

0222

BOX:

345

FOLDER:

3254

DESCRIPTION:

Ehrman, Joseph

DATE:

03/22/89



3254

0223

POOR QUALITY ORIGINAL

Off Petrus

I examined this case before it went before the Grand Jury, and recommended a dismissal of the charge herein, for the reason that the case is under the decision of the Court of Appeals in *Cohis v. Rorick*, 96 N. Y., the so-called premium bonds and lottery tickets, which the holder thereof cannot get their face value in the case with the letter Gold Bonds. Thereover, I am of the opinion that the evidence in the case is insufficient to sustain the indictment even if the said bonds can be held to be a lottery ticket. I, therefore, recommended the dismissal of the indictment herein.

Edward Groves
Serp. Assistant
I approve of the above recommendations
May 17/89 W.D. Davis

198.
Counsel. *Q.D. Seawards*
280 Broadway
Filed *27* day of *March* 1889
Pleads *C. M. Guilty (no)*

THE PEOPLE
vs.
D
Joseph Ehrman
Seawards
Indictment & Dismissal

SELLING LOTTERY TICKETS, Etc.
(Section 326, Penal Code.)

JOHN R. FELLOWS,
District Attorney.
for the People
A True Bill.
Chas H Scott Foreman.

april 26 1889

0224

Police Court
Second District

The People vs
Joseph Petrosini

Joseph Sherman

Examination Before Justice Suff
Oct 11 1887.

For the People, Asst. Dist. Attorney Hartman
.. S. D. Sewards, Esq.

Joseph Petrosini, the complaining
witness being duly sworn deposes
and says: -

Q Did you go to the premises
No 11 East 14th St. on the
27th day of September 1887?

A Yes Sir.

Q What did you do there?

A I went there and paid five
dollars.

Q What did you ask for?

A I asked for one of these certificates

0225

- Q What did you ask for?
- A I asked for one one hundred lire Barletta Gold Bond.
- Q What did defendant say?
- A He said he did not have a printed one and that he would give me this receipt (marked "A") I was to pay five dollars a month for eight months.
- Q He would give you one of these \$40 bonds after you had paid eight instalments of five dollars each?
- A Yes.
- Q This paper marked "A" is the certificate he gave you?
- A Yes Sir.
- Q What did you pay when you got this paper?
- A Five dollars.
- Q And what was the understanding
- A with the understanding that if my number should be the lucky number I would draw

0226

one hundred and fifty thousand frames. The drawing was to be next November

2 You say you told dependent you wanted a paper like the (marked B), and he told you that he did not have one printed, and he gave you this one (marked A) and you paid five dollars with the understanding that you were to make seven other payments and what else occurred?

A He said that when the numbers came out, if ~~the~~ my number should be like the number that came out I would draw \$15,000 live.

2 Did he make any statement as to where?

A He said the drawing would take place at Barletta Italy in the Province of Fucany and it was to be in November.

0227

Q What is all the conversation?

A That is all

By the court

Q Have you any other entries?

A No Sir

Q How did you get this printed bond?

A It was given to me by a detective.

Cross examined by Mr. Seward,

Q What time of day was it?

A About half past one.

Q Who else was in the place?

A Another gentleman. He was here in court. Defendant was out when I went in but he came in after I had been in five minutes. I did not know who he was at first.

Q What did you say to him?

4 A I told him I wanted

0228

a hundred lire Barletta gold bond.

Q That is all you said?

A Yes Sir. He came in and I spoke to him.

Q And his answer was that he did not have it?

A He said that he did not have any printed but he would give me a certificate.

Q Is that a Barletta bond?

A It is only a receipt - it is only a certificate.

Q Can you read it?

A Yes (witness reads)

Q Did you read it before you went in?

A Yes

Q What did you ask for?

A I asked for a one hundred lire Barletta gold bond.

Q What did defendant say?

A He said he would give me a receipt.

5 Q Did he not say he did

0229

not have the bond:

A He did not have one printed.

Q Did you see him have
have a Barletta bond:

A Yes; he showed me a bond
and it ~~was~~ for \$40 and he
said that if I gave him
\$30 each he would give
me a full bond.

Q You did not get a bond
at all?

A No sir

Q All you got was a receipt?

A Yes.

Q All you got for your five
dollar now this receipt
number "A"?

A Yes.

Q You did not get any
bond:

A No sir

Q Then you arrested him?

A Then I came and got a warrant
and arrested him

Q Do you mean to swear now that

0230

there was a word said about
a drawing - about premiums that
you heard?

A. Premium - He told me the
drawing would be in November.

Q. Did you ask him or did he
tell you himself?

A. I asked him myself.

Q. What did you ask him?

A. I asked him whether when
the drawing would take place?
He said November.

Q. Did he say anything more?

A. That is all.

Q. You say you asked when the
drawing would take place and
he said in November.

A. Yes.

Q. Are you sure of that?

A. Yes.

Q. Nothing else was said.

Re direct

Q. He told you that if there was
a number drawn corresponding
to your number - what?

A. I was to get 150,000 francs

0231

Re. cross-examination

Q That he said without asking?

A I did not ask.

Q He said that himself?

A Yes

Defendant held to answer \$500 bail.

W. L. Ormsby
Kingston

0232

Court of General Sessions

The People

vs.

Joseph Eburne

Joseph Petrosino, patrolman,
19th precinct. On the 27th of Sep-
tember, 1888, at the request of
Captain Reilly, I went to de-
fendant's place of business, at
No. 11 East 14th Street, and asked
the defendant to sell me a
"One 100 Pure Barletta Gold Bond"
The defendant exhibited a copy
of Exhibit B. ~~to~~ me and
said that he had sold the
same, but if I would call
the next week, he would
deliver one of the said cer-
tificates to me. I paid him
\$5 in bank notes, and he
gave me the receipt, marked
Exhibit A. Exhibit B had
been handed to me by Captain
Reilly, but I did not show
it to the defendant. He said
that the receipt given to me, took

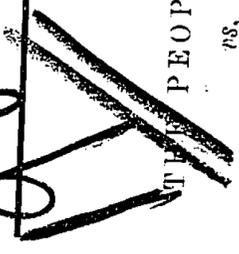
0233

It, was just as good, as the printed certificate (Exh. B.) that ~~if~~ the drawing of would take place in November 1888, and if the number of my bond should happen to be drawn, I would get \$50,000 lives besides 100 lives, the value of the bond. I did not go back to defendant's place of business.

Edward Crosse, Deputy Assistant District Attorney. Through de-
testive Van Gornichten I procured an original Parletta Gold Bond. The statements printed thereon show that the loan evidenced by the said bond will be paid back in full, and that the premiums are a mere gratuity.

0234

60
COURT OF GENERAL SESSIONS.



THE
PEOPLE, &c.
vs.

Joseph Thurman

BRIEF OF FACTS.

For the District Attorney.

Bin Linn Scott
Chas H. Johnson

Dated *January 30* 1888.
Edward G. ...

[Signature]
Deputy Assistant.

0235

Sec. 151.

Police Court 2 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 Joseph Petrucci

of No. 19th West Park Street, that on the 27 day of September

1888 at the City of New York, in the County of New York, John Doe, whose true

name is unknown to complainant

did unlawfully sell to complainant a certain

instrument in writing which purports to be

a chance, share or interest in a certain

Lottery which said Lottery is to be drawn

in Baltimore Maryland in November 1888. in violation

of section 226 of the Penal Code state of New York

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said

Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him

forthwith 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 28 day of Sept 1888

Joseph Petrucci POLICE JUSTICE.

0236

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

POLICE COURT, 2 DISTRICT.

Joseph Petrosino
of No. 19th Precinct Police Street, being duly sworn, deposes and
says that on the 27th day of September 1888

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

John Doe, whose

true name is unknown to deponent but who deponent can identify did unlawfully sell to deponent at the premises No. 11 East 14th Street New York City the annexed instrument in writing which purports to be a chance, share, or interest in a certain Lottery which said Lottery is to be drawn in Barletta Italy in November 1888. in violation of Section 326 of the Penal Code of the State of New York. Deponent further says that at the hour of 3:15 - O'clock P.M. said date he visited the office of Sherman & Co on the 3rd floor of the premises No. 11 East 14th St. and there saw the said John Doe. Deponent then told him that he wanted to buy a certificate like the one hereto annexed. He the said John Doe told deponent that he did not have any certificates on hand but would write deponent a receipt for his money. and told deponent that by the payment of five dollars monthly for eight months it would entitle deponent to one 100 Lire Barletta good bond which said bond if its number came out in the drawing would entitle deponent to 15,000 francs. Deponent then gave him the sum of five dollars as the first monthly payment in account of said bond and took from him the said John Doe

0237

the annexal instrument in writing
Wherefore defendant prays the said John
Doe may be apprehended and dealt
with according to law

Sum to be paid
this 20th day of Sept 1888

G. Humphreys Joseph Petronio
Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

ARFIDAVIT.

Dated _____ 1888

Magistrate.

Officer.

Witness.

Disposition.

0238

the annexed instrument in writing
Wherefore deponent prays the said John
Doe may be apprehended and dealt
with according to law

Sworn to before me
this 20th day of Sept 1888

Joseph Petrovich
Police Justice

Police Court District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 1888

Magistrate.

Officer.

Witness.

Disposition.

0239

State of New York,
City and County of New York, } 55.

Joseph Petrosino
of No. *19th* Precinct *Pow* Street, being duly sworn, deposes and says,
that *Joseph Chuman* (now present) is the person of the name of
John Dove mentioned in deponent's affidavit of the *29th*
day of *September* 188*A*, hereunto annexed.

Sworn to before me, this *29*
day of *Sept* 188*A*

Joseph Petrosino

W. G. Deegan
POLICE JUSTICE.

0240

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Chuman 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. *Joseph Chuman*

Question. How old are you?

Answer. *27 years old*

Question. Where were you born?

Answer. *Vienna Austria*

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

Answer. *16 Livingston Place New York*

Question. What is your business or profession?

Answer. *dealer in European securities*

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 demand a
examination and a trial by jury if
held.
Joseph Chuman*

Taken before me this

day of

19
[Signature]

Police Justice.

0241

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.....

dependent

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 *Oct 11* 188 *J. P. Duffy* Police Justice.

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

Dated *Oct 11* 188 *J. P. Duffy* 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.

0243

New York Sept. 19/89

Received from Chief Clerk of Court of
General Sessions 1.000.000 Lire Barletta
Gold Bond, No. 14. S. 5132.

Thomas F. Hayes
19th Street.

0244

TORN PAGE

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Henry Ford a Police Justice of the City of New York, charging Joseph Ehrman Defendant with the offence of

Selling Lottery tickets

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned.

We, Joseph Ehrman Defendant of No. 63 Livingston Place Street; by occupation a Dealer in European Securities and Sigmund B. Steinman of No. 63 East 121 Street

Street, by occupation a Banker Surety, hereby jointly and severally undertake that the above named Joseph Ehrman Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Five Hundred Dollars.

Taken and acknowledged before me, this 28 day of Sept 1888 Joseph Ehrman Sig. B. Steinman POLICE JUSTICE.

0245

TORN PAGE

CITY AND COUNTY OF NEW YORK, } ss.

day of *Sept* 188*8*
William B. A. Police Justice

Sworn to before me, this

August *O Steynman*
the within named Bail and Surety being duly sworn, says, that he is a resident and *house*
holder within the said County and State, and is worth *500* Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of *household furniture*
situated at no 63 East 121st Street
in said City valued at Five
Thousand Dollars

Wm. B. A. Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Undertaking to appear during the Examination.

vs.

Taken the..... day of..... 188

Justice.

0246

EHRMAN & CO.,

DEALERS IN

—* European * Government * Bonds, *

No. 11 EAST 14th STREET,

Mr. J. P. [unclear] New York. [unclear] 27 1885

*On payment of [unclear] [unclear]
[unclear] [unclear] in [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear]*

(A)

EHRMAN & CO.,
— DEALERS IN —
EUROPEAN GOVT BONDS.

[Signature]

0247

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 Rorman

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

Joseph Rorman

of a Misdemeanor, committed as follows:

The said *Joseph Rorman*

late of the City of New York in the County of New York aforesaid on the *27th* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, unlawfully did sell, furnish and transfer to one *Joseph*

Petrusino,

a certain ticket in and dependent upon the event of a certain lottery called

thereafter, to wit: *on the 1st* day of *November* in the year aforesaid, to be drawn *within the State, to wit, at*

Barletta in the Kingdom of Italy

the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance, ~~which said ticket is as follows, that is to say:~~

(a more particular description of which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

0248

SECOND COUNT.

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

Joseph Sherman

of a MISDEMEANOR, committed as follows:

The said Joseph Sherman

late of the City and County aforesaid, afterwards, to wit: on the said 29th day of September in the year of our Lord, one thousand eight hundred and eighty eight, at the City and County aforesaid, unlawfully did sell, furnish and transfer to one Pelorusio,

a certain paper, certificate, and instrument purporting to be and to represent a ticket in and dependent upon the event of a certain lottery ~~called~~

thereafter, to wit: ~~on the~~ in the month day of November in the year aforesaid, to be drawn within the State, to wit: at Parola in the Kingdom of Italy

the same being a scheme for the distribution of property by chance, among persons who had paid or agreed to pay a valuable consideration for such chance, which said paper, certificate and instrument is ~~as follows, that is to say:~~

(a more particular description of which said lottery, is to the Grand Jury aforesaid, unknown, and cannot now be given), 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

Joseph Sherman

of a MISDEMEANOR committed as follows:

0249

The said

Joseph Thurman

late of the City and County aforesaid, afterwards, to wit: on the said *27th* day of *September*, in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, unlawfully did sell, furnish and transfer to one

Joseph Petrosino,

a certain chance, share and interest in and dependent upon the event of a certain lottery called

thereafter, to wit: ~~on the~~ *in the month* day of *November* in the year aforesaid, to be drawn ~~within the State~~ *at Barletta in the Kingdom of Italy.*

the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance, (a more particular description of which said lottery, and of the chance, share and interest in and dependent upon the event thereof so as aforesaid, by the said *Joseph Thurman* sold, furnished and transferred to the said *Joseph Petrosino*, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT.

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

Joseph Thurman

of a MISDEMEANOR, committed as follows:

The said

Joseph Thurman,

late of the City and County aforesaid, afterwards, to wit: on the said *27th* day of *September*, in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, unlawfully did sell, furnish and transfer to one *Joseph*

Petrosino,

a certain paper, certificate and instrument purporting to be and to represent a chance, share and interest in and dependent upon the event of a certain lottery, called

thereafter, to wit: ~~on the~~ *in the month* day of *November* in the year aforesaid, to be drawn ~~within the State~~ *at Barletta in the Kingdom of Italy.*

0250

the same being a scheme for the distribution of property by chance, among persons who had paid or agreed to pay a valuable consideration for such chance, ~~which said paper, certificate and instrument is as follows, that is to say :~~

(a more particular description of which said lottery, and of the said chance, share and interest is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

0251

BOX:

345

FOLDER:

3254

DESCRIPTION:

Einhom, Edward

DATE:

03/15/89



3254

0252

Witnesses:

A. Spender

Counsel,

Filed

Pleads,

V. W. C. Brubaker
1140 a baron
day of March 1889
V. W. C. Brubaker
V. W. C. Brubaker

THE PEOPLE

vs.

Edward Eubank

Grand Larceny Second degree
[Sections 528, 534, 550, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. J. Scott Foreman.

May 7 1889
J. W. C. Brubaker

Edward Eubank

F. D.

0253

J. J.

STENOGRAPHER'S MINUTES.

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Oppenheimer

vs.

Edward Conhorn

BEFORE HON.

James Kiley

POLICE JUSTICE,

Feb 2 1889

APPEARANCES:

{ For the People, _____

{ For the Defence, _____

188

I N D E X .

WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
<i>Oppenheimer</i>	1	14		
<i>Drucker</i>	5	7		
<i>Barnes</i>	6	11		
<i>Defendant</i>	12	16		

J. J. Tracy

Official Stenographer.

0254

300

DISTRICT POLICE COURT

THE PEOPLE
IN COMPLAINT OF

Oppenheim
Conhorn

Examination had
before

Abraham
Meilly

1889

Police Justice.

W. J. Peacy

Stenographer of the District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of

Abraham
Oppenheim and all herein

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

Dated

Mar 30

1889

W. J. Peacy

Stenographer.

Samuel Meilly
Police Justice.

0255

New York Feb 26th 1889
Third District Police
Court. Hon. Daniel Kelly
Presiding.

Abraham Oppenheim }
Edward Coulson } *Witness*

Abraham Oppenheim, being
duly sworn, deposes and
says

Q. What is your business
A. Manufacturer, at
379 Canal St.

Q. Do you know the
Defendant?
A. Yes Sir.

Q. You say you know
him?

A. One week, my
foreman gave him the
cloth to be made up,
he gave him enough

Q

Q To make three suits,
Did he not make
four and return them or
did you not give him
material for seven and
did he not return you
four (H)?

A He received enough
for seven he returned
four, and kept three.
When did he return
them?

Q.

A Between Thursday
and Saturday.

Q.

Was the coat for
you given him?

Q.

A Yes Sir.
Q What did he ^{say} about
the three?

A He made no
explanation.

Q

Q Did you pay him
for the four coats or

Q

0257

31

- Q. ^{units} He received his
pay?
A. Yes Sir.
- Q. Did you pay him
for the three coats?
A. Yes Sir.
- Q. Did he not tell you
that when you paid him
for these three coats, he
would send them, or send
them by Express?
A. Yes Sir.
- Q. Did you not go with him
to the Express Office last
night?
A. Yes Sir.
- Q. This coat was given to
him by the foreman?
A. Yes Sir.
- Q. You have a lot of
people working for you?
A. Yes Sir, we give
them work to make in

3

0258

4)

Q The house
How many
people have you to mark
for you?

A About five (5)
hundred, we give more
to those to mark in their
house

Sworn to before me }
this 7th day of Feb 1859 }
Police Justice

14

5

Frank Manufacturing
any more papers and
says

Q. Where do you work?
A. I am the foreman of
Apprentice No 210

I live at 643 East 7th St
Q. State what you know
of this case?

A. I have seen
Defendant, Clott for
several days and he
returned from 4th and the
Clott for three he took
with him, without my
knowing it,

Court. He had no business
to take the Clott?

A. No Sir.

Q. How many people have
you working for you?

About five (5)
hundred

(5)

b. b

Q. How many Cloaks do you give to each person?
One Cloak to each person.

Q. How many pieces do you give to the people who work out side?
I do not give them

Q. Accotter more given them.
How long's time intervened before he returned, the four Cloaks

Q. He returned the Cloaks, on Thursday, that he took on Friday, and when he has nothing to do there he asks me and I give more work. I did not give him four Cloaks, at one time. I put his work in his

Q. Did not the Defendant

0261

71

would pay for the work
when he had finished it.
Q. He finished the work
and did not ask for pay. I did not
see him take it.

2.

Did not the man
(defendant) go to you
and say he wanted the
money for Claire, before
he returned them or
that he would send them
C.O. by express?

A. I know
nothing about it, when
his work was done he
would get his pay.

I was to appear }
this 26th day of Feb 1889 }
Peace Justice

71

8)

Edward Hamoy, law of
No. 2, Sutton Place, coming
duly sworn deposes, and
says,

Q. What is your business?
A. Book-keeper for this
firm.

Q. Do you make entries
of all goods the men
act to make up?

A. Yes. When they are
out of work they come and
ask for it, and then I
enter it in this Book.
The defendant was
given work and retained
some of it, I have three
entries of Court against
him that he did not
return. The cloaks were
to be made on the premises,
and they must get per-
mission to allow them

91

To finish them at home
and then we make an
entry of it, I don't know
how something done on
the night in question

Q. Let me see the entry
in your book
(Book Museum)

A.

Here it is

Q. and here is his name
Q. Does that mean for
a particular day?

A.

Q. Yes Sir,
Q. That is for five days?

A.

Q. How many cloaks are
there?

A.

Nine in one
week, the men are
supposed to know how
many they get, the
foreman gave him these
three cloaks

(9)

0264

(10)

Q. On different times on
one day?

A. The entries show
here on the book.

Q. On Monday, how
many did he return.

A. Here this was
returned - I can make
it clear for you, if you
allow me -

Q. The journal says
he gave him one cook
at a time?

A. Yes Sir.
Q. How long does it take
a man to finish one

A. He does not
finish it, we gave him
three at different times.

Q. On Tuesday he got
paid?

A. He got paid the
following Tuesday.

10

0265

11)

Q. Was there some difficulty about his pay?

A. He did not attempt to retrieve them, he did not, I saw himself after taking the mark over.

Q. If a man gets five dollars and returns six of them, the three are charged against him?

A. Of course, in case he had them at home, I knew that he had them.

Q. Were they given him for that purpose?

A. They were given him to give him in place.

Sworn to before me }
this 26th day of May 1889 }
Police Justice

11)

0255

17)

Edward Erdman being
July sworn deposed
and says,

Q. What is your
business

A. Ladies Tailor.

Q. Or cloak maker.

Q. How long have
you been at that business

A. For five years

Q. You have worked at
many places and for
many firms?

A. Yes, a good

Q. many, about twenty.

Q. Have you ever
been charged with any
offense?

A. No Sir.

Q. How did you get
these cloaks

A. I started
to work there yesterday

17

0267

13)

two weeks, the first
piece of work I got I
did not ask the price
on the second piece I
got, and I asked him
the price and he said
that dollar; it was a
hard piece of work; the
next was easier, then
I got another hard
piece and he would
not tell me the price,
I asked for twelve
(\$12) dollars and got
nine dollars and eighty
one cents and I had
worked a week, from
6 o'clock in the morning
till nine o'clock at
night, I worked home
at night.

2

13)

Is it the custom
to take the work home

114)

Q. A. The work is checked on
it leaves the house
Joseph.

Q. A. When did he give the
three shirts?

A. On 4th Sunday and
Monday, they added
40 cents to my work on
Wednesday. I had the
three shirts on Monday,
on Wednesday I had
the work done & finished.
I saw one of the tailors
down town and told
him I was not going to
work any more and that
he would see the fore-
man and I wanted
my pay for the work,
and I wanted better
pay than I got last
week.

114

(15)

Q. Did you send the
 money back on Monday?
 A. I met a tailor in the
 street, the Bank Keeper
 went to my house,
 and he was told to go
 in the Merchant Tailor

Q. Did you see the Bank
 Keeper?

A. Yes,
 Q. It is the custom to take
 work home to finish
 in all these shops?

A. Yes, Sir we
 work almost night. I
 sent the Expressman the
 bill, and the Tailor
 told me 2129 Canal
 St. The Expressman said
 I gave me the wrong
 number; he went there
 with the Cloth Coats

Q. Where are these Coats

0270

16

Q. now? A. The expressman has them

Q. You have a claim on these cloaks?

A. Yes sir.

Q. You delivered them to the expressman to take them to this firm

A. Yes sir.

Q. Did you have any authority to take these cloaks home?

A. Yes sir, we do it always.

Q. Did you tell anyone you were to take it home?

A. I never do, the foreman saw me wrap it up on an open table.

Q. Defendant held \$ answer in \$ 500

0271

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 Edward E. Carr

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 Febry 26 188 9 Sam'l C. Smith Police Justice.

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

Dated February 27 188 9 Sam'l C. Smith Police Justice.

There being no sufficient cause to believe the within named

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

Dated _____ 188 _____ Police Justice.

0272

Adm

Bond renewed May 10/89

BAILED

No. 1, by *Samuel Atkinson*
Residence *19 Columbia Street*

No. 2, by *Julius Gottlieb*
Residence *324 E. 3^d Street*

No. 3, by _____
Residence _____ Street

No. 4, by _____
Residence _____ Street

*off part
day A.H.H.D*

Police Court--- 3^d 351 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Miriam Epstein
324 E. Canal
Edward Epstein

2
3
4

Offence

Dated *26 February* 188 *9*

Daniel O. Reilly Magistrate.

Clyford Officer.
Stamp Precinct.

Witnesses: *Edward Namslaw*

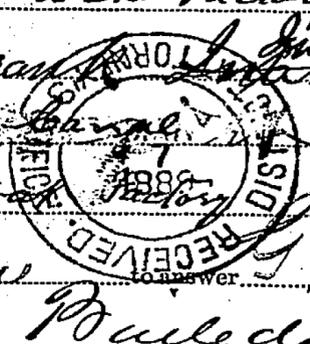
No. *329 & 331 Canal* Street.

Laok. Factory
No. *Franklin* Street.

No. *334 Canal* Street.

No. *Laok. Factory* Street.

\$ *5.00* Power



Pauled

0273

Police Court 3d District.

Affidavit—Larceny.

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

of No. 329 Canal Street, aged 26 years,
occupation Manufacturer being duly sworn

Abraham Oppenheimer

deposes and says, that on the 22 day of February 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 time, the following property, viz:

Three cloth Cloaks of the value of Thirty
dollars

\$ 30

the property of deponent & his Partners

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 Einhorn (name here)

from the fact that deponent found said property in the possession of said defendant in Belancey Street in said City on the night of February 25, 1889

Abraham Oppenheimer

Sworn to before me, this

26

day

1889

David C. McNeill

Police Justice.

0274

Sec. 193-200.

32

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward Einhorn 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.

Edward Einhorn

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

Austria

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

Answer.

61 Clinton St 3 weeks

Question. What is your business or profession?

Answer.

Ladies Tailor

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

Answer.

The foreman in Complainant's
Employ gave me the opportunity
to make the foreman's name
Brooklyn Eddi Einhorn

Taken before me this

26

day of

July

1889

W. J. Kelly Police Justice.

0275

7/89
100

COURT OF GENERAL SESSIONS, PART I.

The People

vs.

Edward Einhorn.

Before

Hon. Recorder Smyth.

Thursday, May 16th, 1889.

Indictment for Grand Larceny in the Second Degree.

ABRAHAM OPPENHEIM, sworn and examined, testified as follows:

By Mr. Bedford:

Q What is your name? A. Abraham Oppenheim.

Q What is your business? A. Manufacturer of ladies' coats and suits.

Q In this City? A. Yes, sir.

Q What street and what number? A. 329 and 331 Canal St.

Q How long have you been in business? A. Eight years.

Q Was that your establishment during February last also?
A. Yes.

Q Were you in your place of business on the 22nd of February?
A. Yes, sir.

Q Did you see this defendant? A. I did.

Q What hour of the day or night did you see him? A. At 4 o'clock in the afternoon.

Q Four o'clock in the afternoon you yourself were in the

0276

store? A. Yes.

Q Anybody else in the store, any of your employecs? A. Yes, sir.

Q Who? A. About 500, between 400 and 500.

Q Now tell us what you yourself saw the defendant do from the very time that he entered your store until he left it?

A. The defendant worked there between eight and ten days and this afternoon I was down in the store-room I saw the defendant with the cloaks under his arm running out; I ran after him three blocks thinking I would meet a policeman on the way, I saw no policeman and he escaped.

By the Court:

Q How far did you follow him about? A. I think it was as far as Centre Street.

Q From your store? A. Yes, sir, from 329 Canal to Centre Street.

Q How near is Centre Street? A. Grand near Centre Street.

Q He ran that distance, you followed him and he escaped from you having three sacques under his arm? A. Yes, sir.

By Mr. Bedford:

Q He escaped? A. Yes, sir.

By the Court:

Q What was the value of the cloaks? A. \$30.00.

By Mr. Bedford:

Q To whom did they belong? A. Oppenheim, Collins & Co.

Q You are one of them? A. Yes, sir.

Q Did you, previous to the 22nd of February, authorize or permit the defendant to take those cloaks? A. No, sir.

Q When did you find or see the three cloaks which you swear

0277

this man stole from you? A. I saw the three cloaks two days afterwards where he was living at 61 Clinton Street.

Q The three cloaks or the two? A. Three cloaks.

By the Court:

Q At what number? A. No. 61 Clinton, I believe that is the number, I would not say for certain.

By Mr. Bedford:

Q Was the defendant there? A. Yes, sir.

Q What did he say, if anything, to you, what conversation did he have? A. I asked him for the cloak -- no, not for the cloak; he saw me coming, he took the cloaks and hid them; I says, I want those three cloaks.

By the Court:

Q Did you see him do that? A. Yes, sir.

Q Where did he hide them? A. Under the table; I said, I want those three cloaks, and he gave me no satisfaction at all.

Q What did he do, he put the cloaks under the bed? A. Under the table, yes, sir.

Q What did you say to him or he to you? A. I asked him for the cloaks; he says, I haven't got the cloaks; then I went out for an officer and when I came back with the officer the place was locked and we could not get in.

By Mr. Bedford:

Q What did you next do, if anything? A. Then one of the employees in our house said he was working.

Q What did you do in consequence of an employee telling you something? A. Then I went where he was working at, I believe it was Third Street, and he was working on the top

0278

floor; I went up, I demanded the cloaks from him.

Q When was this, the same afternoon? A. No, this was the third day after he took the cloaks.

Q Go on? A. And he says, I have not got the cloaks. I says, where are they? He said, I do not know. I found an officer and had him arrested.

Q Well, did you ever get the cloaks? A. No, sir, we did not.

By the Court:

Q Were the cloaks put in possession of the property clerk?

A. I think they are.

By Mr. Bedford:

Q How long had this man been in your employ before February 22nd? A. Eight days.

Q Then you are sure and positive that the man whom you saw hide the cloaks is this man? A. Positive, yes, sir.

CROSS-EXAMINED by Counsel:

Q What is your business, Mr. Oppenheim? A. Manufacturer of ladies' cloaks and suits.

Q You are a member of what firm? A. Of Oppenheim, Collins & Co.

Q Who is the Company? A. My brother and myself.

Q What is his name? A. Charles B. Oppenheim.

Q On the 27th of February last where were you? A. At 329 and 331 Canal Street.

Q All day? A. Yes, sir, all day.

Q You say here that about 4 o'clock you saw the prisoner run out of your place of business with three cloaks on his arm?

A. I did, sir.

0279

- Q Were they wrapped up in anything? A. They were not, no, sir.
- Q The defendant was working for your firm, was he not?
- A. Yes, sir.
- Q And he is a cloak-maker, is he not? A. Yes, sir.
- Q Is this the book you give out (showing a book)? A. Yes, sir.
- Q You say in your direct examination that you called on the defendant at his house and that you asked for the cloaks and he hid them under the table? A. Yes, sir.
- Q Is that true? A. That is true.
- Q On what day was that? A. Two days after he took the cloaks from 329 Canal Street.
- Q What place was that? A. At No. 61 Clinton Street.
- Q Who was present beside yourself and the prisoner? A. There was nobody present.
- Q Nobody present? A. No, sir.
- Q Was the prisoner working at the time? A. I think he was working at those cloaks, I would not say for sure.
- Q At the very cloaks? A. I think so.
- Q What time does your establishment close in the day time?
- A. The working hours are from 8 to 6.
- Q And he left at 4? A. Yes, sir.
- Q You say you never saw those cloaks subsequent to the 22nd day of February? A. I have, I saw the cloaks in his possession.
- Q Where? A. At 61 Clinton Street.
- By the Court:
- Q Since you saw them there have you seen them? A. Since the

0280

22nd of February?

Q Yes. A. No, sir, I have not.

By Counsel:

Q Did not you see Mr. Finhorn five or six days subsequent to the day you saw him run out with the cloaks, did you see him ask the expressman? A. I do not know whether it was an expressman; that was before, I saw him five days afterwards.

Q Where did you see him, where was the expressman and where were you? A. I do not know if it was an expressman, he seemed to be a friend of his that had this bundle.

By the Court:

Q Where was it? A. I could not tell you, I am not acquainted with the streets on the East side.

Q Some street on the East side? A. Yes, sir, some street on the East side.

By Counsel:

Q Did not you offer at the time to pay the defendant some money for his work he had performed upon the material?

A. No.

Q Did not you offer him \$5.00? A. No, sir.

Q You are sure of that? A. Positive.

Q And that is as true as anything else you have testified to?

A. Yes, sir.

Q Don't you know as a fact that the defendant sent the very cloaks in question to your place of business? A. No, sir, I do not

Q Don't you know that the cloaks were put up in a bundle with your name upon it? A. I do not know so.

0281

Q Did not Mr. Jerome, the District Attorney, show it to you here in Court, show the cloak with the name of the Oppenheim firm on them, and did not I request in your presence that the property should be placed in the property clerk's hands?

The Court: That is excluded.

Counsel: Note and exception.

By Counsel:

Q On the ground that he had a lien upon it?

No answer.

Q You say you ran after him, did you? A. I did, yes, sir.

Q Three blocks? A. I ran after him two or three blocks.

Q How far is your store from Centre Street? A. Between three and four blocks, I do not know exactly.

Q Whereabouts is your store, near what street? A. Our store is at the corner of Greene and Canal Streets, it is on the northeast corner.

Q He was working for you on that very day, was he not?

A. He was, yes, sir.

Q You say the cloaks were worth \$30.00? A. Yes, sir, they are worth \$30.00.

Q Did they cost that? A. They cost \$30.00, yes, sir.

Q How many yards of cloth are in the cloaks? A. I could not answer that question, I am not a designer.

Q You are not a designer? A. No, sir.

Q How do you come to calculate that they are worth \$30.00?

A. According to the calculation of the book.

By the Court:

Q Don't you sell cloaks and manufacture them? A. Yes, sir.

Q In that kind of a way you get your information what the

0282

value is? A. Yes, sir.

Counsel: Who made those cloaks up?

The Court: Excluded.

Counsel: I take an exception to your Honor's ruling.

By Mr. Bedford:

Q When he took this property, these three cloaks, did you owe him anything for wages?

The Court: It does not make any difference whether he did or did not. It was his property in his store. Suppose this man was working, he had no right to take any property out of that store.

Counsel: May I not ascertain how he came to the calculation of the price, what they cost?

The Court: Certainly.

By Counsel:

Q How many yards of stuff are in those cloaks? A. I could not answer that.

Q Is there any one of your firm here who can? A. No, sir, I am the only member of the firm here.

Q What does those cloaks sell at? A. I cannot answer that.

By the Court:

Q Then how do you know anything about the value of them?
A. We have got the calculation of every cloak. As soon as the cloaks were missed I was brought down to the Court, I went over the calculation to see exactly what each cloak cost. One of them cost us \$12.00 and the other two cost \$9.00 apiece.

Q That is including the material and work? A. Yes, sir, everything.

0283

By Counsel:

Q Were these cloaks made up when he took them out? A. No, sir, they were not finished.

Q You do not know how near they were finished? A. No, sir, I do not.

Q What were they worth unfinished? A. Unfinished they were worth about \$25.00.

Q To what, we want to know exactly? A. \$25.00.

Q How do you calculate they were worth \$25.00, how do you come to that calculation? A. We pay \$3.00 for making one of these cloaks and \$1.50 for the others, that is \$5.00.

Q That you had not paid, had you? A. How could we pay it? We never finished the cloaks. No, sir, we did not pay it.

Q Consequently they were worth only \$20.00?

The Court: You have not all the facts; you can go to the jury on the question of value.

EDWIN HAMERSHLAG, sworn and examined:

By A. Bedford:

Q What is your business? A. Factory bookkeeper for the firm of Oppenheimer, Collins & Co.

Q Bookkeeper for the gentleman who has just left the witness box? A. Yes, sir.

Q His establishment is in Canal Street? A. 329 Canal.

Q Were you there on February 22nd? A. Yes, sir.

Q Did you see this defendant in that store at any time on February 22nd? A. Yes, sir.

Q What do you know of your own knowledge as regards the stealing of these cloaks? A. I know that I have charged in my

0284

book Edward Einhorn with three cloaks and he took them out on this date.

Q Who did, this man, the defendant? A. Yes, sir, Edward Einhorn, and I was sent after him, I was sent after the cloaks for them.

Q Did you see him take those cloaks? A. No, sir.

Q How do you know he took them?

The Court: This young man says that he is the factory bookkeeper for the complainant, that he had a charge in his books or the books of his employer against this defendant of three cloaks and that he was sent to the defendant for the cloaks. Q. Is that right? A. Yes, sir.

Q Where were you sent? A. 61 Clinton Street.

Q Did you go there? A. I went there, and after searching through the house ----

Q Did you see him? A. Not in the house, no, sir, I saw him on the corner as I was going down.

Q Did you speak to him? A. No, sir, he ran away from me.

Q Did you approach him in any way? A. Yes, sir.

By Mr. Bedford:

Q What day was it that you went to 61 Clinton Street?

A. I can tell by referring to my books, I think my employer gave the wrong day, three days before the occurrence, I went there on the 21st.

By the Court:

Q The 21st? A. Yes, sir.

Q Well, now, this man as you approached him he ran away?

A. Yes, sir.

0285

Q You went up into his place? A. I searched in the house.

Q Where was his place? A. No. 61 Clinton Street.

Q What part of the house? A. I could not find where he lived in the house.

Q You made inquiries I suppose and could not find him?

A. It is a large tenement house, I was going back to the store; as I got to the corner I seen Einhorn, this was the first time, and as I approached him he ran away from me, I followed him and at last he got away without ^{my} being able to talk to him.

Q You first went around to what you believed to be his place of residence and inquired for him and could not find him, is that right? A. Yes, sir.

Q As you came out of the place of residence you came to the corner and saw him standing there and then he ran away from you? A. Yes, sir.

Q Is that all you know about it? A. Yes, sir.

By Mr. Bedford:

Q You identify the defendant at the bar as one of the employees of Mr. Oppenheim previous to February 22, don't you?

A. Yes, sir.

CROSS-EXAMINED by Counsel:

Q On the 21st day of February I understand you went to look for Einhorn? A. Yes, sir.

Q Sure of that? A. Yes, sir.

Q No mistake about that? A. No mistake.

Q That was the day before Washington's Birthday, was it?

A. Yes, sir.

0286

F R A N K S W A N A C K, sworn and examined:

By Mr. Bedford.

Q What is your business? A. I am foreman over the tailors of Oppenheim, Collins & Co.

Q 329 Canal Street, in this City? A. Yes, sir, Canal St.

Q You were in that occupation last February, were you not?

A. Yes, sir.

Q What do you know, if anything, as regards the defendant's alleged theft of three cloaks?

By the Court:

Q Did you see this man take the cloaks? A. No, sir, I did not see him taking the cloaks.

Q What did you see? A. I gave him the cloaks to make in the house.

Q You gave him the material to make the cloaks in the house? A. Yes, sir.

Q What time did you give him the material? A. He did not get it the same day, he got it a couple of days before he took them out.

Q You gave him the material a couple of days before he took the cloaks to make, the material for three cloaks, is that right? A. Yes, sir.

Q Was he to make ~~them~~ them in his own house or in your house? A. No, in the house 329 Canal Street.

Q Where you were? A. Yes, sir.

Q He could not take them out? A. No, sir.

0287

CROSS-EXAMINED by Counsel:

Q You did not tell him not to take them out? A. I did not tell him but he did not ask me to allow him to take them out.

Q It is customary in the trade that a cloak-maker can take them out to finish them at home?

Objected to.

A. Not new hands; he was there only ^{a little} over a week, some couple of days over a week. Any new taylors come in I don't allow them to take anything home for nightwork.

Q You did not tell him anything about it? A. If I did not know the man ----

Q But he is an old hand at cloak making? A. I do not know -- not in our house.

Q This is the book you give, isn't it (showing book to witness)? A. Yes, sir.

Q And he disputed about the price, didn't he, with you?

A. No, sir.

Q Will you please say who allowed that allowance on that 40 cents or more? A. That was the Superintendent; I have got nothing to do with paying, I only give the work out, and after the work is finished and the bookkeeper enters it in a book and they get paid the Superintendent makes out the book and marks the price in. Mr. Einhorn got paid that way Tuesday, the day before he went out he got paid for some work, it is marked on this day, not for these three cloaks, they were not finished. There were some men working there; they were not satisfied with the prices and they went to me and asked me about paying them

0288

more. I went down to the Superintendent and he marked in here 216 and 226, what he got paid the week before and marked him 40 cents, not for the three cloaks but for the cloaks he made before.

By the Court:

Q There was some difficulty about the prices and you paid him more? A. That was the day before he went out, he got marked 40 cents.

Q And he got 40 cents more than the original price for the work that he had done? A. Yes, sir.

Q That is what you owed him at this time? A. Only 40 cents.

Q Was it not for the work he had not finished? A. No, sir.

E D W A R D C L I F F O R D, sworn and examined:

By Mr. Bedford:

Q Officer Clifford, you are a member of the Municipal Police of the 3rd Precinct, are you not? A. The 13th Precinct.

Q Did you arrest the prisoner? A. Yes, sir.

Q Do you recollect the day? A. Yes, sir.

Q What day? A. I believe it was on the 25th of February.

Q Where? A. No. 177 Stanton Street, in a grocery store.

Q The 25th of February? A. I believe so.

Q What conversation, if any, did you have at the time of the arrest? A. He told me that he took the cloaks out of this firm's place for the reason that he did not get his money; he made them and he took them out again and took them from the desk. Mr. Oppenheim came to me ----

The Court: Never mind that.

0289

By Mr. Bedford:

Q Was the prisoner present when Mr. Oppenheim came to you?

A. Yes, sir, he was in the cigar store.

Q Now, go on and state everything that was said and done in the presence and hearing of the prisoner? A. Mr. Oppenheim came to me and told me that the man came and took three cloaks from his firm.

By the Court:

Q Was the defendant there at the time? A. Yes, sir, in the cigar store.

Q Was the defendant there at the time Mr. Oppenheim came to you and told you that the man had taken three coats?

A. No, sir.

By Mr. Bedford:

Q I do not think you understand me, I told you to tell this jury anything that Mr. Oppenheim said to you provided the defendant was present at that conversation? A. He was not present, Mr. Bedford, at the time he done it.

Q Was he present at any time where there was a conversation between you and the defendant? A. No, sir.

Q Don't tell us what Mr. Oppenheim told you but in consequence of what he told you what did you as a police officer do?

A. I arrested him.

By the Court:

Q Did you get the cloaks, officer? A. No, sir.

Q That is about all you know? A. That is all.

By Mr. Bedford:

Q What is in that bundle (pointing to a bundle)? A. Three cloaks.

0290

Q Where did you get them? A. There was an expressman came down here, I believe it was before Judge Martine; the goods were not brought here until two or three trials --- a man by the name of Geick in Ridge Street, he has been subpoenaed two or three times by the prisoner.

Q What was the whole conversation that you had with the defendant? A. I had none, that is all.

Q He said he took the cloaks because the firm owed him money, is that all that he said? A. That is all that he said, that he was not paid for his work and he took the cloaks out again.

CROSS-EXAMINED by Counsel:

Q Did not he tell you that he took the cloaks home to finish them? A. No, sir.

Q Are you sure of that? A. Yes, sir.

Q Mr. Oppenheim was present when you arrested Einhorn, was he not? A. Yes, sir; Mr. Oppenheim told me that he took the goods from his store.

Q Did not Mr. Einhorn show you the cloaks at the time when you were about to arrest him? A. Einhorn did not have the goods with him; them goods were not taken down here until Mr. Jerome seen them.

Q At the time you arrested Einhorn where were the goods? A. I do not know, I did not see them. I did not see the goods until I seen them before Mr. Jerome, I think it was in Part II.

Q Did not the expressman say he had them? A. He told me nothing at all about it.

0291

The Court: I will exclude all about the expressman.

By Counsel:

Q Were you not present when Mr. Oppenheim offered him \$5.00 for the work he had performed upon the cloaks? A. No, sir. Mr. Oppenheim did not offer him a penny, not one penny.

Mr. Bedford: That is the case for the People.

THE CASE FOR THE DEFENSE.

E D W A R D E I N H O R N, sworn and examined:

By Counsel:

Q Where do you live? A. I am living now in No. 7 Clinton Street.

Q Where did you live on the 22nd day of February last?

A. In 61 Clinton Street.

Q What is your business? A. I am a cloak-maker.

Q How long have you been a cloak-maker? A. In this country for 10 years.

Q Have you been a cloak-maker in the other country? A. I have been a dressmaker.

Q Dressmaking? A. Yes, sir.

Q Where? A. In Austria.

Q For how many years? A. I am in the business now 14 years.

Q 10 years in this country? A. Yes, sir.

Q What firms have you worked for for the past ten years as near as you can recollect? A. I have been working for Freidlanders, Schultz Brothers and Blatt and I have been

0292

working in a fur house, Boose Brothers, Broadway.

Q Will you state to the Recorder and this jury telling the whole truth now how you came to have those cloaks in your possession? A. I came up to work for Mr. Oppenheim, it was about seven days before I took those last cloaks home, I started to work there, I knew the foreman for at least eight years; six or eight years ago I used to work with him together in a firm where I mentioned, in Schultz Bros., and Bladt's. So I have seen him on the street the Monday before I started to work, so I seen him on Canal Street, he calls me up, I shall go up to work. I have been working that time for another firm and he called me up to work. Monday I started to work there, I worked there until the second Tuesday and when I started to work there they had told me the prices. I told them right off, Mr. Swanack I said I could not work for that. He said I will tell you the prices that I will give you for the work; he told me the prices and I was satisfied; so on every piece of work that I got he told me the price -- and the Tuesday after the week, because Saturday was the week out, Saturdays they did not pay, they paid generally on Tuesday. So I was working till Tuesday and Tuesday night at 6 o'clock I got my money, I seen I was missing over \$3.00, I could not do nothing the same evening because I could not talk to the bookkeeper or the cashier, he has nothing to do up stairs. I was waiting until the next morning. I had work to take home to finish, I have the same cloaks that evening before out to finish; the next day I came in, I went over to the

0293

foreman, Mr. Swanack, and showed him the book right off that I have not got the price that he offered me. He looked in the book and said, Einhorn, all right I will see the Superintendent about it and I will get it fixed right away. He went over to the Superintendent and talked to him; so he raised me on two numbers, he picked out two numbers and raised me on it and the rest he did not raise anything at all; I was working there the same day in the evening.

By the Court:

Q How much did he raise on the two numbers, what did it amount to? A. 40 cents, 15 on one and 25 on the other, 40 cents on the two. So the same evening I went home and I took those cloaks home; it was on Wednesday evening and on the Thursday I was staying home working on the cloaks and I finished them the next morning, I remember it was on Washington's Birthday morning, I went down town and I sent out a taylor, the man knew me, to go up and tell Mr. Swanack I was not satisfied with what he raised me on the price, that I have got the cloaks all finished home and to come down and examine or send me the money and I will send him the goods.

Q The same morning he sent the bookkeeper down? A. There was two stores on the one number on 61 Clinton Street -- one is a merchant taylor and the other is a ladies' trimming store, and I was living by the merchant taylor where I am living now; we moved in the same street to another number. So the bookkeeper came down to 61 Clinton Street and came into the ladies' trimming store, he came in and asked for my name and they told him.

0294

By the Court:

Q Go on with your story? A. So the bookkeeper came into that ladies' trimming store and asked for my name.

Q Were you there? A. No, sir.

Q You were not there? A. No, sir, I was not there.

Q Keep down to what you saw? A. So that was the same time when I was down town, it was in the morning I was down and sent the work up. So the bookkeeper came right down.

Q Did you see him come right down? A. No, sir, I did not see it but afterwards when I came from down town I had to pass the store where I was living because it was on Grand Street, on the Grand Street side, and I came from the Grand Street side, so I passed there, it was a basement, two basement stores together; so when I passed there the storekeeper came out from the ladies' trimming store and he comes after me.

Q That won't do, tell us something about these cloaks?

A. So I came in after, I went into the store where I was living. The Saturday after this there came a taylor to my house, he was living in the same block there, so when I was just standing before the house I stopped him.

By Counsel:

Q You saw Mr. Oppenheim, come down to that fact? A. It was the Monday after, no, Sunday morning or Sunday afternoon Mr. Oppenheim sent down the taylor to my house. Eiber, the taylor, told me this.

The Court: That won't do.

By Counsel:

Q On Monday night you saw Mr. Oppenheim, didn't you? A. Yes,

0295

Q sir, I had seen Mr. Oppenheim on Monday night.

Q Tell the Court and jury what happened then? A. I was working for a contractor in DeLancy Street.

By the Court:

Q What did Mr. Oppenheim say to you or you say to him on Monday night, get right down to that? A. Mr. Oppenheim came into the shop where I was working with the same taylor that was to my house on Sunday afternoon.

Q What took place, what was said and what was done? A. Mr. Oppenheim ---- I did not know him ---- I was working by the machine, he came into the shop and was asking for my name; he came over to me. I said, I am here. He said, are you Mr. Einhorn? I said, yes, sir. He said, come along. I started to dress, I thought he was an officer and I went along.

Q Where did you go to? A. I went to the expressman with him.

Q What expressman? A. To the one that had the goods.

Q What is his name? A. Grossman.

Q Where was it? A. It was in 134 Ridge Street. So after this Mr. Oppenheim said, where is the cloak. First I asked him who he was? He said, Mr. Oppenheim. So he told me that he is Mr. Oppenheim. I said, where shall I go with you? He said, I want to know about the cloaks. I said, I can tell you, I sent the cloaks down this morning, you sent down a taylor yesterday that I should send you the goods down C.O.D.; so I sent them down this morning. He said, it is not true, it is a lie.

By Counsel:

Q Was the taylor present when you told Mr. Oppenheim that?

A. Yes, sir, he said it is not true, you did not send it down. I said, Mr. Oppenheim I can prove it by the expressman. He asked me if I had a receipt. I said this expressman has no receipt, it is a private office; he said, all right. I went to 134 Ridge Street to the expressman and the expressman just came home with his wagon. I said, Mr. Grossman, did you take goods down to Mr. Oppenheim? He said, yes. I said, did you leave it? He said, no, they would not pay and I brought the goods back, I had the goods in the wagon. So Mr. Oppenheim said, let me see the goods and he showed him the bundle, and after this Mr. Oppenheim took it under his arm and said, the goods is mine and I will take them. I told him, Mr. Oppenheim you have to pay for it. He said, I don't care about paying, the goods are mine. He wanted to go; I told the expressman I will keep the receipt for the money. After this the expressman took it off with him.

Q Did Mr. Oppenheim offer you any money? A. No, sir, and at that time I went to my brother-in-law's store on Stanton Street. Mr. Oppenheim came after me, I went into my brother-in-law's store; Mr. Oppenheim said, I will give you \$4.00 for the amount. I said, I will not take it. Oppenheim then says, if you won't take it I will give \$5.00 and if you won't take that you can do as you please.

By the Court:

Q You would not take \$5.00? A. No, sir.

By Counsel:

Q How much were you entitled to? A. \$8.00.

Q That was the regular price, was it, \$8.00 for the work you

0297

had performed upon the very cloaks in question? A. Yes, sir.

Q You heard Mr. Oppenheim say that on the 22nd day of February these were stolen, you ran out of the store with three cloaks over your arm and he ran after you, is that true?

A. I never seen Mr. Oppenheim before he got me arrested.

By the Court:

Q Did you run out of the store? A. No, sir, I never run, I did not run.

By Counsel:

Q Did you have the cloaks over your arm? A. I had them in a bundle just the same as they are now.

Q Is that the paper (showing paper)? A. No, sir, it is not this paper.

Q You had then wrapped up in paper? A. Yes, sir, it was a fine piece of paper, the fur lady gave me the paper, Mr. Swanack was present.

Q Mr. Oppenheim testified here that you ran out of the store and he ran after you, that is not true? A. No, sir, that is not true.

Q That is the first time you heard him say so, isn't it? A. That was the first time.

Q What did you take those cloaks home for? A. I took work home from the first evening I started to work for him, I used to do machine work on them.

By the Court:

Q Did you take them home to work on them? A. Yes, sir.

By Counsel:

Q Is that the custom amongst cloakmakers? A. Yes, sir, every place.

0298

CROSS-EXAMINED by Mr. Bedford:

Q Do you know what perjury is? A. No, sir.

Q You do not? A. No, sir.

Q Have you ever heard the expression before? A. No, sir.

Q When you were sworn as a witness in this case what did you undertake to swear to? A. That I will tell the truth.

Q Do you know the legal penalty in case you do not carry out that oath?

The Court: Excluded.

By Mr. Bedford:

Q You tell this jury that you were working with Mr. Oppenheim in his establishment from Tuesday until Monday? A. I was working there from Monday, from one Monday until the second Wednesday night.

Q And you also tell this jury that when the complainant came to you on Monday night you thought that he was an officer? A. Yes, sir.

Q Why did you think that the officer should call upon you Monday night? A. Because he came in, he was asking for my name; and said right off, come along; so I did not have nothing to do with nobody.

Q But before he said, come along, you took him to be an officer? A. Not before.

Q Did you expect an officer to visit you? A. No.

Q Why did it enter your head, he was not dressed in buttons and blue coat?

Objected to.

By the Court:

Q Mr. Oppenheim did not have a policeman's coat on, did he?

0299

A. No, sir.

By Mr. Bedford:

Q You have testified to this jury when you saw him come ⁱⁿ you thought he was an officer? A. Yes, sir.

Q I asked you for what reason you thought he was an officer?

A. Then I imagined because on the Saturday before ----

Q When you left the Oppenheim establishment how much money was then due you according to your own statement? A. \$8.00.

Q \$8.00? A. Yes, sir.

Q How much money had the firm paid you for those days work that you say you were with them? A. It was \$9.85.

Q They had paid you \$9.85? A. Yes, sir.

Q And then when you went away they owed you \$8.00? A. Yes, sir.

Q Does that include the making of the three cloaks? A. Yes, sir.

Q They did not owe you \$8.00 until you finished the cloaks? A. Until I had the cloaks finished.

Q Leaving out these three cloaks there was 40 cents due you, was there not? A. Yes, sir, it was without the three cloaks, instead of those 40 cents that I got there was something over \$3.00.

Q How do you make that out, tell the jury how you make that out? A. Because here is some numbers, here I have got a cloak \$1.75 he paid me, I had to get \$2.45 for it; the next one is \$1.25, I had to get \$1.60 for it.

Q How much did you get? A. I got \$1.25 and the next one the same, I got \$1.35 for one, I had the bill made out.

Q Tell the jury how you make out \$8.00 due you at that time

0300

even on your own showing? A. I do not know whether the man has got the bill here, the expressman.

Q There is all the work that you did in that book and the prices that they gave you for them? A. Yes, sir, everything is here, I could not make it out so exactly now; it may be something more or something less because on the bill that time right off I knew where it was; they did not give me the right prices.

By Mr. Bedford:

Q After refreshing your memory from that memorandum book how much did this firm owe you when you took the three cloaks?

A. It was something over \$3.00.

Q Why did you swear it was \$8.00? A. With those three cloaks.

Q Then you got \$5.00 for making three cloaks? A. Yes, sir.

Q Is that the way they pay, \$5.00 for making the three cloaks?

A. Yes, sir.

Q Were you in Mr. Oppenheim's establishment on February 22nd?

By the Court:

Q Washington's Birthday, were you there then? A. That was on Friday, I got Oppenheim Wednesday night, I left Oppenheim before the 22nd.

By Mr. Bedford:

Q Were you in that establishment of Oppenheim's in Canal St., in this City, on February 22nd? A. No, sir, not on Washington's Birthday, that time I have not been there.

Q Where were you? A. That time I was home.

Q All day long? A. No, sir, in the morning I was down to

0301

Oppenheim's and sent up a man about the cloaks.

Q When did you take the cloaks, what day? A. I took them on a Wednesday.

Q What day was that? A. It was the Wednesday before the 22nd, before Washington's Birthday.

Q It must have been on the 20th, you say it was Wednesday before the 22nd, which Wednesday? A. The last Wednesday before the 22nd, it was on the 20th.

Q Mr. Oppenheim has sworn that he saw you run out of his establishment with three cloaks, and that he run after you, he chased you and you managed to escape, is that true or false? A. No, sir, that is not true.

Q Did Mr. Oppenheim ever call upon you, say two or three days after you run out with the cloaks, at 61 Clinton Street? A. No, sir.

Q Did he ever see you at 61 Clinton Street and ask you where the cloaks were? A. Never.

Q Did you hide the cloaks under the table when Mr. Oppenheim asked you where they were? A. No, sir.

Q Did you deny to Mr. Oppenheim that you hadn't the cloaks? A. I never did deny it.

Q You say now that when you took these cloaks that the firm was owing you \$3.00? A. Yes, sir, it was, something over \$3.00, I do not know exactly to a couple of cents.

Q When you took those cloaks did the firm owe you besides their indebtedness for the making of those cloaks more than 40 cents, did not they pay you every dollar minus 40 cents? A. They did not pay me everything.

0302

Q You swear then that they owed you besides the cloaks \$3.00?

A. Yes, sir, over \$3.00.

Q What did you have under your arm when you ran out that day and Mr. Oppenheim chased you? A. I did not run out, I went out with the cloaks as generally every evening I used to go home with the bundle to finish.

Q Did not Mr. Oppenheim follow you? A. No, sir, it is not necessary to follow ----

By the Court:

Q Mr. Oppenheim says he saw you take three cloaks under your arm and run out of his store, that you followed you all the way and you ran until you got to Centre Street and then he missed you, is that true? A. No, sir.

By Counsel:

Q The District Attorney has asked you if you knew what perjury means?

The Court: I have excluded it already.

By Counsel:

Q Einhorn, have you ever been arrested for any crime whatsoever or for anything? A. No, sir, never.

J U L I U S G O T L E I B, sworn and examined:

By Counsel:

Q Where do you live? A. 324 East Third Street.

Q What has been your business for the last 10 or 12 years?
A. Cloak-maker.

Q Where? A. I used to work for different houses up till about two years ago, since that I work up my own goods, I used to work for different houses before.

0303

Q Do you know the value of cloaks? A. Yes, sir.

Q Just open that bundle before you and tell the Recorder and the jury what in your opinion those cloaks are worth, each one separately? A. Those goods are worth about \$1.15 a yard.

By the Court:

Q What are the cloaks worth that you see before you, are they manufactured now? A. Yes, sir, they are finished.

Q Tell that jury what they are worth? A. They are worth from \$12.00 to \$13.00.

By a Juror:

Q The three of them? A. Yes, sir.

By the Court:

Q What would it cost to manufacture those \$12.00 or \$13.00 worth of cloaks? A. Prices are different, houses pay different prices, I used to get from the house of Benjamin & Caspara \$3.50 for a garment like that; for this we used to get \$2.50, but now I do not know the prices.

Q Now you manufacture yourself? A. Yes, sir, when I manufacture them myself I used to pay ----

Q Don't you employ people to manufacture for you? A. Yes, sir.

Q You know what you pay for them, how much? A. We pay just as much as we can get them made for.

By Counsel:

Q What is the biggest price you paid for any of them?

A. For this one \$1.25; there is two kinds of jackets.

Q What I want to know is how you arrive at the conclusion

that they are worth \$13.00? A. For a single garment it takes about, by cutting one single garment if I am going a piece of stuff I have to take $1\frac{1}{4}$, but it takes $1\frac{1}{8}$ in cutting it in the piece.

Q How many yards are there altogether? A. I guess they can be from about $3\frac{3}{4}$ or $3\frac{1}{2}$.

Q How much a yard, say 4 yards? A. They are worth about --

The Court: I shall tell the jury in this case on the People's evidence, if there is to be a conviction here it can't be more than petty larceny.

By Counsel:

Q Mr. Gottleib, what is the custom in the City of New York amongst cloak-makers about taking out unfinished garments out of their places of business where they work? A. Well, sir, there is not a house in the City any taylor which works inside in the houses that should not take work outside every night.

Q For what purpose? A. For finishing.

Q For finishing purposes? A. Yes, sir, that is the custom of every house in the City.

Q How long have you known Mr. Einhorn? A. I guess I know him about say 8 or 9 years, he used to work for me and his father.

Q What do you know about his character? A. A very good character as far as I know.

Q Did you ever hear anybody say anything against him?

The Court: That will do.

0305

CROSS-EXAMINED by Mr. Bedford:

Q If in employing workmen you should happen to owe them \$3.00 would you think they were justified in running off with three cloaks of the value of \$13.00 or \$14.00 because you did not pay them, yes or no? A. I used to work outside -- whether this is justified or not I am not here to say whether it was justified, it is the jury or the Judge, I suppose, that is to decide about that.

Q Where is your place of business? A. At present I am not in that business.

Q Since when? A. Since February.

Q Why did you get out of it? A. Because I got another business now.

By the Court:

Q What is your business? A. I am importing wine, Hungarian wine.

By Mr. Bedford:

Q Changed from a taylor into a wine seller? A. Yes, sir.

M A U R I C E G O O D M A N, sworn and examined:

By Counsel:

Q Where do you live, Mr. Goodman? A. No. 177 Stanton St.

Q You are brother-in-law of this defendant, are you not?
A. Yes, sir.

Q Do you know Mr. Oppenheim? A. I do not.

Q Have you ever seen him? A. I seen him in my place.

Q Where is that? A. When Mr. Einhorn was arrested that night.

Q What is your business? A. Cigar manufacturer.

0306

Q Where do you keep your factory? A. In the same place where I live, I have got a cigar store there.

Q You have got a cigar factory behind in the rear? A. A factory behind.

Q Did you hear Mr. Oppenheim say anything to Einhorn in reference to cloaks? A. Yes, sir.

Q What was it? A. Mr. Oppenheim came in, Mr. Einhorn was in the place, he offered him \$4.00 to give him the goods.

By the Court:

Q What did Mr. Oppenheim say? A. He was asking for his cloaks.

Q What did he say? A. Mr. Einhorn told him that they are by the expressman and if he pays him that he can have them.

Q What else? A. That Mr. Oppenheim offered him \$4.00 for the cloaks and he did not want to take it, afterwards he told him he would give him \$5.00, he did not want to accept it, so he told him if he did not take \$5.00 he was going to get him arrested; then Oppenheim went away and a few minutes later he came in with an officer and had him arrested.

I S A A C G R O S S M A N, sworn and examined:

By Counsel:

Q Where do you live, Mr. Grossman? A. 134 Ridge Street.

Q What is your business? A. Express.

Q You have an express wagon? A. Yes, sir.

Q Do you know Mr. Einhorn? A. Yes, sir.

Q Did you ever see those cloaks before? A. I saw them when he had them in the wagon.

Q Who gave them to you? A. I saw them in a bundle, Mr.

0307

Einhorn gave them to me.

Q For what purpose? A. He gave me a receipt to deliver to Oppenheim of \$8.00 C.O.D.

By the Court:

Q You got this package from Einhorn to deliver at Oppenheim's, is that right? A. Yes, sir.

Q Did you take it there? A. Yes, sir, I did not take the bundle up stairs, only I sent up the receipt up stairs.

Q What do you mean by the receipt? A. I had the receipt C.O.D. \$8.00.

Q You mean a bill? A. Yes, sir, a bill.

Q You sent up the bill first, did you? A. Yes, sir.

Q Did your bill come down paid? A. No, sir.

Q Then you took away the goods? A. Yes, sir.

Q You never did deliver them? A. In the afternoon I sent up the workman again with the bill C.O.D.

Q Without the goods? A. Certainly, they were C.O.D.

Q You wanted to get C.O.D. paid before you delivered the goods, is that it?

No answer.

CROSS-EXAMINED by Mr. Bedford:

Q What was in that package? A. I do not know what was in it, the receipt said three garments.

Q Was it in a box? A. In paper.

Q And the second time you sent it what then happened?
A. The same day.

Q Did you get your money then? A. No, sir.

Q Did anybody come down to speak to you about it? A. No, sir.

0308

Q What did you do? A. I took it back home and Mr. Einhorn came there with that gentleman, that gentleman over there, and he asked me if I delivered the goods? I said I did so, they did not receive them. Mr. Oppenheim said, let us see them, have you got them in the wagon? I said, yes, I took the cloaks out of the wagon and Mr. Oppenheim took the cloaks under his arm, he started to walk off; I said, Mr. Oppenheim the cloaks are not paid for, I have got the cloaks C.O.D. \$8.00, I said you can have them; they took the cloaks away.

By Mr. Bedford:

Q What express company are you? A. No express company, it is Crossman's, it is only a city express.

Q Who are you, the City express or do you work for yourself?
A. Yes, sir, it is my own express.

Q How many do you employ in your own express?

Objected to.

Q How long have you been in the express business? A. Six years.

Q When did you make the defendant's, Einhorn's, acquaintance?
A. I never saw him before, only that time when he gave me the bundle.

Q Where was he? A. Right by my house 134 Ridge Street.

Q He came to your house? A. He told me to take that bundle with that receipt C.O.D. to Mr. Oppenheim and collect it, that is all.

Q When was it, what day of the month? A. I cannot tell you the day of the month, it was the same day he got arrested, it was in February, I do not know the day exactly, I do not

0309

recollect the date.

By Counsel:

Q You brought the bundle in Court one day? A. Yes, sir.

The Court: He says it is the same bundle; there is no doubt about the bundle, there is no use of wasting time on that.

Counsel: That is our case.

REBUTTING EVIDENCE.

A B R A H A M O P P E N H E I M, re-called:

By Mr. Bedford:

Q You were sitting far back, but the defendant said at the time that he left your establishment Tuesday you owed him for those cloaks and you still owe him \$3.00 for other work, now is that so? A. It is not so. If you examine his book you notice we owe him 40 cents.

Q You owed him 40 cents when he took these three cloaks?
A. Yes, sir.

By the Court:

Q Did you call out when you followed this man Stop Thief, or anything of that sort? A. No, sir.

Q Why didn't you? A. I did not want to raise any commotion

Q You wanted to have him arrested? A. Certainly.

Q They were your goods? A. Yes, sir, he ran away with our goods.

Q Now this expressman said that you offered him \$5.00?

A. That is no such thing, I never offered him a cent.

Q The other man, his relative, says you offered him \$4.00 and

03 10

then \$5.00? A. I never offered him a cent.

Q Did you take the cloaks and put them under your arm from the expressman? A. No, sir, I was going to take the cloaks; I said to myself, if that is not my property they can have me arrested, I said to myself I won't touch them.

By Counsel:

Q Why didn't you swear in the Police Court that Einhorn ran away with the cloaks? A. They never asked me the question, that is why I did not swear to it, they asked me certain questions and I answered them.

Q Is that your signature (paper shown); is this what you swore to in the Police Court: "That you have probable cause to suspect and do suspect that said cloaks were taken and stolen away from the fact that deponent found said property in possession of said defendant in DeLancy Street"

By the Court:

Q You can read that?

No answer.

The Jury rendered a verdict of not guilty.

0311

Testimony in the
case of
Edward Kimhorn

filed

March,

1889.

0312

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Einhorn

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

Edward Einhorn

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

The said

Edward Einhorn

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

three cloaks of the value of ten dollars each

of the goods, chattels and personal property of one

Abraham Oppenheim

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.

0313

SECOND COUNT—

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

Edward Einhorn

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

The said *Edward Einhorn*

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,

*three cloaks of the value
of ten dollars each*

of the goods, chattels and personal property of one *Abraham Oppenheimer*

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

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

Edward Einhorn

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.