0674

BOX:
516

FOLDER:
4702

DESCRIPTION:
Pape, William

DATE:
03/10/93

4702

0675

BOX:
516

FOLDER:
4702

DESCRIPTION:
Lacey, Edward

DATE:
03/10/93

4702

Witnesses:

Walter F. Gray
25 Precinct

Wm Atty Gordonier

Frank Cullen

Subpoena Officer
Tompkins Jr
3 pds

Van Miles

Counsel,

Filed 10 day of March 1893

Pleads, Guilty 13

19
309 & 75
peddler

THE PEOPLE

vs.

William Papes
19 429 & 8½
peddler.
and
Edward Lacey

Burglary in the Third Degree.
[Section 405, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

Mar. 22, 1893 - N. H. D.

A TRUE BILL.

Wm W Healon

Foreman.

Evendays
Part 2 - March 24, 1893
Both tried and convicted of
Petit Larceny
each Pen 2 months 30
March 30/93

0677

Police Court— 4th District.

City and County of New York, } ss.:

Frank Ransor of No. 401 East 76th Street, aged 19 years, occupation Peddler being duly sworn deposes and says, that the premises No. 427 East 76th Street, 19th Ward in the City and County aforesaid the said being a two story Frame Building and which was occupied by deponent as a Stable and in which there was at the time no human being, ~~by name~~

were BURGLARIOUSLY entered by means of forcibly wrenching off a Padlock securing and fastening a door opening and leading into said Building and then opening the said door on the 3rd day of March 1893 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

Two Sacks or Bags containing a quantity of Potatoes of the value of Four 50/100 Dollars ($4.50/100)

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by William Pape and Edward Lacey (both now here) while acting in concert with each other

for the reasons following, to wit: that at about the hour of 7 P.M. on the aforesaid day deponent securely fastened and locked the padlock on the aforesaid door of said premises and on the following morning deponent found the said door opened and missed said property and deponent was informed by Frank Cullen that he Cullen saw said both of said defendants together on the Boulevard with said property in their

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1 .....
2 .....
3 .....
4 .....

Offence—BURGLARY.

Dated 188

..... Magistrate.

..... Officer.

..... Clerk.

Witnesses, _____

No. ..... Street,

No. ..... Street,

No. ..... Street,

$ ..... to answer General Sessions.

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

Dated _____ 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.*

Prisoner and defendant Sunday and then he is informed by Mr Reddin Superintendent that said Edwards Bail Bond Commission has expired on Sept 1893 Defendant & his witness on Sept 1893 and Sept 1st & said Prisoner will be under Defendant Bond said Prisoners will be under Defendant Bond & said Prisoner was being held for Burglary Defendant has been called Prisoner Defendant has been called upon to be present on the morning Defendant Bond Prisoner left City Defendants and Prisoner left City Defendants

Sworn to before me, this day of September 1893

Edwards Wanger

Commissioner of Police Justice.

P. W. Morgan

0679

1877.

CITY AND COUNTY OF NEW YORK, } ss.

Frank Cullen

aged 13 years, occupation Peddler of No. 441 East 76th Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Frank Cullen and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 7 *day of* March 189 3 } Frank Cullen

Police Justice.

0680

1877

CITY AND COUNTY OF NEW YORK, } ss.

Bealtha Goodwin

aged 53 years, occupation married of No. 1437 Avenue A Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Frank Manzon and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 7 *day of* March *189*3 }

her
Bealtha X Goodwin
mark

Police Justice.

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

William Pape 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 sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. William Pape

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. New York

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

420-8,84 *Answer.* No 1361 Avenue A & about 1 year

Question. What is your business or profession?

Answer. Longshoreman

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.

William Pape

Taken before me this 2 *day of* March 1893

Police Justice.

0682

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

Edward Lacey 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 sees 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 Lacey

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. New York

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

Answer. No 310 East 75 Street & about 2 years

Question. What is your business or profession?

Answer. Peddler

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

Edward Lacey

Taken before me this 11 *day of* [illegible] 189 3

[illegible]

Police Justice.

0683

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 William Pope and Edward Lacey

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

Dated, March 7 189 3 George [illegible] Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, 189 Police Justice.

There being no sufficient cause to believe the within named

guilty of the offense within mentioned, I order h to be discharged.

Dated, 189 Police Justice.

1881

0684

260

Police Court--- 7 4 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Frank Farrell 401 E. 76

1 Wm Papy

2 Edward Lacy

3

4

Offense Burglary

Dated, March 7 1893

Magistrate.

Officer.

25 Precinct.

Witnesses Frank Cullen

No. 441 East 76 Street.

Mrs Healtha Goodwin

No. 1437 Avenue A Street.

No. Street.

$ 1000 to answer G.S.

BAILED,

No. 1, by A

Residence B Street.

No. 2, by C

Residence Street.

No. 3, by D

Residence Street.

No. 4, by E

Residence F Street.

COURT OF GENERAL SESSIONS OF THE PEACE,

City and County of New York.

The People, vs. WILLIAM PAPE, and EDWARD LACEY.	Before, HON. RUFUS B. COWING, and a Jury.

Tried MARCH 24TH, 1893.

Indicted for BURGLARY, in the THIRD DEGREE.

Indictment filed MARCH 10TH, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY VERNON M. DAVIS,

For THE PEOPLE.

MESSRS. WESTERFIELD and Van METER,

For THE DEFENCE.

FRANK WANSER, THE COMPLAINANT, being duly sworn, testified that he lived at 401 East 76th street. On the 3rd of March, 1893, he stabled at 427 East 76th street; he was a peddler. The stable was a frame building, two stories high. At that time he was the only one who occupied the stable. On the 3rd of March, 1893, about seven o'clock in the evening, he locked up the stable. He did not lock anybody in the stable. At thattime there was potatoes, onions, apples, &c, in the building. There were six bushels, in two sacks, marked "Scotch J. G's," and the word "sold" on the top of the "Scotch." He, the complainant, had bought the potatoes on that very day, from Ellis & Woren, in the Gansevoort Market. He took them to the stable about six o'clock. He went around to the stable again at ten o'clock that night, and everything was all right then. He next went to the stable at about seven o'clock the next morning. The stable door was open then, the hasp had been pried open. The door had been fastened with a staple and hasp. He entered the stable, and missed two sacks of potatoes, six bushels, which were worth $4.50. At that time he did not make

any complaint to anybody; he said nothing about it.

On the 4th of March, Saturday night, he, the complainant, was standing on the corner of 79th street and First avenue, with his wagon. A boy of the name of Frankie Cullen went up to him and had a conversation with him. He did not do anything until Monday. On Monday he went to get a warrant for the two defendants. He went to 67th street and saw the Sergeant. The sergeant sent Officer Bray out with him. They went to 76th street and the Boulevard, and there met the defendant Pape, who was alone at the time. Frankie Cullen was also present. The officer asked Cullen if Pape was the man he had seen with the potatoes, and Cullen said, "Yes. He, the complainant accused Pape of breaking into his stable. They took Pape to the station house. They went to look for the defendant Lacey, and found Lacey at his own door. Lacey admitted that he had done it, but said that he was a little intoxicated at the time. Lacey also said that Pape carried the potatoes out on his back. Lacey and Pape were locked up. The defendant Lacey told him, the complainant, that one of the sacks of pota-

toes was in Mrs. Goodwin's, on the Boulevard between 76th and 77th streets. He went to Mrs. Goodwin's and saw the whole sack there. He identified the sack by the mark on it, and the letters "Sold," over the "Scotch." Nothing had been taken out of the sack, and he, the complainant, was positive that the sack was his. He did not get the other bag back.

In cross examination the complainant testified that the stable which he occupied at the time of the loss of the potatoes had since been torn down. The boys had not commenced to tear down the building on the day in question. He, the complainant, moved out of the building before they commenced to tear it down. He, the complainant, did not put any mark on the bags himself. It was marked in the market "sold." This mark, however, was on all sacks in the market, and was a very common mark. The bags were regular size. He had three bags in the stable that had the same marks, but only two were taken. The defendant Lacey had worked for him, the complainant, for about three months. It was about a year previous to this trial that Lacey had worked for him. He, the complain-

ant, never had a quarrel with the defendant Lacey, and never had any hard feelings against Lacey. He did not know Mrs. Krone, the sister-in-law of the defendant Lacey; but he recognized a woman pointed out to him as a woman who had had a conversation with him, the complainant. The woman was accompanied by Pape's wife when she had the conversation with him. Pape's wife offered him, the complainant, twenty dollars, if he would pompromise the case.

FRANK CULLEN, being duly sworn, testified that he had never been in the Penitentiary. He had been in the Catholic Protectory three or four years before this trial, but he had been a good boy ever since, and had been peddling and working in stores. He knew the defendats from seeing them around the corner. He knew the complainant, and knew where the complainant's stable was and had been. He saw the two defendants on the morning of the 4th of March, 1893, on the Boulevard, about eight o'clock. The defendant Pape was carrying a bag of potatoes at the time. He only saw one bag of potatoes. The defendats were on 76th street when he

first saw them, about a block away from the complainant's stable. He, the witness, had a conversation with the defendant Lacey on the corner, and he asked lacey, "Where did you get the potatoes." Lacey told him he took them, but did not say where he took them from. Hr, the witness, then walked away. He saw the defendants when they were arrested. At that time he was accompanied by the complainant and Officer Bray. He told the complainant what he had seen the defendants do.

In cross-examination the witness testified that he was thirteen years of age. When he was ten years old he was sent to the Catholic Protectory, for playing truant. He had not been sent to the Protectory for stealing. He, the witness, lived at the corner of 76th street and the Boulevard, or First avenue. He saw the defendants from the window of his house, and when he went down to the street he saw them again. The defendants were going towards the stable at the time. One of the defendants said there was coal in the bag, but he, the witness, saw a potato sticking out of the top of the bag when Pape had it on his

shoulder. He did not know whether or not there was coal in the sack. Lacey said to him, the witness, "Here we got potatoes; does your mother want to buy some potatoes?" He, the witness, said, "No, we don't want none. That was all that he, the witness, could remember being said at that time. He saw the defendant Lacey about three hours later, about 11 o'clock, corner of 76th street and the Boulevard. He did not know what Lacey was doing at that time; he, the witness, did nothing. Lacey said to him, "Come up and have a drink;" and then the officer went up and arrested Lacey. At the time of the arrest of the defendant Pape he, the witness, did not hear any conversation between Pape and the officer or the complainant. The officer said to Pape, "Come on," and Pape asked, "What for?" He, the witness, did not know what was said after that, because he could not hear what they said. He went to the police station with the officer and the defendant, but he did not remember what was said in the police station. He, the witness, had talked with the complainant about the case, but he did not know whether he told the complainant what testimony

he would give or not. His, the witness's, house was on the corner, and he had seen the defendants, from the window of the house, both on the Boulevard and 76th street.

WEALTHY GOODWIN, being duly sworn, testified that she lived at 1,437 Avenue A, between 76th and 77th streets. On the 4th of March, 1893, she saw the defendant Pape. This was between 10 and 11 o'clock in the morning. Pape rapped at her door, and she went to the door. Pape was alone at the time. Pape said to her, "Here is a sack pf potatoes that your husband has bought and sent up here." She, the witness, said, "Who did he buy them off?" Pape said, "Of me." She said, "Are you a farmer?" Pape said, "No, I am a peddler." She then said to Pape, "Well, set them here." She afterwards delivered the sack of potatoes to the complainant. On the afternoon of the 4th of March, the defendant Lacey called at her house, alone. Her husband was at home at the time Lacey called. Lacey said to her husband, "I come up to see was you going to take them potatoes?" Her husband said, "No, I told

you I didn't want them." She, the witness, then asked Lacey, "Then why did you bring them here?" Lacey said, "because he thought my husband would take them." She said to Lacey, "Do you know that I wouldn't take anything that I thought was in the wrong. Here, take them potatoes away." Lacey said, "Them is all right." She said, "Why do you want to sell them so cheap?" Lacey had offered them to her for two dollars, and she thought they would be cheap at that price. Lacey said he could sell them cheap because he got them on a bargain. Her husband said, "I want nothing to do with them, and I want you to take them away." Lacey said, "I will get my friend and come and take them away." The next day the complainant went and took them away.

In cross-examination the witness testified that the complainant took the potatoes away on Monday. She did not see the defendant Lacey at the time that Pape left the potatoes. She lived in a tenement house, and the potatoes were left in her rooms. When her husband got home he told her that he hadn't order the potatoes, and she then put them in a vacant room, next to hers.

WALTER F. BRAY, being duly sworn, testified that he arrested the defendants on the 6th of March, 1893. The defendant Pape was arrested first. The complainant went to the station house and made a report. He arrested Pape and told him he was wanted for breaking into the complainant's stable, and Pape said he did not do it. He took Pape to the station house, and Pape was locked up. He, the witness, then went out again, and arrested the defendant Lacey, in 75th street. He told Lacey that he was wanted for breaking into the complainant's stable, and Lacey denied it at first. On the way to the station house Lacey said that he was there, and that Pape was there too. Lacey said they had the potatoes, and that Pape took one of the sacks of potatoes to Mrs. Goodwin's, on Avenue A. He, the witness, went to Mrs. Goodwin's and saw the potatoes there. On the way to court he, the witness, asked Pape where the other sack of potatoes was, and Pape said he did not know anything about it. Pape said he didn't take any potatoes to Mrs. Goodwin's. Lacey told him, the witness, that Pape took the potatoes to Mrs. Goodwin.

In cross-examination the witness testified that Lacey told him that he did break into the stable in question, but that he was under the influence of liquor at the time, and he, Lacey, did not remember whether he or Pape broke in. The witness Cullen was present when he, the witness, arrested Lacey. The complainant was present at the time of the arrest of Pape, and accompanied them down to the station house. On the way to the station house the defendant Pape was talking to the complainant, and Pape offered to pay the complainant the price of the potatoes if he, the complainant, would not press the charge against him, Pape. Cullen was walking behind them at that time. Pape turned around to Cullen and said, "Did you see me with them?" and Cullen said, "Yes." Cullen was then two or three feet behind Pape. The defendant Lacey said that they took the potatoes, but did not say that they took them from the stable. Neither of the defendants gave any other explanation as to where they got the potatoes.

FOR THE DEFENCE, WILLIAM PAPE, ONE OF THE DEFENDANTS, being duly sworn, testified that he lived at 420 East 81st street. He had never been convicted of crime, nor had he ever been arested before. At the time of his arrest he and his wife were living with his sister. On the night of the 3rd of March he got home about eight o'clock. He subsequently left the house and went down to 76th street and the East River, with the intention of getting a bucket of coal from a coal man, for whom he had pumped water the day before. He got some coal, and took it to the corner of First avenue to sell it. He saw a fermer's wagon there, which had dumped five bushels of potatoes at the East River. He saw a lot of little boys picking them up. He went and got another half sack of coal, and he sold that. He then went and got the sack of potatoes and took them into a hallway. Lacey had spokento Mrs. Goodman's son about his father buying the potatoes, and he, Lacey, said Goodman would buy them. He carried the potatoes up to Mrs. Goodman. He, Pape, said to Mrs. Goodwin, "I believe that your husband and son said that it was all right." He, Pape, did not say anything to the complainant about

settling the case, and he had never offered the complainant any money to settle the case. He never spoke to the officer about the case. He was arrested on Monday morning, between eight and nine o'clock. He was not working on the dat of his arrest -- he worked on a coal-boat but it did not go up that day. On the Friday night of the alleged burglary he, Pape, was working for a man of the name of Naylor, who kept a dancing academy; he, Pape, was attanding the little soda-water bar. Mr. Naylor was in court.

In cross-examination the defendant testified that he had been living at 420 East 81st street for four months. He had been idle during the Winter, and had been driving a cola cart or anything like that. He was nineteen years of age. He was a plasterer. He said in the Police Court that he lived at 1,361 Avenue A, but that was not true; his mother lived there, and he wanted them to let her know of his arrest. He did not tell the officer that he had not been to Mrs. Goodman's. He, Pape had never seen the officer before his arrest. He had never been in prison before. The farmer dumped five bushels of potatoes---

the bags were not all full, some of them were half full and others three-quarters. He and Lacey picked up the potatoes together.

In re-direct examination the defendant testified that his sister-in-law was not the janitress; she did work for the man who owned the house. Her husband was not the janitor exactly, he was doing a little work there, cleaning up the rooms, like that. Some of the patatoes were good and some were bad.

EDWARD LACEY, ONE OF THE DEFENDANTS, being duly sworn, testified that he lived at 308 East 75th street. He generally worked at peddling. Sometimes he worked for the complainant. He, Lacey, and Pape picked the potatoes up, at a dump, in 77th street near the river. They put the potatoes in a sack and took them up to a hallway. They got them out of the hallway about seven o'clock and took them up to Mrs. Goodwin. They had previously asked Mrs. Goodwin's son and husband and they had said that they thought she would buy them. They took them up to her, and Pape sold them. He, Lacey, told Pape what Mrs. Goodwin's son had told him. To the best of

his recollection he, Lacey, was arrested about ten or half-past ten o'clock. The officer said to him, "Cpme on, we want you." He, Lacey, said, "What for?" The officer said for breaking into the stable, and he told the officer that he did not know anything about breaking into the stable. The potatoes had been dumped in 77th street by a farmer; other things were dumped there, ashes &c. He told the officer that he did not know anything about breaking into the stable, but that they had a bag of potatoes which they had gotten on the dump, in 77th street. He told the officer that Pape carried the bag of potatoes up to Mrs. Goodwin's. He, Lacey, had been a peddler for six or seven years.

In cross-examination the defendant testified that Pape got the bag in his sister-in-law's house. He, Lacey did not notice whether there was "Sold; Scotch, J. G." on the bag; he was after the potatoes.

NORA CRONIN, being duly sworn, testified that she lived at 420 81st street, in the basement. On the 3rd of March, 1893, the defendant Pape was living there. On that night he got home at about half-past ten o'clock. He

left in the morning at seven o'clock. Pape went out, and then returned and asked her if she had a bag, saying that he would take some coal up from the river; and she gave him the bag. She saw him two or three times that day, and also that evening. She heard of Pape's arrest on Monday. On the day that the defendants were arraigned in the 57th street Police Court, she, the witness, saw the complainant. She asked the complainant what he had agaignst Pape, and the complainant said he had nothing at all to do with Pape. After the examination was over the complainant said to her, the witness, "Now, if you give me twenty dollars, I will throw it all up. I have nothing to say against it."

FRANCIS E. NAYLOR, being duly sworn, testified that he had a dancing academy, in 76th street near Third avenue. He was acquainted with the defendant Pape. Pape had worked for him, the witness, four or five weeks, Wednesday and Friday evenings, until 10 o'clock. On the night of the alleged burglary the defendant Pape left his, the witness's, place at 10 minutes past ten. The

He had always found Pape to be trustworthy and truthful. He always watched Pape, but he always watched everybody who had that position.

MARY PAPE, being duly sworn, testified that she was the wife of the defendant Pape. On the 3rd of March she was living in 81st street. She first heard of her husband's arrest on Monday morning. She subsequently went to the complainant and asked him what he arrested her husband for; the complainant said he didn't arrest him and did not know anything about him, and didn't think he had anything to do in his place. The complainant told her, the witness, if she would give him twenty dollars he would make it all right.

In cross-examination the witness testified that the complainant said he did not think Pape had anything to do with breaking into his place, and in the next breath asked her to give him twenty dollars and he, the complainant, would let him go.

0702

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Pape
and
Edward Lacey

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

William Pape and Edward Lacey

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

The said William Pape and Edward Lacey, both

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on the third day of March in the year of our Lord one thousand eight hundred and ninety-three in the night-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the stable of one Frank Wanzor

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

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

0703

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Pape
and
Edward Lacey

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

William Pape and Edward Lacey

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

The said William Pape and Edward Lacey, both

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on the third day of March in the year of our Lord one thousand eight hundred and ninety-three in the night-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the stable of one Frank Wanzor

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

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

0704

SECOND COUNT—

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

William Pape and Edward Lacey

of the CRIME OF Petit LARCENY committed as follows:

~~The said William Pape and Edward Lacey, both~~

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

two bags of potatoes of the value of two dollars and twenty-five cents each bag

of the goods, chattels and personal property of one Frank Wanzor

in the — stable — of the said Frank Wanzor

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

0705

THIRD COUNT:

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

The said William Pape and Edward Lacey both 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, two bags of potatoes of the value of two dollars and twenty five cents each bag

of the goods, chattels and personal property of Frank Wanzor

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said Frank Wanzor

unlawfully and unjustly did feloniously receive and have; (the said William Pape and Edward Lacey

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, 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.

DE LANCEY NICOLL,
District Attorney.

0706

BOX:
516

FOLDER:
4702

DESCRIPTION:
Peper, Wilhelmine

DATE:
03/30/93

4702

0707

POOR QUALITY ORIGINAL

Witnesses:

In this case there is no evidence sufficient to obtain a conviction, none of the statements of deceased being in the nature of dying declarations which would be admissible in evidence. I therefore recommend the dismissal of the indictment.

Dec 22. 93

DeLancey Nicoll
Dist Atty

(501)

Counsel,

Filed day of 189

Pleads,

THE PEOPLE

vs.

Wilhelmine Peper

Manslaughter 1st degree
(Section 191, Penal Code)

DE LANCEY NICOLL,
District Attorney.

Part 3. Dec 22/93
On recom. of Dist. Atty. indict. dis.
RBM

A TRUE BILL.

Foreman.

0708

CLARENCE S. ELEBASH, M. D.
228 EAST 19TH STREET,
Bet. 2d and 3d Avenues,
NEW YORK.

OFFICE HOURS:
11 to 1 and
7 to 8 P. M.

TELEPHONE CALL,—1416 Q.

For M

No. Date, March 16 1893

℞ This will certify that Mrs Kate Dean is very low and that her recovery is extremely doubtful

Clarence S. Elebash M. D.

0709

This is to certify that Mrs Katie Dean is in a dying condition from Blood-poisoning resulting from Abortion. Her chance of recovery are very slender

Clarence S. Elbacher M.D

March 14th 1893

0710

Police Court, 4 **District.** (1358)

City and County of New York, } ss.

Bernard Malarkey

of No. 21 St. Francis Street, aged years,

occupation Detective

being duly sworn, deposes and says,

that on the 15 day of February 1893, at the City of New York, in the County of New York

Wilhelmine Pepper (Cunningham) did feloniously with intent thereby to procure the miscarriage of a woman use her fingers upon the person of said woman in violation of Section 294 of the Penal Code of the State of New York for the reasons following, to wit: ~~on the aforesaid~~ Deponent was informed by Clarence S. Elebach M.D. that on the 14th day of March 1893 he found Katie Dean in a dying condition from blood poisoning resulting from abortion. Deponent arrested the defendant and the said Katie Dean in defendant's presence identified the defendant as being the one who had operated upon her for the purpose of procuring the miscarriage of a child which she Katie was bearing. The said Katie had a miscarriage on or about the 15th day of February. Wherefore deponent prays that the said defendant be held to answer said complaint.

Sworn to before me this 14th day of March 1893

Bernard Malarkey

O'Connell Police Justice

0711

Sec. 198–200.

CITY AND COUNTY OF NEW YORK, } ss:

4 District Police Court.

Wilhelmine Peper 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 he sees 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 waiver cannot be used against her on the trial.

Question. What is your name?

Answer. Wilhelmine Peper

Question. How old are you?

Answer. 47 years

Question. Where were you born?

Answer. Germany

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

Answer. 220 East 106th Street. 5 years

Question. What is your business or profession?

Answer. Midwife

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.

Wilhelmine Peper.

Taken before me this 14 *day of* March 189 9

Police Justice.

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

March 29th 1893

In re: People vs Wilhelmina Pepper

To the Grand Jury:

The evidence in this case is insufficient to warrant an indictment and the charge should be dismissed.

The only testimony implicating the defendant is that given by the doctors and Sarah Kelly who testify as to alleged declarations by the deceased on the 12th and 13th of March.

Dr Eisbach says that on March 13th the deceased informed him that the defendant had operated upon her several times for the purpose of procuring an abortion.

Sarah Kelly says that she was present when the deceased made this

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

_____ 189__

statement.

Dr. Smith testifies that he visited and treated the deceased professionally seven times since March 12th and that she informed him that the defendant had operated upon her three different times for the purpose of procuring a miscarriage, and that the defendant had used her fingers upon her for that purpose.

These declarations of the deceased were not made under circumstances rendering them admissible in evidence as dying declarations, and can not therefore be used in considering the case. There is nothing to show that when the deceased made

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New York.

_____ 189__

these statements she believed she was about to die, and had given up all hope of recovery.

On the contrary, on March 14th the witness ante mortem statement was taken by Coroner Hausner. She told him that she did not believe that she was going to die, and that she had hopes of recovery. Coroner then asked if she was willing to make a true statement then, and in what manner she came by her injuries. She said: "I had a miscarriage about a month ago. I was in the family way about six weeks. I fell going across the yard behind my house. I also took cold going to a ball which brought on the miscarriage. No doctor or midwife gave me any medicine or used any instruments to bring on a miscarriage."

(See ante-mortem statement annexed to papers.)

We therefore respectfully advise the Grand Jury that the case should be re-considered and dismissed.

Justus Judson
Deputy.

Indictment
found
People
vs
Wilhelmine Rosser

Mem. from the
Dist Atty to the
Grand Jury

Notwithstanding the
report. I think an
indictment had better
be found. The case
looks suspicious &
ought to be critically
examined. If there is
no chance of conviction
we can dismiss it, but the
safer course, I think

0716

Police Court, 4 **District.** (1353)

City and County of New York, } ss.

Bernard Malarky

of No 2nd Precinct Street, aged years,

occupation Detective being duly sworn, deposes and says,

that on the 15 day of March 1893 at the City of New York, in the County of New York

The Katie Doran named in the annexed affidavit died, and he was informed by the said Physicians that she had been suffering from blood poisoning resulting from abortion.

Sworn to before me Bernard Malarky
this 17th day of March

W M Mahon
Police Justice

Sarah Kelly of 632 – 9th Avenue being duly sworn deposes and says: She was present when Katie Doran informed Martin Eletrach and Smith that the defendant Wilhelmina Jeper had used her fingers upon her (Katie) to procure a miscarriage

Sworn to before me this 17th day of March 1893

Sarah Kelly

W M Mahon
Police Justice

0717

Police Court, 4 **District.** (1359)

City and County of New York, } ss.

Clarence S. Elebash

of No. 228 E. 19th Street, aged 33 years,

occupation Physician being duly sworn, deposes and says,

that on the 13 day of March 189 3, at the City of New York, in the County of New York

Katie Dean the person named in the annexed affidavit was visited by him and she informed deponent that the defendant had operated upon her several times for the purpose of procuring the miscarriage of a child which she was at the time bearing.

Sworn to before me this 17th day of March 1893

Clarence S. Elebash

W. McMahon

Police Justice

Jurat

Sworn to before me this 17th day of March 1893

W. McMahon

Police Justice

0718

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

Wilhelmine Pepper 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 sees 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 waiver cannot be used against her on the trial.

Question. What is your name?

Answer. Wilhelmine Pepper

Question. How old are you?

Answer. 47 years

Question. Where were you born?

Answer. Germany

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

Answer. 224 - 8 - 106th St. 5 years

Question. What is your business or profession?

Answer. Housewife

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.

Wilhelmine Pepper.

Taken before me this 14 day of March 1893

Police Justice.

0719

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, *ss.*

AN ANTE-MORTEM INQUISITION,

Taken at 632 – Third Avenue

~~No.~~ ~~Street,~~ *in the* 21st *Ward of the City of*

New York, in the County of New York, this 14th *day of* March

in the year of our Lord one thousand eight hundred and 93 *before*

M. J. B. Messemer Coroner,

of the City and County aforesaid, on view of the body of Katie Dean

at

~~*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 was injured, do upon their Oaths and Affirmations, say. That the said*~~

In Witness Whereof, ~~*We,*~~ *I, the said* ~~*Jurors as well as the*~~ **Coroner,** *have to this Inquisition set* ~~*our*~~ *my hand*~~*s*~~ *and seal*~~*s*~~*, on the day and place aforesaid.*

~~JURORS.~~

M. J. B. Messemer

CORONER, *L. S.*

0720

City and County of New York, ss.

Statement of Mrs. Katie Dean *now lying dangerously wounded at* 632 Third Avenue *in the* 21st *Ward of said City and County, on the* 14th *day of* March *18*93

Question—What is your name ?

Answer— Katie Dean

Question—Where do you live ?

Answer— 632 - Third Avenue New York City —

Question—Do you now believe that you are about to die?

Answer— No

Question—Have you any hope of recovery from the effects of the injury you have received ?

Answer— I have hopes of recovery

Question—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering ?

Answer— I had a miscarriage about a month ago. I was in the family way about six weeks. I fell going across the yard behind my house. I also took cold, going to a ball, which brought on the miscarriage. No doctor or midwife gave me any medicine or used any instruments to bring on a miscarriage.

her
Katie + Dean
mark

A true copy
Edw. F. Reynolds
Clerk

072

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND
Years	Months	Days		
25			U.S.	132 Third Ave.

Married — 2 children, boy + girl
aged respectively 3½ + 2 years.

0722

AN ANTE-MORTEM INQUISITION

On the VIEW *of the* BODY *of*

Katie Dean

whereby it is found that ~~*he*~~ *she was injured by*

Taken on the 12th *day of* March 18 92

before

M. J. O'Meara **Coroner.**

Committed

Bailed

Discharged

0723

Sec. 192.

4th District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before J. W. Meade a Police Justice of the City of New York, charging Wilhelmine Pepper Defendant with the offence of

Abortion

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, Wilhelmine Pepper Defendant of No. 320 E. — 106 Street; by occupation a Midwife and James D. McGann of No. 53 — 8 — 1894 Street, by occupation a Carpenter Surety, hereby jointly and severally undertake that the above named Wilhelmine Pepper Defendant shall personally appear before the said Justice, at the 4th 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 Fifteen Hundred Dollars.

Taken and acknowledged before me, this 15 *day of* March 1893

Wilhelmine Pepper

J. D. McGann

J. W. Meade Police Justice.

CITY AND COUNTY OF NEW YORK, } ss.

the within named Bail and Surety being duly sworn, says, that he is a resident and ..... holder within the said County and State, and is worth ..... **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

Sworn to before me, this ..... *day of* 18 53

Justice of the Peace.

.....**District Police Court.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

.....

vs.

.....

Undertaking to appear during the Examination.

Taken the..... day of..... 18

.....*Justice.*

B. 261. 3. C.

Coroners' Office, New York County.

In the Matter of the Inquest into the Death - of - KATE DEAN.	Before HON. M. J. B. MESSEMER, and a Jury.

New York, March 21st, 1893.

Appearances: Mr. Gedney, appears for the prisoner; Mr. Bradley represents the District Attorney.

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THOMAS J. LLOYD, being called as a witness by the Coroner, was duly sworn, and testified as follows:

I am a reporter of the Daily News.

BY THE CORONER:)

Q Do you remember a certain day last week when you came to me with this telegram(telegram shown witness)

A I do.

Q Will you kindly read the telegram to the Jury?

(Witness reads telegram)

Q Where did you hand me that telegram? A In the Court Room here while you were presiding.

Q What hour was this? A 25 minutes to 12.

Q What did I do? A You adjourned several cases which you had here, and went right up with me; it was between 40th and 41st street, and we got up twenty minutes past twelve and we waited there a few minutes and a young lady came in and said we would have to wait until Mr. Dean came in he was out to lunch; we waited about fifteen minutes more and another lady came in; she said she recognized you and knew your brother; you asked her if it was a case of abortion, and she said, no, or if there was any midwife or doctor concerned in it, and she said, no; she said she didn't know whether you could see Mrs. Dean or not; we waited about forty-five minutes, and finally Mr. Dean came in, and after going up-stairs he returned and said you can go up and see her, and talk to her; and you found Mrs. Dean in bed, and you stated you were a Coroner and came there to take her ante mortem statement, and asked her if she was willing to make a true statement as to the cause of her illness; she said she would make a true statement and made an ante mortem statement; I was present and heard what she stated. I remember the statement, she said her illness was due to the result of a fall; she fell down in the alley-way and went to a ball some nights later and caught cold; she said no midwife or doctor was concerned in the case; you asked her that expressly and she said no.

Q What time was it when we went away from the house?

A One o'clock P. M.

Q There were no doctors there that afternoon? A No, sir; they said they had gone before we came there; we

were there about three quarters of an hour altogether I should judge.

BY MR. GEDNEY:-

Q You are a newspaper man connected with the "Daily News"?

A Yes, sir.

Q And with the Coroner as soon as he received word went to the place where the woman since deceased was then lying and you saw her? A Yes, sir.

Q She seemed to be in her right mind? A Yes, sir.

Q She appeared rational? A Yes, sir.

Q Coroner Messemer said what - repeat it again?

A The Coroner asked her if any Midwife or doctor was concerned in her illness or if she had allowed an abortion to be performed, and she said, no, she repeated it several times, and said she had fallen in the alley and went to a ball several nights later and caught cold and her illness was the result of that.

BY THE CORONER:-

Q I asked her also how she felt and she said she was feeling much better she expected to recover she was considerably improved? A Yes, sir.

Q She made her statement very lucidly? A Yes, sir.

BY A JUROR:-

Q What was the cause of her fall, did she slip on the ice or what? A She just said she fell going through the alley-way.

The ante mortem statement is read by the stenographer.

SARAH KELLY, being called as a witness by the Coroner, was duly sworn, and testified as follows:

BY THE CORONER:-

Q Where do you live? A I live now No. 749 2nd Avenue.

Q Do you remember on a certain day last week going into the house No. 632 3rd Avenue? A Yes, sir.

Q And I spoke to you? A Yes, sir.

Q I asked you whether there had been an abortion performed on this woman? A Yes, sir.

Q What did you say? A I said, "No, sir."

Q This was in the place where the office is of this man who is the husband of the deceased? A Yes, sir.

Q What did you say? A I said he was out at present and you couldn't go up-stairs.

Q Where did you say he was? A I said I thought he went to dinner.

Q What time did we get there? A Quarter to 12 it was before 12 o'clock.

Q Do you remember on what day it was? A Last Monday.

Q Yesterday a week? A Yes, sir.

Q Were the doctors waiting for me then? A They had gone before you came in.

Q How long had they gone? A About a half an hour or so.

Q How long did they wait for me that morning? A Quite a while.

Q How long? A About ahalf an hour.

Q Did they wait six hours? A No, sir.

Q It was not yet a half an hour? A No, sir.

Q Did you state before a Police Justice what she told me?

A Yes, sir; I was in the bed room when she stated it to the doctor.

Q Why did you state to me in that house that they had not operated on her? A I didn't know anything about it until after they stated it - later in the afternoon when she stated it to Doctor Adalberg.

Q When I asked you, you seemed to be very positive that I could not see this lady until her husband came?

A Yes, sir; I didn't think it was very right for you to be let up-stairs.

Q That was the languagen you used? A Yes, sir.

Q When I asked you where he was where did you say he was?

A To dinner.

Q How long did he remain? A About a half an hour.

Q About what time did he come in? A About 25 minutes to 1 he came in.

Q And you had a consultation with him, didn't you, you had a talk with him? A Yes, sir; to say that you were down stairs.

Q You and he left that room? A Yes, sir.

Q You went where? A We went up-stairs.

Q What took place? A I wanted to fix Mrs. Dean before you came up.

Q Then what next? A That was all that took place then Mr. Dean went right down and told you to come up.

Q Were you present when I took the ante-mortem statement?

A I was in the next room, I didn't hear her statement.

Q Didn't you say to me yourself that she was much better than she was in the morning? A No, sir; I did not.

BY MR. GEDNEY:-

Q Do you remember seeing me at the Police Court before Justice McMahon? A Yes, sir.

Q Did you not state there before Justice McMahon that an abortion had been performed? A No, sir; I did not.

Q Didn't you say it before the Judge? A No, sir; I said I was present in the room when she told both doctors, that the midwife had used both fingers on her.

Q That is your language is it, that is true, is it?

A yes, sir; I stated that up in Court.

Q Didn't you say to me when I wanted you to say the only language you now use didn't Mrs. Dean probably say that she had made an examination with fingers not that she produced an ~~operation?~~ abortion A No, sir; I never mentioned abortion at all to you.

Q When I was before Justice McMahon when you said that she had produced an abortion I said ~~xx~~ was it not an examination with the fingers and didn't you answer no? A You did not ask me that at all.

Q It is not a pleasant place for a lady. Didn't I say to you Miss Kelly as you have testified now didn't I say might it not be that it was an examination with the fingers?

A Didn't you hear me tell the Judge there that I was with her when the doctor said ~~xx~~ the midwife had used her fingers?

Q Didn't you persist that she had produced an abortion?

A No, sir; I did not.

Q This Coroner and this jury want to understand that you now say she did not produce an abortion but there was an examination made with the fingers? A Yes, sir; I didn't speak to you at all; only when I was up to the Judge you came there and asked me --

Q You remember seeing that Mr. Lloyd up there? A Yes, sir.

Q You did not hear the conversation between Coroner Messemer and her? A No, sir.

Q You didn't hear that? A No, sir.

By Mr. Bradley:-

Q Will you please tell us the whole statement that Mrs. Dean made at the time you say she spoke about the midwife using both fingers? A I heard Doctor Adalberg ask her that wouldn't she make a statement of that kind if she knew she was going before her Creator, that was after Coroner Messemer had been there; he said didn't the midwife use any instrument at all; she said no. He said didn't you see an instrument on top of her fingers and she said no.

Q Did she say was she standing up or lying down when the operation was performed upon her at the time the fingers were used? A That I didn't hear.

Q Did she say who this midwife was? A She said it was Mrs. Pepper.

Q Did she say where she belonged? A No. 220 East 106th Street.

Q Did she say whether anybody accompanied her at all to this midwife? A No, sir.

Q Did she say how she came to be brought to the midwife's place? A No, sir.

Q Did you hear her make any other statement at all?

A No, sir; I did not.

Q Coroner Messemer endeavored to get her to make a statement? A Yes.

Q And he called for the statement which was made in your presence? A Yes, sir.

Q If there is any other light at all that you can throw upon this you can tell us? A No, sir; That is all I know.

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JACOB A. LEHMAN, duly sworn:-

I went to the Western Union Telegraph Office on the Coroner's instructions to investigate the despatch and they gave an official report here which the Coroner can look into. It is from the manager of the Western Union.

The despatch is read to the jury.

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JUDSON C. SMITH, duly sworn:-

I graduated from the University of Vermont, in 1889. I have practiced medicine since that time at No. 321 and 337 East 19th Street in this city, and been instructor in the Post Graduate School.

Q Are you connected with any ~~xxxxxx~~ dispensary?

A Yes, sir.

Q Which one? A The Post Graduate in 30th Street. I was called to see Mrs. Dean at 632 Third Avenue on Sunday night, March 12th; I found this woman with a temperature of 106, with a pulse of 140 and respiration about 30.

Q What time was that? A I got there between eight and nine o'clock, there was no evidence of pneumonia except a very few coarse ~~xxxxxxxx~~ tralpens in the lungs; I was unable to make out exactly what the ~~xx~~ trouble was from the physical examination. I asked the woman if she knew of anything that would help me to determine the cause of her sickness. I told her that she was in a desperate condition and a very sick woman; I told her she had better ~~xxxx~~ tell me if she knew anything. She hesitated some time. I asked her when she menstruated last; she told me some three weeks before. I asked her if she had a very hard time; she said she did. I asked her whether she menstruated before the tim before that; she didn't know. She didn't remember. I said said Mrs. Dean, have you had an abortion? She said yes. Now, I said how long were you pregnant? She didn't know exactly. I said how large -- could you tell from the mis-carriage the sex of the child, she said it was a male child. It was a twin operation, she saw one, but the mid-wife said there were two children. I said I shall have to examine you. She objected that I insisted. She said she knew that she was all right. I examined the abdomen bit carefully; there was no marked tenderness; there was no distention with gas; the vaginal examination revealed

a dilated womb that would admit my finger easily. There was some odor, not marked, a slight odor. I said Mrs. Dean the probabilities are that this abortion has not been completed, there is something in your womb and I shall call in another doctor and see whether we can do anything for you. I prescribed for the woman and left her. I called Doctor Elsback next day and he was out; I called a second time and we made an appointment to go up that evening and I saw the woman in the meantime. Then I asked her again where this midwife lived; she told me it was a midwife that did the operation, but begged not to expose her; she told me this on her own sex, she was a friend, a very dear friend of hers. I said Mrs. Dean if we could see this woman and find out whethr she got all this after birth away it might not be necessary for an operation on you; but if it had not been taken away, if she took one away and one was left it would be to our advantage to see her. Then she told her name was Mrs. Pepper and she lived at 106th Street -- I forgot the exact number -- I think it was 220; and that was the woman that did it; I said how did she do it; did she use instruments or give you medicine? She said she did n't use either. I said how did she do it; she said she did it with her fingers. I asked her were you standing or lying? She said I simply stood up and she introduced the finger. How long did she keep it there; she said for fully a minute, perhaps longer. I said was it possible that she had an instrument in her hand; she didn't say ; it might be. I said did her finger hurt you; she said

it give her considerable pain and made her bleed a little. I said did they bring on the miscarriage; she said no. I said did you go back; she said several times. She said several times; I said how long after that did you have a miscarriage and she couldn't tell me definately but she said three or four weeks; she went there several times to have this operation repeated. I said is that the only time you had a miscarriage? She said no, this is the third time. I said who did it before? She said this woman and it always worked; the first time, she always used her fingers. That is the exact statement that she made to Doctor Elsbach and I together that night, and the doctor questioned her the answer being in the form of interrogatory and the answers thereto. In that way she repeated it again that night. Twice she admitted to me she told me the name of the person and once she told me she had an operation without mentioning the person.

Q On what date was it this paper was made by the deceased to you and Doctor Elsbach? A He says I will have to think a moment. I saw her first on Sunday night, I saw her again on Monday afternoon; I find the first day I saw her was the 12th, I saw her on the 13th in the afternoon and I saw her on Monday with the doctor and Tuesday morning we went up and I cureted her, scraped out the uterus and Tuesday night she told us at the time we cureted her that she told us on Tuesday night again.

Q It was on this day a week the 14th that this statement was made? A Yes, sir.

Q Did she say anything about having been called upon on

the day before by Dr. Messemer? A yes, sir.

We asked her the question whether she denied it to the Coroner, and she wouldn't reply; she said he had been there and she denied it to him. And the Doctor asked her why she did it.

Q You told so..ething about her having asked not to make any statement s about having an operation performed on her because it would expose her? A She said this woman had been a friend of xxxx hers for a long time and she would not want to make her any trouble.

Q You told us about the temperature and pulse and respiration? A yes, sir.

Q Her temperature was 106, the pulse 140 and respiration 30. The jurymen here I suppose are all layman and xx they hardly know the normal temperature? A The normal temperature is 98 1/2, and 106 is a great deal -- if in a septic condition. The normal reppiration is 18 or 20; the pulse is about 72.

Q Did you make any examination of her private parts?

A Yes, sir.

Q Did that examination reveal any facts that you have not already stated? A The next day, Tuesday a week ago today, I took out of the uterus about that -- I have in my pocket which I took from the uterus, here is what I took from the woman's womb; it is placental tissue -- after-birth. I have it here in a bottle. We don't know whether it was one or two -- it xax it an after birth.

By Mr. Gedney:-

Q When did you graduate? A In 1889.

Q How long did you stay in your native State after you graduated? A My native State is New York.

Q How long did you stay in Vermont? A Not over 24 hours

Q What books have you read on diseases of the womb -- midwifery? A A good many.

Q State some of them? A Oslen, Roberts and ~~Pepperxx~~ Pherfers.

Q Did you ever read a book called Thomas on Criminal abortion? A I have seen the book, I have read ~~xxx~~ parts of it.

Q When this lady said to you that she wanted to save her friend didn't want to tell and you said you didn't know whether there was something left in her that should be removed and you asked you said to her it would be a good thing to see this woman that you might act accordingly?

A Yes, sir.

Q Why did you go to see this woman? A I didn't care to see her. It is a gainst the profession. When a person has a motive for doing it --

Q If you believe to be removed? A I was satisfied; I simply wanted her statement.

Q Didn't you say to her you wou d go to see her and consult with her and get it out? A No, sir, I said it would be perhaps a good thing to go there. I was satisfied.

Q Then you lied to your own ~~professxxxx~~ patient? A No, sir.

Q You deceived your own patient? A Well, in a certain sense, to get the facts.

Q You went there and you said she didn't have pneumonia?

A Not at the time.

Q Did you think she had fits? A No, sir.

Q What did you go there for? A I went there to find out what the trouble was.

Q In order that this jury should know what the word abortion -- abortion don't always mean criminal abortion, does it?

A No, sir.

Q Anything out of the usual course of nature is an abortion or miscarriage? A Yes, sir.

Q The only distinction being or is whether it is criminal or some other cause? A Medically there is a distinction.

Q Did she ever say to you she had fallen in the yard?

A She said when her husband called her attention to it to the fact she said she fell.

Q Didn't she say she went to a ball and danced all night?

A Yes, sir.

Q Didn't she tell you she left a sick bed and danced all night? A Yes, sir.

Q Why didn't you tell that? A Because I couldn't find out from that woman whether it was before or after.

Q I want to ask you with your two years experinece in medicine --

WITNESS: Four years if you please --

Q Well me will make it four -- whether this question as to a woman's ailment, and in those organs is it not one of the

most serious questions and difficult questions as to surgery and admits of different views and has it not been a scheme upon which the best men have written? A Not at all

Q It is very plain matter? A The septic condition is perfectly plain.

Q Who was present when this lady said to you there was two children? A The first time she said to me she told me this whole story was alone and the second and third time was in the presence of Dr. Elsbach, the second and third time

Q When she said she had two children didn't she have two living children -- didn't she mean her two living children at the house? A Well.

Q Didn't she have two living children at the house?

A I think so.

Q Might she not have meant she had two children before?

A No, sir.

Q Couldn't she say there was an examination made by her?

A She didn't, she answered my question.

Q Is there any serious thing that a woman would examine with her fingers? A No, sir.

Q Is there not a prejudice existing in the mind of you physicians against midwives generally? A Not at all in my mind.

Q Don't you know as a doctor that if there is one thing in this world that a physician is down on he is down on it is the midwives? A No, sir; I don't like to work, and dont care to do it if I can get out of it.

Q Does it not interfere with the business of doctors?

A No, sir.

Q How do you account for the prejudice between doctors and midwives? A I have none; I don't know that there is any.

Q You admitted that at one time she did say during this examination that she did make an examination with her fingers?

A She did not use that expression; she said she opened her womb with her fingers.

Q Now, you say that she put her finger in her womb?

A I asked her that; she said yes, it hurt her and made her bleed.

Q She said there was no instrument in view but that she introduced herfingers?

A She said there were no instruments ~~used~~ and it was possible she had an instrument in her hand that she didn't see.

By Mr. Bradley:-

Q Is it not perfectly possible to perform an operation with the fingers the same as any other foreign instrument?

A Just as effective.

By a Juror:-

Q Will the insertion of the centre finger of a man inserted to the vagina of the woman reach the mouth of the womb?

A yes, sir.

Q What is generally considered the normal length of it?

A The interior wall from 3 to 4 inches; we can easily feel the surface of the os, and it depends somewhat in the position or on the position the womb is in; her womb was pretty well down; when I measured the womb I found it larger than it ought to be, an inch larger than it ought to be.

The placenta which is in a bottle is marked Exhibit A.

By Mr. GedneyP-

Q Would not a fall have produced the same result as that?

A Yes.

Q I understand you then to say that an operation which would be the result of a fall might produce the same thing?

A It might have been.

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DOCTOR CLARENCE ELEBASH, duly sworn:-

I graduated at the New York University and the New York Medical Homeopathic College. I graduated in 1891 and from the Homeopathic College in 1881 and I have practiced medicine ever sn since. I was called in to see Mrs. Dean in consultation with Dr. Smith; Mrs. Dean had sent for me formerly and I sent Dr. Smith to see her, being too busy, and after he had been there he ~~informxx~~ informed me about it and we wnet up to see her on Monday evening; I found her with a temperature of 106, pulse about 140 and ~~xxpxxxtxon~~ respiration35 or 30. and dilated pupils and diahhoea, a very coated tongue and seeing all the evidences of a very low condition of her system. Dr. Smith had also questioned her in regard to her having had a miscarriage and I followed it up and asked her if she had an abortion produced; she said she had. I asked her when, she said in the latter part of February; I asked her who produced it and she ~~xxxdx~~ didn't want to say

say it; I said how do you know that you had an abortion; she said I do; there was pregnancy and I saw one of the children. I said did the midwife get both of the after-births after the children were born; she said I don't know. I said this is a very important matter; there is probably something in your womb which is degenerating causing you trouble; I said did the midwife state to you whether the two after births had come away. She said she told me I was all right. Then I asked her the midwife's name and after a good deal of hesitation she told me her name and address, and she stated she was to see the midwife four or five times, and went to her house, where she operated upon her and also that she had done the same thing for her on two or three different occasions in prior cases. That was on Monday night, a week ago to-day. I made an appointment with Dr. Smith on Tuesday, I had an appointment with him to meet him at her house at ten o'clock with the purpose of removing the after birth which we suspected was in this womb, and which was decomposing and causing blood poisoning, and we proceeded to remove it. We removed the after birth and I the result was this specimen, and DR/ Smith did it we made a microscopic examination; then she made a statement in the presence of Dr. Smith again in regard to the midwife; her condition was becoming more alarming all the time and I went and notified Detective Mullarky he arrested the midwife. I saw her again Tuesday evening and I learned the Coroner had been there and she told her the statement she made to the Coroner, and she hada fall

and the miscarria ge was the result of a fall. Now, I said, Mrs. Dean you are telling a great many different stories; tell us the truth of the matter; she repeated then the same story as on the other occasion, she told us about going to the midwife, and the midwife having produced an abortion on her on two or three other occasions. I said to her why didn't you tell the Coroner the story you told us? She said,"I didn't want to expose the midwife to the Coroner. I said which story is the xtruth? She said I am telling you the truth; you are trying to save my life, I have told you the truth. That was Tuesday night of about ten o'clook. The next ~~morning~~xx morning I went there but found she had died shortly before my arrival.

By the Coroner:-

Q Did you write that letter to me(Showing witness letter)

A Yes, sir.

The letter is offered in evidence and amrked Exhibit B.

By Mr. Bradley:-

Q You called upon this deceased woman after Coroner Messemer had called? A Yes, sir.

Q before she made the statement to you with regard to the midwife having treated her did you say anything about the seriousness of her condition? A I did.

Q Did you ask her whether she realized how serious her condition was? A I did.

Q What was the answer she made? A She said that she realized that she was very sick.

Q Did she say whether or not she was about to die?

A No, sir.; we were endeavoring to save her life, we didn't want to add to it.

Q Did she say she was about ti die? A On the contrary she said she knew she was going to get well.

Q She did give you an explanation of why she ~~did~~ told Coroner Messemer a different story? A Yes, sir.

Q Of the history of the case as you heard it and from the diagnosis that you formed in your opinion as to the do you know or can you give us what was the cause of the death? A Mos~~t~~ decidedly.

Q What is your opinion? A That the woman came to her death by blood poisoming brought about by an abortion.

Q From the hostory of the case taking her story as she gave it to ~~me~~ you could you say whether that abortion was the result of natural causes or criminal abortion?

A That would be impossible to say.

Q But from a digital examination the ~~same~~ same result may be caused or achieved? A Yes, sir; the same.

Q By Mr. Gedney:-

Q Didn't she say she had known Mrs. Pepper for a long time?

A Yes, sir.

Q And did she not say she went to have an examination made

A She said ~~kk~~ that together with something else

Q That is what you stated to me before Justice McMahon?

A yes.

Q Is there not as a matter of fact that as we always find fault with notary publics drawing a document is there not a little prejudice existing against midwives? A Only from their conduct.

Q Is it not usual among physicians? A Not specially, no sir.

Q At any time was this lady delirious? A yes, sir.

Q And during the time of delirium did she make a statement?

A She made no statement after she became delirious.

Q But while talking to you her pulse was high? A She had no delirium at the time.

Q She said MrS. Pepper had treated her before? A yes, sir

Q You have said here which Dr. Smith also said that the same result and the same appearances of the womb is possible, and the surroundings would be the same in cases of a fall or some natural cause or as it would be in some criminal attempt? A The same gross appearance; you couldn't tell without a microscopical examination.

Q That you did not make? A No, sir, not of the womb.

Q There were two little children there? A Not that I know of.

Q Didn't she say to you that Mrs. Pepper helped her to bring her children into the world? A No, sir; I didn't know that until after she was dead; I simply learned that from the papers; I did not know it.

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JOSEPH FRANKLIN DEAN, duly sworn:-

I Live No. 632 Third Avenue, my occupation is teacher of musical instruments; the deceased was my wife. It was about two months go when my wife came up stairs and the yard was full office , she told me she had fallen and the fall she told me there was some blood coming from her and she said she was going away to see Mrs. Pepper; she went up to Mrs. Pepper and she told her she was all right; and then a few weeks after she went to bed, that is she did not undress or lie down all the time, she was feeling badly all the time, and she was about sometime and then stay in bed four or five hours. There was a ball coming off and a great many of our friends were interested in it and she got up and went to this ball and stayed all night. The next day she went to bed; she was in bed four days when a friend of ours lost a little girl and she went to the funeral, and we had a carriage heated -- we had the carriage heated very nicely, we had a prepared brick in it. It was four weeks ago last Sunday I told her not to get out of the carriage, and she stood in the snow there while the services was going on. She had to go to bed again. She was sick off and on, and on Sunday, last Sunday she seemed to be getting very ill and she told me to send for Mrs. Pepper. I sent for Mrs. Pepper and she came down, and our family physician died and I asked her if she could recommend me to a physician; she said no, the physicians she knew was up town; there was a young man down stairs he told me about Dr. Elebash, he treated him and

he was a good doctor; he was not in and he referred me to Dr. Smith, he came up and got there about half past eight o'clcok. He told me she was a very sick woman, and he said he would call in the morning and bring Dr. Elebask to consult with him. And Dr. Smith came about eight o'clock and about 10 ~~xxxxxxxx~~ o'clock the two doctors came and I asked him how she was and he said she was very bad; he said there was about three chances out of ten for her living. In the afternoon they thought she was better, and the next day they said there was no hope.

By a Juror:-

Q How long ago did she have a miscarriage? A About a month ago.

Q When did she die? A Last Wednesday.

Q About three weeks before she had a miscarriage? A Yes, sir.

Q Three weeks after that she had a miscarriage? A Yes, sir

Q She had a miscarriage before the funeral? A I am not positive about the funeral.

Q Did she have a miscarriage before the ball? A I don't think so.

By Mr. Gedney:-

Q Before she went to the dance or when? A There was some blood that flowed from her, but she had the miscarriage afterwards.

By Mr. Gedney:-

Q Did you stay atbthis ball all night long? A Yes, sir;

I didn't feel like dancing and when I wouldn't dance she would get some friends of our to dance with her.

Q Did she dance on purpose in order to get this miscarriage on? A She didn't say that; I don't know.

By a Juror:-

Q What about this midwife? A I knew she often called on her.

Q You didn&t know for what purpose she called on her?

A No, sir.

Q By the Coroner:-

Q Do you remember when I got up there? A Yes, sir.

Q You remember what day it was? A Monday, I think.

Q About what hour did I see you? A I ahd been out to dinner, it must have been a little after ~~two~~ twelve o'clock.

Q Didn't I ask you at that time whether she had an abortion committed? A Yes, sir.

Q What did you say? A Not that I knew of.

q Were you present when I took her ante-mortem statement?

A Yes, sir.

Q She was quite clear and quite lucid ~~xxx~~at the time?

A Yes, sir.

Q What did she say? A She said she had a fall, and she thought it brought on that miscarriage and you asked her if she took any medicine or in fact used any instruments and she said no; she said she thought she would get well.

Q She had improved considerably? A She knew she was very bad in the morning; I came in crying and she said what is the matter Joe, am I going to die?" I said no, you are getting

better.

By Mr. Bradley:-

Q How long have you been a married man? A Five years.

Q How many children? A Two.

Q How many dead? A One.

Q Died of a result of a miscarriage? A No, it was very weak when it was born.

Q You have met Mrs. Pepper? A Yes, sir.

Q How often? A I think three times.

Q How often s ince the death of your wife? A A week ago to-morrow.

Q Have you seen her since? A I saw her this morning.

Q Did you have any conversation with her? A I shook hands with her, and she asked me about the little boy and girl, and she asked me if I would give her the little girl.

Q Did you consent? A No, sir.

Q Has anybody came to you and spoke to you of this matter?

A No, sir; nobody said anything to me about it at all.

Q Did you ever go with your wife when she went to Mrs. Pepper

A No, sir.

Q You don't know what went on? A No, sir.

Q Were you present hen you wife made this statement to Dr. Elesbash and Dr. Smith? A No, sir; I went into the room once when they were in.

Q She told you she fell in the alley way the same as Dr. Messemer? A Not the alleyway, the yard.

Q You were not present afterwards when she was informed how

serious her condition was, and about the importance of telling the absolute truth of the matter as her very life might depend upon it? A When I took the two Doctors in I said, here you want to tell the doctor everything you know; then I went in the next room.

Q You told her you wanted her to tell the doctors everything she knew? A Yes, sir.

Q You didn't tell her of the absolute importance that her life or death might depend on the matter? A No, sir.

Q And has Dr. Elebask and Dr. Smith told you she informed them that Mrs. Peppers fingers had been introduced in her womb? A I heard it once, in her statement that Mrs. Pepper had put her finger in her.

Q Did she say what followed then? A No, sir; I only went in the room and instant.

Q You didn't tell her anything about twin birth, about her having seen one of the children herself? A She told me that.

Q She told you that? A Yes, sir.

Q Did she tell you how the miscarriage had been accomplished? A No, sir.

Q You say you are uncertain whether the miscarriage took place before or after the time you went to the ball? A Now, that I remember it I know it took place afterwards.

Q What refreshes your recollection? A She has not been out of the house since she had the miscarriage.

Q You did not recollect it before.

By a Juror:-

Q Were you pleased at the miscarriage or contrary to it?

A It was nothing to me one way or the other.

Q Were you pleased at her having this mascarriage? A No, sir.

Q You felt sorry for it? A I wanted to have another child.

Q You were not against having another child? A No, sir.

By Mr. Bradley:-

Q Do you know how long your wife had been without her menstrual courses before the time you went to that ball? A No, sir; I know she told me a little blood had been flowing from her; I thought that was her courses coming on.

By a Juror:-

Q You don't exactly know whether she had a miscarriage or not? A No, sir; only from what I heard -- yes, I did too, she showed me the little children; she showed me one of the little children.

Q How big was it? A About that size (indicating the size of a finger)

By the Coromer:-

Q Was it a formed child? A You could see the legs and the arms.

Q By a Juror:- Was Mrs. Pepper in the house at the time she had the miscarriage? A Not at the time she showed me the little ones, but I knew she was there; I knew she was in the house when the miscarriage occurred; they were, twins, she had one birth and then had another later on.

By a Juror:-

Q How many times was Mrs. Peper there previous to this mis-

carriage? A I seen her there about three times.

Q Did she come in always or only on those occasions?

A She would drop in -- when your wife was not in the family way at all would she come into your house? A yes, sir; she would step in.

By a Juror:-

Q Was she sent for when this miscarriage occurred? A She was sent for three or four times.

Q Before this miscarriage? A Before the miscarriage and after the miscarriage.

Q Was your wife acquainted with this Mrs. Papper before marriage? A Not to my knowledge.

Q How did she become acquainted? A I don't know; she went around a great deal, from one place to another. she would go

Q Was Mrs. Pepper introduced as a midwife? A Not that I know

By another Juror:-

Q Did Mrs. Pepper act as midwife for the birth of your two children? A Yes, sir.

Q You heard your wife at that time when she was cautioned to tell the truth you told her yourself you say you heard her say it --did you say at that time youheard her say to the doctors that Mrs. Pepper made an examination with her fingers?

A Not at that time; it was at one time when the doctors were afterwards.

Q You heard her say to the doctors what? A Mrs. Pepper examined her with her fingers.

Q You spoke about the time when the blood commenced to flow?

A Well --

Q Did that funeral take place after that? A yes, sir.

Q And after this blood commenced to flow she ~~xxxxxx~~ went to the funeral and got out of the carriage where she had her feet onax a warm brick and put her feet on the clold snow?

A Yes, sir.

Q It was after the blood commenced to flow she went to the ball and she danced till five o'clock in the morning?

A Yes, sir.

Q Did she complain of ~~xxxx~~ long of this fall? A No, sir.

Q Did she hurt herself anywheres after ? A She said she had a bad feeling down here and told us some blood was coming from it after the fall.~~the~~

Q Gice me that exactly? A She said ahe had a bad feeling down here and that was after the fall.

By Mr. Bradley:-

Q After she said she had the fall? A Yes, sir.

Q But the fact is that she talded upon Mrs. Pepper before the blood began to flow from her private parts, she had already called upon Mrs. Pepper? A Not before she had the fall to my knowledge.

By Mr. Gedney:-

Q She did not call on Mrs. Pepper until after she complained of this fall and the blood commenced to flow? A Not to my knowledge.

Q To your knowledge she never called upon Mrs. Pepper as a

midwife until after the blood began to flow? A No, sir.

Q (By the Coroner:) When she made that statement she had not made her confession? A The doctors were there on Monday and told me to get a priest, she made a confession after you went away.

Q The statement to the doctors was after the confession to the priest? A I don't really know when she did make the statement.

By Mr. Bradley:-

Q The priest was called in the meantime? A Yes, sir.

Q The fact is your wife was a communicant of the Roman Catholic Church? A Yes, sir.

Q Did any priest call upon her after Coroner Messemer was there? A Yes, sir, called twice.

Q After the priest called did Dr. Smith and Dr. Elebash call there before her death after the priest called? A Yes, sir; they called after the priest called.

By Mr. Gedney:-

Q Wasn't she delirious twelve hours before she died?

A About that, yes.

Q Are you very sure about that? A I didn't see the priest the first time he came; I saw him the second time he came.

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OFFICER BERNARD MULLARKEY, duly sworn:-

I am a special officer of the 21st precinct; about 11 o'clock on the 14th Dr. Elebash came to the station house and reported there was a woman dying at 633 Third Avenue from blood poisoning caused by an abortion performed by a midwife. He gave me the name of the midwife and where she lived and the number where she lives and I arrested her and brought her down before this woman that died. She identified her as the woman that examined her on four different occasions. I arrested her at her house. I did not tell her at that time what the charge was. Dr. Elebashk asked the woman that was dying what this woman had done to her and told her to tell the truth. She said she went up to her house on four different occasions to examine her, she examined her woth her fingers.

Q Did Mrs. Pepper say anything at all then? A She commenced to dry. Mrs. Pepper said to her to tell the truth, Mrs. Pepper said to me that when she was called there she recommended her to get a good doctor.

Q Did the deceased change her statement at all after Mrs. Pepper said tell the truth? A No, sir.

Q Did Mrs. Pepper make any explanation at all? A No, sir she was very much excited.

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WILHELMINE PEPPER, duly sworn:-

I live No. 220 East 106th Street; and my occuaption is midwife. I knew the deceased two years. I became acquainted with her, I was a friend of hers, a customer of hers, she got a baby at that time and she told me she was sorry she did not know me at that time because she would give me the case; so last January Mrs. Dean came and told me she saw since ~~her~~ since a couple of days a little blood; she got a fall and she was passed her time for being unwell, if I could do something for her to ~~relieve~~ her. She had a bearing down pain; I said to her you are not in the family way, maybe you hurt yourself in the fall. I said the blood shows your unwell is to come; I said to her are you sorry you are in the family way; she said no, I like a baby. I said then keep quiet. Then Mr. Dean called to me and he told me she was unwell a little, and ~~xxxxxx~~after going to the ball, and a thing passed away; I didn't examine her at all and even she didn't show me the thing. I said why did you keep it from me and she said because it was swelling, and that last Sunday Mrs. Dean was in her bedroom, dressed in bed with a wrapper on; I went in and said what is the matter and she said I don't feel ~~enough~~ at all. I said why don't you send to a good doctor and she said our physician is dead, don't you know a good doctor? I said I am not a midwife that has a doctor, people are more pleased if they get ~~their~~ their own doctor. I said I will look in tomorrow; but I didn't call I was too busy, and on Tuesday I was arrested and brought to the deceased with Dr. Elebash.

I said tell the doctor truly what happened here. Did you ever have an operation and she said no. I said to her how did I examine you; with the finger. She said nothing else. I told the doctor that she didn't ask for an operation and I didnt finish the operation.

By a Juror:-

Q Were you not there previous to that before, a year or two before and examined her? A Never; the babies were brought by some persons I didn't know -- and the woman never asked me, she is a strict Catholic.

By a Juror:-

Q Did she tell you she had a miscarraige before this one? A No sir; it couldn't be, she couldn't nurse the child still along.

Q Can a woman become pregnant while she is nursing a child? A It is very seldom.

Q (By Mr. Gedney:-) You are a professional midwife? A Yes, sir.

Q And you treat a great number of families in New York? A Yes, sir.

Q And people whom we call the first families, people of influence and wealth? A Regular confinement cases, nothing else.

Q People of wealth have your visits and respectibility and character? A Yes, sir.

Q You knew this lady before this? A I cannot exactly say how long it was, it was very long, because she said she was sorry sorry she could not get me to attend to the baby.

Q Did you at any time or any place perform any criminal abortion? A No, sir; I have not any instruments in my house; I am a German, I am not a midwife that has those kind of cases, I never did or never do.

Q And when she was sick you did not suggest any doctors for her? A No, sir; I said why don't you send for a good doctor; I said you should send out for a good doctor; she said I would if I knew where to send.

Q What did she say about this fall? A They got a water-closet in the ayrd and she went there when it was slippery and she said she got such a knock, she thought she wouldn't get up again; and since that time she said she had a flow of blood; I said to the deceased you must keep quiet if you want to keep that, you are a strict Catholic you must keep quiet.

Q Do you know what that is? (showing witness Exhibit I.)

A That is an after birth; that is not an after birth, it is a piece of the after birth.

Q It was taken out by the doctors? A Yes, sir.; when Mr. Dean called for me on Sunday I examined her and there was not a show of blood or anything.

Q What I want to ask you is this, that could flow the result of the fall? A Yes, sir.

By Mr. Bradley:-

Q How long had you known Mrs. Dean before her death?

A Two years, not exactly two years.

Q How often had she called at your house? A A couple of times, with the children last January.

Q About how long ago? A About three months.

Q About in January was the first time she called? A I remember when she came, she wished me a Happy New Year.

Q The first time she ever called at your house was in January

A No, she came in with the children to see me.

Q The first time was it in January? A No, sir; within a couple of years a couple of times.

Q How long an interval elapsed between the ~~two~~ times ?

A Almost two months.

Q How many times had she called at your house altogether?

A Only once in January.

Q How many times altogether did she call at your house?

A I cannot tell you.

Q Do you think a dozen times? A no, sir.

Q Half a dozen? A Something like that, the was a friend of mine, I loved her.

Q She was friendly with you? A Yes, sir.

Q She first told you about her having missed her monthly period -A.when she came after ghe ~~fix~~ fall -- she complained of pains in the womb.

Q Did you look in her private parts at all? A Never.

Q You didn't have any instrument? A No, sir.

Q You had your ~~xxxxxxx~~ fingers there? A The finger to examine if she was in the family way.

Q Did you put your finger in her private parts? A Sure to examine herz

Q Did she complain of any pain then? A No, sir; only bearing down pains.

Q Did you call and see her after that? A After she sent

for me -- maybe two months later.

Q Did you make any examination then? A She told me a piece passed and she was a little unwell, on my advice I told her to be quiet.

Q Then you told her to see a good doctor? A Yes, sir.

Q Did you tell her her condition was serious? A yes, sir.

Q When you came back with Officer Mullarkey did you hear her statement? A She said I went to Mrs. Pepper after falling in the ayrd; she made the ststement she fell, and she went up to see me what was the matter, because she had pains from that fall; she didn't say I operated on her.

Q Did you make any examination? A She said I examined her with my fingers.

Q At that time did you say anything at all? A I told her to tell the honest truth to theDetectives and the Doctors.

Q You didn't tell them what occurred? A No, sir.

Q In a Police Court you didn't tell them occurred? A No, sir.

Q You saw your counsel since several times? A Yes, sir.

Q And now for the first time you come and make your explanation of it, isn't that true? A Yes, sir.

Q Is it the first time in a public place that you make any explanation of it? A yes, sir.

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DR. CONWAY, duly sworn:-

I am a Coroners physician. I made an autopsy on the body of Catharine Dean. I found evidences of septic peritonitis following blood poisoning. In the womb proper I found a piece of gauze evidently been introduced by the physicians for the purpose of draining, and also a large piece of membrane the residue which had not been removed. The other organs there was nothing special; the cause of death I will say was septic peritonitis following an abortion.

Q What kind of an abortion? A From the size of the uterus about two and a half months.

Q By Mr. Gedney:-

Q You made this autopsy? A yes, sir.

Q Did you at that time find any trace mark or evidence of any criminal abortion on that lady? A Nonewhatever.

By Mr. Bradley:-

Q There is nothing to prove in the majority of these cases whether it was criminal abortion or one that had taken place from natural or accidental causes except from the history of the case? A We have nothing to do with the history of the cases.

Q Is there any evidences as a rule? A Very often there is.

Q A criminal abortion may be performed in such a way which would leave no mark in the autopsy? A Yes, sir.

By Mr. Gedney:-

Q But there is some way to detect it where there is some wrong done? A Not always.

Q But in this case there was not the slightest mark? A No, sir.

Q This here in the bottle, what is it? A That is a portion of the residue, it had not been removed.

Q It was not removed by the doctor? A It probably didn't have a chance to get away; if it had been removed the woman would have had a better chance for her life.

Q How long have you been a doctor? A 26 years.

Q Is it not the custom of the tierows in medicine to assume that he know all about a womb disease? A Well, when I was a tierow I thought so.

Q How long have you been Deputy Coroner? A 10 years.

Q And the examination of this woman did not reveal one single fact to prove that it was a criminal abortion? A No, sir.

By a Juror:-

Q When a woman has a miscarriage whether an operation or not is there not likely to be blood poisoning if the after birth is not removed? A A natural abortion, an abortion not produced by instruments as a rule would not cause any trouble or unless a portion of the ~~xxxxxx~~ residue had remained; if the membrane remains it is liable to bring on blood poisoning. We use the term natural abortion and separate from criminal abortion; anything that does not produce a child at the proper time in the proper way is an abortion; if it before the time it is called a miscarriage, but we don't use it. The after birth was ~~xxxxxxx~~ strongly adherent; I don't think it could have been removed.

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The Jury then retired and brought in the following verdict:

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VERDICT: WE FIND THAT CATHARINE DEAN came to her death at No. 632 Third Avenue, March 15th 1893, 11.20 P. M., from septic peritonitis following an abortion caused by an accidental fall sometime prior to the abortion, and we exonerate the prisoner and midwife Wilhelmine Pepper from all blame or connection therewith.

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TESTIMONY.

Wm A Conway M. D., being duly sworn, says: I have made an ~~examination~~ autopsy of the body of Catherine Dean now lying dead at 632 – 39 Ave and from such autopsy and history of the case, as per testimony, I am of opinion the cause of death is Septic Peritonitis following Abortion about 1/2 hour (or weeks) of instrumental interference

Wm A Conway
M. D.

Sworn to before me,
this 17th day of March 1893,
M J Messemer CORONER.

0765

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
25 Years — Months — Days	New Jersey	Res. 632-39 Ave	March 16/93

City, 15 yrs. M. Housewife d. 11 20 P.M. March 15/93

f. Wm Costello
m. Eliza Costello } Ireland.

Burial Permit
N.Y. City

0766

M. J. B. M.

1055

1893

AN INQUISITION

On the **VIEW** *of the* **BODY** *of*

Catherine Dean

whereby it is found that she came to her death by Septic Peritonitis following Abortion about 2½ mos. (no evidence of criminal interference)

Wilhelmina Pepper

Inquest taken on the 21 *day of* March 1893 *before*

MICHAEL J. B. MESSEMER, Coroner.

1055

0767

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office No. 27 Chambers Street, in the 6 Ward of the City of New York, in the County of New York, this 21 day of March in the year of our Lord one thousand eight hundred and ninety-three before

MICHAEL J. B. MESSEMER, Coroner,

of the City and County aforesaid, on view of the body of Catherine Dean now lying dead at 632 - 3rd Ave

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 Catherine Dean came to her death, do upon their Oaths and Affirmations, say: That the said Catherine Dean came to her death at No. 632 Third Avenue March 15th 1893, 11.20 P. M. from septic peritonitis following an abortion caused by an accidental fall some time prior to the abortion and we exonerate the prisoner and Midwife Wilhelmina Pepper from all blame or connection therewith -

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.

Morris Rose 746 - 3rd ave

Dietrich Jungs 918 - 8 Ave

L. A. Isbel 247 Bowery

Thos Le Tourneur 151 - 48 Avenue

Edward Roberts 128 - 4 - ave

Louis Eichler 93 - 4 Ave

John Schramm 854, 8 St

Bernhard Heupel 108. 4½ Ave

J. Leonard 111 - Can

M. J. B. Messemer

Coroner. L. S.

0768

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, *ss.*

AN ANTE-MORTEM INQUISITION,

Taken at 632 Third Avenue

~~No.~~ ~~Street~~, in the 21st Ward of the City of New York, in the County of New York, this 12th day of March in the year of our Lord one thousand eight hundred and 92 before M. J. B. Messemer Coroner, of the City and County aforesaid, on view of the body of Katie Dean

~~at~~

~~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~~

~~was injured, do upon their Oaths and Affirmations, say: That the said~~

In Witness Whereof, ~~We~~ I, the said ~~Jurors as well as the~~ CORONER, have to this Inquisition set ~~our~~ my hand~~s~~ and seal~~s~~, on the day and place aforesaid.

JURORS.

M. J. B. Messemer

CORONER, L. S.

0769

City and County of New York, ss.

Statement of Mrs. Katie Dean *now lying dangerously wounded at* 632 Third Ave *in the* 21st *Ward of said City and County, on the* 14th *day of* March *18*95

Question—What is your name?

Answer— Katie Dean

Question—Where do you live?

Answer— 632 - 3rd Ave New York City

Question—Do you now believe that you are about to die?

Answer— No

Question—Have you any hope of recovery from the effects of the injury you have received?

Answer— I have hopes of recovery

Question—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering?

Answer— I had a miscarriage about a month ago. I was in the family way about six weeks. I fell going across the yard behind my house. I also took cold going to a ball which brought on the miscarriage. No doctor or midwife gave me any medicines or used any instruments to bring on a miscarriage.

her
Katie + Dean
mark

0770

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND
25 Years	Months	Days	U.S.	632-8th Ave

Married 2 children boy & girl aged respectively 3½ & 2 years

0771

AN ANTE-MORTEM INQUISITION

On the VIEW *of the* BODY *of*

Katie Dean

whereby it is found that he was injured by

Taken on the 14th *day of* March 1893 *before* [illegible] **Coroner.**

Committed

Bailed

Discharged

✓

0772

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

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

Dated, _____ *189* _____ *Police Justice.*

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated, _____ *189* _____ *Police Justice.*

There being no sufficient cause to believe the within named _____

_____ *guilty of the offense within mentioned, I order h to be discharged.*

Dated, _____ *189* _____ *Police Justice.*

1881

0773

The Justice presiding at this Court will please hear and determine this case in my absence.

Connell

POLICE JUSTICE.

BAILED,

No. 1, *by* .....

Residence ..... *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street.*

Police Court--- 14 District. 19

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Bernard Mulcahey

vs.

1 Wilhelmina Pepey

2 .....

3 .....

4 .....

Offense Assault

Dated, March 14 189 3

Meade ..... Magistrate.

Mulcahey ..... Officer.

21 ..... Precinct.

Witnesses Clarence Edebach

No. 228 - E - 19th Street.

J. C. Smith M.D.

No. 321 - E - 19th Street.

Sarah Kelly

No. 632 - 3rd Ave Street.

$ ..... to answer G S

Committed without bail

St March 14. 93

$500. To answer Exp.

Committed to await result of injuries

0774

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 Anderson

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

Dated, [illegible] 189 [illegible] ~~Police~~ Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, 189 Police Justice.

There being no sufficient cause to believe the within named

guilty of the offense within mentioned, I order h to be discharged.

Dated, 189 Police Justice.

1881

0775

POOR QUALITY ORIGINAL

B.O. 269 1310

Police Court--- 7 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Bernard Malonsky

vs.

Wilhelmina Seifer

2

3

4

Disease Manslaughter

Dated, 189 3

McMahon Magistrate.

Malonsky Officer.

21 Precinct.

Witnesses Clarence S. Ebbert M.D.

No. 228 E. 19th Street.

J. C. Smith M.D.

No. 321 E. 19th Street.

Sarah Kelly

No. 749 2d Ave Street.

Committed to answer G. S.

Bail $

$500

D. C. W.

BAILED,

No. 1, by Hannah Meyer

Residence 162 E. 104th

No. 2, by

Residence Street

No. 3, by

Residence Street

0776

POOR QUALITY ORIGINAL

BAILED:

No. 1, by Hannah Meyer

Residence 162 E. 104th Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

P.O. 269 1/ 310

Police Court--- 21 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Bernard Malonsky

21 Prec't

vs.

Wilhelmina Seffer

2

3

4

Offense Misdemeanor

Dated, June 7 1893

McMahon Magistrate.

Malonsky Officer.

21 Precinct.

Witnesses Clarence S. Blackwell

No. 228 E. 19th Street.

J. C. Van Ness M. D.

No. 32 E. 19th Street.

Sarah Kelly

No. 749 2nd Ave Street.

Committed to answer GJ

Bail fixed at

$500 DGW 3

0777

TO THE CHIEF CLERK.

~~Please send me the Papers in the Case of~~

PEOPLE

vs.

Wilhelmine Peper

Mr Flynn —
Please file
with papers
J. T. Lindsay

District Attorney.

Mr Weeks has
these papers

0778

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Wilhelmine Pepper

The Grand Jury of the City and County of New York, by this Indictment accuse Wilhelmine Pepper

of the crime of Manslaughter in the first degree

committed as follows:

The said Wilhelmine Pepper

late of the City of New York, in the County of New York, aforesaid, on the fifteenth day of February in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety three, at the City and County aforesaid, in and upon one Katie Dean then and there being a woman pregnant with child, wilfully and feloniously did make an assault, and did then and there wilfully and feloniously use and employ in and upon the womb and private parts of her the said Katie Dean certain means to the Grand Jury aforesaid unknown, with intent to produce thereby the miscarriage of the said Katie Dean, the same not being then and there necessary to preserve the life of the said Katie Dean, she the said Wilhelmine Pepper giving unto the said

Katie Dean then and there, with the means aforesaid, and by the use and employment thereof, in and upon the wound and private parts of her the said Katie Dean, divers mortal wounds, lacerations and bruises of which said mortal wounds, lacerations and bruises, she the said Katie Dean from the said fifteenth day of February in the year aforesaid until the sixteenth day of March in the same year aforesaid at the City and County aforesaid did languish and languishing did live, on which said ~~thirty first~~ sixteenth day of March in the year aforesaid she the said Katie Dean of the said mortal wounds, lacerations and bruises, died.

And so the Grand Jury aforesaid do say that the said Wilhelmine Peper, her the said Katie Dean in manner and form and by the means aforesaid wilfully and feloniously did kill and slay: 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.

De Lancey Nicoll
District Attorney

0780

BOX:
516

FOLDER:
4702

DESCRIPTION:
Pierce, James

DATE:
03/08/93

4702

Witnesses:

Bernard Woods
370 9th Avenue

21

Counsel,

Filed 8 day of March 1893

Pleads, Guilty

THE PEOPLE

vs.

James Pierce

Grand Larceny, second Degree.
[Sections 528, 529, Penal Code.]

3rd Hamilton Carter

DE LANCEY NICOLL,
District Attorney.

Pat on Part I. 13th Mch-93

A TRUE BILL. Found

Wm. W. Heaton
Mch 13/93
Foreman.

Plead S. G.

1 yr Pen

0782

1912

Police Court— 1 District.

Affidavit—Larceny.

City and County of New York, } ss.

Bernard Woods

of No. James Slip Ferry Street, aged 57 years, occupation Night Watchman being duly sworn, deposes and says, that on the 4th day of March 189 3 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 Coats being together of the value of

Thirty Dollars

the property of Benjamin Chapman, Joseph Tierney and Ole Olson, and in the care and custody of deponent as a watchman

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 James Lewis (colored)

for the reasons following, viz: deponent saw the night before aforesaid said property was in a room on the Ferry boat "Flushing" which was then made fast to the James Slip; and deponent finds is a night watchman at the said ferry, saw said defendant coming off of the said boat "Flushing" with two of the said coats on his person, and the other under his arm and on seeing deponent threw the coat he had under his arm away and deponent caused him to be arrested with said property in his possession and charged him with the larceny aforesaid.

Bernard Woods

Sworn to before me, this 5th day of March 1893

Police Justice

0783

Sec. 198—200. 1882

City and County of New York, ss: ..... District Police Court.

James Prince 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 a 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. James Prince

Question. How old are you?

Answer. 43 years

Question. Where were you born?

Answer. United States

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

Answer. 38 Hamilton Street 1 year

Question. What is your business or profession?

Answer. Cooper

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

Answer. I am guilty

James his + mark Prince

Taken before me this 17th *day of* March *189* 1883

E. S. Sheldon

Police Justice.

0784

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 [illegible]

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

Dated, March 5 *189* 3 [illegible] *Police Justice.*

I have admitted the above-named [illegible]

to bail to answer by the undertaking hereto annexed.

Dated, ... *189* ..... *Police Justice.*

There being no sufficient cause to believe the within named [illegible]

guilty of the offense within mentioned, I order h to be discharged.

Dated, ... *189* ..... *Police Justice.*

1881

0785

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Police Court--- 1 District.

253

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Bernard Wolf
James Duffy
James Preston

1 .....

2 .....

3 .....

4 .....

Offense Murder

Dated, March 5 1893

Hogan ..... Magistrate.

Moran ..... Officer.

4 ..... Precinct.

Witnesses .....

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ 1000 to answer

Committed

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Pierce

The Grand Jury of the City and County of New York, by this indictment, accuse James Pierce of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said James Pierce

late of the City of New York, in the County of New York aforesaid, on the fourth day of March in the year of our Lord one thousand eight hundred and ninety-three, at the City and County afo[redacted] with force and arms,

three coats of the value of ten dollars each

of the goods, chattels and personal property of one Benjamin Chapman

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.

De Lancey Nicoll,
District Attorney.

0787

BOX:
516

FOLDER:
4702

DESCRIPTION:
Pierson, John H.

DATE:
03/23/93

4702

Witnesses:
Walter Johnson

L.S. Chamberlain
Counsel,
Filed 23 day of March 1893
Pleads, Mentz W

THE PEOPLE

40
322 Fr. 38 Ad
Crim

vs.

P

John H. Pierson

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

DE LANCEY NICOLL,
District Attorney.

No witnesses present Mch 28. NMD

A TRUE BILL.

Wm W. Heaton
Foreman.

Part 2 – April 5, 1893
Tried and Convicted of
Assault in the 2nd Deg.

3 yrs 3 mos LSP

0789

Roosevelt Hospital
Mar 1 1893

This is to certify that Walter Johnson is still a patient at this hospital and is unable to go out

Howard C Taylor
House Surgeon.

0790

THE ROOSEVELT HOSPITAL,

59TH STREET AND NINTH AVENUE,

JAS. R. LATHROP,
SUPERINTENDENT.

New York, Oct. 28 1893

This is to certify that Walter Johnson is still unable to leave the hospital.

H. C. Taylor,
House Surgeon

0791

Roosevelt Hospital
Feb. 21. 1893.

This is to certify that Walter Johnson is to-day not in a dangerous condition.

E. M. Cox, M.D.

0792

Roosevelt Hospital
Feb. 19, 1893

This is to certify that Walter Johnson is still a patient at the Roosevelt Hospital and that his condition is not serious

Howard C. Taylor M.D.
House Surgeon

0793

Roosevelt Hospital
Feb. 17, 1899.

This is to certify that Walter Johnson is a patient at the Roosevelt Hospital suffering from a penetrating wound of abdomen. It is not possible to say at present whether his injuries will prove fatal or not.

Howard C. Taylor
House Surgeon
Roosevelt Hospital

0794

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 2 DISTRICT.

Henry Argue

of No. 20th Precinct Police Street, aged years,

occupation Police Officer being duly sworn deposes and says,

that on the 16 day of February 188 3

at the City of New York, in the County of New York, he arrested John H. Pierson (now here) on the charge of having committed a Felonious Assault upon the body of Walter Johnston - and that said Johnston is now confined to the Roosevelt Hospital in consequence of injuries received by said Assault, and is unable to appear in Court, deponent therefore asks that said Pierson may be held to await the result of injuries - or until said Johnston can appear in Court.

Henry Ar...

Sworn to before me, this 17 day of February 188 3

J. Duncan Robertson Police Justice.

0795

Police Court, 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

(136)

vs.

John H Pierson

40-Vs. 320 N 38

AFFIDAVIT.

Dated July 16 1893

Pookis Magistrate.

Argue Officer.

Witness, 20

Comm^d without Bail to await result of injuries July 17/21 9 am
" " " " " " " " 21 " "

Ex, Mch 13. 2 PM.

Disposition,

$1000 Bail for Ex^n 23^d July 9 am
" Mch " "

E. Mch 7. 10 A.M.
93 2 P.M.
2 P.M.

0796

Police Court— 2 District.

City and County of New York, } ss.:

Walter Johnson

of No. 319 West 41½ Street, aged 27 years,

occupation Labor being duly sworn

deposes and says, that on 16 day of February 189[illegible] at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

John H. Pierson (now here) who cut and stabbed deponent on the groin with a Knife which said Pierson then and there held in his hand and attempted to stab deponent twice on the left side with said Knife; and that said assault was committed

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

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

Sworn to ~~be~~fore me, this 13 day of March 1893. } his Walter ⊠ Johnson mark

[illegible] Police Justice.

0797

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John H. Pierson being duly examined before the undersigned 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. John H. Pierson

Question. How old are you?

Answer. 40 years

Question. Where were you born?

Answer. U. S.

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

Answer. 322 W. 38 St. — 1 mos.

Question. What is your business or profession?

Answer. Cook

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

Answer. I am not guilty —

John H. Pierson

Taken before me this 13 *day of* March *1893*

Thomas Mackellar

Police Justice.

0798

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

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

Dated March *18* 93 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated *18* *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated *18* *Police Justice.*

0799

BAILED,

No. 1, by .....

Residence ..... *Street.*

No. 2, by .....

Residence ..... *Street.*

No. 3, by .....

Residence ..... *Street.*

No. 4, by .....

Residence ..... *Street.*

192 N 289

Police Court--- ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Walter Johnson

vs. 319 W 41

John A Pierson

2 .....

3 .....

4 .....

Offense Felonious Assault

Dated March 13 1893

Grady ..... Magistrate.

Argue ..... Officer.

20 ..... Precinct.

Witnesses .....

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ 1000 to answer G. S.

RECEIVED MAR 1893 RICHARD CURRIE

Court of General Sessions.

City and County of New York.

Part II.

The People vs John H. Pierson.	Before the Hon. James Fitzgerald, and a jury.

Indicted for assault in the first degree.

Indictment filed March 23rd, 1893.

Tried April 4th, 1893.

Appearances:

Assistant District-Attorney Mc Intyre for the People.

Mr. Chandler for the Defense.

WALTER JOHNSON, called by the prosecution, being duly sworn, testified that he was a laborer and lived at No.319 West 41st street. He tended furnaces for houses about the neighborhood. On the 16th day of February, about 10:30 o'clock, in the morning, he was in Eighth avenue, going down to 34th street. He was at 39th street when some one struck him with their fist. He, the witness, turned around and saw his assailant was the defendant, whom he did not personally know, but had seen in the street. The defendant said, " I am going to kill you", and gave him a rake across the left side with the little blade of a knife. The defendant then struck him in the left thigh with the knife. He, the witness, had no words with the defendant. The defendant struck him first before he said he was going to kill him, the witness. In cross-examination the witness testified that when he was stabbed he made an outcry and a crowd came. The defendant ran and a policeman caught him. The policeman brought the defendant back and he, the witness, said that the defendant had stabbed him. The defendant had the

knife in his hand then, but it was closed. When he, the witness, said that the defendant had stabbed him, the defendant said nothing. They went right to the station house then and he , the witness, was taken to Roosevelt Hospital in an ambulance. At the hospital they examined him and shoved his "guts" back into him and put him under the influence of ether and fixed him up. He was in the hospital four weeks. He had never had any talk with the defendant, but had spoken to him in passing him by in the street. He did not meet the defendant somewhere near Eighth avenue and 39th street, on the I6th of February and tell him that if he said anything more to him about $I5 he, the witness, would cut his guts out. He, the witness, had not seen the defendant or had words with him before the day the defendant stabbed him. The defendant had not asked him on any occasion about some money his, the defendant's, wife had given him, the witness. He did not know the defendant's wife and did not know the defendant was married. He did have one drink on the morning in question. When he wanted a drink he took it at home, right out of his jug. He, the witness, had never

been to the station house for burglary.

HENRY ARGUE, being duly sworn, testified that he was an officer of the Twentieth Precinct. On the 16th of February, about 10:40 o'clock, he arrested the defendant for stabbing the complainant. The defendant was running with the knife in his hand. The blade was closed. He, the witness, was leaving his house in citizen's clothes when he heard someone call " murder watch! police'". He, the witness, grabbed the defendant and turned him around and said," What's the matter with you?". The defendant said nothing. The crowd came down and said that the defendant had stabbed a man up the street. The complainant came down and he, the witness, saw the complainant was all cut. The complainant said that the defendant cut him. He, the witness, took the defendant to the station house. The next morning he asked the defendant what he cut the complainant for and the defendant said he did it in self defense, and that he thought the complainant was going to hit him. The next morning the defendant said that his wife gave the complainant 15 cents to play policy and that the gig came out and he did not return

the money that was won. The complainant was in the hospital four weeks.

JOHN H. PIERSON, the defendant, called by the defense, being duly sworn, testified that he was forty years old and had lived in this city seventeen years. He had never been in trouble with the police before. He was a cook for the last eight or nine years. He used to be a waiter. He cooked two seasons for Dr. Hamilton and then at Asbury Park. He worked at the Pennsylvania Railroad during the strike and then for D. G. Yuengling, the brewer, for about eight months. Last summer he worked on the Mary Powell. He left there on the 16th of last October. He was sick and could not work. He had asthma and heart disease. He had known the complainant for eight months, to speak to. On the 11th of February, between eight and nine o'clock in the morning his, the defendant's, wife, Lizzie, gave the complainant 15 cents and her cousin two cents to play policy. The gig came out and entitled her to $15 and her cousin to $2. He, the defendant, told the complainant to give him the $15. The complainant said he did not get there in time to play the

gig and anybody that said he did told a lie. He, the defendant, said that the complainant knew he had been sick and out of work and if he got the money to give it to his, the defendant's, wife. They walked along. The complainant said that if he, the defendant, said anything more about the gig he would cut his guts out. He, the defendant, was not able to fight so he walked on. He met the complainant on the corner of 39th street and again asked him for the $15. The complainant put his hand in his, the defendant's, face. He, the defendant, ran and the complainant ran after him. The complainant caught him and struck him. He found he was getting weak so he, the defendant, hollered police, but no police came. The complainant continued to rush in and in his mad rush the complainant received a cut in the abdomen. A man picked up his, the defendant's, hat and he walked towards Ninth avenue. He heard a cry from the people behind him. The officer took hold of him. He had no idea of fighting with the complainant as he was not a fighter. In cross-examination the defendant testified that he weighed 180 pounds. He had been suffering from asthma and heart disease for twelve

years and had been attended by Drs. Fitz and Deming. He had seen the complainant before his, the defendant's wife said she gave the complainant 15 cents, in Lucy Mc Carthy's fast house, where the complainant worked, attending to the furnaces. He, the defendant, went to the house for his wife, concerning some clothes. His wife was chambermaid there. His wife was not doing any work now. He had lived with his wife for eight years, but was not married to her. She was his common-law wife. He had no children. A man named Williams was present when the complainant threatened to cut his guts out. He told his wife to find Williams but she said she tried and could not. He did not know where Williams lived. He had known Williams for twelve or fourteen years. Williams said he lived in 44th street. He, the defendant, was on the edge of the sidewalk when the complainant hit him. He opened his knife and said,' Go away, Will!' He held up the knife in a threatening manner, to intimidate the complainant and then he cut the complainant. He did not notice where he cut He cut the complainant three times, because the complainant rushed at him. After he had cut the complain-

ant the third time the complainant stopped hitting him and he went away. He did not run at all until he saw a crowd coming. He ran from the crowd into the policeman.

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0808

Roosevelt Hospital
Nov 9, 1913

This is to certify that Walter Johnson is still a patient at this hospital, and is unable to go out

Howard C. Taylor M.D
House Surgeon

0809

Roosevelt Hospital
March 7 1893

This is to certify that Walter Johnson is still a patient at this hospital, and that he is not yet able to leave the hospital, though his condition is in no way serious

Howard C. Taylor, M.D.
House Surgeon.

0810

1723

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John H. Pierson

The Grand Jury of the City and County of New York, by this indictment, accuse John H. Pierson

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

The said John H. Pierson

late of the City of New York, in the County of New York aforesaid, on the sixteenth day of February in the year of our Lord one thousand eight hundred and ninety-three, with force and arms, at the City and County aforesaid, in and upon the body of one Walter Johnson in the peace of the said People then and there being, feloniously did make an assault, and him the said Walter Johnson with a certain knife

which the said John H. Pierson in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent him the said Walter Johnson thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said John H. Pierson

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

The said John H. Pierson

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Walter Johnson in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Walter Johnson

with a certain knife,

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

THIRD COUNT—

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

John H. Pierson

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

The said John H. Pierson

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said Walter Johnson in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Walter Johnson with a certain knife which he the said John H. Pierson in his right hand then and there had and held, in and upon the groin of him the said Walter Johnson then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~bruise~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said Walter Johnson 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.

DE LANCEY NICOLL,
District Attorney.

08 12

BOX:
516
FOLDER:
4702
DESCRIPTION:
Puell, Paul
DATE:
03/15/93

4702

0813

Chief Clerk.
Assistant District Attorney.

Witnesses:
C J Sullivan

The witness C. J. Sullivan, who is the only witness in this case, informs me that the nuisance has long since been abated, and the defendant left the premises. The evidence against the defendant is so slight that I am satisfied it would be impossible to secure a conviction. In view of these facts and the further fact that the indictment is over five years old, I recommend defendant discharge on his own recognizance. J. L. Gordon
June 9/98 A.A.D.A.
I concur S. S. Blake
A.D.A.

Counsel, Jos H Stipes 125 W 11th St
Filed 15 day of March 1893
Pleads, Not guilty 76

ENTERED
T. J. W.

THE PEOPLE

vs.

Paul Bucll

GAMING HOUSE, Etc.
[Sections 948, 944 and 986, Penal Code.]

DE LANCEY NICOLL
District Attorney

P. H. June 10/98
on motion of Dist. Atty.
Def. dis. on verbal recog
RBS

A TRUE BILL.

Wm W Heulin
Foreman.

Dec. 18/93 2/13

0814

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 John J. Voorhis a Police Justice of the City of New York, charging Paul Pucell Defendant with the offence of Keeping a Gambling house

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, Paul Pucell Defendant of No. 449 6th Avenue Street; by occupation a Cook and John Witt of No. 589 1st Avenue Street, by occupation a Baker Surety, hereby jointly and severally undertake that the above named Paul Pucell 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 Ten Hundred Dollars.

Gaston Creime
John Witt

Taken and acknowledged before me, this 26 *day of* February 1893

John J. Voorhis POLICE JUSTICE.

0815

CITY AND COUNTY OF NEW YORK, } ss.

John Witt

the within named Bail and Surety being duly sworn, says, that he is a resident and Free holder within the said County and State, and is worth Twenty 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 the house and lot No 589 1st Avenue worth Ten Thousand dollars free and clear

John Witt

Sworn to before me, this 26 day of Feby 1892

Edward Clancy Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the day of 18

Justice.

0816

Police Court-- 2d District.

Cornelius J. Sullivan

of the 19th Precinct Police

upon his oath complains that Paul Purell

at premises No. 449 Sixth Avenue 2d floor ~~Street~~, in the City and County of New York, unlawfully keeps and maintains a Gambling House, and knowingly permits divers, idle, disorderly and evil disposed persons to resort there, to gamble and play at cards and games of chance for money, in violation of the law, and to the common nuisance of the People of the State of New York.

Deponent further says that in said premises on the 25 day of February 1893 said Purell employ John Doe so called who escaped to did unlawfully and feloniously deal the game called, Faro, ~~and did then and there within the space of twenty four hours win from deponent~~

~~at said game~~, and that within said premises are exhibited, kept and used by Purell

faro and other gambling tables, checks, cards, devices and apparatus, for the purpose of gambling, the discovery of which would tend to establish the truth of the charge herein made.

Sworn to before me, this 26 *day of* February 1893

Cornelius J Sullivan

John Ollorting

POLICE JUSTICE.

0817

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Paul Prell being duly examined before the undersigned 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. Paul Prell

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. France

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

Answer. 449 Sixth Ave 2 mos

Question. What is your business or profession?

Answer. Cook

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

Answer. I am not guilty

Gaston Cirennie

Taken before me this 26 *day of* Feb 1893

John Pollemus

Police Justice.

0818

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

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

Dated 26 Feby 1893 John R Welch Police Justice.

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

Dated Feb 26 1893 John R Welch Police Justice.

There being no sufficient cause to believe the within named

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

Dated 18 Police Justice.

0819

92 / 236

Police Court--- 2 (159) District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Cornelius J. Sullivan 19 Precinct

vs.

Paul Prell

2

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4

Office. Assault & Battery

Dated 26 February 1893

Charles Magistrate.

Lang Officer.

19 Precinct.

Witnesses officers with complainants Street.

No. Street.

No. Street.

$ 1000 to answer G. S.

Bailed

Grand Jury

Chief Clerk

$1000 Bail for Ex. Feby 27 2 P.M.

RECEIVED, DISTRICT ATTORNEY MAR 2 1893

BAILED,

No. 1, by John Witt

Residence 589 1st Avenue Street.

No. 2, by Street.

Residence Street.

No. 3, by Street.

Residence Street.

No. 4, by Street.

Residence Street.

0820

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Paul Puell

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

(Sec. 343, Penal Code.) of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING, committed as follows:

The said Paul Puell

late of the 20th Ward of the City of New York, in the County of New York aforesaid, on the twenty-fifth day of February in the year of our Lord one thousand eight hundred and ninety-three, and on divers other days and times as well before as after, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room, in a certain building there situate, to be used for gambling, 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. (Sec. 344, Penal Code.)

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

of the CRIME OF ALLOWING A ROOM, ESTABLISHMENT, TABLE AND APPARATUS TO BE USED FOR GAMBLING PURPOSES committed as follows:

The said Paul Puell

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, a certain room in a

certain building there situate, and a certain gambling table and establishment, and divers cards, chips, devices and apparatus, a more particular description whereof is to the Grand Jury aforesaid unknown, and cannot now be given, the same being suitable for gambling purposes, with force and arms, feloniously did allow to be used for gambling purposes, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT. (Sec. 385, Penal Code.)

And the Grand Jury aforesaid, by this indictment further accuse the said Paul Puell of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said Paul Puell late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a ~~certain common gaming house there situate, for his lucre and gain~~ unlawfully and injuriously did keep and maintain; and in his said common gaming house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, to game together and play at a certain unlawful game of cards called Faro in the said common gaming house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming house aforesaid, by such procurement, permission and sufferance of the said Paul Puell there did game together and play at said unlawful game of cards, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the Statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

DE LANCEY NICOLL,
District Attorney.

0822

BOX:
516

FOLDER:
4703

DESCRIPTION:
Raynor, Frank

DATE:
03/10/93

4703

64

Counsel,

Filed 10 day of March 1893

Pleads, Not Guilty 13

THE PEOPLE

vs.

Frank Raymor

Burglary in the Third Degree.
[Section 498, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Wm W. Heaton

Foreman.

Part 2.
March 15. 1893
Plends Petit Larceny
Per 30 days.

Witnesses:

Frank Archibald
Matthew Farley

0824

Police Court— 4 District.

City and County of New York, } ss.:

Matthew Farley

of No. 310 E. 76th Street, aged 35 years, occupation Livery Stable Keeper being duly sworn deposes and says, that the premises No. 575 E. 72 Street, 19th Ward in the City and County aforesaid the said being a one story building and which was occupied by deponent as a stable ~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly removing a lock on a door leading into said premises

on the 6 day of February 1893 in the Night time, and the following property feloniously taken, stolen, and carried away, viz:

A quantity of rope valued at ten cents

$ 10

Arraigned & Arraigned 1893 Feb 7 Morris Sorkin

the property of Deponent

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

Frank Rayner

for the reasons following, to wit: At the hour of 5 o'clock P.M. deponent securely locked and fastened the doors and windows of said premises the said property being in said stable and deponent having found the said lock broken off said door and said property missing he found the said property in possession of the defendants in E. 76th Street.

Matthew Farley

0825

Sec. 198–200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

James Raynor 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 sees 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. James Raynor

Question. How old are you?

Answer. 20 yrs

Question. Where were you born?

Answer. New York

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

Answer. 325 E 73 St. 8 Mos

Question. What is your business or profession?

Answer. Steam fitter

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

Frank Raynor

Taken before me this 8 *day of* February *189*3

Police Justice

0826

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Dew 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, 189 3 Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, 189 Police Justice.

There being no sufficient cause to believe the within named

guilty of the offense within mentioned, I order h to be discharged.

Dated, 189 Police Justice.

1881

0827

64 4 259

Police Court--- 4 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Matt Tardy
vs.
James Raymer

2

3

4

Offence Burglary 3

Dated, Mar 7th 189 3

Merriam Magistrate.

Archibald Officer.

24 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 1000 to answer G. P. Burg 3 p-h

BAILED,

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Raynor

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

Frank Raynor

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

The said Frank Raynor

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on the sixth day of February in the year of our Lord one thousand eight hundred and ninety-three in the night-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the stable of one Matthew Farley

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent the goods, chattels and personal property of the said Matthew Farley in the said stable then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0829

SECOND COUNT—

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

Frank Raynor

of the CRIME OF Petit LARCENY committed as follows:

The said Frank Raynor

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

four hundred pounds of rags

of the value of three cents

each pound

of the goods, chattels and personal property of one Matthew Farley

in the stable of the said Matthew Farley

there situate, then and there being found, in the stable

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

THIRD COUNT:

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

Frank Raynor

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

The said Frank Raynor

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,

four hundred pounds of rags of the value of three cents each pound

of the goods, chattels and personal property of Matthew Farley

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said Matthew Farley

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

Frank Raynor

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, 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.

DE LANCEY NICOLL,
District Attorney.