

0563

BOX:

68

FOLDER:

761

DESCRIPTION:

Schmager, Theodor

DATE:

05/29/82



761



0565

**Court of General Sessions**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*  
*Theodore Schmager*

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

*Theodore Schmager*

of the CRIME OF *Selling Spirituous Liquors without a License,*

committed as follows:

The said

*Theodore Schmager*

late of the *Sixth* Ward of the City of New York, in the County of New York aforesaid, on the *twenty first* day of *may* in the year of our Lord one thousand eight hundred and eighty *two*, at the Ward, City and County aforesaid, certain strong and spirituous liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one time, to a certain person whose name is to the Grand Jury aforesaid unknown,

; without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

SECOND COUNT.—And the Grand Jury aforesaid, by this indictment, further accuse the said *Theodore Schmager* of the crime of exposing for sale and selling spirituous liquors on Sunday, committed as follows, that is to say: The said *Theodore Schmager* late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to a certain person whose name is to the Grand Jury unknown,

contrary to 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 McKEON, District Attorney.**



0566

BAILED.

No. 1 by Emad Moley  
Residence 34 7th St. Street.

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

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

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

Police Court 452 District 1st

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James Stedens  
Theodore Schmager  
Office, Division of Police

Dated May 22 1882

William H. Magistrate  
James H. Officer  
McK Clerk.

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

No. 1111 Street, Sealed

MAY 25 1882  
CLERK OF DISTRICT COURT

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 Theodore Schmager

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 May 22 1882 Wm. H. Magistrate Police Justice.

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

Dated 22 May 1882 Wm. H. Magistrate 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 \_\_\_\_\_ 1882 \_\_\_\_\_ Police Justice.



0567

Police Court 7<sup>th</sup> Precinct District.

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

of 6<sup>th</sup> Precinct Judson Golden  
of the City of New York, being duly sworn, deposes and says, that on the Monday 21<sup>st</sup> day  
of May 188 2 in the City of New York, in the County of New York, at  
premises No. 50 Bowers Street,  
Theodore Schumager [now here]  
did then and there sell, and caused, suffered and permitted to be sold, under his direction and authority, strong and  
spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than five gallons at a time, to be  
drunk in the house or premises aforesaid, contrary to and in violation of law. it being Sunday

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

Sworn to before me, this 22 day } Judson Golden  
of May 188 2 }  
[Signature] POLICE JUSTICE.

0568

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

*Theodore Schmagar*

Question. How old are you?

Answer.

*Twenty Three years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*165 Allen St. over 5 years*

Question. What is your business or profession?

Answer.

*Cashier*

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*

*Theodore Schmagar*

Taken before me this

day of

*May*

*24*

1918

at

*City of New York*

before me

*John J. [illegible]*

Justice

0569

**BOX:**

68

**FOLDER:**

761

**DESCRIPTION:**

Schwab, Maurice A.

**DATE:**

05/05/82



761



0570

**BOX:**

68

**FOLDER:**

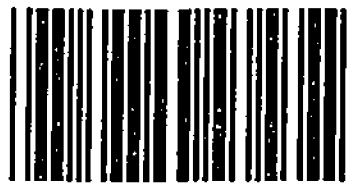
761

**DESCRIPTION:**

Rummels, Robert

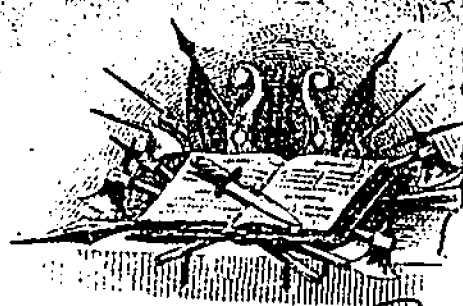
**DATE:**

05/05/82



761

0571



Boston Theatre,  
Account of Gen. Lepious  
Judge H. A. Gilchrist  
To Orlando Tompkins  
To Forest and from  
New York \$12.00  
Carriages — 3.00  
Hotel Breunel 2 15 15  
Board 3 0.15

Red Payment  
Orlando Tompkins  
May 1882

\$30.15 Allowed.  
W. H. G.  
May 17/82

0572

Porta May 14<sup>th</sup>  
James Mc. Brady Esq  
My Dear Sir  
Enclosed please find  
the as desired  
Weir for kindly  
send me a line  
telling me the  
sentence given  
the Prisoners. I would  
am Obe John Tur  
Grand Township



0573

Court of General Sessions of the Peace of  
the City and County of New York

THE PEOPLE OF THE STATE OF  
NEW YORK,

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

*Maurice A. Schwab* against  
*and Robert J. Rummels*  
*Maurice A. Schwab and Robert J. Rummels*  
Means of false pretences of the crime of Obtaining goods by  
committed as follows:  
The said *Maurice A. Schwab and Robert J. Rummels*

late of the First Ward of the City of New York, in the County of New York, aforesaid  
on the *thirteenth* day of *March* in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *eighty two*, at the Ward, City and County  
aforesaid, with force and arms, on the day and year last aforesaid, with intent feloniously to cheat and defraud one *Helen M. Lewis*

did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend and represent to the said *Helen M. Lewis* that the said *Maurice A. Schwab* was *Frederick A. Schwab* who has been theatrical Manager and agent for many years and that he the said *Maurice A. Schwab* was then and there the Manager of a theatrical Company or Combination known as the *Daniel Rochat Combination* and that the said *Robert J. Rummels* was then and there the treasurer of said Combination and that the said Combination had been engaged by the managers and proprietors of the Boston Theatre in the City of Boston to give theatrical performances at said theatre to begin on the twenty seventh day of March then next ensuing and that the said *Maurice A. Schwab* as such Manager and agent then needed the services of actresses to take parts in such performances and that he then and there had authority to engage actresses for such purposes to make contracts for such services and to fix salaries and to engage the said *Helen M. Lewis* to take part as an actress in said performances not only in the City of Boston aforesaid but in all the principal cities in the United States for the term of two years at a weekly salary of forty dollars and traveling expenses that it would be necessary that the said *Helen M. Lewis* get her wardrobe ready for such parts in the said performances because the said Combination was to go to Boston on the next day and that the said wardrobe would cost the sum of five hundred dollars and that he the said *Maurice A. Schwab*



0574

has peculiar and favorable facilities for purchasing such wardrobe promptly and cheaply

And the said Helen M. Lewis

then and there believing the said false pretences and representations so made as aforesaid by the said Maurice A. Schwab and Robert J. Rummels

and being deceived thereby, was induced, by reason of the false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said Maurice A. Schwab and Robert J. Rummels a sum of money to wit: the sum of five hundred dollars in money lawful money of the United States of the value of five hundred dollars

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Helen M. Lewis and the said Maurice A. Schwab and Robert J. Rummels did then and there designedly receive and obtain the said sum of money

of the said Helen M. Lewis

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Helen M. Lewis

by means of the false pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said Helen M. Lewis

of the same. Whereas in truth and <sup>in</sup> fact the said Maurice A. Schwab was not Frederick A. Schwab who has been theatrical manager and agent for many years and was not then and there manager and agent of any theatrical company called the Daniel Rochat Combination and the said Robert J. Rummels was not the treasurer of such combination and the said Maurice A. Schwab did not need the services of an actress for such combination and the said combination had not been engaged by the managers and proprietors of the Boston Theatre to give theatrical performances in said theatre

0575

And Whereas, in truth and in fact, the said Maurice A. Schwab has no authority to make Contracts for the services of actresses or to engage actresses to take part in such performances or to engage the said Helen M. Lewis to take part as an actress in any performance in the said Boston Theatre that the said Combination has not been engaged to give theatrical performances in said Theatre beginning on the twenty seventh day of March then next ensuing and was not to go to Boston on said next day and it was not necessary for the said Helen M. Lewis to get any wardrobe ready for such parts in said performances and he the said Maurice A. Schwab has no peculiar and favorable facilities for purchasing a wardrobe promptly and cheaply

And Whereas, in truth and in fact, the pretences and representations so made as aforesaid, by the said Maurice A. Schwab and Robert J. Rummels to the said Helen M. Lewis was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said Maurice A. Schwab and Robert J. Rummels well knew the said pretences and representations so by them made as aforesaid to the said Helen M. Lewis to be utterly false and untrue at the time of making the same.

And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said Maurice A. Schwab and Robert J. Rummels by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said Helen M. Lewis the sum of five hundred dollars in money and of the value of five hundred dollars

of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said Helen M. Lewis

with intent feloniously to cheat and defraud her of the same, 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.

~~DANIEL C. RUMMELS,~~

John McKee  
District Attorney.



0576

395  
Harrington 10th

Filed 5 day of May 1872

Pleads *Not guilty*

*5*  
*Quincy*

THE PEOPLE

vs.

*P*  
Maurice A. Schmidt  
Robert J. Rummels,

*23*  
*Boston*

Obtaining Goods by False Pretences

*John H. Keon*  
DANIEL C. COLLINS,  
COUNSELLOR AT LAW

District Attorney.

A True Bill.

*John H. Keon*  
Foreman.  
*May 16/72*

*Chief & Convicted*  
*15.1.1. 10 years each.*  
*May 16/72*

0577

*M. Alfred Schwalb,*

ASSOCIATE MANAGER,

TABOR'S GRAND OPERA HOUSE,  
DENVER, COL.

NORTH WESTERN CIRCUIT  
Stars and Combinations of recognized  
standing only, per centage or certainty  
time guaranteed.



0578

Permanent Address  
New York  
22 East 24th St



No. 16-Form

**This Company  
Errors can be  
delays in transmits  
This message is  
GHEKITA SP**

DRIVERS messages only on condition, limiting its liability, which have been assented to by the sender of the following message, by repeating a message back to the sending station for confirmation, and the Company will not hold itself liable for errors or repeated Messages.

MESSAGE and is delivered by request of the sender under the conditions named above.

R. A. SEWELL  
Chief Operator

L. A. SHERMAN, Gen'l. Supt.

**J. W. CONVERSE, President**

GT 16 COLL 39 ST

BOSTON MAY 6TH

JAS. M. BRADY ASST. DIST. ATTY.  
N.Y.

IF YOU COULD MAKE TRIAL WEDNESDAY WILL BE THERE SURE WILL  
COME MONDAY IF POSSIBLE

ORLANDO TOMPKINS  
COLL.

Please pay no charges on this message, unless the amount is denoted hereon by the Company's Stamp.



0580

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Sec. 203, 209, 210 & 212.

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Helena M. Dennis*

*M. Alfred Schmitt*

Offence, *Grand Larceny*

Dated *March 27<sup>th</sup>* 188*2*

*W. L. Dennis* Magistrate.

Officer.

Clerk.

Witnesses.

No.

Street.

No.

Street.

No.

Street.

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

guilty thereof, I order that he <sup>*held to answer the same and be*</sup> be admitted to bail in the sum of \_\_\_\_\_ Hundred Dollars \_\_\_\_\_ and be committed to the Warden or Keeper of the City Prison until he give such bail.

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

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.



0581

2<sup>nd</sup> District Police Court.

The People vs  
on the complaint of  
Helen M. Lewis.

vs.  
M. Alfred Schuch

City and County } ss: -  
of New York

Fredrick A.

Schuch being duly sworn and  
examined deposes and says:

My name is Fredrick A. Schuch.

35 years of age, residence 7:

110 Fifth Avenue, and by profession

a theatrical manager, and within

the past four years was the

business manager of Miss Adelaide

Spilsen and Miss Sarah Bernhardt,

previously and for the period of

seven years I was one of the

editors of the New York Times.

I did not on or about the 26<sup>th</sup> day

of February 1882, nor at any other

time, advertise in the New York

Herald for a lady wanted for

the legitimate drama. I never

had a communication from

0582

Helen M. Lewis, the complainant,  
upon any subject. I never  
aided or assisted in any way  
the procuring of a company for  
the Boston Theatre to be called  
the "Daniel Patch Combination".  
I transferred all of my business  
at 706 East 14<sup>th</sup> Street - I do  
not know a man named M.  
Alfred Schuch, although I have  
heard of him through the news-  
papers about two years ago.  
There is no person in the theatrical  
profession named Schuch except  
myself. I have read the  
annexed affidavit of Helen M.  
Lewis and from the statements  
made therein I have good cause  
to believe and do believe, that the  
said M. Alfred Schuch did  
wilfully, falsely and fraudulently  
represent himself to the said  
Helen M. Lewis as being myself  
with intent to cheat and defraud.

Frederick A. Schuch

Shown to before me this  
28<sup>th</sup> day of March, 1882

J. W. Smith  
Police Justice



0583

Exhibit A  
March 27/1882

EMBRACING THE PRINCIPAL  
THEATRES,  
FROM CINCINNATI, ON REGULAR ROUTE TO  
DENVER, COL.

M. Alfred Schwab,  
MANAGER

NORTH-WESTERN CIRCUIT.

LIBERAL SHARING TERMS FOR  
STARS OF RECOGNIZED STANDING,  
WITH OR WITHOUT COMPANIES,  
TIME GUARANTEED.

New York Feb 27/1882  
D. 27 Washington for  
City.

If you will please call on me at  
No. 230, West 25th Street City, tomorrow  
(Tuesday) you can have a personal interview  
and learn all particulars in regards to addl  
in yesterday's Herald (Manager 359) Please  
call at 121. Old 12th Street.

Yours very truly  
M. Alfred Schwab

0584

City and County } ss.  
of New York

Helen M. Lewis, of 25 West  
18 Street, being duly sworn says -  
That on the 26 day of February  
last deponent saw an advertisement  
in the New York Herald to the  
effect that a lady of good  
social standing was wanted for  
the legitimate drama and to  
address Manager 259 Herald  
New York Office. That deponent  
answered said advertisement  
and received, on the 28 of February,  
an answer signed "Mr. Alfred  
Schwab," which answer is  
hereto annexed and marked  
"Exhibit A."

That on said 28 day of February  
deponent went to 230 West  
23 Street, as requested in said  
answer, and there saw said  
Schwab who stated and  
represented to deponent that he  
was a dramatic reporter on the  
New York Times, that he had  
brought out Adelaide Neilson  
and had been associated with



Ably in the Bernhardt Management, and that he was then engaged in procuring a Company for the Boston Theater with Edward Thorne as leading man and Maggie Harold as leading lady, to be called the Daniel Rochat Combination.

That deponent then left the City to fulfil a series of readings and on return deponent found a card from said Schwab asking deponent to address him at the Metropolitan Hotel. That deponent wrote him and left the letter at the Metropolitan Hotel, and in response to deponent's note he called on deponent at 101 Waverly Place on the 11<sup>th</sup> day of March instant. That he then and there engaged deponent as leading lady in said Daniel Rochat Combination for the Boston Theater, and he informed deponent that it would be necessary for deponent to procure a Curtain wardrobe. That deponent thereupon made inquiries

0586

And ascertained that said wardrobe  
would cost about six hundred  
dollars. That on the 18<sup>th</sup> day  
of March instant the said  
Schwab brought deponent a  
contract to begin and stated  
to deponent that if deponent  
would give him five hundred  
dollars he would procure the  
proper wardrobe for deponent  
and have deponent at least  
one hundred dollars. That on  
the 14<sup>th</sup> of March instant deponent  
gave said Schwab the sum of  
five hundred dollars to be  
expended by him in the  
purchase of said wardrobe for  
deponent. That on the evening  
of said 14<sup>th</sup> day of March instant  
deponent accompanied said  
Schwab to Boston he assuring  
deponent that said wardrobe  
was on the train with deponent.  
That deponent remained in  
Boston to the 25<sup>th</sup> inst. and  
learned while there that said  
wardrobe had not arrived  
and that said Schwab had  
no authority whatever to



0587

engage a Company for the Boston  
Theater and stated he had no  
business Connection whatever  
with Messrs Tompkins & Hill  
Proprietors of said Boston Theater.  
That when Dependent returned  
to New York on the morning of  
the 26<sup>th</sup> inst. Dependent ascertained  
that one J. A. Schwalb of  
No 6 East 14<sup>th</sup> Street was  
a Dramatic Agent and Dependent  
called on said J. A. Schwalb  
and was by him informed that  
said M. Alfred Schwalb was  
an imposter and had no  
Connection whatever with the  
New York Times as a Dramatic  
Reporter, nor with Adelaide  
Neilson or Sara Bernhardt,  
which Dependent believes to be  
true.

That Dependent therefore charges  
and alleges that at the City  
and County of New York, on  
the 14<sup>th</sup> day of March 1882,  
the said M. Alfred Schwalb  
did knowingly and feloniously  
and by means of Trick and

0588

deceit aforesaid, and with the  
intent to cheat and defraud  
deponent personally taken,  
steal and carry away from  
the possession of deponent  
the said sum of five hundred  
dollars, consisting of five  
one hundred dollar bills  
being good and lawful money  
of the United States, and being  
the property of deponent.

Sworn to before me this 27<sup>th</sup> day of March 1882

Alfred W. Lewis

J. H. White

Police Justice



0589

Testimony in the  
Maurice H. Schwab  
and  
Robert J. Remondos

filed May  
1882.

The People  
 vs.  
 Maurice A. Schwab  
 and  
 Robert J. Rummels (Scout of General Sessions. Part I  
 Before Judge Gildersleeve May 10, 1882  
 Indictment for obtaining money by false pretences.  
 Helen M. Lewis, sworn and examined,  
 testified. My profession is the stage. I know  
 the defendants in this action. I saw an  
 advertisement in the Herald that a lady  
 was wished to take a part in a legitimate  
 Company. I answered the advertisement  
 and received an answer asking me  
 to call upon Mr. Schwab; he was Manager  
 of the North western circuit out at Denver  
 Colorado. I called on him; he did not  
 come to any decision at that time,  
 but a short time after he called upon me  
 himself and decided upon taking me  
 as the leading lady in the company.  
 in the play Daniel Rochat, which was  
 coming out at Boston on March 27<sup>th</sup>  
 He then made a contract with me, and  
 I was to start immediately. It was necessary  
 that I should furnish five hundred dollars  
 for my wardrobe, and as he could pur-  
 chase it at an immensely reduced rate  
 at Claflin's store where he was very well  
 acquainted. A list of things were made  
 out that I needed. He took this money



saying that he could get these things at a very great reduction, which was \$500 he purchased them for. I telegraphed on and got the money and gave it into his hands with which he was to purchase the wardrobe and deliver to me on my arrival at Boston. The money was given him on the 14<sup>th</sup> day of March. I was to start off the evening of that day arriving in Boston the next morning to commence at rehearsals in which the company was selected, all the names having been given, Ed. Thorne. The rehearsals were to commence at Boston on the 27<sup>th</sup>. When I arrived at Boston I was told by Schwab and Rummels that it was impossible to commence the rehearsals immediately as Mr. Ed. Thorne, who had been engaged, had gone off to Philadelphia for a short time and treated him very badly and he would have to get some leading man. In the mean time I was told by Mr. Schwab that my box of goods had arrived at Boston. He measured out the size of the box and described accurately the dresses, parasol &c. inside of the trunk and sent two dressmakers

to me in Boston to take my measurements and to receive my orders for the things, which were at the express office and which he daily promised should be sent to the dressmakers for them to commence on. I omitted to say that Mr. Rum-  
mels was introduced to me before I left New York as the Treasurer of the Daniel Rochat combination by Mr. Schwab, that he had been six years Treasurer of the Park theatre and was trusted by Mr. Abbey. Schwab also said that he himself had been manager of Adelaide Keilon when first in this country and also manager of Sarah Bernhardt - that he had an injunction against Rose Coghlan and he had been reporter on the New York Times for six years. Having made these representations to me, I made enquiries if Mr. Schwab was a reliable and honorable manager, believing that it was Frederick Schwab. I believed Mr. Frederick Schwab was an honorable and reliable manager. He said that he was called Fred Schwab for short, and therefore the money was given into his hands. The box never arrived in Boston, and



0593

finally Morris A. Schwab met me with a paper which he insisted upon my signing. This paper was to say that the box of goods that he had bought for me in New York had been held by the Sheriff of New York for an injunction that Lester Wallack had against it. He said if I would sign the paper it would prove that it was my property and the box would be sent on to me. I refused to sign the paper and consulted a lawyer, who advised me by no means to sign it. I investigated the matter and found that no box had been held by the sheriff in New York. I never received the wardrobe and never received a consideration of any kind for my five hundred dollars. I did not procure the engagement to play in the Daniel Rochat combination. I ascertained that the prisoner Schwab was not a manager and never had been. I never played in the Daniel Rochat combination at the theatre in Boston at the time mentioned by the prisoners. I had not an opportunity to do so. I went to Boston solely

0594

for the purpose of commencing rehearsals to commence to act on the 27th of March. Did you know of the business reputation as a theatrical manager and the standing in community as a gentleman of honor and integrity of Frederick A. Schwab? Yes sir. You believed such reputation and character to be good? Yes sir. And that a contract made with Mr. Frederick A. Schwab, a well known theatrical manager was a good contract and would be carried out? Yes sir. The prisoner said he was called Mr. Frederick Schwab. I believed him to be Fred. Schwab, the well known manager. It was upon the strength of the representations of the prisoner that I believed that. Did the prisoner ever show you any press notices referring to Manager Schwab? Numerous <sup>press</sup> notices. And what did he say in regard to them as to whether he was the person to whom the notices alluded? He always represented that he was the person to whom the notices alluded and would be very indignant at some of them that were against him. One of them referred to his management of Adelaide Neilson and another to his connection with the Musical Festival



0595

recently held in New York. Mr. Frederick A. Schwab was assistant manager with Thomas [Paper shown to witness] (People's Exhibit 1) that is the contract entered into between myself and the prisoner. I paid him five hundred dollars, and the paper now shown me (People's Exhibit 2) is the receipt which he gave me. The prisoner Rummels was always present when I had the conversations with Schwab, at least I think he was present at every interview. He was present when I gave the money to Schwab and when I signed the contract. Cross Examined: I gave Schwab the five hundred dollars with which to purchase my wardrobe; he stated to me where he would purchase it and the various articles of which it would consist, the money was given by me to him for the express purpose of purchasing the wardrobe. The contract was read to me before I signed it. He said he would purchase the wardrobe before he left New York, which was between the 13<sup>th</sup> and 14<sup>th</sup> for the purpose of opening at the Boston Theatre on the 24<sup>th</sup> of March. He stated that Mr. Tompkins was the manager of the Theatre in Boston. I have been connected

with the theatrical profession a year and  
 a half. I know very little about theatres  
 and companies and pieces. I have heard  
 of the play of Daniel Rochat. I am not  
 aware that there are seven companies  
 of Daniel Rochat "on the road" today.  
 I took one lesson in elocution in Boston,  
 it was agreed that the manager of the  
 Daniel Rochat Co. should pay for the  
 lessons, but they were not paid for I told  
 the Professor that the manager of the Co. that  
 engaged me was responsible as he had  
 engaged him. I was to play the leading  
 character in Daniel Rochat, Leah. I studied  
 the character and was to play in the theatre  
 at Boston on the 27th of March. Mr.  
 Rimmels always spoke of Schwab as a  
 highly honorable gentleman. The ward-  
 robe was to be given into my possession  
 immediately on my arrival at Boston.  
 Schwab said that he had arranged with  
 Mr. Tompkins to produce the play Daniel  
 Rochat on the 27th of March.  
 Orlando Tompkins sworn and examined.  
 I have lived in Boston forty years or more.  
 I have been manager of the Boston theatre  
 about 18 years continuously. I do not  
 know the prisoners Schwab or Rimmels.



I know the Mr. Schwab that sits here. Will you state whether at any time in March you had a contract with the prisoners or either of them to produce a play called Daniel Rochat at the Boston Theatre to open on the 24<sup>th</sup> of March? No contract with any one. I never heard any thing about the presentation of such a play at that theatre until Miss Lewis came. No writings or no conversation passed between me and anybody with reference to the production of such a play. On the 27<sup>th</sup> of March we were playing "The World"; it commenced on the 20<sup>th</sup> and ~~was~~ <sup>has been</sup> running continuously from the 20<sup>th</sup> of March and is running now. That is my own play and my own troupe. I know Mr. Frederick A. Schwab who sits here. Cross Examined. You have a partner by the name of Hill? Yes sir. And you have agents, haven't you? I have agents, not that attend to that part of the business, I have my son, who is with me as an assistant. Your partner has the same powers as yourself? Yes sir. By Mr. Fellows. Did your partner make any contract for the production of this play? No. I am acquainted with the business of that theatre and no contract has been made this spring for the production of that play.

Frederick A. Schwab, sworn and examined  
 testified I am a Theatrical manager and  
 have been such for four years. I am known  
 by my intimate friends as Fred Schwab. I  
 have had the management of a troupe  
 with which Miss Adelaide Neilson was con-  
 nected in this country. No person of the  
 name of Schwab had any connection with  
 Miss Neilson's arrival in this country until  
 the day of her death except myself. I was  
 acting manager in Miss Sarah Bernhardt's  
 tour through this country. Did any other  
 person by the name of Schwab have any  
 charge of that troupe? No sir. Did you have  
 anything to do in your professional cap-  
 acity with the musical festival under  
 the general management of Mr. Thomas  
 which has just terminated here? I have  
 been business manager of that festival  
 which has just ended. Was there any per-  
 son by the name of Schwab connected in  
 any professional way with that musical  
 festival? None sir.

Helen M. Lewis recalled. The conversations  
 with the prisoner occurred in New York  
 before I left for Boston and before I gave  
 him the money. In those conversations  
 something was said about Rose Coghlan



Schwab said that he had an injunction <sup>against</sup> Rose Coghlan for a breach of contract, he said he was connected with the New York Times for six years. All these conversations were prior to paying the money. Cross Examined. I have stated that I went to a lawyer in Boston about a paper. The prisoner Schwab told me that it was an injunction that Lester Wallack had against him on some private thing. Did you not testify today that in Boston Mr. Schwab told you what you have now stated about Neilson and about Miss Coghlan? No. I did not. I do not remember of his speaking about it in Boston, but he might have said it over again, but I know that he said it in New York. It was said before I gave the money. Frederick A. Schwab recalled. I have now a suit pending against Miss Coghlan for breach of contract, not pending, but on the calendar. During the pendency of that suit no injunction was obtained by me. I was connected with the New York Times for eleven years. Cross Examined. I have some knowledge of theatrical matters. I don't know how many Daniel Rochester combinations there are "on the road."

I do not know that O'Neill has played in one recently. I have seen one Daniel Rochat combination at the Union Square Theatre in which Mr. Thorne played. I have not seen any advertisements of the Daniel Rochat combination. I never read the Dramatic News. I very seldom read the Dramatic Times, only when one is brought to my notice. I never read the Clipper, Vilke's Spirit or Nym Brinkley.

Leonora M. Dexter sworn and examined. testified. I am acquainted with Miss Lewis, the complainant who has been upon the stand. I was present at conversations between the prisoner Schwab and Miss Lewis. He told her that he was manager of Adelaide Neilson, also that he was manager of Sarah Bernhardt, and that he had written for the Times. I also heard him say that he had an injunction against Rose Coghlan. Were you present at the time the contract between the prisoner and Miss Lewis was signed? Yes sir. I witnessed the contract. This is my signature to the contract (paper shown). Cross Examined: I did not go on to Boston with Miss Lewis; the conversations to which I refer occurred at 107 Waverley



0601

Place in New York. I spent the day with Miss Lewis, it was about the 13<sup>th</sup> or 14<sup>th</sup> of March. Charles Heidleberg, sworn and examined testified I am a member of the detective police force of this city attached to the Central office under Inspector Byrnes. I arrested the prisoners, I had a little conversation with Mr. Schwab. I arrested him corner of Fifth Avenue and Thirtieth St. about 9 o'clock at night. I took him to the Gilsey house and there waited until my partner came in. I told him I was a police officer; he knew me by name. I told him I arrested him on a charge of obtaining money. I did not tell him he had better make it up. I said nothing to him, I let him do all the talking. He waited from 9 o'clock in the morning at a certain house 294 Fifth Ave. up to 9 o'clock at night. At 9 o'clock at night when he came out there was two more men with him. I arrested the whole three of them. Schwab said, "your name is Heidleberg." "That is my name." "How do you know?" He said, "I heard that you were after me." Then we were at the Gilsey house he asked me on what charge I arrested him? I told

0602

him I did not know on what one particular as there was so many of them. He says, "I guess it is Miss Lewis as she is very bitter against me." I says, "I think it is Miss Lewis. With that my partner came and we took the three of them down to headquarter. I asked him how much money he got out of Miss Lewis? He told me five hundred, and if she had five thousand he could have got it she had so much confidence in him. Rummels was not present when I arrested Schwab. I arrested him (Rummels) about 11/2 on the same night; he said his name was Williams and that he had never seen Schwab in his life.

The jury rendered a verdict of guilty.



0603

BOX:

68

FOLDER:

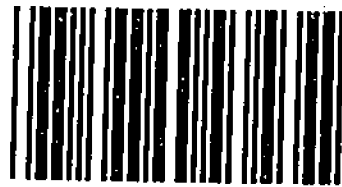
761

DESCRIPTION:

Smith, Charles

DATE:

05/19/82



761

[illegible]

Counsel,

Filed: 19 day of

## Pleads

or THE PEOPLE

3 v. THE P  
248 1747 vs.

2

Charles Smith

~~LARCENY AND RECEIVING STOLEN~~  
~~GOODS~~

JOHN McKEON, *S.*

District Attorney.

P 2 May 19. 1883

Meads Smith 24.

# A True Bill.

True Bill.

**Foreman,**

W. B. Brown  
Foreman.

70

五

0604



0605

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 Smith*

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

*Charles Smith*

of the CRIME OF GRAND LARCENY, committed as follows:

The said

*Charles Smith*

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

*one horse of the value of four hundred  
dollars one wagon of the value of  
one hundred and fifty dollars one set  
of harness of the value of seventy  
five dollars and one robe of the  
value of ten dollars*

of the goods, chattels and personal property of one

*Robert Mc Murray*

then and there being found,  
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 McKeon  
District Attorney*

0506

And the Grand Jury aforesaid, by this indictment, further accuse the said  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :

The said

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

of the goods, chattels and personal property of the said

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

unlawfully, unjustly did feloniously receive and have, the said

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 McKEON, District Attorney.



0607

Sec. 208, 209, 210 & 212.

425

Police Court 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Robert M. Murray  
2034 - 2<sup>nd</sup> St.  
Charles Smith

Offence, Grand Larceny

Dated May 17 1882

Henry M. Magistrate.

Ed R. Birrell  
Officer.

Clerk.

Witnesses

Robert M. Murray  
Charles Smith

No. 947 - 6<sup>th</sup> St.

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



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 Smith

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

Dated May 17 1882

R. L. Morgan 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.

0608

Sec. 198-200.

3 DISTRICT POLICE COURT.

CITY AND COUNTY }  
OF NEW YORK, } ss.*Charles Smith*

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

Question. What is your name?

Answer.

*Charles Smith*

Question. How old are you?

Answer.

*32 years.*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*248 West 47 st lived there 3 weeks*

Question. What is your business or profession?

Answer.

*Carpenter*

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

Answer

*I have nothing to say*

Taken before me, this

17

day of

*May*

188

&amp;

*Charles Smith**[Signature]*

Police Justice



0609

3

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ssof No. 234 2<sup>nd</sup> Avenue Street,Robert M<sup>c</sup> Murray

being duly sworn, deposes and says, that on the 16 day of May 1882

at the City of New York,

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

the following property, viz:

Horse wagon harness robe

all of the value of six hundred dollars

the property of Complainant

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 Charles Smith (now present)

from the fact that deponent is informed by officer Richard Farrell of the 11<sup>th</sup> precinct, police, that he saw said Smith in fourth street with the horse and wagon in his possession. Said horse and wagon were in front of deponent's house when taken from his possession.By R<sup>m</sup> Murray

Sworn before me this

17 day of May

1882

Police Justice.

06 10

City and County  
of New York  
Richard Farrell  
Police Officer 11 precinct being sworn  
says that he found Charles Smith  
in Smith Street with a horse  
and wagon in his possession  
and hearing that said Smith  
wanted to sell the horse and  
wagon at a low figure, arrested  
said Smith the horse and  
wagon have since been fully  
identified by Robert Mc Murray  
as his property Patrick Farrell  
Says to before me }  
this 17 day of May 1882 }  
John H. H. H.  
Police Justice

3 District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

23.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION



0611

BOX:

68

FOLDER:

761

DESCRIPTION:

Smith, Edward

DATE:

05/01/82



761





06 13

**Court of General Sessions**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Edward Smith*

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

*Edward Smith*

of the CRIME OF "Assault and Battery upon another with a deadly weapon with intent to kill," committed as follows:

The said

*Edward Smith*

late of the City of New York, in the County of New York, aforesaid, on the *twenty ninth* day of *April* in the year of our Lord one thousand eight hundred and eighty *two* with force and arms, at the City and County aforesaid, in and upon the body of *George Wessels* in the peace of the said people then and there being, feloniously did make an assault and *him* the said *George Wessels* with a certain *knife* which the said *Edward Smith*

in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent *him* the said *George Wessels* then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

*Edward Smith*

of the CRIME OF "Assault upon another, without justifiable or excusable cause, with a sharp, dangerous weapon, with intent to do bodily harm," committed as follows:

The said

*Edward Smith*

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, ~~the said~~ with force and arms, in and upon the body of the said *George Wessels* then and there being, wilfully and feloniously did make an assault and *him* the said *George Wessels* with a certain *knife* which the said *Edward Smith*

in *his* right hand then and there had and held, the same being then and there a sharp, dangerous weapon, wilfully and feloniously, and without justifiable and excusable cause, did then and there beat, strike, stab, cut and wound, with intent to then and there wilfully and feloniously do bodily harm unto *him* the said *George Wessels* 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 McKear*

*Deputy Attorney*

0614

August Last  
123 Washington St

---

Sewi Lau  
31 Reeter St

---

James Donley  
36 Washington St

---

Fred Popert  
138 Van Brunt St  
Brooklyn

There will another name be  
sent in about this case this  
morning  
O'Hara



06 15

District Attorneys Office.  
City & County of  
New York.

May 5/82

People  
v.  
Edward  
Smith

F. A. B.

Sir:

Will you  
be kind enough to  
furnish us with the  
witnesses, in the case on  
the Complaint, of Heret  
v. Edward Smith and  
oblige

Yours Respy,

R. J. Murphy

Subpoena Clerk

Capt Berghall  
27th Police

Send list up to tomorrow

05 16

BOX:

68

FOLDER:

761

DESCRIPTION:

Smith, George

DATE:

05/25/82



761



0617

Bill Indured

CD

Day of Trial,

Counsel,

Filed day of

1882

Pleads

*Not guilty*

THE PEOPLE

vs.

*George Smith*

*44-38*

*31*

*Indured*

JOHN MCKEON,

District Attorney.

*22 May - 31. 1882.*

*Fried & Crooked.*

A True Bill.

*True*

*John J. Jarens*

Foreman

*182*

06 18

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Smith

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

George Smith

of the CRIME OF publicly indecently exposing his person  
committed as follows:

The said

George Smith

late of the City and County of New York, on the Seventeenth day of May  
in the year of our Lord one thousand eight hundred and eighty-two, at the City and County  
aforesaid, ~~with force and arms~~

being a scandalous and evil disposed person and  
maliciously devising contriving and intending  
the morals of diverse good people of the State  
of New York to debauch and corrupt on a  
certain public place and common resort  
there situate in the presence of diverse good  
people of the said State then and there being  
and within sight and view of diverse other  
good citizens in the said public place then  
and there passing and repassing unlawfully  
wickedly and scandalously did expose to the view  
of the said persons present and so passing and  
repassing as aforesaid the body and person  
of him the said George Smith naked and  
uncovered for a long period of time to wit:  
for the period of half an hour to the great scandal  
of the people of said State to the manifest corruption  
of morals to the evil example of others and  
against the Peace of the People of the State



06 19

~~Second Count~~

~~of New York and their dignity.~~

~~second count~~

And the Grand Jury aforesaid by this indictment further accuse the said George Smith of the crime of publicly indecently exposing his person committed as follows:

The said George Smith late of the City and County aforesaid on the seventeenth day of May in the year aforesaid at the City and County aforesaid unlawfully wickedly and wilfully did expose and exhibit his private parts in an indecent posture situation and practice to divers good people male and female publicly in a certain public place there situate with intent to vitiate and corrupt the morals of the good people of said State then and there being and to stir up and excite in their minds filthy lewd and unchaste desires and inclinations against the peace of the people of the State of New York and their dignity.

John McKeon  
District atty

Court of General Sessions

The People  
-vs.-  
George Smith

If there is an attempt to excite the jury into an agreement, the verdict <sup>must</sup> ~~may~~ be set aside.

Bishop Crim. Pro. - 982

Pickins vs. the State 50 Ala. 154.

The State vs. Ladd 10 La. 271.

Fisher vs. People 23 Ill. 253.

A jury must not be influenced by threat or otherwise

Bishop Crim. Pro. 982.

The Judge must not assume a fact as proved unless the parties in the cause, in the course of the trial have treated it so, and then he may,

Bishop Crim. Pro. 979.

When the defendant has been deprived of a substantial right, the verdict must be set aside.

Cock Crim. P. 465

Sec. 999



0621

The verdict should be set  
aside, and the prisoner  
granted a new trial.

Wm. C. Cullen  
of Counsel for App.

0622

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

The People  
— or —  
George Smith.

City and County of New York ss.

Hugh Coleman,  
being duly sworn, says that he  
is the Counsel for the defendant  
herein; that the said defendant  
was convicted in said Court,  
on the 31<sup>st</sup> day of May, 1887,  
for an alleged crime of "Indecent  
Exposure"; that after all the evidence  
in the case had been given  
to the jury who sat on the case  
and the Judge had submitted  
his charge to them, the said  
jury retired for deliberation,  
that after deliberating for some  
time they (the said jury) as this  
deponent is informed, and  
~~truly~~ <sup>truly</sup> believes, sent out word  
that the said jury could not



agree, word was sent back,  
 as this deponent was informed,  
 and ~~fully~~<sup>really</sup> believes, that they would  
 be kept together until they  
 did agree, that in less than  
 ten minutes thereafter, the  
 said jury agreed upon a  
 verdict of guilty, that this  
 deponent being surprised  
 at the result took immediate  
 steps to ascertain the cause of  
 such an immediate and  
 radical change, where he  
 was informed by one of the jurors  
 who sat upon said case,  
 that the said jury stood six  
 for conviction, and six for acquittal,  
 and were unable to agree for  
 some time, and sent out  
 word to the Court to that effect,  
 where the reply came out from  
 the Court that they would have to  
 stay there until they did agree,  
 that finding that there was a  
 prospect of staying out all night,  
 they yielded to the force of circumstances,  
 and found the prisoner guilty.

0624

rather than be kept out all  
night, or for the greater portion  
of the night.

Hugh Cummings

Sworn to before me  
this 2<sup>d</sup> day of June 1882

Robt. Greenman  
Noty Publ  
N.Y.C.





0626

BAILED,

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

Rec. 208, 209, 210 & 212.

Police Court 4 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*George Smith*  
*11052nd St. 1st Ave*  
*George Smith*

Offence *Indecent Exposed*  
*of person*

Dated *May 17* 188*2*

*Mr. Stern* Magistrate.  
*Albert Steingart* Clerk.

Witnesses *Mahmud Guafar*

No. *1069 2nd Ave* Street, \_\_\_\_\_

*Buwan Reed*

No. *1055 2nd Ave* Street, \_\_\_\_\_

*George Steingart*

No. *1057 2nd Ave* Street, \_\_\_\_\_



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

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

Dated *May 17* 188*2* *Wm. C. Clark* 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.

*George Steingart*  
*Wm. C. Clark*



0627

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

DISTRICT POLICE COURT.

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

Question. What is your name?

Answer. *George Smith*

Question. How old are you?

Answer. *50 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *9 Avenue, bet. 37<sup>th</sup> & 38<sup>th</sup> Street. One week*

Question. What is your business or profession?

Answer. *carpenter*

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

Answer. *I am not guilty of the charge preferred against me and demand a trial at the Court of Special Sessions of said City.*

Taken before me, this *17*

day of *May* 188*7*

*George Smith*

*McQuibben*

Police Justice.

0628

Form 10.

POLICE COURT—~~SIXTH~~ DISTRICT

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

*Lizzie Flickinger*

of No. 1052 1<sup>st</sup> Avenue

Street,

that on the

17<sup>th</sup> day of May

being duly sworn, deposes and says,

1892 at the City

of New York, in the County of New York,

*George Smith (nowhen) was in the Central Park, and did then and there unlawfully, wilfully and indecently expose to public view and to deponent and divers other persons his naked private parts. That said Smith did then and there unbutton his pantaloons and did take out his penis and shake it at deponent and at other persons who were then and there present and said Smith did also follow deponent and other girls who were with deponent exposing his naked private parts.*

*Lizzie Flickinger*

Sworn to, this

17<sup>th</sup> day of May

1892

*before me,*

*Police Justice.*



0629

**BOX:**

68

**FOLDER:**

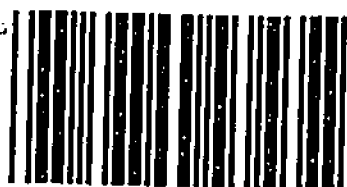
761

**DESCRIPTION:**

Smith, Ida

**DATE:**

05/08/82



761

0630

*McLennan*

Counsel,

Filed

188

day of

May

Pleas

*Not guilty (3)*

THE PEOPLE

vs.

*Ida Smith*

INDICTMENT.

LARCHMONT.

from the Prison

**DANIEL C. ROLLING**

~~JOHN MCLENNAN~~

*John McLean*

District Attorney.

A True Bill.

*James J. Green*

Foreman.

*May 18. 1882*

*Indictment acquitted.*

70



0631

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

THE PEOPLE OF THE STATE OF  
NEW YORK.

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

Person  
committed as follows:  
The said

*Ida Smith*  
*Ida Smith*  
of the crime of *Larceny from the*  
*Ida Smith*

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

*one promissory note for the payment  
of money the same being then and there due  
and unsatisfied and of the kind known as  
United States treasury notes of the denomination  
of ten dollars and of the value of ten dollars  
one promissory note for the payment of money  
the same being then and there due and unsatisfied  
and of the kind known as United States treasury  
notes of the denomination of one dollar and  
of the value of one dollar one promissory  
note for the payment of money the same  
being then and there due and unsatisfied  
and of the kind known as bank notes of  
the denomination of one dollar and of the  
value of one dollar*

of the goods, chattels, and personal property of one  
on the person of the said *Daniel Dougherty*  
being found from the person of the said *Daniel Dougherty*

*Daniel Dougherty*

~~then and~~  
~~there being found~~ 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.

*Daniel C. Collins*  
*John McKeon*  
District Attorney.

0632

Sec 206, 208, 210 & 212.

Police Court

District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*David Humphrey*  
*302 Oysterville St*  
*Walla Walla, Wash*

Offence, *Larceny from Person*

BAILED,  
No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

*April 30* 188

*John* Magistrate.

*John* Officer.

Clerk.

Witnesses

No.

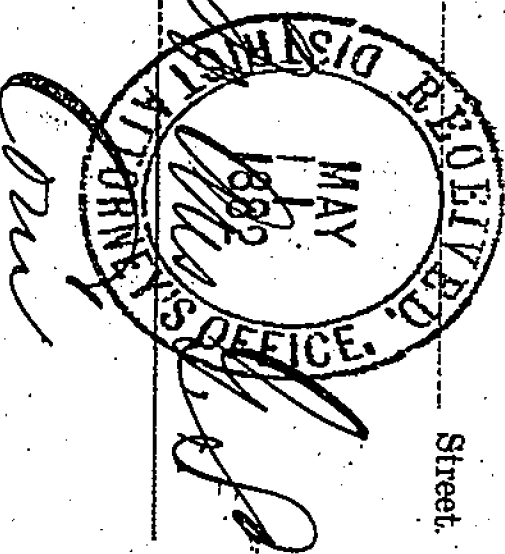
Street,

No.

Street,

No.

Street,



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

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

Dated *April 30* 188 *Andrew J. Smith* 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.



0633

Sec. 198-200.

3 DISTRICT POLICE COURT.

CITY AND COUNTY  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Ida Smith*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Queens*

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

Answer. *146 Chrystie Street 2 days*

Question. What is your business or profession?

Answer. *I am walking the Street*

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*

Taken before me, this *30*

day of *April* 188*8*

*Ida Smith*  
(Mark)

*Charles J. White*

Police Justice.

0634

3 District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ssof No. 30 DyckmanStreet, Brooklynbeing duly sworn, deposes and says, that on the 22 day of April 1882

at the

City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, and from the person of deponent at right time  
the following property, viz:

good and lawful money of the issue of  
the United States, consisting of one  
Treasury Note of the denomination and  
value of ten dollars, and one note  
of the denomination and value of  
one dollar said money being in  
all of the value of eleven 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 Ida Smith (now here) from

the fact that deponent was in company of  
said Ida in a Room at premises No 91  
Chrytie Street when deponent had said  
money in the right hand pocket of the vest  
then worn upon deponent's person. That  
immediately after said Ida left said Room  
deponent missed said property. Deponent  
further says that from the time he last saw  
said money until he missed the same



0635

there was no other person near  
defendant,

known to before me this  
30<sup>th</sup> day of April 1882  
Subscribed and sworn to

Daniel Dougherty

Peace Officer

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0636

BOX:

68

FOLDER:

761

DESCRIPTION:

Smith, Margaret

DATE:

05/29/82



761



W. A. Bodin

Excesses by Judge Deland  
Page 3 of 3

100

0637



0638

**Court of General Sessions**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Margaret Smith*

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

*Margaret Smith*

248. N 29

of the CRIME OF *Selling Spirituous Liquors without a License,*

committed as follows:

The said

*Margaret Smith*

late of the *twentieth* Ward of the City of New York, in the County of New York aforesaid, on the *twenty third* day of *April* in the year of our Lord one thousand eight hundred and eighty *two*, at the Ward, City and County aforesaid, certain strong and spirituous liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one time, ~~to a certain person whose name is to the Grand Jury aforesaid unknown,~~

*Charles A. Allen*

; without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

*John McKeon*  
*Dist atty*

SECOND COUNT.—And the Grand Jury aforesaid; by this indictment, further accuse the said *of the crime of exposing* for sale and selling spirituous liquors on Sunday, committed as follows, that is to say: The said *late of the Ward, City and County aforesaid,* afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to a certain person whose name is to the Grand Jury unknown,

contrary to 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 McKEON, District Attorney.**



N. J. Supreme Court.

The People, &c.,  
Defendants.

vs.  
Margaret Smith,  
appet.

Copy  
Order of Affirmance

John McKeon,  
Clerk. Atty.

2

0640

At a General Term of the Supreme Court of  
the State of New-York, held at the Court  
House in the City of New-York, on the  
day of January, 1883.

Present:

Hon. Noah Davis, P. J.  
" John R. Brady,  
" Charles Daniels, Justices.

-----x  
The People of the State of New-York,  
Respondents,

- against -

Margaret Smith,

Appellant.  
-----x

The appeal taken to this Court from the Court of General Sessions of the Peace of the City and County of New-York having come on to be heard in its regular order, and after hearing Peter Mitchell, Esq., of counsel for said appellant, and A. J. Requier, Esq., Assistant District Attorney, on the part of the respondents, and due deliberation being had thereupon, it is hereby ordered and adjudged that the aforesaid judgment of the Court of General Sessions of the Peace of the City and County of New-York be and the same is hereby in all things affirmed; and it is further ordered that the stay of proceedings heretofore granted herein be and the same is hereby vacated and set aside.

*[Signature]*

*Attesty*  
*Patrick Keenan*  
*Clerk*



N. Y. Supreme Court.

The People

vs.

Margaret Smith.

Copy

Order of Affirmance.

John McKeown,  
Dist. atty.

0642

At a Special Term ( Chambers ) of the  
Supreme Court of the State of New-York,  
held in and for the First Judicial  
District, at the County Court House in  
the City of New-York, on the 12<sup>th</sup> day of  
June, A. D., 1883.

Present

Hon. Charles Donohue, Justice.

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

- against -

Margaret Smith.  
-----X

A judgment of conviction having been rendered herein  
against the above named defendant in the Court of General Sessions  
of the Peace in and for the City and County of New-York on the  
9<sup>th</sup> day of June, 1882, and an appeal therefrom having been taken  
to the General Term of the Supreme Court of the State of New-York  
and judgment of affirmance entered thereon on the 10<sup>th</sup> day of  
January, 1883, and an appeal having been taken from said last  
mentioned judgment to the Court of Appeals of the State of New-  
York, which last mentioned judgment was on the 5<sup>th</sup> day of June,  
1883, duly affirmed, and the record from said last mentioned  
Court having been remitted and filed with the Clerk of this  
Court, it is now on motion of John Mc'Keon, District Attorney,  
ordered and adjudged that the judgment of the Court of Appeals  
herein be made the judgment of this Court, and the judgment of  
the Supreme Court appealed from in this action be and the same  
is hereby in all things affirmed and stands in full force,  
strength and effect.

*Attest*

*Patrick Keenan*  
*Clerk*



0643

327 W. 30<sup>th</sup> St. N.Y.  
May 23<sup>rd</sup> 82

D. J. Whitney Esq.

Dear Sir:

Let me group such items as I now  
have gathered:

- (1) - The owner of the property N<sup>o</sup> 248 W. 29<sup>th</sup> St.  
is Margaret Smith.
- (2) - She keeps a house of prostitution -  
and liquor is sold in the place.
- (3) - There is no external sign of a  
liquor shop.
- (4) - Chas. A. Allen ~~her~~ husband  
lives at N<sup>o</sup> 402 Summit Ave Jersey City  
and works in Harrison's Chain Factory  
West 130<sup>th</sup> St. near 11<sup>th</sup> Ave. He is  
the husband of Bella Allen who  
deed & says he has personal know-  
ledge of both forms of traffic.
- (5) - The name of the Police Sur-

0644

great friend at - was Sergeant  
James - (this needs verification,  
& I will try on my part to fix it)  
(6) - There is abundance of testi-  
mony as to the girl's own state-  
ments regarding the character  
of the place she came from.  
(7) - The place has for years  
been known in the vicinity as  
a house of ill-fame.

I have sent for Allen & shall  
do all I can to bolster him up -  
If some reliable person were  
to go to the place & post him-  
self on the interior workings  
it, perhaps, would be better.

While public sentiment is so  
strong over the death of the  
victim - seems a good time to  
strike - I judge this is a short  
metre case - Command my as-  
sistance if necessary -

Yours Sincerely  
Char. R. North



0645

327. W. 30<sup>th</sup> St. N.Y.  
D. J. Whitney Esq.  
Or Sir,

Desiring to make  
certain on a few things, Char. Allan  
called here at my request last Evg.  
He says Sargant James has been  
associated with "Mag Smith" to his  
knowledge within several months.  
Allan says he has bought of and for  
beer & whiskey there as lately as four  
weeks ago last Friday; that he knew  
at that time of the character of the  
place up stairs. Mag Smith's  
son has been visiting him & trying  
to persuade him to come see his  
mother - who wants to talk with  
him. He refused to do so. The  
son asked whether anything was  
going to be done about it. I only

0646

write thinking this may be of some  
service. Char. Allan - has been  
a hard drinker and many years  
ago he was in the Tomb for  
some scrape for 15 days - but was  
let out, unconverted - He is very  
penitent & much wrought upon  
by the death of this woman,  
whom he loved in all her flesh  
& used to buy the privilege of  
seeing - from May Smith! -

Yours Sincerely  
Chas. F. North.



0647

Pepper

Margaret Smith

0648

**BOX:**

68

**FOLDER:**

761

**DESCRIPTION:**

Smith, Philip E.

**DATE:**

05/09/82



761



0649

CTD

Day of Trial,

Counsel,

Filed

day of

188

Pleads

9 May 2  
Monday Nov 16/83

THE PEOPLE

vs.

Philip C. Smith  
P.  
389 West 40

Volation of the Law

JOHN McKEON,

District Attorney.

A True Bill.

*James Lewis*

Foreman

84

0650

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Philip E. Smith

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

Philip E. Smith

of the CRIME OF Selling spirituous on Sunday  
committed as follows:

The said Philip E. Smith

late of the City and County of New York, on the Seventh day of May  
in the year of our Lord one thousand eight hundred and eighty-two, at the City and County  
aforesaid, ~~with force and arms~~

the same being the first day of the week commonly  
called and known as Sunday. With force and arms  
Certain strong and spirituous liquors and certain wines  
to wit: one gill of wine, one gill of brandy, one gill  
of rum, one gill of gin, one gill of whiskey, one  
gill of Cordial, one gill of bitters, one gill of  
Ale, one gill porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous  
liquor to the Grand Jury aforesaid unknown, unlawfully  
did expose for sale and sell as a beverage to certain  
person whose name is to the Grand Jury unknown,  
Contrary to 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 McKeon  
District Attorney



0651

Sec. 208, 209, 210 & 212.

397  
Police Court - Second District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Stephen P. Ryan

8110 Chambers Street,

Street,

Street,

Street,

William J. Ryan  
Philip Smith

Offence, Violation  
Excise Law

Dated

May 7th 1882

Smith  
Magistrate.

Barner  
Officer.

Clerk.

Witnesses

William Barner

No. 1

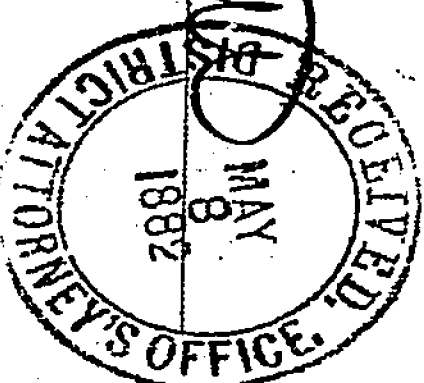
John Barner

No. 2

Street,

No. 3

Street.



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

guilty thereof; I order that he <sup>be held to answer the offence</sup> be admitted to bail in the sum of One Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated May 7th 1882

Solomon Smith  
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.

John Barner

0652

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.*Second* DISTRICT POLICE COURT.

*Philip Smith* being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his ~~no~~ 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~~ waiven cannot be used against ~~him~~ on the trial,

Question. What is your name?

Answer. *Philip Smith*

Question. How old are you?

Answer. *Nineteen years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *389. West St. one year*

Question. What is your business or profession?

Answer. *Bar tender*

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*

Taken before me, this

day of

*May 7th*188*7**Philip E. Smith*

*Isaac Smith*  
Police Justice.



0653

POLICE COURT 2d DISTRICT.

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

William T. Dwyer 41 years  
of No. 1th 9th Precinct Police Station 7th day  
of the City of New York, being duly sworn, deposes and says, that on the 7th day  
of May 1882 in the City of New York, in the County of New York,  
At Premises 298 West Street

a place where intoxicating liquors and wines are kept for sale, and sold as a beverage, Philip E. Smith  
(now here) did then and there expose for sale, and did sell, caused  
suffered, and permitted to be sold and given away, under his direction or authority, strong and spirituous liquors,  
wines, ale and beer, being intoxicating liquors, in quantities less than five gallons at a time, to be drunk in the  
house or premises aforesaid, contrary to and in violation of law:

WHEREFORE, deponent prays that the said Philip E. Smith may  
be ~~arrested and~~ dealt with according to law.

Sworn to before me this

of

May

1882

William T. Dwyer  
Solovent Smith

Police Justice.

0654

**BOX:**

68

**FOLDER:**

761

**DESCRIPTION:**

Stevenson, Thomas

**DATE:**

05/29/82



761



0655

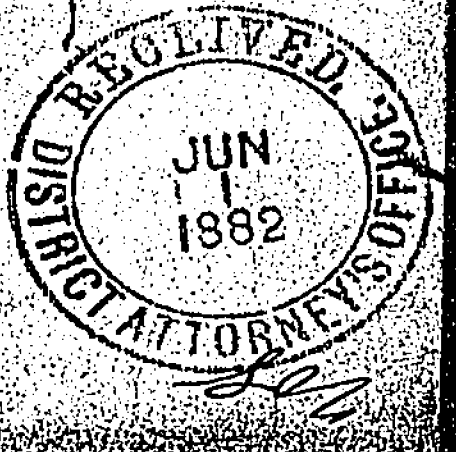
Witness  
Charles Partridge  
43 Court St  
124 Broad St

Paul Geyser  
at \$250.  
June 19/82  
Lawrence M. Dinsd.  
124 Bleeker St

June 27<sup>th</sup> 1882  
Day of Trial,  
Counsel, J. M. Goff  
Filed 29<sup>th</sup> of June 1882  
Plends *collusively* Gms!

THE PEOPLE  
vs.  
Thomas H. Starnes  
137 Bleeker St  
Violation of Excise Law.  
P2 June 1/82 arrested & bailed  
Judge Charles Townsend  
JOHN McKEON,  
District Attorney.

A True Bill.  
Foreman.  
John W. Goff  
Criminal for Dept  
229 Broadway  
N.Y.



0656

**Court of General Sessions**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Thomas H. Stevenson*

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

*Thomas H. Stevenson*

*137 Blenheim*

of the CRIME OF *Selling Spirituous Liquors without a License,*

committed as follows

The said

*Thomas H. Stevenson*

late of the *fifteenth* Ward of the City of New York, in the County of New York aforesaid, on the *twenty sixth* day of *May* in the year of our Lord one thousand eight hundred and eighty *two*, at the Ward, City and County aforesaid, certain strong and spirituous liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one time, to a certain person whose name is to the Grand Jury aforesaid unknown,

*one Charles Partridge*

; without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

*John McKeon*  
*Dist atty*

SECOND COUNT—And the Grand Jury aforesaid, by this indictment, further accuse the said *Thomas H. Stevenson* of the crime of exposing for sale and selling spirituous liquors on Sunday, committed as follows, that is to say: The said *Thomas H. Stevenson* late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to a certain person whose name is to the Grand Jury unknown,

contrary to 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 McKEON, District Attorney.**



0657

**BOX:**

68

**FOLDER:**

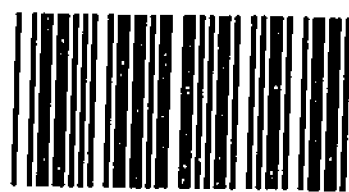
761

**DESCRIPTION:**

Stewart, John

**DATE:**

05/03/82



761

0650

WITNESSES.

Day of Trial.

Counsel.

Filed

Pleads.

1882

THE PEOPLE

vs.

*John D. Stewart*

DANIEL G. ROLLINS

District Attorney.

A True Bill.

*John D. Stewart*

Foreman.

*May 24, 1882*

*Chas. Schuyler*

18



0659

# Court of General Sessions

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*John Stewart*

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

of the CRIME OF

*John Stewart*  
*Manslaughter*

committed as follows:

The said

*John Stewart* late of the first Ward of the City of New York, in the County of New York aforesaid, on the thirtieth day of April in the year of Our Lord, one thousand eight hundred and eighty-two, at the Ward City and County aforesaid with force and arms, in and upon one Rosanna Stewart then and there being, wilfully and feloniously made an assault, and then the said Rosanna Stewart then and there with the hands and feet of him the said John Stewart and with a certain Club which he the said John Stewart in his right hand then and there held, wilfully and feloniously did then and there beat, strike, kick, bruise and wound in and upon the head, back, belly and sides of her the said Rosanna Stewart, giving unto the said Rosanna Stewart then and there by the beating, striking, kicking bruising and wounding her the said Rosanna Stewart with his hands and feet and with the Club aforesaid, divers mortal wounds and bruises, in and upon the head, back, belly and sides of her the said Rosanna Stewart of which said mortal wounds and bruises so occasioned as aforesaid the said Rosanna Stewart, at the Ward, City and County aforesaid on the day and in the year aforesaid, then and there died and so the Grand Jury aforesaid, do say that the said John Stewart, her the said Rosanna Stewart, in manner and form aforesaid on the day and in the year aforesaid at the Ward, City and County aforesaid offensively and feloniously did kill and slay, against the peace of the people of the State of New York and their dignity.

*John W. McLean*  
District Attorney

0660

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK. } ss.

John Stewart 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.—

John Stewart

Question.—How old are you?

Answer.—

50 years

Question.—Where were you born?

Answer.—

Ireland

Question.—Where do you live?

Answer.—

E. 91 Ave

Question.—What is your occupation?

Answer.—

Labourer and flagger

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

I am not guilty.

John Stewart

Taken before me, this 26 day of April 1882

John H. Madley CORONER.



0561

Ind 170 1882

# HOMICIDE. B

## AN INQUISITION 373

On the VIEW of the BODY of

Rosanna Stewart

whereby it is found that she came to

her Death by the hands of her

husband, John

Stewart.

Examiner - Mr. M. J. Madigan

Stewart - April 13. 1882

Inquest taken on the 26 day

of April 1882

before



Committed

Prison

Discharged

Date of death April 13. 1882

18

### MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE When Reported.
46 Years. — Months. — Days.	London	Presbyterian Hospital	April 13/82

0662

## STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

## AN INQUISITION,

Taken at the house of Coroner's Office  
 No 13 & 15 Chatham Street, in the 4<sup>th</sup> Ward of the City of  
 New York, in the County of New York, this 26 day of April  
 in the year of our Lord one thousand eight hundred and 82 before  
 John G. Brady Coroner,  
 of the City and County aforesaid, on view of the Body of Rosanna

Stewart lying dead at  
 the Presbyterian Hospital. Upon the Oaths and Affirmations of  
 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  
 Rosanna Stewart came to her death, do  
 upon their Oaths and Affirmations, say: That the said Rosanna Stewart

came to her death by  
 Violence at the hand of her Husband  
 John Stewart, accelerated by the use  
 of intoxicating Liquor - April 13th 1882  
 in 871st Street near Madison Ave

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.

James Magowan 412 E. 114th John H. Mullen 84 Nassau  
 Patrick Mahony 7 Bohm St  
 George W. Leaman 200 E 60th James D. Torrey 8 Leroy St.  
 James Cummin No 319 E 12th Augustus D. Hendrickson  
 Harrison Barnett 126 William Wallace J. Vaughan 105 Moser St

John H. Brady

CORONER, I. S.



0663

The People of the State of New York, on the  
Complaint of

vs.

John Stewart

In view of the body of  
Rosanna Stewart

List of Witnesses.

NAMES.

Off. Michael Shields

Catharine French

John Stewart

Dr. J. W. A. Manderville

Dr. M. A. Raffle

Thomas Ward

RESIDENCE.

28 E. 7th

72nd Street

East 71st Street

St. Louis Surgeon

Presbyterian Hospital

Carroll's Office

72nd Street

0664

Coroner's Office.

TESTIMONY.

Officer Michael Shields 28 1/2 years being sworn  
 says: While on post on 92 St. on April 13<sup>th</sup> at  
 between 8 and 9 A.M. St. Glynn called my  
 attention to the case, saying that a woman  
 had been beaten and was lying in a rooming  
 on 92 St. and should be taken to a hospital  
 house there ~~and~~ with the doctor and found her  
 to be unconscious. Was told by Mrs. <sup>Kemchan</sup> ~~Robertson~~  
 that she had been beaten by her husband, <sup>Stewart</sup> Asked  
 her where Stewart was and she pointed him  
 out to me. Went to him and arrested him.  
 Took Mrs. Kemchan to the stationhouse also  
 where she made a charge against Stewart.  
 Mrs. Kemchan also said that she saw Stewart  
 kick his wife with his bare feet. She also said  
 that with her daughter's assistance she put  
 Stewart to bed in her (<sup>Stewart's</sup> ~~Kemchan's~~) house.  
 Next morning Mrs. Kemchan said she found  
 Mrs. Stewart lying on the outside of Miss  
 Kemchan's bed. How she got there she did  
 not know. Stewart was sent to the Hospital  
 immediately after Stewart was disposed of.  
 I have had only trouble with the Stewart family  
 before.

Michael Shields

Taken before me

this 26 day of April 1882

John H. Brady

CORONER.



0665

Coroner's Office.

TESTIMONY.

Catherine Kenchan, Senior, being sworn says,  
 I live on 72 St. and am a sister of deceased.  
 On April 12<sup>th</sup> at between 7 and 8 P.M. the  
 oldest Howard boy came back-headed to my  
 room and said to his two brothers "to come  
 home or else they be killed". They all then  
 went. In about 15 minutes they returned  
 saying that papa was killing mama.  
 I went out at once with my daughter and  
 found <sup>Mrs. Howard</sup> ~~the~~ lying unconscious on the floor.  
 Supposed first off that it was one of her  
 usual beatings, but soon found that my  
 sister could not speak. I said to Howard,  
 you have finished her at last, but still sup-  
 posed, it was no worse than the usual  
 beatings. Myself and daughter then put  
 her to bed. Howard objected to my being  
 there and I retired with the children of the  
 deceased. We went to bed at about 11 P.M. Next  
 morning found my sister lying on the bed of  
 my daughter with nothing on but a dress. How  
 she got there I do not know. She frequently  
 slept with me when she was put out. I have  
 seen my sister under the influence of liquor.  
 But they always quarreled during the last five  
 years. Left a window open for my sister to unbutton  
 whenever she desired to come in. The Howards lived  
 one flight up. When I first entered Howard's

Taken before me

this 26 day of April 1882

John H. Brady

CORONER.

0666

Coroner's Office.

TESTIMONY.

apartments. Stewart was kissing his wife with his <sup>foot with the</sup> shoes off, but with his socks on. Can not say whether Stewart was under the influence of liquor. Do not know how Mrs. Stewart got into my house. Did not inquire whether any one let her in. Between 9-10 A.M. she was removed to the Hospital. Called Dr. Glynn <sup>2nd Avenue</sup> in at about 8 A.M. Did not get a policeman, because I thought it was the same ordinary kissing which she had often had. Did not think it strange to find my sister in my house as she frequently slept there.

Caroline Stewart  
 mark

Taken before me  
 this 26 day of April 1882

John H. Brady

CORONER.



0667

Coroner's Office.

TESTIMONY.

(4.)

John Stewart being sworn says: I am a son of a married and <sup>about</sup> 16 years old. On Wednesday night, April 12<sup>th</sup>, I was putting wood in the box. Mother said to put it in the boiler and father insisted upon putting it in the box. Father then slapped mother with his open hand and knocked her down. I then ran over to my aunts. Returned with my aunt and cousin to the house when mother was lying on the floor. Both mother and father were drunk. They were frequently quarreling. Saw my aunt and her daughter put mother to bed. Did not see father kick mother. Mother often slept at my aunts, whenever they quarreled. I entered the room after my aunt and cousin. They were just picking mother up from the floor when I got there. Confirmed with my aunt since the occurrence. She told me to tell the truth when I came to the Coroner's Office. Mother was <sup>partly</sup> drunk every day and sometimes very drunk, but not very often. Father was drunk 3 or 4 times a week, when he did not have the pledge. They had not quarreled for a week and a half before that Wednesday night.

John Stewart

Taken before me

this 26 day of April 1882

John H. Masley

CORONER.

0668

Coroner's Office.

TESTIMONY.

I H. A. Maudselle M.D. House Surgeon to the Presbyterian Hospital Being duly sworn do hereby testify that on the morning of April 13<sup>th</sup> 1882 at 10.26 Rosanna Stewart was brought to this Hospital with the following symptoms Large hematoma on right side of head extending somewhat on left side - Comatose. Pupils unequal. Stertorous breathing - Slight convulsive movements of left side of body - Patient remained in this condition until 1.40 P.M. when she died.

Autopsy held by Deputy Coroner.

H. A. Maudselle M.D.  
House Surgeon -  
Presbyterian Hospital  
April 15<sup>th</sup> 1882

Taken before me  
this 15 day of April 1882

John H. Mader

CORONER.



0669

Coroner's Office.

TESTIMONY.

Mr. S. Raper and his wife says: I have made an autopsy on the body of Rosanna Howard at the Presbyterian Hospital April 14<sup>th</sup> 1882. The body presented the following external injuries:

Contusion on right temple;  
 Contusion on right cheek;  
 Contusion (less intense) on right side of face;  
 Contusion on middle of forehead;  
 Contusion on left temple;  
 Contusion on left cheek;  
 Deep abrasion over nose;  
 Contusion on right upper arm;  
 Abrasion on right wrist;  
 Contusion over left knee; and  
 Abrasion and bruise over left ear.

Incision of scalp disclosed extravasation of blood into tissues over whole of right half of scalp and also anteriorly on left side.

Brain: Superficial clot under dura mater covering the whole of left side. Smaller clot over right hemisphere. Laceration of brain tissue with clot was found to extend over nearly the whole of the anterior ~~base~~ frontal lobes of left side.

Lungs: normal. Old pleuritic adhesions at lower portion of left and upper part of right side.

Taken before me

this 14 day of April 1882

John H. Brady

CORONER.

0670

Coroner's Office.

TESTIMONY.

Heart: normal.Liver: fatty and enlarged.Spleen: normal.Kidneys: fatty. In pelvis of ~~kidneys~~ left kidney  
a couple of drops of pus were found.Stomach: the seat of chronic gastritis.Intestines, womb and bladder: normal.

Death in my judgment was caused by  
compression of the brain by hemorrhage and  
clot with laceration of brain tissue, the  
direct result of violence.

M. S. Ray and

Taken before me

this 14 day of April 1882

John H. Bradley

CORONER.