1st.

A. Yes sir.

By Mr. Bedford. Q. Then what did he hand you.

A. A paper.

Q. He handed you a paper which he explained to you, that you must remove forthwith or come to court at three o'clock.

A. Yes sir, he said right away, if not to go to Court.

Counsel: I object as immaterial unless it was Sauter.

By Mr. Bedford. Q. It was this man that served you.

A. I believe it was him, I don't know for sure because I got excited when he came and brought me the paper.

Q. It was at one o'clock.

A. Yes sir.

By the Court. Q. The fact is that you were served with a paper

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returnable at three o'clock.

A. Yes sir.

Counsel: I object to everything about that.

The Court: Yes, strike out everything about that.

By Mr. Bedford. Q. After receiving this paper what did you do.

A. I went to inquire about it.

Q. Where did you go.

A. I go to the Court.

Q. What court.

A. To the Suffolk Street Court.

Q. The Fifth District Court.

A. Yes sir.

Q. What did you ascertain there.

A. I inquired what that is and so they told me.

Counsel: I object.

By Mr. Bedford. Q. Never mind what they told you but what did you do after they told you something and where did you go.

By the Court. Q. You went to this Court and you got some information.

A. Yes sir.

By Mr. Bedford. Q. Where did you go.

A. They told me there shall be no trial, I shall go home till the next day.

By the Court. Q. You went to the Court in Suffolk Street.

A. Yes sir.

Q. You made some inquiries there and you got some information.

A. Yes sir.

Q. Then what did you do, did you go home.

A. Yes sir, I went home.

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By Mr. Bedford. Q. You went home.

A. Yes sir.

Q. That was about half past three.

A. Yes sir.

Q. That was your old home 177 Stanton Street .

A. Yes sir.

Q. What did you do to the door of 177 Stanton Street, at half past three.

A. I went first in the next house and swept and when I came down, it was half past four.

Q. You first went home at half past three and you locked your door and then went to 175.

A. Yes sir, to clean up.

Q. You locked the door and then you went to 175 to clean up so as you could move at five o'clock.

A. Yes sir.

Q. Then at half past four you had cleaned up and you went back to 177.

A. Yes sir, when I came down ----

Counsel: I object to the question as leading.

Q. Now comes the material point and I want lead, you say that you got back to your premises 177 Stanton Street at half past four or about that time.

A. Yes sir, I went on the door on the street.

Q. Now tell us what occurred there.

A. It was half past four, I came down and wanted to go in my old home for something and this man Sauter hooked the hall door; the hall door was always locked and so he took the door and he hooked it on. I said, "what are you going to



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ddwhere?"

By the Court. Q. He hooked it back.

A. Yes sir.

Q. To keep the door open.

A. Yes sir, -- somebody moves in or out of the door when it is hooked.

By Mr. Bedford. Q. The front door, the main entrance to the house

A. Yes sir, the street door.

Q. You asked him what he was going to do there.

A. Yes sir.

Q. What did he say in answer to that question.

A. He said, "I am going to put somebody out; I said, "who is that somebody?" He said, "none of your God damned business."

Q. That is right, give us his very language, this was down at the street door.

A. Yes sir, at the street door.

Q. After he said it was none of your God damned business, at the street door, what next took place.

A. When he says to me, "you are a God damned liar", I said, "you have no warrant, you would not put me out"; he said, "you are a God damned liar, I am marshall, and I am going to put you out." First he said, "I am a marshall"; I said "you are no marshall, you have no warrant"; I was in Court and there was no trial, You have no warrant;" he said again, "you are a God damned liar, I am marshall Alt.

Q. Did he give you a card.

A. Not that time he gave me no card.

Q. What then did he say if anything or do.

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- A. He said, "I am going to put you out"; so Mr. Schneider stood on the stairs and called to two men hallooing at him not to speak to me, to hurry up; so I said, "you would not put me out, you have no warrant, I am going to see about it." I left him; so I went round Houston Street by a gentleman to inquire that there was no trial in Court and they are going to put me out, what I can do. So I had met a gentleman Mr. Stanley McKenna round there.
- Q. You met him.
- A. Yes sir.
- Q. Where was he when you first met him.
- A. In Houston Street.
- Q. Never mind your conversation with Mr. Stanley McKenna but did he go with you home.
- A. So he went home, of course I went with him, we came on the street door; he asked Mr. Sauter why he is going to put me out, I will move; Mrs. Sautels will move --- if he has got a warrant; he said yes, I am a marshall, I have a warrant; he said, "show me the badge"; he showed a badge.
- Q. What did he do when he said he had a warrant, did he show any papers.
- A. Yes sir, a dispossess warrant, signed by Judge Goldfogle, he showed it; I left Mr. Sauter and Mr. McKenna and I went to the shop for my husband.
- Q. You found your husband.
- A. Yes sir.
- Q. Then did you and your husband go back to 177 Stanton Street-
- A. The people came and said, "O, they broke in your door."

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- A. He said, "I am going to put you out"; so Mr. Schneider stood on the stairs and called to two men hallooing at him not to speak to me, to hurry up; so I said, "you would not put me out, you have no warrant, I am going to see about it." I left him; so I went round Houston Street by a gentleman to inquire that there was no trial in Court and they are going to put me out, what I can do. So I had met a gentleman Mr. Stanley McKenna round there.
- Q. You met him.
- A. Yes sir.
- Q. Where was he when you first met him.
- A. In Houston Street.
- Q. Never mind your conversation with Mr. Stanley McKenna but did he go with you home.
- A. So he went home, of course I went with him, we came on the street door; he asked Mr. Sauter why he is going to put me out, I will move; Mrs. Samuels will move --- if he has got a warrant; he said yes, I am a marshall, I have a warrant; he said, "show me the badge"; he showed a badge.
- Q. What did he do when he said he had a warrant, did he show any papers.
- A. Yes sir, a dispossess warrant, signed by Judge Goldfogle, he showed it; I left Mr. Sauter and Mr. McKenna and I went to the shop for my husband.
- Q. You found your husband.
- A. Yes sir.
- Q. Then did you and your husband go back to 177 Stanton Street.
- A. The people came and said, "O, they broke in your door."



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- Q. Was Sauter there when the people said, "O, they have broken into your door."
- A. "They have broke in already in your door and some of your household goods is down in the hallway."
- Q. Your husband and Sauter was there.
- A. Yes sir.
- Q. After hearing that your room had been broken open during your absence and some of your furniture was taken ---- by the way, what was it that was taken out, what was the property.
- A. An ice box and a sewing machine.
- Q. Where was that ice box and sewing machine at half past three when you locked your door.
- A. Up in my house.
- Q. Up in your rooms.
- A. Yes sir.
- Q. They told you that they were taken down, now what next took place, you and your husband are there, what did he do then.
- A. Then my husband came and said to Mr. Sauter, "are you the marshall?" He said, "yes, I am Marshall Alt"; my husband said, "give me your card"; so he did give my husband a card; my husband had given it to me.
- Q. That is the card. (Showing witness a card.)
- A. Yes sir, this is the card.
- Q. I offer it in evidence ---- when he said to your husband in your presence, "I am Marshall Alt"; and your husband said, "give me your card", and he gave the card, then what next did he do or say.
- A. My husband said, "I will fetch you to State Prison, you have got no warrant for this, my wife told me there is no

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trial in Court"; he says again to me, "you are a God damned liar, there was a trial, there is the warrant I got signed by Judge Goldfogle", and he showed it to my husband.

Q. He said there was a trial.

A. Yes sir.

Q. He told you.

A. My husband came upstairs and said to Mr. Schneider, "you make a big swindle"; so Mr. Schneider was halloeing to Mr. Sauter, "hurry up, hurry up, don't care, don't listen to them, I am responsible for it, clear them out."

Q. Schneider said that to Sauter.

A. Yes sir, Schneider said to Sauter, "I am responsible, right away go upstairs and clear them out"; so of course the hall was full of people, I am suffering from heart disease and I fainted.

Q. Sauter admits you had five fits.

A. I do not know.

Q. What caused your great excitement and nervousness.

A. Because they frightened me.

Q. Who frightened you.

A. Mr. Schneider and Mr. Sauter.

Q. They frightened you so you fainted and finally got fits.

A. Yes sir.

Q. Did you hear Schneider say how much he would give Sauter to put you out to frighten you.

A. No, he said he did not care how much it would cost him; he did not say how much money he would give to clear us out.

Q. Then you fainted.

A. Yes sir.

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Q. After you fainted and had those fits, you do not know what took place.

A. No sir, I got better, Mr. Sauter was kind and brought me upstairs with another man.

Q. Now you have stated all that you heard and saw Schneider and Sauter do.

A. Yes sir.

Q. About putting you out.

A. Yes sir.

Q.

Cross Examined by Counsel.

Q. You testified before in regard to this matter, have you not.

A. Yes sir.

Q. Did you testify before that this man said to you, "there has been a trial."

A. Sir?

Q. Did you testify before, did you say before at Judge Goldfogle's investigation of this case, did you testify that this man told you there had been a trial and then said, "you are a God damned liar", did you testify to that.

By the Court. Q. Do you remember testifying to that in Judge Goldfogle's Court, do you remember whether you testified in that way or not.

A. I do not remember.

By Counsel. Q. When you saw Sauter at this house 177 Stanton Street knocking the door, what was the first thing you said or he said.

A. I says to him, "what are you going to knock this door for, what are you going to do here?" That is what I said.



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- Q. Well, what did he say.
- A. First he said it is none of my business.
- Q. He said it was none of your business.
- A. Yes sir.
- Q. Did you testify to that before.
- A. I do not remember.
- Q. Did not you testify to this: "Q. What are you doing that for? And his answer, "I am going to put someone out", and I said, "who is it?" And Sauter said, "Samuels" ---- is not that what you said?
- A. Yes sir, I said, "that is me."
- Q. Then you did not testify before to this, "that there has been a trial.
- A. It was I said there was no trial, you have no warrant for me; he said, yes there was.
- Q. When did he say that.
- A. On the street door.
- Q. I mean at this time when you saw him unhook the door, you are sure of that.
- A. Yes sir.
- Q. Why did not you testify to that before, is your memory clearer now than it was on the 4th day of October last.
- A. Sir?
- QQ. Isn't your memory in regard to what took place at that time clearer than it was on the 4th of October.
- A. Yes sir, because I was sick that time.
- Q. Have you talked with anyone about this case since.
- A. No sir.
- Q. Haven't you talked with your husband about it.
- 11 A. Very seldom.

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- Q. Well then you have talked with him about it.
- A. Sometimes; we only talked that we was glad we were over our trouble.
- Q. Did you talk with him about the testimony in the case.
- A. No sir.
- Q. Or what was done to you.
- A. No sir.
- Q. Well, when he said he was going to put you out what did you do then.
- A. I said I am going to see about it.
- A. What did you do.
- A. I went around to Houston Street to tell a gentleman.
- Q. What gentleman was that.
- A. Mr. Musliner in Houston Street .
- Q. Who is he.
- A. He is a gentleman, I inquired for him, he is a rich man, he has got houses; so I inquired for him if they can put me out without any warrant.
- Q. Then you came back from there.
- A. I had met Mr. Stanley McKenna there.
- Q. You know Mr. McKenna before.
- A. Yes sir.
- Q. How long had you known him.
- A. I do not remember how long.
- Q. How did you become acquainted with Mr. McKenna.
- A. In the Herald office.
- Q. Was it in regard to another charge that you preferred sometime against a police officer.
- A. Yes sir.

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- Q. You have preferred other charges of this kind, have you not.
- A. No sir; the officer wanted me to swear false.
- Q. You have preferred a charge against an officer.
- A. I do not understand.
- Q. Did you ever have any trouble with a police officer.
- A. Yes sir.
- Q. And did you make charges against him.
- A. Yes sir.
- Q. Well now when you came back from seeing this gentleman or both of them, did you see Sauter and if so where.
- A. Yes sir, in the street door in the hall.
- Q. At the street door.
- A. Yes sir.
- Q. What did you say to him.
- A. I said to Mr. McKenna that this man has no warrant for me.
- Q. Was Mr. Sauter present when you said that to Mr. McKenna.
- A. "This man has no warrant, there was no trial in Court, they told me to go home." So I said to Mr. McKenna ---- Mr. McKenna had asked him then if he is a marshall and he said yes; if he has got a warrant and he said yes.
- Q. Did he say, "I am a marshall", or did he say, "I am from the Marshall's office."
- A. To me he said, he was Marshall Alt.
- Q. He said that he was Marshall Alt.
- A. Yes sir.
- Q. How long had you lived in that vicinity, how long had you lived in that neighborhood.
- A. I lived since twenty-one years in this neighborhood.



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- Q. Twenty-one years.
- A. Yes sir.
- Q. Did you ever see Marshall Alt.
- A. No sir.
- Q. You never did.
- A. No sir, never had any trouble.
- Q. What took place after that.
- A. I left Mr. McKenna and Mr. Sauter and I went for my husband; when I came back with my husband the people came and told me they have broke in and that some of the furniture is down; then we came in the door and we seen that the ice box and the machine standing in the hallway downstairs.
- Q. What did you say or do.
- A. My husband says, "are you a marshall?" He said, "yes, I am Marshall Alt." My husband said, "give me your card"; he had given me the card, he had given the card to my husband and my husband gave it to me and I put it in the pocket.
- Q. Is that the card, do you know. (Showing card.)
- A. Yes sir, that is the card.
- Q. Well, what next.
- A. My husband says, "show me the badge"; he showed the badge on his vest.
- Q. Where was the badge.
- A. On his vest.
- Q. Wasn't it on his suspender.
- A. No sir, on his vest. right here.
- Q. Did he say anything about that badge.
- A. No sir.

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Q. He did not.

A. No sir.

Q. He simply showed the badge.

A. Yes sir.

Q. Do you know what kind of a badge it was.

A. Yes sir, yellow a little.

Q. You do not know whether it was a special deputy sheriff's badge or not.

A. No sir, I only saw the badge.

Q. Well, what next.

A. So my husband says he bring him in State Prison, that he put us out without a warrant. So he says right away he had given us time.

Q. Sauter said he would give you time.

A. Yes sir, my husband said to Mr. Schneider, "Schneider, that is a big swindle, you have no warrant for me." Sauter said, "I will give you time until to-morrow"; so Mr. Schneider said, "no, no, I am responsible for everything, go right upstairs and clear them out." So I fainted.

By Mr. Bedford. Q. Did Sauter go upstairs.

A. No sir, he stopped, he did not touch any more.

By Counsel. Q. He did not go any further.

A. No sir, he did not.

Q. Do you know how you got upstairs.

A. Yes sir, Mr. Sauter and another man helped to bring me upstairs.

Q. When you came to was Mr. Sauter there, when you came back to yourself you knew what was going on.

A. I was lying on the floor, Mr. Sauter had hold of me, yes sir.

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Q. Was anything said then.

A. He said, "I would not touch anything no more, don't be excited and I will give you time till to-morrow."

Q. Did he say if he had known this he would not have done this.

A. Yes, he said upstairs if he had known it had been such a wrong, that Mr. Schneider had no warrant, he would not put me out; he said that upstairs.

Q. Where was Schneider at this time when you were upstairs, do you know.

A. Yes sir, when I was upstairs he was in his room door on the threshold.

Q. Did he say anything.

A. Yes sir, he wanted Sauter to go and clear us out.

Q. What did he say, can you recollect his words.

A. Yes, he said he did not care how much it cost him he wants us out, he wanted to clear us out right away.

Q. What did Sauter say, anything.

A. No, he would not do it no more.

Q. What floor did you live on.

A. I lived on the fourth floor.

Q. Did you hear any conversation, any talk between Schneider and Sauter down in the hallway before you fainted.

A. Yes sir, Mr. Schneider halloed all the time he shall go and do his work, he is responsible for everything, he shall go right ahead and put us out, all the time Mr. Schneider was halloeing.

Q. What time was it that you first spoke to this man.

A. It was half past four exactly.



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- Q. Exactly half past four.
- A. Yes sir.
- Q. You had looked at the clock recently.
- A. Yes sir, I just looked at the clock.
- Q. Did you have any further conversation with Schneider other than what you have told us about.
- A. No sir.
- Q. Nor with Sauter.
- A. No sir.
- Q. Did not talk with him any more.
- A. No sir.
- Q. Did you see Sauter afterwards that day.
- A. No sir.
- Q. Didn't you see him again that evening.
- A. That evening, no sir.
- Q. Do you recollect testifying before that when you saw Sauter unlocking the door that all your conversation was, "I am going to put some one out, I am going to put out Samuels".
- A. Yes sir.
- Q. Well now you testify as I understand it that he told you there had been a trial and that you were a blank liar.
- A. He told me so; I said, "you have no warrant for me, there was no trial; he said "yes, you are a God damned liar, I have got a warrant --- that is what he said to me.
- Q. Do you recollect testifying before: "Q. Is that all the conversation referring to what I have told you now, "that is, me, going to put out Mrs. Samuels," did you at that time say that was all the conversation that took place between you and you said yes.

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- A. I do not know nothing about a warrant, he told me.
- Q. What did he show you, more than one paper.
- A. He showed me a long paper.
- Q. Did he have those papers in his hand, do you recollect.
- A. He took it I believe out of his breast pocket, I think that he took them out of his vest pocket, that is what I believe.
- Q. Might he not have had ~~the~~ them in his hand, carrying them.
- A. Yes, he took them out of his vest pocket because he had unhooked the door, he had nothing in his hand; that time he had nothing in his hand.
- Q. At the time you spoke to him did he have anything in his hand.
- A. No sir.
- Q. When did he take those things out of his pocket.
- A. When I told him he has no warrant for me, there was no trial in Court, they told me to go home, he took it out and he said he had a dispossess warrant signed by Judge Goldfogle.
- Q. Did he say he had the warrant for you.
- A. Yes sir.
- Q. He said so exactly.
- A. Yes, he said he had a warrant for me.
- Q. Of course you do not know whether Sauter broke into your apartments or not of your own knowledge.
- A. No sir.
- Q. What was taken out, anything further than the ice-box and the sewing machine.
- A. No sir, only the sewing machine and the ice-box.

0943

Q. When you saw this badge that you have referred to did Sauter have his coat on or off.

A. He had it on.

Q. Could you see it just as he had his coat on.

A. He just moved, he had a Prince Albert coat on, he just moved it a little and showed it to me.

Q. Did he say anything to you particularly about that badge.

A. No sir.

Q. He did not.

A. No sir.

Q. He offered you this card, did he not.

A. No sir, he said my husband had asked him for a card.

Q. What did he say when he was asked for the card.

A. He said, "are you the marshall?" He said, "yes, I am Marshall Alt"; he had given my husband a card and my husband gave it to me to save it.

Q. Did not he say something more to you when he gave you the card.

A. No sir.

Q. Did not he say that if you wanted to know anything further about this, or if there is any trouble about this, to go to him or Marshall Alt.

A. No sir, I don't remember that he said anything.

Q. But you are not positive but that he may have said so.

A. I do not know anything about that, he only said he was Marshall Alt and gave the card.

Q. But he may have said this and you don't recollect it.

A. I do not remember.

Q. Did you see his name upon the back of that card.

A. No sir, I never knew who the gentleman was.



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Q. You did not write anything on this card, did you.

By the Court. Q. Did you write on the card.

A. No sir.

By Counsel. Q. Did that card have anything written upon the back of it when he gave it to you.

A. I do not know, he only said, "I am Marshall Alt, here is my card ; then I put the card in my pocket.

Q. And who did you deliver the card to.

A. Judge Goldfogle.

Q. You kept it in your custody until you gave it to Judge Goldfogle.

A. I kept it in my dress.

Q. You kept it all the time until you gave it to him.

A. Yes sir.

Q. You are the plaintiff in a civil action growing out of this matter, are you not, you are suing the landlord.

By the Court. Q. Have you got a suit pending in the civil court for damages.

A. Yes sir.

By Counsel Q. That case has not been tried I understand.

A. No sir.

Stanley McKenna sworn and examined.

By Mr. Bedford. Q. Mr. McKenna, where do you live in this city.

A. No. 33 Grove Street.

Q. What is your business.

A. Reporter.

Q. Did you see Mrs. Samuels on the first of October.

21 A. I did.

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- Q. Under what circumstances did you meet her.
- A. I saw her first on business for the New York Herald.
- Q. Outside of this case, that is the way in which you came to see her, that you went there and met her on business.
- A. Yes sir.
- Q. Nothing to do with this case at all.
- A. No sir.
- Q. Did you go with her to 177 Stanton Street on that day.
- A. I did.
- Q. About what hour, do you recollect.
- A. About halfpast four, maybe a little sooner, I think it was a little sooner.
- Q. Tell us who was at 177 Stanton Street about half past four when you arrived with Mrs. Samuels and what was said and done by those men in your hearing and presence.
- A. When I got to the door I saw this man Sauter, I do not know whether that is his name or not but I saw that man at the door; as soon as he saw the woman he said, "here, hurry up, God damn you, are you going to keep me here all day?" I said, "what are you?" He said, "I am a marshall." I said, "what are you going to do?" He said, "I am going to put that woman out and I am going to put her out God damn quick."
- Q. Did he give his name or did he merely say he was a marshall.
- A. He said he was a marshall. I said, "have you a badge?" He said, "yes, there it is."
- Q. Did you see a badge.
- A. I did.
- Q. Do you know what that badge represented.
- A. I do not.

Q. But when you said, "have you a badge", he said, "yes, there it is."

A. Precisely.

Q. What next took place.

A. I said, "have you a warrant for her?" He said, "I have, there it is", and he pulled a bundle of papers, probably five or six legal looking papers with an India rubber band upon them, outside of the inside breast pocket of his overcoat. He turned to the woman and said, "why don't you get a wagon, God damn you, are you going to keep me here all day?" The woman went away a little bit from him and he followed her up and said, "if you don't get a wagon God damn you quick, I will get one for you."

Q. What next took place.

A. I said to him. "you had better go easy, there is no necessity for that, you are exciting the woman."

Q. What did he say.

A. He took no notice but continued dancing around on the sidewalk in this excited way, he had the woman half crazy by that time.

Q. Describe the condition of the woman when he kept using this language.

A. Objected to.

A. As he swore he shouted and threw his hands up and the woman was very excited rushing around.

Q. What did she do.

A. She was moving about in the same way and I left the place then and went up to the Court to ascertain whether this man had a warrant or not.



0947

Q. You ascertained certain information which you cannot tell us but in consequence of that information did you go back to the premises.

A. I did.

Q. Then what took place, who was there, how long did it take you to go and get this information from the court.

A. I was away probably three quarters of an hour, I could not say exactly I had several places to go to, the Court being closed I had to go to two or three places.

Q. Who did you find if anybody at 177 Stanton Street upon your return and what then and there occurred in your presence and hearing.

A. When I got back to Stanton Street the hall door was open and the ice-box and the machine were in the hallway. I went upstairs to Schneider's apartments on the first floor he was walking on the stairway, the landing.

Q. And what happened there.

Objected to: Objection sustained.

Q. You can state anything that Schneider said in your hearing if Sauter was present.

A. No sir, he was not there, I saw no more of him.

By the Court. Q. You came back and you found an ice-box and a machine in the hall.

A. Yes sir.

Q. Then you went upstairs and you had a conversation with Schneider.

A. Yes sir.

Q. And did you see this woman.

A. No, I saw no more of the parties.

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Q. Did you see Sauter , the defendant, that day after that.

A. No sir.

Q. Did you see him subsequently any day after that.

A. Yes sir.

Q. When was the first time that you saw him after that.

A. In the court-room during the examination.

Q. You saw him then.

A. Yes sir..

By Mr. Bedford. Q. What took place in your presence and hearing  
and in the presence and hearing of Sauter in the court-room  
on that day.

A. Pretty near what I have heard here to-day.

Q. You have been in Court all day and you heard Judge Goldfo-  
gle's and Mrs. Samuels' testimony.

A. Yes sir.

Q. You heard what occurred here to-day, the questions and  
answers were substantially the same.

A. Substantially the same, of course I can't remember every  
question and answer, it occupied an hour, that examination  
and there were lawyers and all that.

Q. Were you in hearing distance.

A. Yes sir.

Q. You tell this jury that you have heard the testimony to-day  
and you heard the examination before Judge Goldfogle and  
they are substantially one and the same.

A. Yes sir.

Counsel: I move to have that stricken out as it is calling for  
his conclusion.

The Court: Yes, that is his conclusion, strike it out.

By Mr. Bedford. Q. What did Mrs. Samuels say to Judge Goldfogle, what do you recollect she said if anything, in reply.

A. I recollect that she stated she went to her door and she found this man there with the door open; she asked him what he was doing? He said "I came to put somebody out." She said, "who is the somebody?" He said, "Samuels." She said, "I am Samuels." She told him that he could not put her out, that she had been to the Court with a paper. Can I go back and tell what induced me to go to this house?

Objected to.

Q. You can state any fact.

A. I saw her, I was in the shop of a Mr. Musliner in Houston Street, Mrs. Samuels came in with a paper in her hand, shaking it and said, "they are going to put me out".

Q. She came into that shop where you were and showed a paper in her hand and she said something there that you heard.

A. Yes sir.

Q. Was it in consequence of that that you went around to the court-room .

A. In consequence of that paper.

Q. And what she said and what the other man said you went to the court-room.

A. Yes sir, precisely.

Q. Then you went round to the court room.

A. No, I went to the house.

Q. And saw her there.

A. I saw her there and this Sauter.

Q. You saw him there at the time.

A. Yes sir.

0950

Q. You have testified to certain things you have heard in the court-room before Judge Goldfogle.

A. Yes sir.

Q. Have you testified to all that you remember that occurred there.

A. Yes sir.

Cross Examined by Counsel.

Q. You have heard the testimony of Mrs. Samuels here, have you not.

A. Yes sir.

Q. Do you recollect me asking her if she stated all the conversation had between her and Louis Sauter at that time when she came back with you and did you hear her answer.

A. Yes sir.

Q. Did you hear her say anything about Louis Sauter's telling her, "you hurry up, are you going to keep me here all day?" Did she say anything about that.

A. She did not.

Q. Did you hear her say that "if you don't get the wagon I will get one God damn quick."

A. She did not.

Q. Did she say anything of that kind in substance.

A. She did not.

Q. In fact she did not refer to anything of that kind at all, did she.

A. She did not.

By the Court. Q. That was in the examination before Judge Goldfogle.

A. At either time, neither now or then.



0951

By Counsel. Q. And yet you say now that Sauter did say it.

A. He did.

Q. You are correct, your memory is clear.

A. Perfectly clear.

Q. Did you give any testimony of that kind at the examination before Judge Goldfogle.

A. I did not.

Q. Were not you asked to give your testimony there.

A. I was asked whether her general testimony was correct and I said it was.

Q. You heard the testimony of Mrs. Samuels, what transpired while you were present, has she substantially stated the fact -- that question was put to you at the examination and you answered yes. Then if she did not state anything of this kind and you under oath say that she substantially stated the facts, is that your conclusion of what substantially stating a fact is?

A. She told the truth as to what happened.

Q. But she did not tell anything of this kind.

A. No.

Q. You know what the word substantial means, do you not.

A. I think so.

Q. Is that substantially stating a fact when she was asked to give all the conversation.

A. Yes sir.

Q. When she does not advert in any way to anything of this kind.

A. This woman was very excited, I was not.

Q. You were not asked that, you were asked if you consider that a substantial stating of a fact.

0952

A. I do, under the circumstances.

By Mr. Bedford. Q. In other words, all that she told Judge Goldfogle was the truth, so far as it went.

A. Yes sir.

Q. You were perfectly cool as you are now.

A. Yes sir.

Q. She was in a fearfully nervous condition.

Objected to.

Q. You stated in answer to Judge Goldfogle that what this woman told was substantially the truth.

A. Precisely.

Q. You now tell the Jury that owing to her condition, that she did not tell all the truth and that you were an eye witness to what she told Judge Goldfogle.

A. That is it exactly.

Q. That some of the facts escaped her mind owing to her condition.

A. That is it.

By the Court. Q. You were called as a witness before Judge Goldfogle.

A. Yes sir.

Q. You had been listening to the story told by her.

A. Yes sir.

Q. You answered questions that were put to you in that Court and the question was put to you whether or not the evidence given by her there was substantially correct and you answered yes.

A. Yes sir.

Q. You were asked no other question, you got out of the witness chair.

A. Yes sir.

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0953

By Counsel. Q. Did you ask Sauter whether he was putting this woman out.

A. I did not.

Q. Did you testify in your examination before Judge Goldfo-

gle : "Q. Did you have a conversation with him. A. Yes sir, I asked him why he was putting this poor woman out in such a manner and he said, I can say nothing." Did you testify to that.

A. Mr. Schneider did, not Sauter.

Q. You did not see Sauter again did you after you saw him upon the sidewalk that day.

A. No sir.

Q. Not until you saw him in court.

A. Yes sir.

Q. Did you see Mrs. Samuels when she fainted.

A. I did not.

Q. Had you gone away prior to that.

A. I had.

Q. When did you leave, at what period in those occurrences.

A. While Sauter was still on the sidewalk I went to verify his statement to the court.

Q. Where did you go, to the Court.

A. To the Court house.

Q. Did you make any inquiries there.

A. I did.

Q. Was the court open.

A. It was not.

Q. Are you aware that the court closes at four o'clock.

A. I am aware of it, yes sir.

0954

- Q. What time was this.
- A. It was probably after five.
- Q. Did you go back from there to the premises.
- A. I did.
- Q. Who did you see when you got back, if anyone.
- A. Mr. Schneider.
- Q. Did you see Mr. Sauter or Mrs. Samuels.
- A. No sir.
- Q. You say that Sauter told you, "I have a warrant."
- A. He did.
- Q. Give us the exact words.
- A. I think I said, "have you a warrant?" And he said, "I have", pulling this bundle of papers out of his coat pocket.
- Q. Did you see what those papers were, did you examine them.
- A. No sir.
- Q. You say he pulled them out of his overcoat.
- A. Yes sir.
- Q. Are you sure.
- A. I would not be sure about that, I think it was an overcoat because the coat was loose, it may have been an under coat.
- Q. Did you have any conversation with him or advert in any way to a badge.
- A. No, he showed me a badge.
- Q. Did he say anything about it particularly.
- A. Nothing, I said, "have you a badge?" He said, "there it is."
- Q. Do you know of your own knowledge what that badge was.
- A. No sir.



0955

Q. Did you see the card handed.

A. No sir.

Q. Do you swear positively that he said, "I am a marshall," were those his exact words.

A. To me.

Q. Did he say nothing about Marshall Alt.

A. I never heard the word until I went to court.

Q. If Mrs. Samuels testifies that he said, "I am Marshall Alt is she in error.

A. I could not say that.

Q. You say positively I understand you, that he said, "I am a marshall", and I then asked you the question if he said anything about Marshall Alt and you say no.

A. Not in my presence.

Q. Were not you present when this conversation with regard to being a marshall was had.

A. No sir, I was present in the conversation between myself and the man, the previous interviews between this man and Mrs. Samuels I did not hear.

Q. Did you not accompany Mrs. Samuels there that afternoon.

A. No, wait a minute, the man came to Mrs. Samuels door, as I understood it and from there went to the store where I was, I went back from the store with her to see what the disturbance was, it was my duty to do it on that occasion and I am telling you of what I saw when I went back on the sidewalk and while there.

Q. And what you heard.

A. Yes sir.

0956

- Q. You did not hear him say then that he was Marshall Alt.
- A. I did not.
- Q. You have heard Mrs. Samuels testify that he did say, "I am Marshall Alt", have you not.
- A. I have.
- Q. Do you know what she referred to at the time when she said that he made that statement, did not she say when she came back with you that he told her, "I am Marshall Alt."
- A. No, I understood her to say that he said it first when she first saw him.
- Q. Where was Mrs. Samuels when you were having the conversation that you have testified to, where was she standing with reference to you and Sauter.
- A. She was moving about in and out of the hall from the door and sidewalk, quite close to us, there are two doors, the hall is quite narrow, there is a little shop door and on the other side a hall door.
- Q. Are you sure there are two doors there.
- A. I am sure there are two doors, whether there are two hall doors together I am not quite sure, the shops are on either side, I think the two hall doors are together.
- Q. About how far apart are those hall doors, if you recollect.
- A. I should imagine just a partition, I fancy so, I am not quite sure.
- Q. Have you testified now to all the conversation that you had with Sauter or that you heard Mrs. Samuels have with Sauter.
- A. Yes sir, I think so.

0957

Q. After you had told him, "you had better go easy", what did he say to that.

A. He did not take any notice of me at all.

Q. What did you do then.

A. I went up to the Court.

By the Court. Q. When you went around to the court did Sauter remain behind.

A. Yes sir.

Q. Did you see any papers in Sauter's hands at any time.

A. No sir.

Q. You must have seen them when he put them out of his pocket

A. Oh yes, he pulled them out, a bundle of law papers apparently with straps around.

0958

Wednesday, March 19, 1890.

Hymes Samuels sworn.

I am the husband of Mrs. Samuels, the woman who was dispossessed on the first of October from 177 Stanton St.

I was present after five o'clock when Sauter and my wife were there. When I was going home with my wife I saw a crowd of people by my door; I asked him, who is the Marshall; and he said, "I am Marshal Alt." I said, "have you got a warrant to put me out?" He took out a paper and told me, "this is a warrant"; I told him, "give me the paper"; he did not want to give me the paper; he took the paper out of his pocket; he said, "I am Marshal Alt and I will put you out." He showed me a badge, I could not read English; he took out a card and gave it to me and I gave it to my wife, it was the card from Marshal Alt.

I said to him I did not believe that this was a warrant; I told him that this was a swindle, that there will be no Court till to-morrow and I will fetch you to State Prison; after he saw I was so excited he said to me, "don't be so excited, I will leave you until to-morrow"; I told him I would to-night if he had not come to trouble me, that I was rung up from my rooms to see what was the matter because I found my furniture in the hall; that I met the landlord Joseph Schneider at his door, Schneider was just standing in his door on the first floor, Sauter was there, I was talking very loud to Schneider. Schneider said, "don't talk to me, clear out of my house." I said, "M2.

Schneider, remember what you have done, it is a big swindle I am looking for my rights." He said, "I am responsible, hurry up and finish your work," He said that to Sauter.



0959

Afterwards my wife was beginning to faint and she was fainting for half an hour; Sauter and two men were helping her and took her up into the room and put her on the bed; Sauter said that I should not be so excited, I can stay over night; Sauter went away and my wife was a little better and I went for my daughter.

Cross Examined.

I was not examined before Judge Goldfogle but on the 4th of October I was in the court in Suffolk Street. When Sauter gave me the card he said, "I am Marshal Alt, " he did not say, "I am from Marshall Alt", I do not remember his saying to me, if there was any trouble about this that I should go to that address. I do not understand very good English. Will you swear that at the time Sauter gave you that card he did not say something to you about your coming to see him with Marshall Alt, if there was any trouble about this? No sir, he did not tell me that, he did not say anything like that. I did not examine the card I gave it right away to my wife. You say that you were going to move that night anyway? Yes sir, on the first of October I was willing to move, after that trouble my wife was too sick, I could not move any more. Did not I understand you to say that you were going to move that very day any way. Yes sir, after six o'clock at night I was willing to move. At what time was it that you saw Louis Sauter? I do not remember exactly the minute, I know it was after five o'clock. So that if Sauter had not been there at all you would have moved at six o'clock? Yes sir.

0960

The Case for the Defence.

Louis Sauter sworn and examined.

I live at 51 Attorney Street and have lived there for ten years and have lived about thirty years in that neighborhood; the first time I saw Mr. Schneider was on the first of October about ten o'clock in the morning, I was standing out on the sidewalk in front of the temporary Court House of the Fifth District Court, No 21 Suffolk St.

Schneider asked me how about the warrant of Mrs. Samuels

I told him there was no warrant signed yet because I knew it was too early in the morning. I knew he had taken out a paper, I do not recollect if it was a five days notice or if it was a procept and a hold over. I believe he went up to the Clerk's office himself and he came down in about five minutes and said it was not signed yet; he said to me, "will you go with me and put these people out?" I said, "no, I will do nothing of the kind without a warrant."

He says, "they are going to move anyway, go and frighten them." I says, "no, I wont frighten the people either"; then he says, "if it costs me twenty-five or fifty dollars I will pay you whatever you ask to put them out.". I would not do it and then he went off, I saw him again about twelve o'clock but did not speak to him; I believe I was standing on the walk with Mr. Cooper and Josephs; all at once I saw Schneider coming down from the steps of the Court.

He says, "everything is all right, get two men, go down to the house and put those people out, I got those two men and went down; the impression which Schneider left upon my mind was that he got the warrant. I went down with the two men and we went upstairs, the door was locked.

Schneider went off ahead of me. I told Cooper to see if the window was open, the lady next door saw the door was open and I asked her if she would let one of them go through to open the fire-escape and go inside and open the window. So they opened the door and took hold of the ice-box; I did not see the man go over the fire-escape but I saw him go into the room; when the door was opened I went in, they got hold of the ice-box and the machine, I went down stairs to unlock the hall door so that they could get out. During that time Mrs. Samuels came and she asked me what I was doing? I said I was putting it out, I know we had a few words and she went off, she said something about getting a policeman, I made no stir because I thought if a policeman would come I would go right up to Schneider and get this warrant, that I would have no fear for a policeman. She went off and when she came back she said she had been up to the Court and that she had time until, tomorrow that there was no warrant signed. The men had the ice-box and the machine down in the hall, and the moment she told me that I went upstairs. Before she went off to the Court I told her that I was going to put her out but I do not recollect making the remark to her that it was none of her business. I heard the testimony of Stanley McKenna. I do not recollect saying to her, "are you going to keep me here all day?" I do not recollect saying to her, "if you do not get a truck I will get one for you God damn quick"; I may have said to McKenna. "it is none of your God damn business", but I do not recollect saying anything of the kind to Mrs. Samuels. I do not recollect what I said to McKenna. When Mrs. Samuels came back and told



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me that there was no warrant issued I was so excited and frightened I could not wait to go upstairs. I went upstairs and I went to Schneider, I says, "what is the matter with you? There has no warrant been issued, you have got no warrant, this woman has time until t-morrow." He says, "that is all right, you go ahead about that work, put them out, whatever it costs I will pay." I said, "no sir, I don't do business that way." I went upstairs and told the men to stop; they came down stairs and Mrs. Samuels was coming up just at the floor where she took sick, I think it was one flight of stairs up; after Mrs. Samuels took sick and fell down in the corner I asked some parties in the house to give me some salt and vinegar because she had taken a fit and nobody would give me any, I called for a pillow and I put a pillow under her head; during that time I believe it was her husband made his appearance. I says to him, "run out and get some vinegar" and I believe he did go out or he got the vinegar in the house, I put the vinegar over her face and rubbed her face and forehead with it. I did not say to him at that or at any other time that I was a marshall or that I was Marshall Alt or that I had a warrant for their dispossession, I might have said, "I am from Marshall Alt", or that I was a marshal's clerk; I have been employed by Marshall Alt for a short time, I did not say that I had a warrant for them, I had a special Deputy Sheriff badge and I believe I had a few more papers for dispossessing to serve, I had one or two warrants for dispossessing down in Rivington Street and in Avenue D; they may have seen the badge but I did not exhibit it to them, I had it on my suspender. I did not go to the Court



0463

that day because there was no necessity of going there and it closed at four o'clock, I went down to 177 Stanton Street about half past three ; Schneider was standing at his room door. After we had Mrs. Samuels upstairs and laid her on the bed her husband was there, I told Mrs. and Mr. Samuels not to worry, that they would have time; he asked me if I had a card and I said yes and I gave him the card with my name written on the back of it; I told him in case anyone else should come to make trouble for him to come to our place and we would see it was all right. I believe I told Mrs Samuels that if I had known that Schneider had no warrant I would never have went near the house. Schneider kept hollering upstairs, "go on about your work, put them out, whatever it costs I will be responsible for everything." I told him not for any amount of money.

Cross Examined.

Two or three days after this trouble I received a letter from the Sheriff's office and I delivered up my badge. I testify to nothing except the truth, I am not in the business of dispossessing, I may have dispossessed twenty or twenty-five persons previous to the first of October, I might have said to Mrs. Samuels that I was from Marshall Alt but she may have misunderstood me and thought I said I was Marshall Alt. I showed no papers to Mrs. Samuels, Mr. and Mrs. Samuels may have seen the shield but I did not show it to them. I do not know as I said to her "God damn you, I am going to put you out", but I may have said it to someone else, to Mr. McKenna, there was two or three people there. I thought Schneider had a warrant to put out Mr. and Mrs. Samuels, I am not a City Marshall, I

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admitted to Judge Goldfogle that I had no warrant, I admit giving the card to Mrs. Samuels but I did not say when I handed the card to her that I was Marshal Alt. I think I did serve a five days notice to quit on the 20th of September to Mr. and Mrs. Samuels, I made an affidavit that I did; she may have seen the shield, it was very easy to be seen for I had my coat off and was in my shirt sleeves when Mrs. Samuels took sick. The ice-box and sewing machine was just being brought down stairs when Mrs. Samuels came.

I thought Schneider had the warrant and that it was all right, Schneider never told me he had a warrant, I never dispossessed people before without having a warrant signed.

Schneider told me about one o'clock on October 1st to go and tell Mrs. Samuels to get out and he said he would give me twenty or twenty-five dollars, he said to go right ahead and fire those people out and he would pay me if it cost twenty dollars. I did not go there at that time but when he came back in the afternoon I thought he had the warrant about half past three when he came down from the Court House steps and said everything was all right, I thought maybe the Judge had signed the warrant down in his office or somewhere else, Schneider was on the stairs hollering "fire that woman out, put her out if it costs twenty-five dollars. I said in the examination before the Judge at the Fifth District Court that I told Mrs. Samuels I came there to dispossess her and I also stated before Judge Goldfogle that I said to her, "I have my badge and papers".

The witness qualified that answer by saying, "I do not really recollect whether I said so or not." When

Schneider told me to go down and frighten Samuels that was one o'clock and I then knew that there was no warrant in

existence, I thought he got it between one and two o'clock.

William Alt is a marshall of the Fourth District Court, I always carried Alt's cards in my pocket to give to his customers, I served papers for him, I was working for him about three months, I happened to be out of work at this time. I had a conversation with Schneider in the morning in front of the Court House, I did not know at that time that Judge Goldfogle was out of town, Schneider was a stranger to me. Schneider gave me three dollars for my services.

Jacob Meyer sworn.

I live 146 Clinton Street and my business is at 181 Broome Street, I know the Defendant Sauter several years; he has been in my employ about six weeks before he was arrested, his general character is good, he handled sums of money belonging to me from fifteen dollars up to eighty, if I had the opportunity I would employ him again.

Sophia Lindner sworn.

I live at 167 Delancy Street, I know the defendant from childhood and his general character is good.

Jacob Falter sworn.

I live 129 Clinton St. and am a baker, I know the Defendant ten years and his general character is good; I never heard anything wrong of him.

The Jury rendered a verdict of guilty with a recommendation to the mercy of the Court.



0966

Testimony in the  
case of  
Louis Sauter

filed Jan. 1970.



0967

Court of General Sessions.

THE PEOPLE

against

LOUIS SAUTER.

We, the undersigned, residents of this City and business men and neighbors of the defendant above named, having known him well and able to certify to his previous good character and good reputation in the neighborhood, do most respectfully petition this Honorable Court to extend all leniency to him and if possible in consideration of the recommendation of the Jury in the case to mercifully suspend sentence upon him.

Henry Boettigheimer 51 attorney St.

John V. Smith 189 Delancey St.

George Ridderhoff 163 Delancey St.

Fiklitz Wm. 109 Clinton Street.

Jacob E. Bausch Jr. 107 Clinton St.

C. Grieshaber 405 Clinton Street

William Koppenhoefer 102 Clinton St.

Chas. J. Linder 167 Delancey St.

Peter L. Lantry 119 Broome St.

Henry Schepman 137 Clinton St.

Julius Meyer Butcher 98 Essex St.

Fred Weitz 89 Essex St.  
 Geo. George 57 Attorney St  
 John Bankert 104 Clinton St  
 John S. Caterwood 57 Attorney St  
 Gustav Muninger 80 Sheriff St.  
 Albert Muller 707 & 12 St  
 Jacob Falter 129 Clinton St.  
 Philip Rahtlein  
 Edward Rostenstein 104 Clinton St  
 Charles L. Cook 587 2 St  
 Louis Light 37 Louis St.  
 Louis Wolf 29 Suffolk St  
 Rudolph Maas 175 Broome St  
 Philip Miller 52 Attorney St  
 Abe W. Polze 52 Attorney St.  
 Bernard Polze 52 Attorney St.  
 M. Mendelstam 52 Attorney St  
 Charles Paul 119 Clinton St  
 Casper Klein 303 Livingston St  
 Edward Paul 119 Clinton St  
 Edward Davis 88 Broome St  
 Charles H. Clair 119 Clinton St.

0969

COURT OF GENERAL SESSION:

THE PEOPLE  
against  
LOUIS SAUTER.

PETITION.

G. R. WESTERFIELD,  
Def't's Att'y,  
230 Broadway,  
New York.



0970

Form No. 1.

**THE WESTERN UNION TELEGRAPH COMPANY.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of bills paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

NORVIN GREEN, President.

THOS. T. ECKERT, General Manager.

NUMBER	SENT BY	REC'D BY
3	Wm. J. 23 Paid	

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y. 3/6 1890

Dated:

Monsieuria Ny 6

36 District Attorney Jerome

Part 3 Court Of

General Sessions Court

House 32 Chambers St. N.Y.

My wife very sick I must not leave her  
 Capitally postpone bail case of Christer  
 for oppression until Monday and Earn my latitude without



Court of General Sessions  
New York County

The People  
against  
Louis Lantier

---

Please take Notice: That on all the proceedings had  
herein, I will move in part and of this Court, on  
Tuesday the 11 day of February 1890, at eleven  
o'clock in the forenoon of that day, or as soon  
thereafter as counsel can be heard, that I will herein  
be fined, and for such other and further relief as to  
this Court may seem equitable and just in the  
premises.

To.  
John R. Fellows, Esq  
Dist Attyr

Yours to  
G. M. Westfield  
Atty for def't  
280 Broadway  
N.Y.

0971

Court of General Sessions  
New York County

The People  
against  
Louis. Lantier

Please take Notice: That on all the proceedings had  
herein, I will move in part and of this Court, on  
Tuesday the 11 day of February, 1890, at eleven  
o'clock in the forenoon of that day, or as soon  
thereafter as counsel can be heard, that Bail herein  
be fixed, and for such other and further relief as to  
this Court may seem equitable and just in the  
premises.

To.  
John R. Fellows, Esq  
Dist Attyr

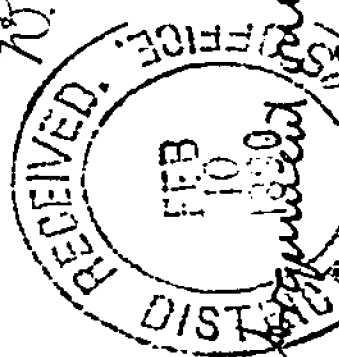
Yours &c  
W. Waterfield  
Atty for def't  
280 Broadway  
N.Y.

Court of General Sessions  
New York County

The People  
vs  
J. J. Santey

Notice of Motion

G. P. Heckerfield  
Atty for Def  
280 Broadway  
N.Y.



Part 1  
Feb 11 1890. Defendant's motion  
motion heard at 10 AM. Court  
refused to make any other  
order in the premises than  
the one ordered on the  
indictment by the Recorder  
H. B. W.

0973

Court of General Sessions.

THE PEOPLE  
against  
LOUIS SAUTER.

We, the undersigned, residents of this City and business men and neighbors of the defendant above named, having known him well and able to certify to his previous good character and good reputation in the neighborhood, do most respectfully petition this Honorable Court to extend all leniency to him and if possible in consideration of the recommendation of the Jury in the case to mercifully suspend sentence upon him.

Jacob Meyer 146 Clinton St

Wes Guirys 99 Broadway  
May Silverberg 52 Pitt St

Charles Lang 114 Stanton St.

Maurice Cooper 37 Goerck St

Aberty Shaw 158 Broadway

Leopold Marks 64 Attorney St

Amie Joseph 146 Clinton St

David Ullman 155 Clinton St



J. A. Delaney 25 Ridge St.  
 M. Osterman 239 Duane St.  
 Geo. Barnard 144 Duane St.

Paul Hoffman 261 Delancey St.  
 Dennis Sullivan 406 Grand St.  
 Louis Silas 151 Clinton St.

Isaac Person 254 Delancey St.

Samuel Jacobs 195 Delancey St.

J. Lynch 180 Broome

Philip Mattes 37 Broome St.

Herman R. Cohen 205 E. 3rd Way

John Roach 37 Goerck St.

Herman A. T. Zoller 144 Clinton St.

Abraham Mass 137 Clinton St.

Jas. J. W. Greer 141 Broome St.

John H. Smith 156 Clinton St.

James F. Gallagher 29 Cannon St.

Adam Schmidt 37 Ridge St.

Patrick Galligan 206 Delancey St.

Thos. Kelly 206 Delancey St.

S. Green 169 Broome St.

William Bitterman 35 Suffolk St.

Louis Elias 129 Clinton

0975

Louis Sarna 205 E Bway  
Sam Brown 73 Livingston St  
Wm Chickshank 105 Broome St  
L. Paul Angashek 463 711  
Leo Hyman 58 Ridge St  
Fisher Kolsky 186 Delancey St  
James Pillon 37 Goerck St  
Arthur Britton 201 Delancey St  
Albert Gluckenshit 174 Suffolk  
John A Wertheim 178 Broome St

0976

COURT OF GENERAL SESSIONS.

THE PEOPLE

against

LOUIS SAUTER.

PETITION.

G. R. Westerfield,

Deft's Att'y,

230 Broadway,

New York.



0977

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

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Louis Santer and  
Joseph Schneider*

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

Indictment accuse *Louis Santer and Joseph Schneider* —

*of a Misdemeanor,* —

~~of the crime of —~~

committed as follows:

The said

*Louis Santer,* —

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

— *first* — day of *October*, in the year of our Lord one thousand  
eight hundred and eighty- — *nine* —, at the City and County aforesaid,

*did unlawfully pretend to one Minna Samuels  
that he the said Louis Santer was then and  
there a public officer, to wit: a marshal of the  
District Court in the City of New York for the Fifth  
Judicial District, whereas in truth and in fact he  
was not such public officer; and so pretending  
then and there unlawfully, did knowingly under  
the pretense that a certain paper writing which  
he then and there produced and delivered to the  
said Minna Samuels was a regular process for  
the dispossession of her the said Minna Samuels  
of a certain tenement there situate, occupied by*

Sec. 119.



her the said Minnie Samuels as a dwelling house, dispossess the said Minnie Samuels of the said tenement, without a regular process therefor, whereas in truth and in fact the said paper writing which he the said Louis Sauter as aforesaid then and there produced and delivered to the said Minnie Samuels was not a regular process for the dispossession of the said Minnie Samuels of the said tenement;

And the said Joseph Schneider, late of the same place, was then and there unlawfully concerned in the commission of the said crime and misdemeanor by the said Louis Sauter in manner and form aforesaid, and was then and there unlawfully present, aiding and abetting the said Louis Sauter in the commission of the same in manner and form aforesaid; 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 Louis Sauter and Joseph Schneider of the crime of Oppression, committed as follows:

The said Louis Sauter, late of the City

and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully pretend to one Minna Samuels that he was then and there a public officer, to wit: a marshal of the District Court in the City of New York for the Fifth Judicial District, and so pretending did then and there unlawfully and maliciously under pretense of official authority dispossess the said Minna Samuels of a certain tenement there situate, occupied by her as a dwelling house, the said Louis Sauter not being then and there such public officer, and not having then and there any official authority so to dispossess the said Minna Samuels.

And the said Joseph Schneider, late of the same place, was then and there unlawfully concerned in the commission of the said crime and oppression by the said Louis Sauter in manner and form aforesaid, and was then and there unlawfully present, aiding and abetting the said Louis Sauter in the commission of the same in manner and form aforesaid: 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:

Sec. 565.

And the Grand Jury aforesaid, by this indictment further accuse the said Louis Sauter and Joseph Schneider of a Misdemeanor, committed as follows:

The said Louis Sauter, late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, unlawfully did falsely personate a public officer, to wit: one William Ott, a marshal of the District Court in the City of New York for the Fifth Judicial District, and in such assumed character did then and there unlawfully do an act, purporting to be official, whereby one Minna Samuels was injured, to wit: did then and there unlawfully enter upon a certain tenement the situate occupied by the said Minna Samuels under color and pretense of a certain pretended warrant of dispossession, which he then and there pretended to the said Minna Samuels he then held and was authorized as such marshal to execute, and did then and there unlawfully ~~so~~ under such pretended authority and in said assumed character, eject the said Minna Samuels from her said dwelling house, and remove divers of her goods and personal property therefrom, to the great injury of the said Minna Samuels.

And the said Joseph Schneider, late of the same place, was then and there unlawfully concerned in the commission of the said crime and misdemeanor by the said Louis Sauter, in manner and form aforesaid, and was then and there unlawfully present, aiding and abetting the said Louis Sauter in the commission of the same in manner and form aforesaid; 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



0982

**BOX:**

382

**FOLDER:**

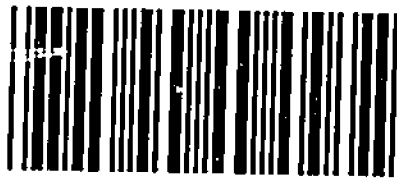
3569

**DESCRIPTION:**

Sawyer, Amos

**DATE:**

01/14/90



3569

Witnesses:

Officer Collins  
Criminal Office

Upon motion appeared  
of John H. Hayes  
Declarer 19 to prove  
that nuisance is abated  
and premises unoccupied  
Sentences is suspended  
J.H.

39.

Counsel,

Filed

14 day of January 1890

Pleads,

Amos D. Sawyer

THE PEOPLE

vs.

KEEPING A HOUSE OF ILL FAME, Etc.  
[Sections 322 and 385, Penal Code]

Amos D. Sawyer

JOHN R. FELLOWS,

District Attorney.

Set aside in Part III for  
the 16th day by request of  
A True Bill  
J. H. Sawyer  
J. H. Sawyer

Foreman.  
Part III January 16 90  
Pleads Guilty

John R. Fellows  
District Attorney

0903

W. General Sessions

The People v. C. }  
 against }  
 Amos D. Sawyer }

City & County of New York S.S.

Thomas J. Hayes  
 being duly sworn says that he is  
 an officer of the Municipal Police  
 of this city and assigned to  
 detective duty in the 19<sup>th</sup> Precinct  
 that the premises No 132 West 27<sup>th</sup>  
 Street are in this precinct. That he  
 has visited the premises above  
 mentioned after the arrest of the  
 defendant above named, and  
 found the premises formerly  
 occupied by the defendant empty  
 and the nuisance abated. Deponent  
 further says that the last time he  
 visited the premises was on the  
 night of the 15<sup>th</sup> of January 1890.

Sworn to before me  
 this 16<sup>th</sup> day of January 1890 } Thomas J. Hayes  
 William D. Ferry }  
 Notary Public  
 New York Co

0985

My General Session

The People vs

Against

Wm. S. Sawyer

~~~~~

affidavit - abatement

of nuisance

~~~~~



U.S. General Sessions?

The People &c  
 Against  
 Amos D. Sawyer

City and County of New York &c

Amos D. Sawyer  
 of No. 220 South 5<sup>th</sup> Avenue being duly sworn  
 says: "I am the defendant above named  
 on the 7<sup>th</sup> day of January I was arrested  
 on the complaint of one Eugene D. Collins  
 an officer of the Municipal Police for  
 keeping a disorderly house at number  
 132 West 27<sup>th</sup> Street in this city and on the  
 14<sup>th</sup> day of January 1890 indicted by the  
 grand jury for said offense. Deponent  
 further says that one William Jackson  
 was the real proprietor and lessee  
 of the premises above mentioned, I have  
 known said Jackson for the past two  
 years and on the 31<sup>st</sup> day of December last  
 I loaned said Jackson five Dollars  
 which he promised to return to me the  
 next night. I went to his place 132  
 West 27<sup>th</sup> Street on the night of the 1<sup>st</sup> of  
 January to get my money, he told me  
 that he did not have it and would not

0987

have it until the dance was over he then asked me if I would work there that night for three dollars. I was to superintend the ball room floor, he told me that he expected to have quite a crowd and wanted me to help him. and that when all was over he would pay me three dollars for my work and pay me the five dollars he owed me which I never got: this is all the interest I had in the place I never got one cent out of the place in any way. shape or manner, or never was connected with the place only as I have above stated and sworn to. I never was convicted of any kind of crime in my life. I have been in the theatrical business for the past fifteen years and am the originator of the Hicks & Sawyer Minstrels and have travelled all over the United States as showman. I was with P. T. Barnum's show for seven years. I was arrested once charged with a violation of the Excise law but was discharged in the Police Court, the only time I ever was in any trouble of any kind. I never

0988

intend to go back to the premises  
above mentioned again nor keep  
or engage in any manner in  
a disorderly house.

Given to before me  
this 14<sup>th</sup> day of January 1890 } ~~Amos D. Savage~~

Edward Gross  
Notary Public  
City and County of New York



0989

Sec. 322, Penal Code.

CITY AND COUNTY { ss.  
OF NEW YORK.

2 District Police Court.

*Eugene D Collins*  
of No. *900 Mulberry* Street, in said City, being duly sworn says  
that at the premises known as Number *132 West 27th* Street,  
in the City and County of New York, on the *2* day of *January* 18*90* and on divers  
other days and times, between that day and the day of making this complaint

*John Doe*  
did unlawfully keep and maintain and yet continue to keep and maintain a *disorderly house*  
and did then, and on the said other days and times, there unlawfully procure  
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come  
together ~~for unlawful sexual intercourse, and for the purpose of prostitution and lewdness,~~ and then and on the said  
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil  
name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, ~~whoring~~ and misbehaving  
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and  
there passing is habitually disturbed, in violation of the statute in such case made and provided.

Deponent therefore prays, that the said *John Doe*  
and all vile, disorderly and improper persons found upon the premises occupied by said  
*John Doe*  
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this *5th*  
day of *January* 18*90*

*Eugene D Collins*  
Police Justice.



0990

Police Court— District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Eugene D. Collins

vs.

AFFIDAVIT—Keeping Disorderly House, &c.

Dated 1890

Hofen Justice.

Officer.

Precinct.

WITNESSES :

Peter Vincent.

0991

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

ss.

*Eugene D. Collins*

of No. *300 Mulberry* Street, being duly sworn, deposes and says,

that *Amos D. Sawyer* (now present) is the person of the name of

*John Doe* mentioned in deponent's affidavit of the *6th*

day of *January* 18*90* hereunto annexed.

Sworn to before me, this *8*

day of *January* 18*90*

*Eugene D. Collins*

*[Signature]*

POLICE JUSTICE.

0992

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Amos D. Sawyer* 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.

*Amos D. Sawyer*

Question. How old are you?

Answer.

*39 years*

Question. Where were you born?

Answer.

*U.S.*

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

Answer.

*220 South 5th Av. 2 weeks*

Question. What is your business or profession?

Answer.

*Show man*

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 D Sawyer*

Taken before me this  
day of *January* 188*8*

Police Justice.



0993

Sec. 151.

Police Court— District.

CITY AND COUNTY }  
OF NEW YORK, } ss

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Eugene D. Collins of No. 201 Mulberry Street, that on the 2 day of January 1890, at the City of New York, in the County of New York, John Doe did keep and maintain at the premises known as Number 122 West 27th Street, in said City, a disorderly house and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together ~~for unlawful sexual intercourse, and for the purpose of prostitution,~~ and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, ~~whoring~~ and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to Command you, the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the body of the said

John Doe and all vile, disorderly and improper persons found upon the premises occupied by said John Doe and forthwith bring them before me, at the 2 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 6th day of January 1890

[Signature]  
POLICE JUSTICE.



0994

Police Court— District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

WARRANT—Keeping Disorderly House, &c.

Dated 188

Magistrate

Officer.

Precinct.

The Defendant

taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

Officer.

Dated Jan 6<sup>th</sup> 1889

This Warrant may be executed on Sunday or at  
night

Police Justice.

Dated

188

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.

The within named

Police Justice.

0995

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

Amos J. Sawyer

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 Jan 1880

Edw. J. Ryan 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.

0996

Police Court--- 2 47 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Eugene D. Collins

vs.

Amos D. Sawyer

2

3

4

Offence Keeping Disorderly House

Dated Jan 8 1890

Hofan

Magistrate.

Hays

Officer.

19

Precinct.

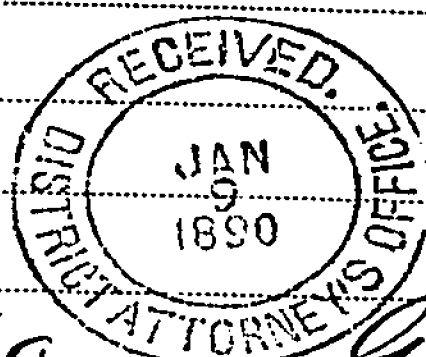
Witnesses

No. Street.

No. Street.

No. Street.

\$ 500 to answer



*[Signature]*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



0997

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Amos D. Sawyer*

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

*Amos D. Sawyer*  
of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND  
HOUSE OF ILL-FAME, committed as follows:

(Sec. 322,  
Penal Code.)

The said

*Amos D. Sawyer*

late of the *20th* Ward of the City of New York, in the County of New York aforesaid,  
on the *second* day of *January* in the year of our Lord  
one thousand eight hundred and *eighty-ninety* 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

*Amos D. Sawyer*

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

*Amos D. Sawyer*

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

(Section 385,  
Penal Code.)

The said

*Amos D. Sawyer*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *second*  
day of *January* in the year of our Lord one thousand eight hundred



0998

and ~~eighty~~ *ninety*, 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 *his* said house, for *his* 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

(Section 322  
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

late of the Ward, City and County aforesaid, afterwards, to wit: on the *second* day of *January* in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety* 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 *his* 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 *his* 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.

0999

**BOX:**

382

**FOLDER:**

3569

**DESCRIPTION:**

Secor, Joseph

**DATE:**

01/08/90



3569

1000

Witnesses;

Seaver  
John Idealy  
556 Park St  
Bos. - 7/1

Counsel,

Filed 8 day of Jan 1890  
Pleads, Not Guilty.

THE PEOPLE

vs.

Joseph Seaver

*Attorney at Law*  
Burglary in the second degree.  
[Section 497, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

151

*Admitted*

A True Bill.

Jan 21st 1890

Gustav

Foreman.  
Jan 21/90

*Accepted by Jury 3 reg*  
*Wm. K. H. H.*  
Jan 21/90

1001



RECORDERS CHAMBERS

John Healy

556 Park Avenue

Roper & Joseph Secor



1002

Police Court— District.

City and County } ss.:  
of New York.

of No. 767-3rd Avenue Street, aged 27 years,  
occupation porter being duly sworn

deposes and says, that the premises No. 767-3rd Avenue Street, 19th Ward

in the City and County aforesaid the said being a four story brick  
building  
and which was occupied by deponent as a place of business and dwelling  
and in which there was at the time a human being by name—

attempted to be  
were **BURGLARIOUSLY** entered by means of forcibly opening the

door leading into the front hall bed  
room of the 2nd floor of said premises  
with intent to enter therein to  
commit a felony

on the 28th day of December, 1889 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

a quantity of ladies wearing  
apparel of the value of Fifty  
dollars (\$50.00)

the property of with the care and custody 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

Joseph McCar (now here)

for the reasons following, to wit:

That deponent is  
informed by Louise Hapke  
of 767-3rd Avenue that at  
about 3 o'clock P.M. of above  
date she saw defendant  
in the act of attempting  
to pry open said door and  
then caused his arrest  
Deponent is further informed



1004

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 52 years, occupation Louisa Napack of No.

767 3d Ave Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Herman Nohrenfeldt

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

Sworn to before me, this

day of

49  
Dec 183

Louise Napack

Henry H. H. H.

Police Justice.



1005

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 27 years, occupation Police Officer of No.

222 Duane Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Thomas Hohenfeld

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

Sworn to before me, this 29

day of Dec 1889

+ Thomas D. Lott

Wm. H. Brown

Police Justice.



1006

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Joseph Sean* 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. *Joseph Sean*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *10615 West 15th St. 7 months*

Question. What is your business or profession?

Answer. *Work on a board wagon*

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*

*his*  
*Joseph Sean*  
*in*

Taken before me this

day of *June* 188*7*

Police Justice.

1007

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

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

Dated Dec 18 188 Henry H. Brewster 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.

1000

BAILED,

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

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

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

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

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

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

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

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

32  
Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Annun Kahan*  
767 St. 3<sup>rd</sup> Ave  
*Joseph Sean*

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Dated *Dec 29* 188 *9*

*Murray* Magistrate

*Lott* Officer.

5-3 Precinct.

Witnesses *Callie Officer*

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

*Laura Stapcke*

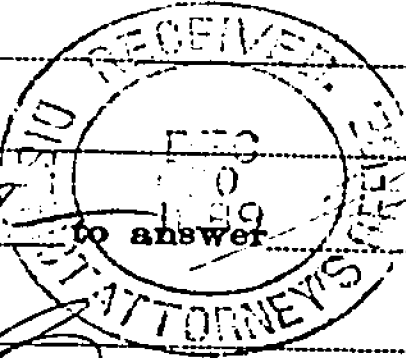
No. *767 St 3<sup>rd</sup> Ave* Street.

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

\$ *10.00* to answer

*Annun*

*Both ordered*





1009

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Joseph Secor*

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

*Joseph Secor*  
of the CRIME OF BURGLARY IN THE <sup>second</sup> DEGREE, committed as follows:

The said

*Joseph Secor*

late of the *nineteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *twenty eighth* day of *December*, in the year  
of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, about the  
hour of *three* o'clock in the *day* - time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one *Herman Hahnenfeld*

there situate, feloniously and burglariously did <sup>attempt to</sup> break into and enter, there being then and there  
some human being, ~~to wit:~~

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

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 R. Fellows,*  
District Attorney



10 10

**BOX:**

382

**FOLDER:**

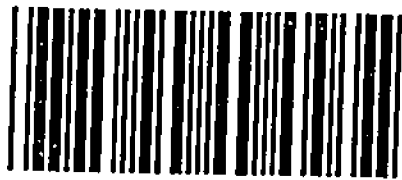
3569

**DESCRIPTION:**

Schilling, Otto

**DATE:**

01/17/90



3569

1011

Notary Public

Jacob ~~Lepper~~ Lepper

Notary Public

77

239 Kellom

Counsel, *John R. Fellows*

Filed *May 17 1890*

Pleads, *W. J. Kelly*

THE PEOPLE

vs.

*Otto Schilling*

Grand Larceny, Second Degree. [Sections 528, 538 Penal Code]

JOHN R. FELLOWS,

District Attorney.

*Jan 23/90* *W. J. Kelly*

A True Bill.

*W. J. Kelly* Foreman.

*Jan 23/90*

*W. J. Kelly*

*W. J. Kelly* 21/90

10 12

Police Court— District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 521 E. 12<sup>th</sup> Street, aged 48 years,  
occupation Peddler

deposes and says, that on the 21 day of December 1892 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 value of  
thirty-five dollars

the property of Deponent

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

now here for the reasons  
following to wit: on the said  
date deponent gave to this  
defendant the said money to  
purchase poultry with, which  
money defendant was to return  
to deponent when he sold the  
said poultry. The said defendant  
failed to return to deponent  
the said money and having  
appropriated it to his own use  
deponent charges him with  
the larceny thereof.

—Jura Leffler

Sworn to before me this 13 day

of January 1893

Police Justice.



10 13

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

*Otto Schilling* 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.

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 was drunk and lost the money.*  
*Otto Schilling*

Taken before me this

day of January 1893

Police Justice.

10 14

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

Richard  
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 Jan 13 1889 J. M. Hutton 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.

10 15

226  
Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Jacob Leffler*  
*521 vs. 807 12*  
*Otto Schelling*  
2  
3  
4  
Offence *Carrying*

BAILED,

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

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

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

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

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

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

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

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

Dated *Jan 13* 1890

*Patterson* Magistrate

*Klein* Officer.

*14* Precinct.

Witnesses \_\_\_\_\_

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

No. *Ed Jan 15* Street.

No. *10* Street.

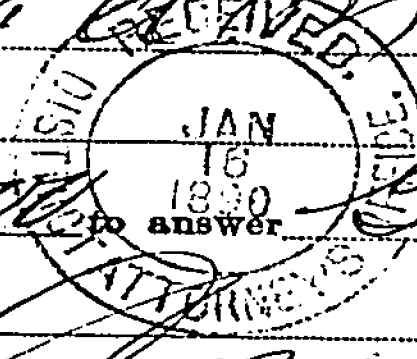
No. \_\_\_\_\_ Street.

\$ *1000* to answer

*Com*

*Q & W*

*Manning*





10 16

COURT OF GENERAL SESSIONS OF THE PEACE, OF THE CITY AND COUNTY  
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Otto Schilling

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by  
this indictment, accuse Otto Schilling

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

The said

Otto Schilling

late of the City of New York, in the County of New York aforesaid, on the twenty-first  
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, in the  
day time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of thirty-five

dollars; divers other promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination  
to the Grand Jury aforesaid unknown, for the payment of and of the value of thirty-five

dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of thirty-five

dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of thirty-five

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of thirty-five dollars

of the goods, chattels and personal property of one Jacob Leffler ~~on the~~

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.*

10 17

**BOX:**

382

**FOLDER:**

3569

**DESCRIPTION:**

Schuhriemen, Joseph

**DATE:**

01/29/90



3569

WITNESSES:

Officer Dugan.  
27 Precinct

445

Counsel, 29 day of Jan'y 1890  
Filed  
Pleads

THE PEOPLE,

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[Ill. Rev. Stat. 7th Edition, page 1983, Sec. 21 and  
page 1889, Sec. 5.]

29 Jan'y 1890  
445

Joseph Schuchman

Accused  
Committed to Jail  
JOHN R. FELLOWS,

Park III Court District Attorney.  
Peggy Smith, 790  
Sentence suspended  
A True Bill.  
It has appeared already B.M.  
H. days for C.P.  
Gustam Foreman.

77  
Infected 7 Feb 28/90  
7/13.

1018



1019

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Joseph Schuchriemen* 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.

*Joseph Schuchriemen*

Question. How old are you?

Answer.

*24 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*216 East 84th Street New York City 3 years*

Question. What is your business or profession?

Answer.

*Barkeeper*

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

Answer.

*I am not guilty. If held I demand a trial by jury.*

*Joseph Schuchriemen*

Taken before me this

day of

*August 1891*  
Police Justice.

1020

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

One ~~guilty thereof~~, I order that he be held to answer the same and he be admitted to bail in the sum of One 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 June 11 188 8 W. J. Duffy Police Justice.

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

Dated Jun 11 188 W. J. Duffy Police Justice.

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

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

1021

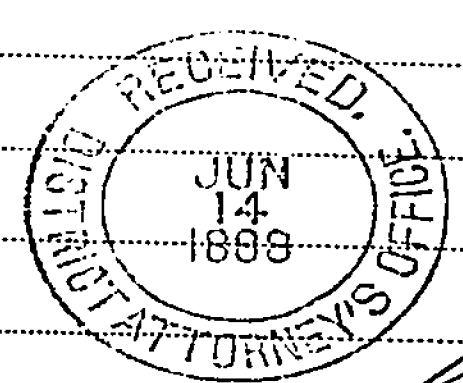
BAILED,  
No. 1, by Larry Harnless  
Residence 1604 - 2 Allen Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court-- 5 <sup>891</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Daniel Nugan  
vs.  
Joseph Schuchriem  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Offence Excess  
Violation

Dated June 11 188 8  
W. H. Nugan Magistrate.  
Nugan Officer.  
27 Precinct.

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



\$ 100 to answer AS  
Bauer



1022

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County } ss.  
of New York, }

Daniel Dugan  
of No. 27th Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 10 day

of June 1888, in the City of New York, in the County of New York,

at premises No. 716 East 88th Street,

Joseph Schuchriemen (now here)  
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Joseph Schuchriemen  
may be arrested and dealt with according to law.

Sworn to before me, this 11 day  
of June 1888

Daniel Dugan  
Police Justice.

1023

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Joseph Schukriemen*

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

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

The said

*Joseph Schukriemen*

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

*Daniel Dugan*

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

SECOND COUNT—

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

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

The said

*Joseph Schukriemen*

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

**JOHN R. FELLOWS,**

District Attorney.

1024

**BOX:**

382

**FOLDER:**

3569

**DESCRIPTION:**

Schwartz, Benjamin

**DATE:**

01/09/90



3569



1025

70

Witnesses:

Officer Wiedelger  
Contra Officer  
Theresa Kluge

Counsel, *Attorney*  
Filed *9* day of *Jan* 189*9*  
Pleads, *Not Guilty* (10)

THE PEOPLE

vs.

*B*

*Benjamin Schwartz*

*PEACE LARCENY,*  
(*False Pretenses*).  
[Section 538, and 532, Penal Code].

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

*Gustav*  
Foreman.

*Jan 10 1899.*

1026

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

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*Benjamin Schwartz*

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

*Benjamin Schwartz*

of the CRIME OF *Petit* LARCENY, —  
committed as follows:

The said *Benjamin Schwartz*,

late of the City of New York, in the County of New York aforesaid, on the *21st*  
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, with intent to  
deprive and defraud *one Therese Klinger*

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of  
the use and benefit thereof, and to appropriate the same to *his* own use, did then and  
there feloniously, fraudulently and falsely pretend and represent to *the said*  
*Therese Klinger*

That a certain bag which *he the said*  
*Benjamin Schwartz* then and there produced  
and exhibited to, and offered to sell to her  
*the said Therese Klinger* at the price of  
*eleven dollars*, was a genuine alligator  
skin bag and made in whole of alligator  
skin, and was then and there of the value of *eleven*  
*dollars*;

1027

And the said Theresa Klunger

then and their believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Benjamin Schwartz

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, <sup>to purchase the said bag and</sup> to deliver, and did then and there deliver to the said

Benjamin Schwartz in payment for the same the sum of eleven dollars in money, lawful money of the United States of America and of the value of eleven dollars,

of the proper moneys, goods, chattels and personal property of the said

Theresa Klunger;

And the said Benjamin Schwartz did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said Theresa Klunger

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Theresa Klunger

of the same, and of the use and benefit thereof, and to appropriate the same to his own use

Whereas, in truth and in fact, the said bag which he the said Benjamin Schwartz so as aforesaid then and there produced and exhibited to the said Theresa Klunger and offered to sell



1028

to her, and which she was so minded to purchase, was not a genuine alligator skin bag, and was not made in whole or in part of alligator skin, but was made of paper and sheep skin; and the said bag was not then and there of the value of eleven dollars, but was worth a much less sum;

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said Benjamin Schwartz to the said Theresa Kluger was and were then and there in all respects utterly false and untrue, as he the said Benjamin Schwartz at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said Benjamin Schwartz in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said Theresa Kluger then and there feloniously did STEAL, against the form of the Statute in such case made and provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,  
District Attorney.

1029

**BOX:**

382

**FOLDER:**

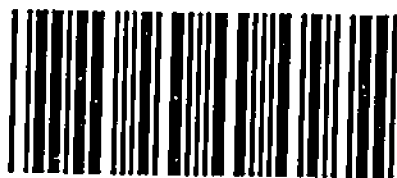
3569

**DESCRIPTION:**

Schwebel, Charles

**DATE:**

01/17/90



3569

Witnesses:

Officer Lewis  
20 Precinct

Counsel,

Filed

17 day of Jan'y 1890

Pleads,

Attorney

THE PEOPLE

vs.

B

Charles Schwedel

CONCEALED WEAPON.  
(Section 410, Penal Code).

JOHN R. FELLOWS,

Att'y at Law, District Attorney.

I Plead Guilty.

A True Bill. C.P. 10 days.

Foreman.

Part I

Set 26 1890 To plead

1890

1030



1031

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

District Police Court.

*Charles Schwebel* 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.

*Charles Schwebel*

Question. How old are you?

Answer.

*21 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*795 2nd Avenue - 9 months*

Question. What is your business or profession?

Answer.

*Brake*

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

Answer.

*I have nothing to say*  
*Chas Schwebel*

Taken before me this

day of January 1890

Police Justice

1032

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

Charles Schwebel

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 Jan 2 1880

Police Justice.

I have admitted the above-named

Defendant

to bail to answer by the undertaking hereto annexed.

Dated Jan 3 1880

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 1880

Police Justice.

1033

Police Court---

2

24 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Everett K Lewis

vs.

Charles Schuebel

2

3

4

Offence Carrying Concealed Weapon

Dated

Jan 2  
Hofan  
Lewis

1890

Magistrate.

Officer.

20 Precinct.

Witnesses

No.

Street.

No.

Street.

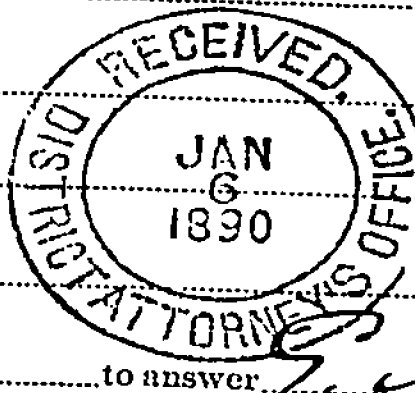
No.

Street.

\$

500

to answer



Com Bailed

BAILED,

No. 1, by

Fred Opperman Dr

Residence

155 E 46

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.



1034

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

Everett K. Lewis

of No. 20th Precinct Street, aged years,  
occupation Policeman being duly sworn deposes and says

that on the 1st day of January 1890

at the City of New York, in the County of New York Deponent arrested

Charles Schwebel, now here  
at the corner of 8th Avenue and  
West 36th Street, for disorderly conduct,  
and on searching defendant in  
the station house defendant found in the  
defendants pocket of his trousers  
a slung shot. Deponent therefore  
charges defendant with violation of  
Section 410 of the Penal Code, and  
asks that he be dealt with as the Law  
directs.

Everett K. Lewis.

Sworn to before me, this

of January 1890

at

day

Police Justice.

1035

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Charles Schwebel*

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

of a FELONY, committed as follows:

The said *Charles Schwebel* late of the City of New York, in the County of New York aforesaid, on the *first* day of *January* in the year of our Lord one thousand eight hundred and ~~eighty-ninety~~ *eighty-nine* at the City and County aforesaid, with force and arms, feloniously did furtively carry, concealed on his person, a certain instrument and weapon of the kind commonly known as *a slung shot* with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said *Charles Schwebel* of a FELONY, committed as follows:

The said *Charles Schwebel* 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, feloniously did possess a certain instrument and weapon of the kind commonly known as *a slung shot* by him then and there concealed, and furtively carried on his person, with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,  
District Attorney.

1036

**BOX:**

382

**FOLDER:**

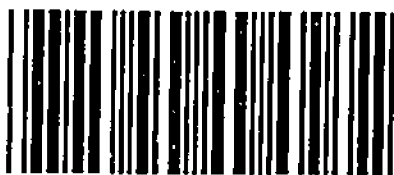
3569

**DESCRIPTION:**

Seaton, Charles

**DATE:**

01/17/90



3569



1037

Mr. Tracy  
71 Brack St.

Witnesses:

Stay up a bit longer  
July 5/90. W

I recommend the discharge  
from House of Detention the  
prisoner Wm Tracy - In  
my opinion he was  
appeared at the trial of  
the person charged with  
the larceny herein alleged  
March 1/90 (Jensen M. D.)  
Acad.

Witness Mr Tracy  
dis chg on motion  
Jury July 5/90

I consent that bail be  
reduced to \$2000.  
Sept 2/91 V. M. Davis  
Dist

Counsel,

Filed, 17 July 1890

Pleas,

THE PEOPLE,

vs.

Charles Seaton

(stay vacated)

Bill for a writ of

JOHN R. FELTONS

July 29/90 Attorney

A True Bill.

See case of  
Edward Brock &  
Jen. V. Jensen

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

On the occurrence in evidence  
of a larceny. Recd.  
last July, I am of  
the opinion that  
no correction can be  
had in this case &  
that the defendant  
should be discharged  
in this case a copy of the  
of larceny record  
is attached

1038

At a General Term of the Supreme  
Court of the State of New York, hold  
in and for the First Judicial Depart-  
ment, at the County Court House, in  
the City of New York, on the <sup>12</sup>/<sub>1</sub> day of  
*August* 1891.

Present:-

The Honorable Charles H. Van Brunt, P. J.

" George G. Barrett, and

" Willard Bartlett, J. J.

The People of the State	)	
of New York,	)	
Respondents,	)	
-against-	)	Order of Reversal.
Charles Seaton,	)	
Appellant.)	)	

The above named Appellant having been, at a  
Court of General Sessions of the Peace, held in and for  
the City and County of New York, at the City Hall, in  
said City, on the twenty-seventh day of January, 1890,  
by the verdict of a jury, convicted of a felony, to wit:  
criminally receiving stolen property, charged as a  
second offense, wherefore and whereupon it was considered  
by the said Court of General Sessions of the Peace, and  
Ordered and Adjudged, that the said Appellant, for the  
felony aforesaid, wherefore he was so convicted, as afore-  
-said, be imprisoned in the State Prison at hard labor,  
for the term of ten years.

1039

And the Appellant, aforesaid, having thereafter duly appealed from the said judgment to this Court, and the said appeal having come on to be heard in due form of law, and the return herein being now before this Court, and having been by this Court duly inspected, upon which inspection it has appeared, and doth now appear to this Court that certain errors of law were committed upon the trial of the above named Appellant, in the said Court of General Sessions of the Peace:

Now therefore, after hearing Frederick B. House, of Counsel for the Appellant, and McKeenie Semple, Assistant District Attorney, for the respondents, and due deliberation being had thereon, it is, on motion of LEVY, TRIENING HOUSE, Attorneys for the Appellant;-

Ordered and Adjudged that the said judgment of the said Court of General Sessions of the Peace, so appealed from as aforesaid, be, and the same hereby is in all things reversed, and that the Appellant have a new trial, which is hereby ordered: and it is further

Ordered, that the proceedings herein be, and ~~the~~ same are hereby remitted to said Court of General Sessions.

*Enter*

*Richard Bartlett*

*J. S. C.*

*Acapi*

*Leonard A. Hughes*  
*Clerk*

*5 fol*



Sir:—

Please take notice, that the within  
is a true copy of an  
in this action, this day duly filed  
and entered, in the office of the  
Clerk of this Court.

Dated, N. Y.,

189

Yours &c.,

LEVY, FRIEND & HOUSE,

Att'ys for

To

Esq.,

Attorney for

W. G. Supreme Court.

The People vs

against

Charles Scaton

Order of Reversal

Order of Reversal

LEVY, FRIEND & HOUSE,

Defendants' ATTORNEYS,

25 CHAMBERS ST., NEW YORK.

Filed Aug 18 1891

Due and timely service of a copy of the within

is hereby admitted,

this day of

1891

to be served

Attorney for—

Charles Scaton

Noting of settlement of  
withhold order is left-  
by waived.

Robert, New York July 28<sup>th</sup> 1891,

De Harvey Wever,

disbursed account

1040

1041

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 4 DISTRICT.

of No. 312 Mulberry Street, aged 42 years,  
occupation Police officer, being duly sworn deposes and says,  
that on the 12 day of Dec 1887

at the City of New York, in the County of New York. William  
Tracy is a necessary and  
material witness against  
Edward Rock and others  
wherefore deponent asks  
that said Tracy give  
surety for his appearance to  
testify

John W. Bailey

Sworn to before me, this

1887

day

Police Justice,

1042

DISTRICT.

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

John F. Bartley

of No. 201 W 10th Street, aged 32 years,  
occupation Truckman being duly sworn

deposes and says, that on the 20 day of December 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 night, the following property viz:

Two bars of silver of the value  
of Nineteen hundred and  
twenty Eight dollars and  
fifteen cents

\$1928<sup>15</sup>/<sub>100</sub>

the property of a firm doing business under the firm  
name of Zimmerman & Forchay at No 11  
Wall Street in the care and charge  
of deponent and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Edward Rock, Thomas Dugan and  
John O'Brien (nowhere)

from the fact that deponent is informed by  
William Tracey that he saw said Rock  
Dugan & O'Brien bring in the aforesaid  
property in junk shop. No 458 Washington  
Street on said date and sell the  
same to William Gilmartin the owner  
of the same. Deponent further says that  
that said Gilmartin acknowledged and  
confessed in the presence and hearing  
of Stephen O'Brien John Mc Carley  
that he purchased said property from  
said defendants on said date. That  
said Gilmartin further admitted that said

Sworn to before me this 20th day of December 1889

Police Justice.



Rock came to his place of business at Dec 21. at ~~planned~~ <sup>showed</sup> them about the advertisement of the aforesaid described property and demanded one of said Bars and said Gilmartin gave it to him and he said Rock took it away. That said Gilmartin further says that on the 25th day of December thereafter he met Rock <sup>the</sup> Dugan in Canal Street and said Dugan asked him for the other bar and he would take it to No 102 1/2 9th Street and said ~~the~~ <sup>Gilmartin</sup> took him <sup>to</sup> S. E. Corner of Washington & Wall Streets where he had said property concealed in a safe and gave the same to said Dugan. - Defendant says that said ~~the same~~ - Gilmartin says that previous to giving said Dugan said property he said Rock told him so much

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.

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 he to be discharged.

Police Court, District, \_\_\_\_\_

THE PEOPLE, &c.,  
on the complaint of \_\_\_\_\_

vs.

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

Offence—LARCENY.

Date \_\_\_\_\_ 188 \_\_\_\_\_  
Magistrate \_\_\_\_\_  
Officer \_\_\_\_\_  
Clerk \_\_\_\_\_  
Witness, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
to master \_\_\_\_\_ Sessions.

1044

him at Charles Seaton's No <sup>102</sup> ~~400~~  
 or 94th Street after he gave  
 said Bogan said property  
 Deparnt says that said  
 Gilman accompanied said  
 Bogan to said Seaton's house  
 and met Rock and Seaton  
~~and then~~ and that said  
~~Bogan~~ sold the property to  
 said Seaton for the sum  
 of \$650 — and said Bogan  
 the sum of \$100 on  
 account and informed him  
 that he would pay the  
 remainder on the following  
 day. That said Bogan  
 gave Gilman the sum of \$50  
 out of the money received and  
 told him that he would give  
 him the further sum of \$100 the  
 next day. Deparnt says that  
 said Rock met him the following  
 day and gave him the further  
 sum of \$100 — Deparnt says  
 that ~~John~~ <sup>Charles</sup> Seaton acknowledged  
 and confessed in the presence  
 and hearing of the aforesaid  
 detective officers that said  
 Rock, Bogan & Gilman took

1045

said property to his house and offered the same for sale and he refused to purchase it.

Deponent further says that said Rock & Dugan <sup>and others</sup> acknowledge and confessed to in the presence and hearing of said officers that the statement made by Schmarton was true.

Wherefore deponent charges said Rock, Dugan & O'Keenan with feloniously taking stealing and carrying away the same of William Schmarton and Charles Beaton with feloniously receiving the same knowing that the same had been stolen.

SWORN TO BEFORE ME

THIS DAY OF

*La. J. C. McNeill*  
POLICE JUSTICE.

*Robert G. Parry*



1046

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 23 years, occupation Copper of No. 533 Canal

Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of John F. Bartley  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 12 day of July 1890 } Edward Rock

D. J. C. H. H. H. 13  
Police Justice

1047

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

4 District Police Court.

John O'Leary 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.

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 assisted Rock & Bugan  
to take the property to  
the junk shop and  
Bugan gave me  
\$4 after  
I left the place

John O'Leary

Taken before me this

day of

188

Police Justice.

1048

Sec. 198-200.

14 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Edwarda Rock 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.

Edwarda Rock

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

N S

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

Answer.

535 Canal St 1 month

Question. What is your business or profession?

Answer.

Copier

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.

Lugan & myself found  
the property on

Edwarda Rock

Taken before me this

day of

1894

Soledad Police Justice.



1049

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*Thomas Dugan* 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.

*Thomas Dugan*

Question. How old are you?

Answer.

*21 years*

Question. Where were you born?

Answer.

*U S*

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

Answer.

*307 Spring St*

*6 mos*

Question. What is your business or profession?

Answer.

*Laborer*

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

Answer.

*Rode and myself found  
the property*

*Thomas Dugan*

Taken before me this

day of

1891

Police Justice.

## SUPREME COURT, FIRST DEPARTMENT

JUNE 1891.

Chas H. Van Brunt, P. J.

George C. Barrett,

Edward Patterson, J. J.

\*\*\*\*\*

THE PEOPLE &amp;c.,

No. 39

agst

PINCUS BLOCK

\*\*\*\*\*

Appeal from judgment of the Court of General Sessions convicting the defendant of the crime of petit larceny.

Mr. F. B. House of counsel for Aplt

Mr. M. Semple of counsel for Rspt.

VAN BRUNT, P. J.

The defendant was tried upon an indictment charging him jointly with one Isaac Cohen and one Michael Smith with burglary in the third degree, grand larceny in the second degree and with receiving stolen goods.

It appeared upon the trial that one Jacob Schatzberg was a cloak maker carrying on business in Sheriff street in this city. Prior to the time of the alleged burglary he had received from the Manhattan Suit Co. material for twenty three cloaks which he was to make up and a quantity of trimming. The cloaks were charged to him at \$316. and the trimmings at \$15. On the 14th of September he left

his shop at half past five o'clock leaving a man named Ericum Plusser therein. The door was fastened with a padlock and there was a staple on each side into which the padlock locked. The 15th was a Jewish holiday and the complainant did not go to his shop, in the morning, and Plusser had the key to the padlock on that day.

In the afternoon Schatzenberg went to the shop and found that the door had been broken open and the cloaks and trimmings gone. There was also missing a piece of cloth used as a skirt for draping a lay figure. Plusser remained with Schatzenberg from Monday until Friday following and has not been seen since. Complaint having been made to the police Smith was arrested and taken by the officer to a suite of apartments at No. 117 East 4th street. The rooms run right through from front to rear and are connected by open doors. At the time of the visit to the apartment there were three women and two men there, one of whom was Block. It would appear that three of the rooms were occupied by the other man and a woman who passed as his wife and the fourth was occupied by Block. Under the bed in this room was found a box, which Smith said in Block's presence was the box which had contained some of the stolen goods, and behind a screen in the fire place of the adjoining room was found a skirt in respect to which Smith said "We had the goods wrapped up in that when we brought them here" to which Block made no reply. The room in which the skirt was



found was stated not to have been occupied by Block. Smith also said in Block's presence: "That is the man that took the pawn tickets for the goods that were pawned". Block's trunks were searched and some pawn tickets found but none of them had any relation to the stolen goods. Block denied all knowledge of the burglary and larceny. The complainant testified that the skirt found was the same skirt which had been used to drape the lay figures in his shop. He also stated that all lay figures had skirts exactly like that. He also testified that the box found was the box in which the trimmings had been contained and that he identified it by the figure 3 upon it; and that he had four or ~~five~~ five boxes in his place like it, and that when he got through with the boxes he did not keep them but destroyed them or threw them away.

One cloak was found in a pawnshop on information given by Smith and no other of the stolen property was recovered.

At the close of the People's case defendant's counsel moved the court to direct an acquittal and to the denial of that motion an exception was taken. The case was submitted to the jury upon the counts for burglary and grand larceny. A verdict of guilty of petit larceny was returned, a motion for new trial was denied and judgment rendered; and from such judgment this appeal is taken.

The appellants' counsel claims that it was error to submit to the jury the count for burglary in that it was

fatally defective in alleging the breaking and entering of the "factory" of one Jacob Schatzenberg. And it is urged that a "factory" is not a railway car, vessel, booth, tent, shop, or other erection or enclosure. No point was made in respect to this at the time of the trial and we fail to see why under the ordinary definition of the word "factory" it does not come within the term "other erection" at least.

It is further urged that the evidence fails to show that the door was fastened or even closed. But it appears that when the complainant arrived at the shop, he found the staple had been broken and the door evidently forced, which was some evidence that force had been used for the purpose of entering the factory.

The claim that the evidence was sufficient to warrant any verdict whatever against the prisoner is unavailing.

It is true that no part of the stolen property was found in his possession, but the box in which some portion of the stolen property was packed was found in his possession, and not the slightest explanation given as to how it came there. It would seem that this evidence was of equal dignity as though some portion of the stolen property had been found. It certainly had equal probative force. He had the wrapper in which the stolen property had been enclosed and that brought him into very close relations with the property itself. The point in regard to exclusive con-

trol is only a relative one. He had this box hid under his bed, not open and exposed as probably would have been the case had he come honestly by it.

We have read the charge of the learned Court, and we do not see that he in any way infringed the rights of the defendant or that there was any miscarriage of justice in the conviction except, perhaps, in the low degree of crime of which the defendant was found guilty.

The conviction should be affirmed.

I concur, Geo. C. Barrett

I concur, Edwd. Patterson.



1055

Keple

"

Block

Copy Ap:

Van Brunt P.

1056

ZIMMERMANN & FORSHAY,  
Bankers and Brokers,  
11 WALL STREET,

New York, Dec. 23d, 1889.

**\$200 REWARD**

For each of the following Bars of Silver lost or stolen from  
truck on the way to the Cutard Steamer on the evening  
of December 20th, 1889.

Penn. Lead Co. 999 Fine.

Bar No. 9677,	-	-	-	1030.50 ozs.
Bar No. 9686,	-	-	-	988.50 ozs.

Correct  
marked

ZIMMERMANN & FORSHAY.

1057

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name.

Answer.

William Gilmartin

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

U S

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

Answer.

649 Grand St New York

Question. What is your business or profession?

Answer.

Funeral business

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

Answer.

The statement I made is true in every particular I am not guilty  
William Gilmartin

Taken before me this 17

day of June

1888

Police Justice.



1058

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name.

Answer.

*Charles Seaton*

Question. How old are you?

Answer.

*29 years*

Question. Where were you born?

Answer.

*England*

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

Answer.

*~~101 West St~~ 102 W 94th St 3 mos*

Question. What is your business or profession?

Answer.

*Liquor business*

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

Answer.

*I have nothing to say  
I plead not guilty  
*Chas Seaton**

Taken before me this

day of

1897

*John J. McKeown*  
Police Justice.

1059

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

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

Dated Jan 12 1880 Do J. C. McCall 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.

1060

Police Court 4 District 10

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John F. Bartley  
201 West 107th  
Edward Rock  
Thomas Dugan  
John Ocean  
William Gibb  
Charles Seaton

Dated January 12 1890  
Samuel O'Reilly Magistrate  
O'Brien + McCauley Officer.  
C.D. Precinct.

Witnesses Stephen O'Brien Street.  
John McCauley Street.  
Central Office  
William Tracey Street.  
Comm. to the House Street.  
of. Detention in default Street.  
of \$100 Street.  
of Jacob Street.

\$3000 Am  
Recorded  
COMMITTED.

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Offence

Separate indictment against each defendant against



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

City and County } ss.  
of New York,

of No. 52 West 22 George Douglas  
Street, aged 38 years,  
occupation Collector for Venable & Hyman being duly sworn, deposes and says,  
that ~~on~~ <sup>on</sup> the ~~month~~ <sup>day</sup> of August May June, 1889, at the City of New  
York, in the County of New York, a finger ring of the value of

thirty dollars was stolen from deponent's house at 160  
West 23<sup>rd</sup> Street in this city. Charles Seaton boarded  
in said house. I am informed by Stephen O'Brien,  
Detective Sergeant that ~~which~~ he has since found  
a ring in the said Seaton's possession which ring  
deponent has seen and identifies as his property.  
I now to before me this }  
29 day of January 1890 } George Douglas

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

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

George Douglas

vs.

Charles Seaton

Dated January 29 1890

Witnesses Stephen O'Brien

Central Office

No. Street,

No. Street,

Offence Grand Larceny

In the accompanying  
affidavit duly  
sworn, & recd. of  
the applicant that  
the defendant should  
be discharged on  
his own recognizance  
of Chauncey Street  
Doubtless

1062

SUPREME COURT, FIRST DEPARTMENT

NOVEMBER TERM, 1891.

Chas H. Van Brunt, P. J.

Geo. C. Barrett,

Willard Bartlett, J. J.

00 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99

The People of the State of New  
York, Rspts.,

agst

CHARLES SEATON,

Ap1 t.

Appeal from a judgment of the Court of General Sessions rendered upon a verdict convicting the defendant of the crime of receiving stolen goods charged as a second offense.

Frederick B. House, for Apt

McKenzie Sample for Rspts.

BARTLETT, J

The indictment charges the defendant with ~~having~~ having feloniously received, knowing the same to be stolen, two silver bars of the value of \$1000 each, which belonged to one John F. Barkley, from whom they had been "feloniously stolen, taken and carried away" by Edward Rock, Thomas Dugan, John Keenan and certain other persons to the Grand Jury unknown. This act is charged as a second offence, it being alleged that the defendant was formerly convicted of grand larceny and sentenced to a term of imprisonment which



he served out. The former conviction, for grand larceny, was admitted upon the trial of the present case; no testimony whatever was introduced in behalf of the defendant; and the main question arising upon this appeal is whether the evidence offered on the part of the prosecution was sufficient to warrant a conviction.

On December 20, 1889, John F. Barkley, a truckman, took a truck-load of silver bars from the American Exchange Bank in the City of New York, to the Cunard dock, on the North River, at the foot of Clarkson Street. The load consisted of one hundred and one bars when the truck left the bank, at about twenty-five minutes before six o'clock in the afternoon. Upon arrival at the wharf, about ten minutes past six, two of the bars were missing. The bars had been arranged in rows on the floor of the truck in one layer, and completely covered the floor, so as to leave only just room for the feet of the driver. Mr. Barkley and the driver were the only persons upon the truck, so far as appears, during the journey. The driver says it was foggy but not very dark when they started from the bank. Mr. Barkley says it was dark when they arrived at the Cunard dock. There he found that the bars had slid down, and that there was a broken space where the bars were missing from the rear of the truck. As I understand his testimony, the construction of the truck and its arrangement on this occasion were such as to render it quite easy, in the absence of very watchful care, for some of these silver bars to slide

off into the street. "In order to take this heavy load on that day," he says, "we put the tail-rack back a certain distance, - about six inches from the end of the floor by the track, - leaving seven and a half inches exposed on either side of our <sup>truck</sup> ~~rack~~, behind the hind wheels and between the line where the tail-rack goes across and the end of the side-rack".

At the time the two silver bars thus disappeared, one William Gilmartin carried on the business of a junk dealer at No. 458 Washington Street. He was called as a witness for the prosecution and testified that about the 20th, of December, before half-past six, Thomas Dugan and a man named Rock came into his place bringing two pieces of stuff which he thought was solder and which he purchased from them for fourteen dollars. The lumps of stuff "were dirty", the same as if they were lying in the street." The next day Gilmartin read some statement in a newspaper which apparently referred to the objects he had bought, whereupon he sent them to a liquor store in the neighborhood <sup>and</sup> ~~and~~ there put them in a safe. Subsequently, Gilmartin, together with Rock and Dugan, all apparently acting together, sold the bars to the defendant for \$650.

I do not think there is any serious question in the case as to the identity of the bars. That the bars thus sold to the defendant were the silver bars from Barkley's truck seems to me to be established beyond a reasonable

doubt. I think the evidence also indicates very clearly that the defendant knew that the bars were not the property of the men from whom he purchased them. The difficulty in the way of the prosecution is in the testimony relied upon to show that the property had been stolen. The indictment alleges a felonious taking. Is it sustained by the proof in this respect?

I am unable to answer this question in the affirmative. It seems to me not only that there is an entire absence of any proof of theft from the truck while in transit but that the evidence all tends to show that the silver was lost off the vehicle in the course of the journey. There were two men on the truck - the driver and Mr. Barkley, - and the driver swears that there was no one else on the truck with him at any time. In the presence of these two persons, presumably exercising some degree of watchfulness over the silver under their charge, it is extremely improbable that anyone should have ventured to jump on the wagon, or so approach it as to be able to seize and carry off any portion of the load. On the other hand, there was a place where the bars might well slip off unobserved, - an opening at the side, toward the rear of the truck, - and the probability that they did thus slip off is strengthened by the testimony of Gilmartin as to their dirty condition when brought to him by Rock and Dugan. At that time, it is tolerably certain that neither Rock nor Dugan had any idea



that the bars were silver, - since they agreed to part with them for fourteen dollars, - and this fact also militates strongly against the theory of a felonious taking from the truck.

The trial was conducted, however, on the assumption, by the court and the counsel for the prosecution, that it was not necessary to prove a felonious taking at all, although that was the only form of larceny alleged in the indictment. The jury were told in substance that it would be enough, so far as that branch of the case was concerned, if the proof established the statutory larceny defined in Section 539 of the Penal Code, which reads as follows:-

"A person who finds lost property under circumstances which give him knowledge or means of inquiry as to the true owner and who appropriates such property to his own use or to the use of another person who is not entitled thereto, without first having made ~~every~~ every reasonable effort to find the owner and restore the property to him, is guilty of larceny."

A careful examination of the minutes of the trial, as set out in the Appeal Book, satisfies me that the proof fails to show a misappropriation of the silver bars as lost and found property under this section, just as it fails to show any taking which would have been larceny at common law. Assuming, as seems altogether probable, that the bars were lost in the street by sliding off the floor of the truck,

through one of the side openings, and that they were subsequently found on the pavement by Rock and Dugan, there is no evidence that the finding was under circumstances which would give them knowledge or means of inquiry as to the true owner. It may be said that when they resumed control of the property, after Gilmartin had seen some notice in a newspaper, and when they participated with Gilmartin in the sale to the defendant Seaton, they brought themselves within the terms of Section 539, because circumstances had then occurred which indicated the true ownership of the silver. There would be much force in this argument if the learned Assistant District Attorney who conducted the prosecution had laid before the court and jury the newspaper notice which Gilmartin testified that he had read, and which according to his testimony was read by Dugan, Rock and Seaton, "between them", prior to the sale for \$650 to Seaton. This notice, however, was not put in evidence. It may very well be that it contained information which if communicated to Dugan and Rock rendered them liable for the felonious misappropriation of found property; but without knowing what were its contents, we cannot say that such was its legal effect. Convictions in criminal cases must be founded upon competent proof, not upon guess-work or speculation as to the contents of papers which are shown to a witness on the stand but not introduced in evidence or exhibited to the jury.

Only two theories of the case were presented to the

jury for their consideration: one that the property was feloniously taken; the other that it was lost and retained by the finders under such circumstances as to make them guilty of a statutory larceny. In neither view does it seem to me that the proof was sufficient to sustain a conviction; and I am therefore in favor of reversing the judgment and granting a new trial.

Concur, C. H. V. B

I concur, Geo. C. Barrett.





he served out. The former conviction, for grand larceny, was admitted upon the trial of the present case; no testimony whatever was introduced in behalf of the defendant; and the main question arising upon this appeal is whether the evidence offered on the part of the prosecution was sufficient to warrant a conviction.

On December 20, 1889, John F. Barkley, a truckman, took a truck-load of silver bars from the American Exchange Bank in the City of New York, to the Cunard dock, on the North River, at the foot of Clarkson Street. The load consisted of one hundred and one bars when the truck left the bank, at about twenty-five minutes before six o'clock in the afternoon. Upon arrival at the wharf, about ten minutes past six, two of the bars were missing. The bars had been arranged in rows on the floor of the truck in one layer, and completely covered the floor, so as to leave only just room for the feet of the driver. Mr. Barkley and the driver were the only persons upon the truck, so far as appears, during the journey. The driver says it was foggy but not very dark when they started from the bank. Mr. Barkley says it was dark when they arrived at the Cunard dock. There he found that the bars had slid down, and that there was a broken space where the bars were missing from the rear of the truck. As I understand his testimony, the construction of the truck and its arrangement on this occasion were such as to render it quite easy, in the absence of very watchful care, for some of these silver bars to slide

off into the street. "In order to take this heavy load on that day," he says, "we put the tail-rack back a certain distance, - about six inches from the end of the floor by the track, - leaving seven and a half inches exposed on either side of our <sup>truck</sup> ~~track~~, behind the hind wheels and between the line where the tail-rack goes across and the end of the side-rack".

At the time the two silver bars thus disappeared, one William Gilmartin carried on the business of a junk dealer at No. 458 Washington Street. He was called as a witness for the prosecution and testified that about the 20th, of December, before half-past six, Thomas Dugan and a man named Rock came into his place bringing two pieces of stuff which he thought was solder and which he purchased from them for fourteen dollars. The lumps of stuff "were dirty", the same as if they were lying in the street." The next day Gilmartin read some statement in a newspaper which apparently referred to the objects he had bought, whereupon he sent them to a liquor store in the neighborhood <sup>and</sup> ~~and~~ there put them in a safe. Subsequently, Gilmartin, together with Rock and Dugan, all apparently acting together, sold the bars to the defendant for \$650.

I do not think there is any serious question in the case as to the identity of the bars. That the bars thus sold to the defendant were the silver bars from Barkley's truck seems to me to be established beyond a reasonable



doubt. I think the evidence also indicates very clearly that the defendant knew that the bars were not the property of the men from whom he purchased them. The difficulty in the way of the prosecution is in the testimony relied upon to show that the property had been stolen. The indictment alleges a felonious taking. Is it sustained by the proof in this respect?

I am unable to answer this question in the affirmative. It seems to me not only that there is an entire absence of any proof of theft from the truck while in transit but that the evidence all tends to show that the silver was lost off the vehicle in the course of the journey. There were two men on the truck - the driver and Mr. Barkley, - and the driver swears that there was no one else on the truck with him at any time. In the presence of these two persons, presumably exercising some degree of watchfulness over the silver under their charge, it is extremely improbable that anyone should have ventured to jump on the wagon, or so approach it as to be able to seize and carry off any portion of the load. On the other hand, there was a place where the bars might well slip off unobserved, - an opening at the side, toward the rear of the truck, - and the probability that they did thus slip off is strengthened by the testimony of Gilmartin as to their dirty condition when brought to him by Rock and Dugan. At that time, it is tolerably certain that neither Rock nor Dugan had any idea

that the bars were silver, - since they agreed to part with them for fourteen dollars, - and this fact also militates strongly against the theory of a felonious taking from the truck.

The trial was conducted, however, on the assumption, by the court and the counsel for the prosecution, that it was not necessary to prove a felonious taking at all, although that was the only form of larceny alleged in the indictment. The jury were told in substance that it would be enough, so far as that branch of the case was concerned, if the proof established the statutory larceny defined in Section 539 of the Penal Code, which reads as follows:-

"A person who finds lost property under circumstances which give him knowledge or means of inquiry as to the true owner and who appropriates such property to his own use or to the use of another person who is not entitled thereto, without first having made ~~any~~ every reasonable effort to find the owner and restore the property to him, is guilty of larceny."

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through one of the side openings, and that they were subsequently found on the pavement by Rock and Dugan, there is no evidence that the finding was under circumstances which would give them knowledge or means of inquiry as to the true owner. It may be said that when they resumed control of the property, after Gilmartin had seen some notice in a newspaper, and when they participated with Gilmartin in the sale to the defendant Seaton, they brought themselves within the terms of Section 539, because circumstances had then occurred which indicated the true ownership of the silver. There would be much force in this argument if the learned Assistant District-Attorney who conducted the prosecution had laid before the court and jury the newspaper notice which Gilmartin testified that he had read, and which according to his testimony was read by Dugan, Rock and Seaton, "between them", prior to the sale for \$650 to Seaton. This notice, however, was not put in evidence. It may very well be that it contained information which if communicated to Dugan and Rock rendered them liable for the felonious misappropriation of found property; but without knowing what were its contents, we cannot say that such was its legal effect. Convictions in criminal cases must be founded upon competent proof, not upon guess-work or speculation as to the contents of papers which are shown to a witness on the stand but not introduced in evidence or exhibited to the jury.

Only two theories of the case were presented to the



jury for their consideration: one that the property was feloniously taken; the other that it was lost and retained by the finders under such circumstances as to make them guilty of a statutory larceny. In neither view does it seem to me that the proof was sufficient to sustain a conviction; and I am therefore in favor of reversing the judgment and granting a new trial.

Concur, C. H. V. B

I concur, Geo. C. Barrett.

1077

Repe

Deaton

Copy  
for Parke

1078

People  
vs  
Seaton.

Defendant was indicted 17<sup>th</sup> Jan'y, 1890, on a charge of Receiving Stolen Goods. He has been in the Tomb ever since. He was tried & convicted on this charge before the Recorder on January 29<sup>th</sup> 1890, & was sentenced to ten years imprisonment in <sup>the</sup> State Prison. The defendant appealed, & the judgment of conviction was reversed, & new trial granted Aug, 1891.

The reversal was made mainly on the ground of the failure of prosecution to prove that the goods received by defendant were stolen goods. We are in no better position today to prove this allegation than we were at the trial.

In my opinion another trial would be a waste of time & useless.

As to the <sup>second</sup> indictment charging Grand Larceny 2<sup>nd</sup> degree, there has never been sufficient reliable testimony to support it -

Oct 8<sup>th</sup> 1891.

Respectfully,  
Vernon M. Davis  
Asst

Hon. D. S. Lacey, Secy  
District Attorney.



1079

People

10

Charles Sartor

Receiving Station Goods

Report

V. M. Davis

Acct

1080

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

Charles Seaton

The Grand Jury of the City and County of New York, by this  
Indictment accuse Charles Seaton

of the crime of Receiving Stolen Goods,  
as a SECOND OFFENSE, committed as follows:

Heretofore, to wit: at a court of General Sessions of the Peace, holden in and  
for the City and County of New York, at the City Hall, in the said City of New York,  
on the sixth day of September, in  
the year of our Lord, one thousand eight hundred and eighty-six,  
before the Honorable Henry A. Gildersleeve, Judge of the  
said Court of General Sessions of the Peace,  
and Justice of the said Court, the said Charles Seaton  
by the name and description of George Robinson  
was in due form of law convicted of a felony,  
to wit: Grand Larceny in the second degree,  
upon a certain indictment then and there in the said Court depending against him  
the said Charles Seaton by the  
name and description of George Robinson  
as aforesaid,

for that he, and one Frank Brooks,

then both late of the

1081

First Ward of the City of New York, in the County of New York aforesaid, on the

fourteenth day of September in the  
of our Lord one thousand eight hundred and eighty five,  
year aforesaid, at the City and

County aforesaid, with force and arms, one trunk of the value  
of twenty dollars, two hundred collars of  
the value of twenty cents each, two hundred  
cuffs of the value of twenty cents each, and  
one hundred pillow shams of the value of  
one dollar each, of the goods, chattels and  
personal property of one Jacob Stettheimer,  
then and there being found, then and  
there feloniously did steal, take and carry  
away;



And Thereupon, upon the conviction aforesaid, it was considered by the said Court of General Sessions of the Peace, and ordered and adjudged that the said Charles Seaton,  
by the name and description of George Robinson,  
as aforesaid,  
for the felony and grand larceny, whereof  
he was so convicted as aforesaid, be imprisoned in the State Prison  
at hard labor for  
the term of three years and six months,  
as by the record thereof doth more fully and at large appear.

And the said Charles Seaton  
late of the  
City of New York, in the  
County of New York aforesaid, having been so as aforesaid convicted of the  
said felony and grand larceny, in  
manner aforesaid, afterwards, to wit: on the twenty fifth 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, two bars of silver of the value  
of one thousand dollars each, of the goods,  
chattels and personal property of one John  
F. Barkley, by Edward Rock, Thomas Dugan,  
John Keenan, and by certain other persons  
to the Grand Jury aforesaid unknown, then  
lately before feloniously stolen, taken and  
carried away from the said John F.  
Barkley, unlawfully and unjustly, did  
feloniously receive and have, the said  
Charles Seaton 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 and dignity of the said People.

John R. Fellows,  
~~District~~ Attorney

1084

**BOX:**

382

**FOLDER:**

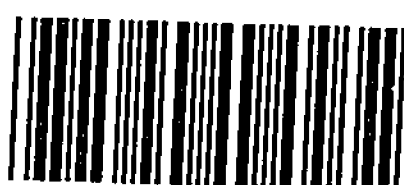
3569

**DESCRIPTION:**

Seaton, Charles

**DATE:**

01/29/90



3569



Witnesses

George Douglas

152 W. 22 St.  
Officer C. Brown

Court Office

Counsel,

Filed

day of May 1899

Pleas,

W. L. E. (Oct 8, 1899)

L. F. H.

THE PEOPLE

vs.

I

Charles S. Eaton

[2 cases]

Grand Larceny Accord degree  
[Sections 528, 531, 532 Penna Code]

JOHN R. FELLOWS

District Attorney.

A True Bill.

G. H. Mann  
Foreman.

Part 3. October 9/91 -  
sepi discharged on the  
own recog. on which of  
June 1/99

1086

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Charles Deaton*

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

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

The said *Charles Deaton*,

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

*one finger ring of the value of*

*thirty dollars,*

of the goods, chattels and personal property of one *George Douglas,*

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.

1087

SECOND COUNT—

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

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

The said Charles Seaton,

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

one finger ring of the value  
of thirty dollars,

of the goods, chattels and personal property of one George Douglas,

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

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

Charles Seaton,

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

JOHN R. FELLOWS,  
District Attorney.



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END OF  
BOX

1089

RECORD GROUP:

COURT OF GENERAL  
SESSIONS

SUBGROUP:

NEW YORK COUNTY

SERIES:

GRAND JURY  
INDICTMENTS

DATES:

1879 - 1893

ACCN NO 2010-23



2010-23