

0541

**BOX:**

346

**FOLDER:**

3264

**DESCRIPTION:**

Lane, Henry

**DATE:**

03/28/89



3264

Witnessed

Emma Perry

Mrs Perry

Counsel,

Filed 28

May of March 1889

Pleads, Not guilty

THE PEOPLE

vs.

Henry Love

P. 2. Day 30. 1890.

Indictment Pleas used  
& trial decided

JOHN R. FELLOWS,

District Attorney.

Read 3 Nov. 25

A TRUE BILL.

~~John R. Fellows~~

Richard Scott Foreman.

Off without do to  
perjury witness m...

upon the reading the  
within indictment &  
thence the fact that  
not guilty are sufficient  
to warrant a conviction  
of the indictment and  
no need for more  
of perjury. W. A. A.

May 29th 1890

0543

BOARD OF HEALTH AND VITAL STATISTICS,  
OF THE  
COUNTY OF HUDSON, N. J.

OFFICE ADJOINING COURT HOUSE.

*Jersey City, January 10<sup>th</sup> 1890*

**A Transcript from the Record of Deaths**

IN THE COUNTY OF HUDSON.

Vol. *6*

Page *222*

No. *11314* Local or County burials.

DATE OF DEATH.		FULL NAME OF DECEASED.		AGE.							
<i>November 18<sup>th</sup> 1889</i>		<i>Emma Miller</i>		<table border="1"> <tr> <td>Y</td> <td>M</td> <td>D.</td> </tr> <tr> <td colspan="3"><i>15 Hours</i></td> </tr> </table>		Y	M	D.	<i>15 Hours</i>		
Y	M	D.									
<i>15 Hours</i>											
MARRIED OR UNMARRIED.	COLOR.	OCCUPATION.	BIRTH PLACE.	How long a res'dt of Hudson Co.							
<i>Single</i>	<i>White</i>	<i>—</i>	<i>Hoboken</i>	<i>—</i>							
FATHER'S BIRTH PLACE.			MOTHER'S BIRTHPLACE.								
<i>Germany</i>			<i>Germany</i>								
PLACE OF DEATH.			CAUSE OF DEATH.								
<i>11 Park av, Hoboken</i>			<i>Premature Birth</i>								
PLACE OF BURIAL.			UNDERTAKER.								
<i>Flower Hill Cem</i>			<i>John J. Devitt</i>								
MEDICAL ATTENDANT.											
<i>H. B. Rue M.D.</i>			<i>—</i>								

A TRUE COPY.

*J. Rooney Jr.*

Clerk.

New York General Sessions.

1 2 3 4 5 6 7 8 9 10 11 12 X

The People, etc., :

-VS. -

: S e d u c t i o n.

Henry Lane. :

[illegible]

City & County of New York, ss:

I, PETER SUHL, being first duly sworn according to law, do depose and say:

I reside at No. 90 Newark St., Hoboken, Hudson County, New Jersey, and am the sexton of the Bishop Methodist Church. I have resided in Hoboken for the past 12 years.

I know Mrs. Emma Muller, who resides at No. 11 Park Avenue, Hoboken, New Jersey. She resides on the fourth floor. She is living there with a man by the name of Otto Muller as husband and wife, and are known to people in the neighborhood as husband and wife.

A child of said Mrs. Emma Muller, who lived only about half a day, died about November 18th, 1889.

Said Mrs. Emma Muller's name was Emma Piering, and she is the complainant in the above charge against the above named defendant, which indictment is now pending in this Court .

Said Mrs. Emma Muller has been living in Hoboken since about the first week of November last, and she is now living there with her husband.

Sworn to before me this

11th day of January, 1890.

Peter Lucht

th day of January, 1890.  
 Rep't no 3  
 Volney Public  
 ay co



0545

Court of General Sessions.

The People

vs.  
Henry Lane

Indictment

Seduction under pro-  
mise of marriage.

§ 234 Penal Code,  
for having on the 15th day of April 1887,  
under promise of marriage, made to  
complainant, Emma Piering, an  
unmarried female of previous chaste  
character, seduced said complainant.

Trial Witnesses.

Emma Piering, the complainant,  
693 East 145 Street;

- 1) Promise of marriage and
- 2) Seduction and previous Chastity.
- 3) Birth of child
- 4) Conversations of defendant  
with parents of the complainant  
Henry Piering and Antonio Piering  
corroborating complainant.

0546

Antonia Piering,

Henry Piering,

693 East 145 St.

- 1) Corroboration of complainant's statement in point of seduction and promise of marriage.
- 2) Chastity.

Non corroborative proof needed as to chastity.

The People v Piering. M.N.Y. 1885

Lizzi Sube, 2717 Third Avenue,

Corroboration of complainant's statement that defendant kept company with her.

Presented her to witnesses as his intended wife.

0547

Lucia Faring, the co-accused, 693 East 115 Street, I kept company with the defendant for five years prior to April, 1887, and in the fall of 1885, we engaged ourselves to marry each other. I did not inform my parents of said engagement, until August, 1887, although they were aware of our keeping company together. He came to my parents' house every Sunday and also on weekdays, when he wanted to take me out to a ball, a picnic or a walk. I have had no sexual intercourse with any man, and with him I had none, until the early part of April, 1887, when by a promise of marriage he induced me to submit to his desires. It was on a Thursday evening; my parents were out, and I was alone in the house. We had some conversation about marriage. He told me, that if I loved him, I should let him have sexual intercourse with me. I replied that I did not want to throw myself away; that he <sup>would</sup> have to

to wait, until I was married to him. Thereupon he remarked that my refusal showed that I did not trust him; that if I would consent to have connection with him, he would marry me within a year and a half, or that if I should become pregnant in consequence of such intercourse, he would marry me immediately.

Trusting in his said assurances I ~~consented~~ yielded to his desires and had connection with him on said evening and thereafter once in the month of May.

In July <sup>1887</sup> I became ill. My parents sent me to Canton, Pa., together with my sister-in-law Mrs. Kate Hering. My courses had stopped in April, 1887, but I did not become conscious of my pregnancy until the early part of August, 1887, that is after my return to the city. My parents had believed that I suffered from malaria, and I supposed it was due to the fact that I had taken a bath during my month.

0549

ly course in April, 1887. After  
my return from the country, I con-  
sulted a doctor, and he informed  
me, of ~~the~~ that I was with child.  
A day or two thereafter I met  
the defendant and informed him  
of the doctor's statement. We met  
again in the evening of the same  
day, <sup>or the next</sup> in 143d Street, near Willis Avenue.  
He informed me that he had a  
prescription from a young man,  
which would cure me, if I felt  
sick. We went together to Ken-  
brand's drug store, corner of 150d  
Street and Third Avenue, where  
he had the prescription made up.  
It consisted of pills. He told me  
they would make me feel better,  
and he caused me to take two  
of the said pills in his presence.  
I did not know at the time  
that they were to cause an abortion.  
They made me violently sick. The  
next day the defendant gave me  
to go to consult a physician.  
From the doctor I learned that the  
said pills were designed to procure  
an abortion. Two days thereafter,



0550

I believe, it was on the 12th of August, 1887, I saw the defendant again and asked him, what he intended to do about getting married. He replied that he did not like to get married without telling his father <sup>that he would marry me</sup> first. <sup>He asked me</sup> to keep it quiet, until the child was born, when he would choke it to death. I replied that I would not marry on the sly, nor would I consent to have the child choked to death. In the evening of the same day I informed my mother of the whole situation. This was a Saturday. On the next day my mother sent me to the defendant to request him to come to our house. When he came into the room, my mother said to him: Henry, I understand from my daughter, that you have seduced her by means of promising to marry her. Is this true or not? The defendant admitted that it was true, whereupon my mother asked him, what he intended to do. He replied that he

would marry me, if my parents would support us. My mother then went out of the room and came back with my father, who asked him, what he intended to do now under the circumstances. The defendant replied that he would have to marry me, that he was willing to do it, if my father would support him and me, as he earned only six dollars a week. My father said, why did not you think of that before you married Emma? The defendant remarked that he expected to get his salary raised by his employer, Mr. Pfeiffer. My father advised him to go home and tell his father and do what was right. My father offered him a position as draughtsman with \$9 a week and rooms rent free.

On Monday evening he came again. My father asked him, whether he would accept his offer and marry me, but the defendant replied that he did not care to leave Pfeiffer.

0552

Two days thereafter he ran away and did not return until 18 months later.

On the 23<sup>d</sup> of December, 1887, I gave birth to a boy, which is still living.

Victoria Firing and Henry Firing } 693 East 145<sup>th</sup> Street  
the parents of the complainant  
will corroborate complainant's  
statement as far as it relates to  
them



0554

At all times Laine was very attentive to Emma & it appeared as though he never could do enough for her.

In the winter months they would come to the ~~store~~ <sup>store</sup> for candy for which Laine would pay.

I frequently met them at balls and picnics during the years I have known them, one of the balls being the "Crescent Club ball" at Grove Hill Assembly Rooms Dec 9. 1886 & he was very attentive to her - he danced with her every dance took her to supper; took her to the ball & took her home.



0555

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

Henry Lane

BRIEF OF FACTS.

For the District Attorney.

Dated November 25 1888  
Edward Gross

Deputy Assistant.

0556

District Attorney's Office.

PEOPLE

vs. *Seduction*

*Henry Lane*

*John D. Jones*

*Paul this on  
at very first of  
next (11th) & under  
no circumstances is  
it to be again left.*

*It has been on many  
times & more to trial  
when again it is*

*of 11*

0557

TO THE CHIEF CLERK.

Please send me the Papers in the Case of  
PEOPLE

vs.

*Nancy Lane  
Morse;*

*Please  
examine this  
Case  
J. R. C.*

District Attorney.

*Jan 29*

0558

Code of Criminal Procedure § 841.

BEFORE BIRTH.

POLICE COURT, FIRST DISTRICT.

CITY AND COUNTY }  
OF NEW YORK. } ss :

THE VOLUNTARY EXAMINATION of

of No. 693 East 145th Street, taken upon oath, before the under-  
signed, one of the Police Justices in and for said City of New York, who saith, that she  
is now with Child, and has been so for about 4 months last past, and that the said

Child is likely to be born a **BASTARD** and to chargeable to the City of New York,

And that

Mary Lane  
has gotten her with Child of the said Bastard Child.

Taken on oath, before me, this

16 day

September 1889

Solomon Smith Police Justice.

0559

# Police Court, First District.

The Commissioners of Public Charities and  
Correction, on the complaint of

*Emma Presney*

vs.

EXAMINATION IN BASTARDY.  
BEFORE BIRTH.

*Henry Lane*

Dated *Sept 16* 188*7*

*Smith* Police Justice.

Officer.

*Wick 13*  
*18*



0560

ORDER OF FILIATION.  
Sec. 850.

BEFORE BIRTH.

## State of New York.

CITY AND COUNTY }  
OF NEW YORK. } ss.

Order of Filiation, made by

*James K. Herbert* and *Maurice J. Power* Esquires

two of the Police Justices in and for the City of New York, made the *16th* day of *March*  
in the year of our Lord one thousand eight hundred and eighty *9*

Whereas, *Emma Piering* of No. *693 East 14th*

Street, in said City, single woman, hath by her voluntary examination, taken in writing, upon oath, before one of the  
said Justices on the *16th* day of *September* one thousand eight hundred and eighty

*and was born on the 26th day of September 1888*  
declared herself to be with Child, and that the said Child was likely to be born a BASTARD, and to be

chargeable to said City of New York, and that *Henry Lane* of said  
City, hath so gotten her with Child, and whereas, *Thomas J. Brennan*

one of the Commissioners of Public Charities and Correction, of the City and County of New York aforesaid.

(they being the Overseers of the Poor of said City,) did apply to said Justice to make inquiry into the facts and  
circumstances of the case — And the said Justice did thereupon issue his warrant for apprehending said

*Henry Lane* and caused him to be brought

before said Justice to answer said charge, and whereas the aforesaid Police Justice has associated with himself  
*Maurice J. Power* another Police Justice in and for said City, pursuant to statute.

And Whereas, the said *Henry Lane* hath not shown any sufficient  
cause why he should not be adjudged the Father of said Child, so likely to be born a BASTARD.

THE SAID JUSTICES THEREFORE, after examination and inquiry into the facts and circumstances of the case,  
as well upon the oath of the said *Emma Piering* in the presence of the said

*Henry Lane* as upon hearing of all other proofs and testimony

offered in relation thereto, HEREBY ADJUDGES him, the said *Henry Lane*

to be the Father of said Child, so likely to be born a BASTARD as aforesaid.

And the said Justices therefore Order, as well as for the Indemnity and relief of said City of New  
York, as for the SUPPORT of said Child, so likely to be born a Bastard, and that the said *Henry Lane*

*Lane* shall and do, (upon notice of this order,) PAY, or cause to be paid

to the COMMISSIONERS OF PUBLIC CHARITIES AND CORRECTION, of the City and County of New York, (they

being the Overseers of the Poor for said City,) the sum of *Two* DOLLARS WEEKLY, and

every week, from the day of the birth of said Child, for and towards the support and maintenance thereof, for and

during so long a time as said Bastard shall be chargeable to the City of New York.

And it appearing that said *Emma Piering* is in indigent circumstances

the said Justices do hereby FURTHER ORDER, that said

shall likewise pay, or cause to be paid to the said COMMISSIONERS OF PUBLIC CHARITIES AND CORRECTION, the

sum of *Two* Dollars for the sustenance of said

during her confinement and recovery therefrom

Given under our hands and seals at the City of New York, the day  
and year first above written.

*J. K. Herbert*  
*M. J. Power*

POLICE JUSTICES.

0561

287 132

Form 611.

POLICE COURT—FIRST DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

BAILED.

No. 1, by

Christian Church

Residence.

Wm. A. Boyd  
Carp Bldg.

James Lane  
(Copy)

Dated

March 5th

1889

Richard J. Jones, Magistrate.

Name

Robert R. R. R.

Address

27 Chambers

Ordered defendant  
to find surety (in sum  
of \$300) to pay \$2.00  
penalty.  
Dated March 16/1889.

J. H. K. K.

Wm. J. R.

James Lane

0562

I David C. Seltman, Stenographer  
of the First District Peace Court  
do hereby certify that the within  
proceedings is a true & correct copy  
of the original proceedings taken  
by me and now on file in the First  
District Peace Court, in said case

David C. Seltman  
Stenographer

0563

Henry Lane. the defendant being  
duly sworn deposes and says in the  
presence of the complainant.

I am a single man and  
am 33 years of age and reside at  
722 East 145th Street, I am an appli-  
cable to an architect and earn \$6.00  
dollars a week, and am out of  
employment. I waive further  
examination.

Sworn to before us this  
13th day of March, 1889 } Henry Lane.  
J. H. Kiebert  
M. J. Bauer  
Peace Justice

Emma Pering the complainant  
being duly sworn deposes and says  
In the presence of the defendant.

I am a single woman and  
and I reside at 693 East 14th Street  
and am 26 years of age, I know  
the defendant 6 years, I have had  
connections with him in May  
1887 twice, I was delivered of a  
male child on the 26<sup>d</sup> of December  
1887 which is now living and of  
which the defendant is the father.  
I have never had connection with any  
other person in my life but with  
the defendant, I am poor and  
have no means, I don't know  
what the defendant does for a  
living, or what he earns?

1887

Sworn to before us  
this 13th day of March 1889 } Emma Pering  
J. H. Kilbuck  
M. J. Power  
Power Justices



0565

## First District Police Court.

Know all Men by these Presents,

THAT WE, Henry Lane Defendant  
 of No. 494 East 145th Street, in the City of New York,  
 and Christine Thomas of No. 696 East 145th Street,  
 and \_\_\_\_\_ of No. \_\_\_\_\_ Street,

Sureties in the said City, are held and firmly bound to the People of the State of New York, in the  
 sum of Three Hundred Dollars, lawful money of the said State, to be paid to the said People  
 for which payment well and truly to be made or done, we bind ourselves, our heirs, executors and  
 administrators jointly and severally, firmly by these presents. Sealed with our Seals, and Dated at  
 the City of New York, this 5th day of March in the year of our Lord, one thousand  
 eight hundred and eighty 9.

WHEREAS, the said Henry Lane has been brought before  
Charles Weed one of the Police Justices in the City of New York,  
 charged upon the oath of Emmal Parsons of said City, with being the father  
 of a Bastard Child, which she alleges she is now pregnant with

AND WHEREAS, the Police Justice before whom the said Henry Lane  
 was brought has this day associated with himself James J. Herbert  
 another Police Justice in said City of New York, pursuant to statute to inquire into the charge,  
 and adjudicate respecting the filiation and maintenance of such Child, likely to be born  
 born a Bastard.

AND WHEREAS, Henry Lane has made application to said  
 Justices to adjourn the examination of the said matter, and the said Justices at the request of  
 said Henry Lane and for good cause given have determined to  
 adjourn such examination and adjudication of said complaint upon the execution of this undertaking,  
 until the 13th day of March 1889 at 12 o'clock in the \_\_\_\_\_ noon, at the  
 First District Police Court, No 101 Centre Street in said City.

NOW THEREFORE, the condition of this undertaking is such, that if the above-named  
Henry Lane shall personally appear before said Police Justices at  
 the First District Police Court, in the City of New York, on the 13 day of March  
 1889 at 12 o'clock in the \_\_\_\_\_ noon, and not depart therefrom without leave of said Police  
 Justices, or if he fail to perform this condition, that we, said Sureties will pay to the People of the  
 State of New York, the sum of Three Hundred Dollars, then this undertaking to be void,  
 otherwise to be and remain in full force.

Taken and acknowledged before us the day and  
 year first above written, by whom the sureties and  
 penalty are approved.

Charles Weed  
J. Herbert } Police Justices.

Henry Lane  
Christine Thomas

**POLICE JUSTICES.**

0567

Code of Criminal Procedure § 841.

CITY AND COUNTY } ss.  
OF NEW YORK,

BEFORE BIRTH.

To any Policeman of the said City, and to all and every of them, GREETING:—  
Whereas, *Anna Poring*

of the City of New York, a single Woman, hath in her examination, taken this *16th* day of *Sept* 188*8*, in writing, upon oath before the undersigned, one of the Police Justices in and for the City and County of New York, declared herself to be with child, and that said child is likely to be born a **BASTARD** and to be chargeable to the City of New York; And that

*Henry Lane*  
hath gotten her with child, of the said Bastard Child.

And whereas, application hath been made to me by the Commissioners of Public Charities and Correction of the said City and County, (they being the Overseers of the Poor of said City), to make inquiry into the facts and circumstances of the case, and having, upon such inquiry, ascertained that said *Henry Lane* is the reputed Father of such child, so likely to be born a **BASTARD**.

These, are, therefore, in the name of the People of the State of New York, to command you immediately to apprehend the said *Henry Lane* and forthwith to bring him before me, at the First District Police Court, in the City aforesaid, to answer unto the said complaint, and to be further dealt with according to law.

GIVEN under my hand, this

*16th* day of *September* 188*8*

*John R. Smith* Police Justice.

0568

# Police Court, First District.

The Commissioners of Public Charities and  
Corrections, on the complaint of

*Anna Perini*  
vs.

*Henry Lane*

WARRANT-BASTARDY.

Dated *Sept 16* 188*7*

*Smith* Police Justice.

*Walt* Officer.

The Defendant

*Henry Lane*

taken, and now brought before the  
Magistrate to answer the within charge, pursuant to  
the command contained in this Warrant.

Dated *March 5* 188*9*

*Robert Walt*  
Officer.

*Can be found*

*Atrocious*

*23 yrs*

*yr.*

*yr.*

*Architect*

*S*

*420*

*106 Buchanan Ave*

*Buena*

*422 E 145th St*

0569

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 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 March 23 1889 A. J. White Police Justice.

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

Dated March 23 1889 A. J. White Police Justice.

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

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



0570

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

444 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Emma Paring

693 East 145<sup>th</sup>

Henry Lane

2

3

4

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

No.

No.

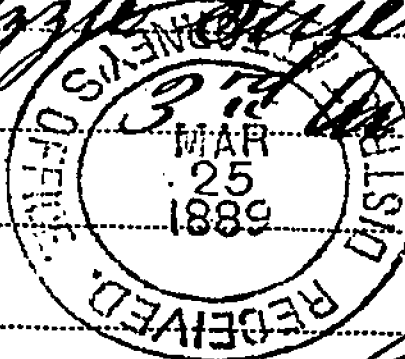
\$

to answer

Street.

Street.

Street.



Q. Mech 23/10/89  
Dated

0571

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*Henry Lane*

Question. How old are you?

Answer.

*33 years*

Question. Where were you born?

Answer.

*N.Y.*

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

Answer.

*725 E. 45th St. 11 years*

Question. What is your business or profession?

Answer.

*Apprentice*

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*

*Henry Lane*

Taken before me this

day of *March* 188*8*

Police Justice.

0572

Sec. 192.

*5th*  
District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK, }

An information having been laid before *of Asaen White Esq* a Police Justice  
of the City of New York, charging *Henry Lane* Defendant with  
the offence of *Seduction under promise of*  
*Marriage*

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 hear-  
ing thereof having been adjourned,

We, *Henry Lane* Defendant of No. *722*  
*East 145th St* Street; by occupation a *represented*  
and *Christian E. Egan* of No. *696 East 145*  
Street, by occupation a *Mason* Surety, hereby jointly and severally undertake that  
the above named *Henry Lane* Defendant  
shall personally appear before the said Justice, at the *5* District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of *Five*  
Hundred Dollars.

Taken and acknowledged before me, this *15*  
day of *March* 188*8*

*White*  
POLICE JUSTICE.

*Henry Lane*  
*Christian E. Egan*

0573

CITY AND COUNTY  
OF NEW YORK, } ss.

*Sworn to before me, this  
day of March 1888  
J. M. Justice  
District Police Justice*

*Christian Ehmer*

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 *free* *five* 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 *house lot of ground*

*in 696 East 145 St. valued at five  
thousand dollars*

*Christian Ehmer*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Undertaking to appear  
during the Examination.*

vs.

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

Justice.

0574

The People of the State  
of New York  
against  
Henry Lane

City and County of New York ss.

Antonia Piering

being duly sworn says. I reside at Number 293  
East 145<sup>th</sup> Street in the City of New York I am the  
mother of Emma Piering - I know Henry  
Lane defendant above named. For a year  
prior to April 1884 the said Lane was a  
constant visitor at my house, and an  
attendant upon my daughter Emma  
frequently taking her out walking and  
at various places.

In August 1884, in pursuance to informa-  
tion I received from my daughter Emma  
I sent for said Lane to come to my  
house - and he came. I told him that  
my daughter had just told me that he  
under a promise of marriage had had  
sexual intercourse with my daughter  
and I wanted to know if that was true  
and what he intended to do about it.

He said it was true and he would  
keep his promise, but that his means  
were very small, and if my husband



0575

would support him he would marry  
my daughter and set all things right.  
My husband who was then present  
offered him a position at \$ per week  
and room and food - and he refused  
it. That a day or two after that  
said Lane went away and did  
not return to his home until the  
first part of this month of March  
1889 - My daughter was of previous chaste character  
Sworn to before me  
this 15. day of March 1889

Antonie Piering

A. J. White

Police Justice

0576

Sec. 151.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Police Court \_\_\_\_\_ District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Emma Piering  
of No. 693 East 145<sup>th</sup> Street, that on the 15<sup>th</sup> day of April  
1887 at the City of New York, in the County of New York,

one Henry Lane did feloniously and lawfully and  
willfully seduce and have sexual intercourse with  
said Emma Piering, an unmarried female of previous  
chaste character, under a promise to marry her  
said Emma Piering,

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the Fifth DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 15<sup>th</sup> day of April 1887

[Signature]  
POLICE JUSTICE.

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Police Court ..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Emmie Perring*

vs.

*Henry Lane*

Warrant-General.

Dated *March 15* 1889

*Andrew J. White* Magistrate

*J. J. Finnigan* Officer.

The Defendant

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

*W. B. Finnigan* Officer.

Dated *March 15* 1889

This Warrant may be executed on Sunday or at  
night.

Police Justice.

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.  
Dated ..... 188

Police Justice.

The within named

23 MS 7223 145-8

0578

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

Police Court, 5 District.

of No.

693 East 145<sup>th</sup> Street,  
or alias

being duly sworn, deposes and

says, that on the

15<sup>th</sup>

day of

April

1887

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

Henry Lane, who

resides at Number 722 East 145<sup>th</sup> Street in the City of New York, under a promise to marry this deponent <sup>did unlawfully, willfully and feloniously</sup> seduced deponent and had sexual intercourse with her.

That deponent is an unmarried female.

That said seduction under promise of marriage was as follows -

For a year prior to April 1887 and during the whole of said time deponent was engaged to be married to said Lane. That on or about the 15<sup>th</sup> day of April 1887, at the house of my mother 693 East 145<sup>th</sup> Street New York City; while my parents were out, said Lane began to take liberties with me, and I repel them and told him that I could not permit him to have intercourse with me until we were married. He said I will marry you, if you consent to have sexual intercourse with me, and believing and relying upon his promise I consented and has sexual intercourse with him -

Deponent was of previous chaste character  
Subscribed and sworn to before me this 15<sup>th</sup> day of March 1887

Emma Piering

A. J. White  
Recorder

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Police Court, W District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anna Perry

vs.

Henry Love

AFFIDAVIT.

Dated March 10 1889

Andrew J. White Magistrate.

Officer.

Witness,

Disposition,

Armstrong v People 70 NY 41

Fourth. The question put to the prosecutrix: "Did you believe him when he had connection with you, that he would marry you?"; was proper.

An affirmative answer would tend to make out one of the important parts of the crime to wit; That the consent of the prosecutrix to the intercourse was given, under and by reason of the promise of marriage. A negative answer would have been decisive of the case, in favor of the accused. A like question was sustained in the case of Henry v The People (26 N.Y. 204); and in Boyce v The People (55 NY 644)

Fifth. The direction to the prosecutrix to go on and state in her own way, what occurred on the evening of the intercourse, was proper, as was the statement made by her in obedience thereto. It was of the very gist of the crime alleged, that she was thus directed to speak, and there was no better way, than for her to relate the story of it without prompting or hindrance from questions. The evidence was material and admissible.

Sixth. The testimony from the prosecutrix that she was in the family way at the time of the trial, was not inadmissible & immaterial.



She being, and having always been, an unmarried woman, the fact of pregnancy was positive proof of illicit connection with some one. It did not fix the Plaintiff in error as a participant therein; but it was a fact in the case, not incompetent to be made known to the jury.

Seventh. The Statute under which the plaintiff in error was indicted, declares that there shall not be a conviction upon the testimony of the female complaining, not ~~at~~ supported by other evidence.

It is settled that the supporting evidence is required as to two of the matters named in the act, and as to them only. They are the promise of promise and the carnal connection (*Kenyon v The People* 26 NY 203; *Boyce v The People* 55 NY 644).

It is settled by the same authorities, that the supporting evidence need be such only as the character of these matters admits of being furnished. The promise of marriage is not an agreement ~~not~~ usually made in the presence or with the knowledge of third persons. Hence the supporting evidence possible in most cases, is the subsequent admission or declaration of the party making

it; or the circumstances which usually accompany the existence of an engagement of marriage, such as exclusive attention to the female on the part of the male, the seeking and keeping her society in preference to that of others of her sex, and all those facts of behavior toward, which bore parties to an action were admitted as witnesses in it, were given to a jury as proper matter for their consideration on that issue.

So, too, the act of illicit connection, and the immediate persuasions and inducements which led to compliance, may not be proved by the evidence of third persons directly to the fact. They are to be inferred from the facts; that the man had the opportunities more or less frequent and continued, of making the advances and the proposition; and that the relations of the parties were such, as that there was likely to be that confidence on the part of the woman in the asseverations of devotion on the part of the man, and that affection towards him personally, which would overcome the reluctance on her part, so long instilled, as to have become natural, to surrender her chastity.

6 Cen. R. 792

In People v William B. Johnson. The promise was as follows.

"If the complainant would let him have sexual intercourse with her, that if there was any trouble with her, he would marry her."

Held an express & unconditional promise

People v Plath

1 Cen. R. 772.

Corrob.

"It is not indispensable that such corroboration should be furnished by positive and direct evidence, but proof of circumstances legitimately tending to show the existence of the material facts will be sufficient to authorize the conviction."

People v Chas. E. Kearney 12 Cen. R. 925.

"We fully realize the truth of the proposition that evidence in corroboration of the prosecution in this class of cases upon the points where corroboration is necessary viz: the reduction & the promise of marriage is not very easily obtainable. For that reason it has been held that only such corroboration as in the natural and ordinary course of events there facts are capable of it to be required."

Also held no corroboration by unimpaired female & child.

One who seduces and has illicit connection with an unmarried female under a promise to marry her in case she becomes pregnant is guilty.

It is not necessary that the promise be a valid and binding one between the parties. It is enough that a promise was made which is a consideration for the inducement to the intercourse.

*City of Kenyon v. Peo.* 26 N.Y. 203 *Boyce v. Peo.* 55 N.Y. 644 *Armstrong v. Peo.* 70 N.Y. 38

*Peo. v. Austin* 32 Hun 58-

(a) Conditional Promise - If the defendant effected this object by a conditional promise that if the prosecutrix would permit illicit connection she would marry her, he may be convicted of seduction (*Kenyon v. People* 26 N.Y. 203; 5 Park 254; *Boyce v. People* 55 N.Y. 644).

(d) A mutual promise <sup>of marriage</sup> on part of complainant is implied (*People v. Kenyon* 5 Park 254; *People v. Kane* 14 Abb 15).

(g) Proof of unchastity. <sup>previous chastity</sup> The prosecutrix can only be impeached by specific acts of lewdness, not by general reputation (Crozier v People 1 Park 453; People v Kenyon 5 id 254; People v Mc Ardle 5 id 180; Boyce v People 55 N.Y. 644; Carpenter v People 8 Barb 603; Kaufman v People 11 Hun 82)

(h) Previous chaste conduct will be presumed. (People v Kane 14 Abb 15; Conkey v People 5 Park 431; Grandall v People 2 Lans. 309; see also on subject generally Andre v State 5 Clarke 389; Boak v State Id 430; Wood v State 48 Ga 192)

Corroborative testimony need not be positive.  
May be circumstantial

Boyce v The People 55 N.Y. 644

Crozier v The People 1 Parker 453.

People v Kenyon 5 Parker 254.

People v Lomax 6 Abb 139.

Question of fact

As to whether prosecutrix has been corroborated or not, it is a question for the jury  
Grandall v The People 2 Lans 309.



## New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Henry Lane.

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. The special reason for this petition is that since the filing of the indictment herein, your petitioner <sup>a person other than the defendant, to wit a man by the name of</sup> ~~has~~ <sup>Mueller</sup> ~~is now~~ living happily with her husband and child. That a trial of the said indictment would place your petitioner in degradation among her husband's family and probably would destroy the happiness of her marital relations.

Dated New York, January 29, 1890

Witnesses:

Edward Grose

Emma Tiering

Deputy Recorder

Now Emma Muller



0587

Land of General Sessions

The People

vs.  
Henry Lane

Withdrawn

0588

N. Y. General Sessions

People

vs  
Henry Law

Statement of Facts.

Emma Piering resides at Number 693 East 145 Street in the 23rd Ward of the City of New York.

~~For~~ Two years prior to April 1887 I was engaged to be married to defendant and during that time I kept no male company except with defendant. He was a constant visitor at my house coming at least twice a week and always on Sundays.

In the early part of April 1887, the defendant came to my house in the evening. It was on a Thursday evening. My parents were out that evening, and I was home alone. He came to the house about 8 PM. During the evening we had some conversation about marriage. He told me that I did not love him, and that if I did love him I should let him have connection with me. I told him that I

0589

did not want to throw myself away until I was married - He said that that showed I would not trust him. And that if I would consent to have connection with him he would marry me within a year and half, or if anything should occur, or that I should be pregnant by reason of such connection he would marry me immediately. Believing in what he said and trusting in him fully I consented and had connection with him that night, and once in the month of May -

In July I went away to the country because I was <sup>sick</sup> ~~afraid~~ ~~I was pregnant~~ and remained there one month - On my return I found that my sickness came from my being pregnant - I went to his office immediately upon my ascertaining my condition, I said to him Henry I have been to the doctor and he said that I must have had connection with some one as I was pregnant - He said it must be so. ~~He~~ ~~sent~~ I met him again the evening of that day, at 43<sup>rd</sup> Street near Wall Street Avenue and said he had a prescription from a young man, if I felt sick

0590

it would cure me - and then we went to a drug store 156<sup>th</sup> Street & 3 Av. Mr Aschenbrand - could he have the prescription made up - I took the ~~one~~ medicine and went home, and was taken violently sick from two to six Am. - The next ~~morning~~ <sup>evening</sup> I saw him again and he told me to go to a Doctor and he gave me \$2 to pay the Doctor.

I again met him two days after that and I asked him what he intended doing about getting married. He said he did not like to get married without telling his father. I told him that he ought to marry me first: and he said he would marry me, and we should keep it quiet until the child was born. In the evening I told my parents. This was on Saturday. On Sunday my mother sent me to ask him to come to the house. When he came into the room my mother said Henry I understand <sup>from my daughter</sup> that you have seduced her since her marriage. Is that true or not? He said it was true. My mother said what do you intend

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to do. He said he would get married if my mother would support us. My mother then went out of the room - and my father came in - and asked him what he had done - and Henry said he had ruined me under a promise of marriage. My father said Why don't you get married then? and he said Mr Piering how can I support Emma with six dollars a week? My father said why did you not think of that before you ruined her.

He said he expected to have his salary raised by Mr Pfeffer his employer and then he could support me. My father then told him to go home & tell his father and do what was right.

The next evening he came in and my mother and father were present. My father said to him "Well Henry are you going to do what is right? He said he was only earning six dollars a week and could not support me.

My father then said Henry if you want to take Emma as your wife and treat her as such I will give you steady work and \$9 per week





0593

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Henry Datta*

The Grand Jury of the City and County of New York, by this  
Indictment accuse *Henry Datta*

of the crime of *Debauchery*,

committed as follows:

The said *Henry Datta*,

late of the City of New York, in the County of New York, aforesaid, on the  
*29th* day of *April*, in the year of our Lord one thousand  
eight hundred and eighty-*seven*, at the City and County aforesaid,

*under and by means of a promise of  
marriage by him made to one Emma  
Ciering who was then and there an  
unmarried female of previous chaste  
character, did feloniously seduce and  
have sexual intercourse with her the  
said Emma Ciering; 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 & their dignity*

*John R. Fellows,*

*District Attorney.*

0594

**BOX:**

346

**FOLDER:**

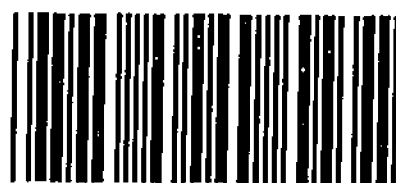
3264

**DESCRIPTION:**

Lavin, Patrick

**DATE:**

03/20/89



3264

0595

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

*April 7th*  
PEOPLE

vs.

*Patrick Larin*  
*Warrant*  
*Left a Police*  
*Officer -*  
*gave out of*  
*Carriage about*  
*a row -*

*Antony M. P. B.*  
District Attorney.  
*re - it is his*  
*testimony previously*  
*taken - saw the*  
*blows*

0596

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

② PEOPLE

vs.

*Kittie Woffles*  
~~re-claims her~~  
~~city only named~~  
~~the cross-claim~~  
~~and not see~~  
~~any claims -~~

District Attorney.



0597

TO THE CHIEF CLERK.

Please send me the Papers in the Case of  
PEOPLE

vs.

(3)

Ernest B. Collins  
witness, tell me  
you have a  
principal ~~W. H. H.~~  
indeed -

Officer Barron  
tell me

J. W. Mally a District Attorney.  
principal ~~W. H. H.~~  
is now in the  
Prison vide aff.

0598

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

Michael ~~Ward~~

~~Saw this man~~

~~at the~~

Hall - Scuffling

Deo was trying to

put me in

Then Deo put

District Attorney.

got out and

up stairs &

Came down

with a big club

0599

TO THE CHIEF CLERK.

3 Please send me the Papers in the Case of

PEOPLE

vs. —

I am turning  
the door after the  
office door  
was locked —  
office outside  
I have been  
away —

District Attorney.

0600

District Attorney's Office.

PEOPLE

vs.

Patrick Lavin

Trial Witnesses:

Frederick W. Malloy  
~~442 West 26 St~~  
305 W. 23rd

Katie Koffke  
448 West 26 St.

Katie Brady  
443 West 26 St

Christine Post  
448 West 26 St

Veronica Mueller  
448 West 26 St

Jacob Kleefeld  
268 7th Avenue

0601

August Keffke,  
448 West 26 St  
Ernst Mueller  
443 West 26 St  
Ernst Mueller Jr.  
443 West 26 St  
Christian Tount  
443 West 26 St  
Eva Mueller,  
~~443~~ West 26 St  
Michael Mueller  
443 West 26 St  
Wm. Hart,  
443 West 26 St  
Isidor Kall  
443 West 26 St  
Clemens Proquity  
444 West 35 St  
Dr. John Culbert  
N.Y. Hospital



0602

District Attorney's Office.

PEOPLE

vs.

~~Wm. F. Fisher~~  
~~448 West 26 St~~

~~Martin Ganger~~  
~~206 Delancey St~~  
~~142 West 26 St~~

~~Wm. F. Fisher~~  
~~448 West 26 St~~  
~~Wm. F. Fisher~~  
~~448 West 26 St~~

Wm. F. Fisher  
c/o John Record  
Mariner's Harbor  
Rotten Island.

0603

Complaints distributed 24  
John P. Thompson 26  
James H. H. 28  
Charles G. G. 30

COURT OF GENERAL SESSIONS.

\*\*\*\*\*

The People

--VS--

Patrick Lavin.

\*\*\*\*\*

James H. H. 23  
H. John C. C. 23

Michael J. Clark	1
Michael Ward	3
Fred W. W. W.	5
Katie J. J.	7
Katie J. J.	10
Antonia P. P.	11
Vernice J. J.	14.16
James K. K.	15
August H. H.	15
Emile M. M.	19
Emile M. M. Jr.	22
Charles J. J.	22
Eva M. M.	23
Michael M. M.	
Wm. H. H.	
James H. H.	

Indictment:

Manslaughter in the 1st degree for having on the 3rd of March, 1889, secs. 189-193, P. C. caused the death of Caspar Pfost by an assault with a club.

7 128  
MICHAEL C. CLARK, 460 West 31 Street, Clerk with Robert Deeley & Co. On the 3rd of March, 1889, between 9 and 9.30 P. M. I was standing at the door of 441 West 26th Street, talking to Michael Ward and Thomas McDonald, 311 W. 25th St. I heard the scream of a woman in the direction of No. 443; running over, I saw two men in a scuffle. They were Pfost, the deceased, and officer Lavin. I had not seen them before. They were in the hallway, about twenty feet from the front door. The hall was lighted. The gas light was directly over the heads of the two men. The officer stood against the wall, and the deceased was in the middle of the hall. I heard the officer say: Take your hands off me, I am a police officer, or I will knock you down. The deceased then let the officer go; he had hold of the lapels of his overcoat. The deceased ~~turned out the gas in the hall~~ and ran upstairs. When he, about a minute later, came down stairs again,

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-2-

the officer stepped into the street. <sup>and</sup> The deceased shut the door ~~and locked it.~~ The officer ~~tried to get into the hall, but the door was locked, and he could not get in.~~ I went back to No. 441, and about ten minutes afterwards the officer came over to us and said "Look at what he sneaked behind me with (showing me a club resembling the leg of a table) but I took it from him and gave him a welt with it," or words to that effect. Just then the officer on post <sup>Mitchell</sup> came along and both went through the fancy goods store in No. 443; and about five or ten minutes afterwards, officer Lavin reappeared and said: I guess I will have to go for an ambulance. About an hour afterwards the ambulance came and took the injured man away. I heard the deceased in the hallway speaking in German. I did not understand him. The deceased tried to get the officer out of the hall, but when he was informed that Lavin was an officer, he let him go. We, that is myself, McDonald and Ward, must have met at No. 441 at nine o'clock. I did not go inside of the hallway of No. 443, but remained outside. There was no cause or reason why I should have gone inside. I did not consider the occurrence in the hallway of any consequence. Ward and McDonald were standing by me outside of the hallway. None of us three lives at No. 441, but it just happened that I met McDonald there, and we stayed there talking together for almost half an hour. I was going to No. 437, the house of my brother. I frequently visited the said locality. I did not see how Lavin got into the house after the door had been locked. I did

0605

-3-

A<sup>9</sup>  
not pay any attention to him. After Lavin had shown us the club, he walked back to No. 443, and there officer Mitchell met him. I do not know what they spoke together. I knew officer Mitchell before by name.

MICHAEL WARD, 422 West 26th Street, Marble Cutter. On March the 3rd, 1889, at about 7 o'clock P.M., Clark came to my house. About 15 minutes later, we went together as far as Tenth Avenue, where we stood for over an hour under a shed. Then we started up through 26th Street to go to Clark's Brother's house. At No. 441 we met Thomas McDonald and talked with him for about half an hour, when we heard a woman scream in No. 443. We went over and saw officer Lavin at the foot of the stairs in the hallway of No. 443, with another man. They were pushing each other. The officer said: "Take your hands off me, I am a police officer, or I knock you down". I saw him hold his coat so, as if to show his breast. The other man pushed the officer twice again, and let him go. The deceased thereupon put out the gas and ran up one flight of stairs into his rooms, and in a couple of seconds he came out again and came running down-stairs. The officer ran out into the street, and the door was latched from the inside. I walked back to No. 441, and did not see anything more until about ten minutes later, when the officer came out and said to us: "Look, what he tried to sneak behind me with. I took it off him and gave him a welt." He showed us a club, resembling the leg of a table. Lavin went back to the house and returned in about five or ten minutes, and

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-4-

4

said he would have to go for an ambulance. . . About half an hour later the ambulance came. I did not go into the hallway of No. 443 on said evening, but stayed outside. We three, Clark, McDonald and myself, waited for the ambulance, but did not make any inquiries in the house about what had occurred. The stairs of said house are about 28 feet from the front door. The two men were about fourteen feet from the gas in the hallway. When the deceased went upstairs, he went right into his room; he opened the door without any difficulty. He came out again immediately. When he came running down, the officer walked quickly into the street. I heard the door latch. Lavin went a little aside to the west, and I went back to No. 441. I did not see him go in again. After he had shown us the club, I lost sight of Lavin, and I do not know how he got again into the house. I did not see him talk with anybody, nor did I see him in anybody's company. I saw him after the ambulance had arrived. Although I know that when an ambulance is sent for, somebody must have been seriously hurt or be dangerously sick, and although officer Lavin had informed us that he was going for the ambulance and although I had seen him in a scuffle with the German and had been shown the said club, and although I waited for the ambulance, I did not make any inquiries about what had happened in the house No. 443, nor did I have any conversation with anyone about the occurrence, until the ambulance came. In that half hour I did not see anyone come out of the house, nor did I hear anyoneise



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or commotion in the house. I knew that the other man was a German only from his looks, and from nothing else. When I first came to the front door of No. 443, there was a woman at the foot of the stairs, and thought that she was the one who had screamed. Clark and McDonald were standing by me in front of the door. I cannot say where the said woman went. Since the said evening I have not spoken to anyone, except my mother, about the occurrence.

FREDERICK WILLIAM MALLOY, 443 West 26th Street, Steam and Gas Fitter, at present employed at Mr. Caldwell's Iron Works. On the 3rd of March, 1889, at about a quarter to ten o'clock, P.M., in going through the hallway to the water-closet in the yard, I met officer Lavin, at the rear door of the hallway in the yard. He asked me whether and how long I had lived in said house, and whether I knew him. I told him that I had lived there for five or six months, and that I knew him by reputation. He continued telling me that officer Bannon was in the saloon and that they were raiding the same. I replied that I could not wait, and then went to the water closet. While sitting in the water-closet, its door being open, I saw the deceased come out into the yard, and when he saw Lavin, he spoke to him and then pointed with his club towards the front of the house. In the same moment, and before the deceased had made any threatening movement, Lavin drew a club out of the sleeve of his coat, and struck the deceased four times on the head

5

0608

-6-

while he was standing; he knocked him down and when the deceased was lying on the ground, Lavin struck him again on the head. Mrs. Pfof came to the scene when Lavin had struck the deceased twice. She tried to save her husband, and Lavin struck her on the arm with his club. On seeing this, I, with my pants unbuttoned, rushed out of the water-closet and halloed to Lavin to stop. He did not reply a single word, but he continued the clubbing and stepped over the body of the deceased and walked out through the hall. The deceased was lying across the rear door. I picked up the deceased, and, with the aid of Mr. Fisher, another tenant, carried him up to his rooms, and afterwards helped carry him down-stairs. Before Pfof was attacked by Lavin, he made some remark in German to him. After the ambulance was gone, Lavin came over to me and said that he would have to use me in this case. I replied that I was a poor man and could not attend to this or any other case. He replied Oh! that'll be all right. I did not hear anybody scream before the clubbing of the deceased by Lavin. Mrs Pfof screamed after she had been clubbed. The deceased did not scream at all, he was unconscious from the time he was clubbed.

6  
FREDERICK WILLIAM MALLOY, recalled. I have measured the length of the hallway of 443 West 26th Street, it is 50 feet. The distance from the front door to the stairs is 21 feet, and the distance from the rear hall door to the closet in the yard, from which I saw the occurrence, is 15 feet. The yard was lighted at the said time through the lights in the saloon and

0609

-7-

the fancy goods store. The gas in the hallways of the whole house is never turned off from the brackets, but from the meter which is located on the south side of the hall of the second floor, about six feet above the floor.

KITIE NOFFKE, 443 West 26th Street. My husband's name is August Theodore Noffke. I keep a fancy goods store in said house. It is on the east side of the house, the saloon is on the west side. Both stores are separated by the hallway. On the 3rd of March, 1889, between half past nine and ten o'clock P.M., a lady customer came to my store to get a wrapper which she had ordered previously thereto. She informed me that there was a fight going on in the hall of our house. I do not know her name. I went out of my store to the front hall door. It was open at the time. I saw the deceased, his wife and officer Lavin in the hall near the stairs. The deceased had his hat and overcoat on and a cigar in his mouth. The overcoat was buttoned up. Lavin hammered with a club against the front side door of the saloon, and Pfost told him in broken English: "Go out, go out, I want to lock the door. I am house-keeper", at the same time pointing with his hand towards the front door. The deceased had no club or other weapon in his hands. The officer made a motion as if he did not want to go out; he continued hammering at said door. The deceased then turned out the gas in the hallway,

7

06 10

-8-

Who  
281-10 of area  
Eunhew

and I went back to my store. There was nobody at the front door at said time except myself; a young man who had paid a visit to my husband, and had gone out after me, stood at my store door. After I had closed said door, the said young man knocked at said door, and asked me in a great excitement to let him in. He said in German: "There is a man standing at the door with a loaded revolver in his hand." Thereupon myself and my husband looked through the glass in our door and saw Lavin standing on the east side of the hall door with a revolver in his hand. I let the said young man in, locked my door again and attended to my said customer in the back room of my store, which serves as a parlor to us. The gas was burning, and the shutters in the yard were open. While I was attending to said lady, I heard six or seven hard blows in the yard; right at my shutters. At every blow somebody said: "You son of a bitch", in a tone, as if he felt great satisfaction in inflicting the said blows. I heard another voice say "Do not kill him! Do not kill him!" A woman's voice was screaming, and yelling: Bad man! bad man! When afterwards the woman said in German: "My husband! my husband!" I recognized the voice as that of Mrs Pfost. Being afraid of getting mixed up in the affray, I locked my side door. My husband and his two visitors were in the front part of the store. About five minutes later I went out of my store, and found my husband talking with officer Mitchell about the weather. I told my husband that there must be something the matter with the housekeeper because his wife had been screaming so aw-

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fully. At this moment officer Lavin came out of the door of No. 445 West 26th Street with a stick in his hand. He came up to Mitchell and said within the hearing of myself and my husband: "What are you standing here for. Try one way or the other to get into this back yard. There is a man killed in that back yard. Look at the stick, the son of a bitch had!" Lavin was greatly excited. The stick was about 15 or 18 inches long and about 1 1/4 inch thick. Mitchell tried to open the front hall door, but he could not, and he requested my husband to open it for him. My husband thereupon said "All right!" and went into my store, but he was gone scarcely three feet, when Mitchell followed behind him, saying that he might just as well go through there. I locked my front door, opened the side door and with Mitchell and my husband went into the hall, where Mr. Malloy and Mr Fisher just carried the body of the deceased upstairs to his room. Mitchell requested my husband to light the gas in the hall, and then went upstairs into the rooms of the deceased. I and my husband went back to our rooms, but about five minutes later we went to Pfof's rooms. My husband tried to speak with the deceased, but did not receive any answer. He was unconscious. Mitchell stood at the door and said: That's too damned bad altogether. That fellow is a son of a bitch! He had the same case before in Seventh Avenue. About ten minutes thereafter, when I was standing at the front store door an ambulance arrived, and a number of people gathered around the entrance of the house. Among

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them was Mr Elark, whom I have seen often in the neighborhood before. He asked me what was the matter, I told him that the janitor of the house had been nearly killed by a detective whereupon he remarked: "That's a shame." When the ambulance doctor came down stairs, Lavin asked him how the deceased was. The Doctor replied: "Very bad" Lavin accosted Mr Malloy in front of the house, touched him on the arm and took him towards No. 445 West 26th St where he had a conversation with him. When I saw the deceased and Lavin in the hallway, as before stated, there was nobody at No. 441 West 26th Street It was a raining night.

KATIE BRADY, 443 West 26th Street. Widow. On the 3d of March, 1889, at about a quarter to ten P.M., I came home, but found the front hall door locked and two men, a tall and a smaller one, standing there. I saw that the light in the hall was out, and expressed my astonishment at that. The tall man took out his watch and said, it was a quarter to ten o'clock. The two men then knocked at the saloon door, but could not get in, and they asked me to push in the hall door. <sup>as I believe was Mrs Howell,</sup> A lady came down stairs and opened the door. I went upstairs and when at the landing of the second floor, the deceased came out of his door in a great hurry and running against me, he missed and slid <sup>his first was right behind him,</sup> several steps down. There were no lights in the halls. It was dark, so that he could not see me. I went up-stairs and he went down stairs About five minutes later I heard cries down stairs, and when I came to the second floor, the deceased <sup>was carried</sup> up stairs by two men.

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ANTOINETTE PFOST, 443 West 26th Street, Widow of the deceased. My husband was employed as watchman by Mr. Louis Schultz, the quilting manufacturer at 304 and 306 Grand Street and had to be on duty every night. On the 3rd of March, 1889, my husband made himself ready to leave for his post between 9:30 & 10 o'clock. He put his overcoat and his hat on. The coat was buttoned up. I do not know whether he put his club under his overcoat, where he usually carried it, when going late to work or when he had to carry money for his employer. He and myself went downstairs into the hallway, and I requested a boy standing at the <sup>near</sup> door ~~inside~~ of the saloon to bring a cigar for my husband. I gave the boy five cents. The saloon door was opened a few inches wide only. It was fastened with a chain. The said door is about two feet from the yard door. I stood about two feet forward from the said door, and my husband stood about two or three feet forward from me. While we were standing there and waiting for the cigar, Lavin, who was then unknown to me, came through the hallway, passed us and commenced knocking at the said saloon door with a club, threatening to push in the said door. My husband hearing and seeing this, said to Lavin, "Go out, this is my business." Thereupon Lavin moved forward to the front side door of the saloon and kicked against it so vehemently with his knee and his club, that a board gave way and one could see into the saloon, through the hole he had made. Thereupon my husband put his hand upon Lavin's shoulder and told him to go out that he had no right to break in a door

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Lavin's reply was two blows which he struck my husband on his neck with the said club. I then begged Lavin to let my husband go; as we were the housekeeper, and had two children. Lavin walked out thereupon, and I said to my husband that I thought it was time to close the house, and to put out the lights in the halls. I thereupon went to the door and closed it. There was nobody at or in front of the door, when I looked out at said time. My husband had in the meanwhile turned out the gas in the hallway. I advised him not to go out immediately, but to wait a little while. He thereupon went up stairs in front of me to our rooms, the door to which is just opposite the stairs. He sat down upon a chair, and I <sup>took a chair</sup> went to the meter to turn out the gas on the other hallways. This meter is on the ~~ground~~ <sup>ground</sup> floor near the front rooms. When I returned to our room my husband had just risen to go downstairs. He went and I followed him. On the stairs we met Mrs. Brady. My husband rushed by her. She informed me that her son was still outside. I replied that I would hear it when anybody should knock at the door, and that I would then let him in. While Mrs. Brady was thus speaking, I heard several knocks at the front hall door, and I ran down stairs and opened the door. There was a tall man standing just in front of it, who said he wanted to get into the saloon. I replied that he had to go to the next door. I shut the hallway door, but I had scarcely put my back towards it, when I heard another knock. On opening

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the door again, young Mr. Brady came in, and at the same time I heard my husband in the yard say: "Go out, that's my business." Thereupon I ran to the yard as quickly as I could, and when I arrived I saw Lavin holding my husband by the collar of his coat, and throw him to the ground. My husband did not utter a single word from that time forward. My husband did not strike Lavin nor did he make any motion to strike him. When my husband was lying on the ground in the yard just across the rear door of the hallway, Lavin beat him mercilessly with his club. I wanted to protect my husband and stretched my arms over him, but Lavin continued the clubbing and inflicted two heavy blows upon my arms, one upon the right arm, and one upon the left. I begged him to stop clubbing my husband; but it was in vain. He continued. He stopped only when my husband stretched out his hands and legs. Then Lavin opened his overcoat and showed me his shield. I cried that he was a bad man. He left, but I do not know where he went. I was in too great an excitement, to observe anything. I rushed upstairs to get some water for my husband. Mr. Fisher, who lives on the same floor with us, went with me downstairs. Mr. Malloy stood by my husband. He had not his pants quite up. Mr. Malloy and Mr. Fisher carried my husband upstairs to our rooms. Lavin came into the room a little while afterwards, having my husband's club in his hand, and saying; "You crazy dutchman!" after which he left. I did not see any blood marks upon my husband. He could not speak, but merely shook his head. There was a noise audible in his throat as if water were forced down. A

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short while the ambulance physician came and ordered the removal of my husband to the N. Y. Hospital, where he lay for three days, and then and there died. He was buried in the Lutheran Cemetery. I was present at his burial. My husband's watch has been smashed by Lavin's club. It shows the clear mark of his club.

VERONICA MUELLER, 443 West 26th Street, wife of Ernst Mueller, who keeps a saloon and boarding house on said premises. On the 3rd of March, 1889 while some of the boarders were still in our saloon police officer Barnon pushed himself into our place through the kitchen door, just as one of our boarders was leaving. He did not get any beer. We did not know at the time that he was an officer. My boy came to me and told me that the housekeeper wanted a cigar. At said time some body wanted to force an entrance through our rear door, which was fastened with a chain. Looking through the opening, I saw an unknown man, and I thereupon locked the door. I did not give the cigar to the housekeeper, because I did not see her when I looked out. A few minutes thereafter the front side door was broken in from outside. Some time afterwards I heard Mrs. Pfast utter several piercing cries. At the same time I heard a noise as if people were running through the hall, but I did not dare to go out for fear to be mixed up in an affair in which I was not concerned, and that if the man who knocked in our door would come into the saloon, we should have a great deal of trouble. I did not go out of my place,



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until Mr. Pfast had already been transferred to the hospital. About ten minutes later I and my son saw from my window on the second floor three men search the yard. They lit matches and looked in all the corners. Finally one of them picked up a small policeman's club near the fence on the West side of the yard.

JACOB KLEEFELD, 268 Tenth Avenue, has seen an officer with a revolver in his hands stand in the front hall door of 443 West 26th Street.

AUGUST NEFFPE, 443 West 26th Street, has seen Lavin come out of the door of 445 West 26th Street. He was at the said time speaking with officer Mitchell.

Down street way  
Lavin in 15 min  
near Ave B.

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VERONICA MUELLER recalled. On the 3rd of March 1889 we had four boarders and a number of table boarders. The sleeping apartments are one floor above the saloon. A flight of stairs is leading to them inside of the saloon. On the evening of the 3rd of March 1889, at about nine o'clock, two of said boarders were in the said saloon having remained there after supper. We had no beer on tap then and had not sold any during the whole day. About the said hour one of said boarders left through the kitchen door, going into the hall. While he was going out, a man, who afterwards proved to be Officer Bannon pushed himself into the saloon. My son Ernst stood at the said door, and objected to his coming in, but Bannon did not heed his protest. The whole party, my husband, myself and the one remaining boarder were sitting around the stove. From the manner in which Bannon forced his way into the saloon and from the conduct of the police hereinafter related, we at once suspected that he was an officer. He asked for a glass of beer, and my husband told him that he had no beer for sale, and that he could examine the bar to see whether there was any beer in the saloon. Bannon stood for sometime at the bar, and then said to my husband, that he should come along to the station house. My husband replied that he could not see what he should be arrested for, as he had not sold anything. During this conversation several of our boarders came to the hall door and wanted to be let in to get lunch. They sat down at a

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table. I cut up some ham and bologna for them. They ordered soda water, and upon their invitation Bannon partook also of a glass of soda water. While this was taking place, my son came and demanded a cigar for the housekeeper. In going with the cigar towards the rear door, I saw and heard the same being violently pushed. It was fastened by a chain but not locked. Looking through the opening of the door, I saw the defendant Lavin standing outside. Thereupon I locked the door, and immediately thereafter somebody repeatedly knocked with a hard object against it; but I did not open. When this knocking had ceased, it commenced at the front side door and was done so vehemently that the lower part of the door bent far inwardly. Bannon ran to the door and attempted to remove the iron cross bar therefrom. Mrs. Michel Mueller, the wife of one of our boarders, remonstrated against this attempt of Bannon, and I, standing at a table near the kitchen in the rear of the saloon, protested also against Bannon's conduct. I had a whetting steel in my hand at the time and pointed the same against Bannon, but I did not leave my place. My husband had in the meanwhile gone upstairs and the said boarders were still sitting at said table eating their lunch. I told Bannon that he must leave through the rear side door which leads directly into our kitchen and through which he had come in. Instead of heeding my request, he went to the front door, where somebody tried to get in. On seeing him go to the said door, I ran ahead of him and took the key out of the lock. Thereupon he returned

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to the table where the boarders were sitting. They asked him whether he intended to stay all night in the place. I requested him to leave, because we wanted to go to bed, but he still remained even after all the boarders had retired up stairs. I informed him that my husband had gone to bed, and yet he still remained in the saloon for several minutes, and thereafter for about ten minutes more in the kitchen. My son was also in the kitchen. Growing impatient, I went near him and saw him standing inside of the kitchen at the open door and talk with an officer in uniform. My son told me that they had been speaking about the occurrences in the hall. At this time Michel Mueller came down stairs to go into the yard, but Bannan requested the uniformed officer to arrest him for having thrown a beer keg at him. When Bannan attempted to remove the cross-bar from the front side door, he remarked to the person outside, that it was all right. There was no assault made upon Officer Bannan, nor was he restrained in his liberty, while he was in our saloon. About four months ago my husband was arrested by the defendant herein for keeping open on Sunday. In fact we had not kept open for anybody but our boarders. Our lawyer, Mr. Leonard, informed my husband, that Lavin had told him, he would not go hard against my husband but he had to arrest him by order of Captain Graut, who wanted \$10 from my husband. Before the said arrest, police officers tried to get into our saloon on four consecutive Sundays. Thereafter two men in civil clothes came several times into our saloon and inspected our license.

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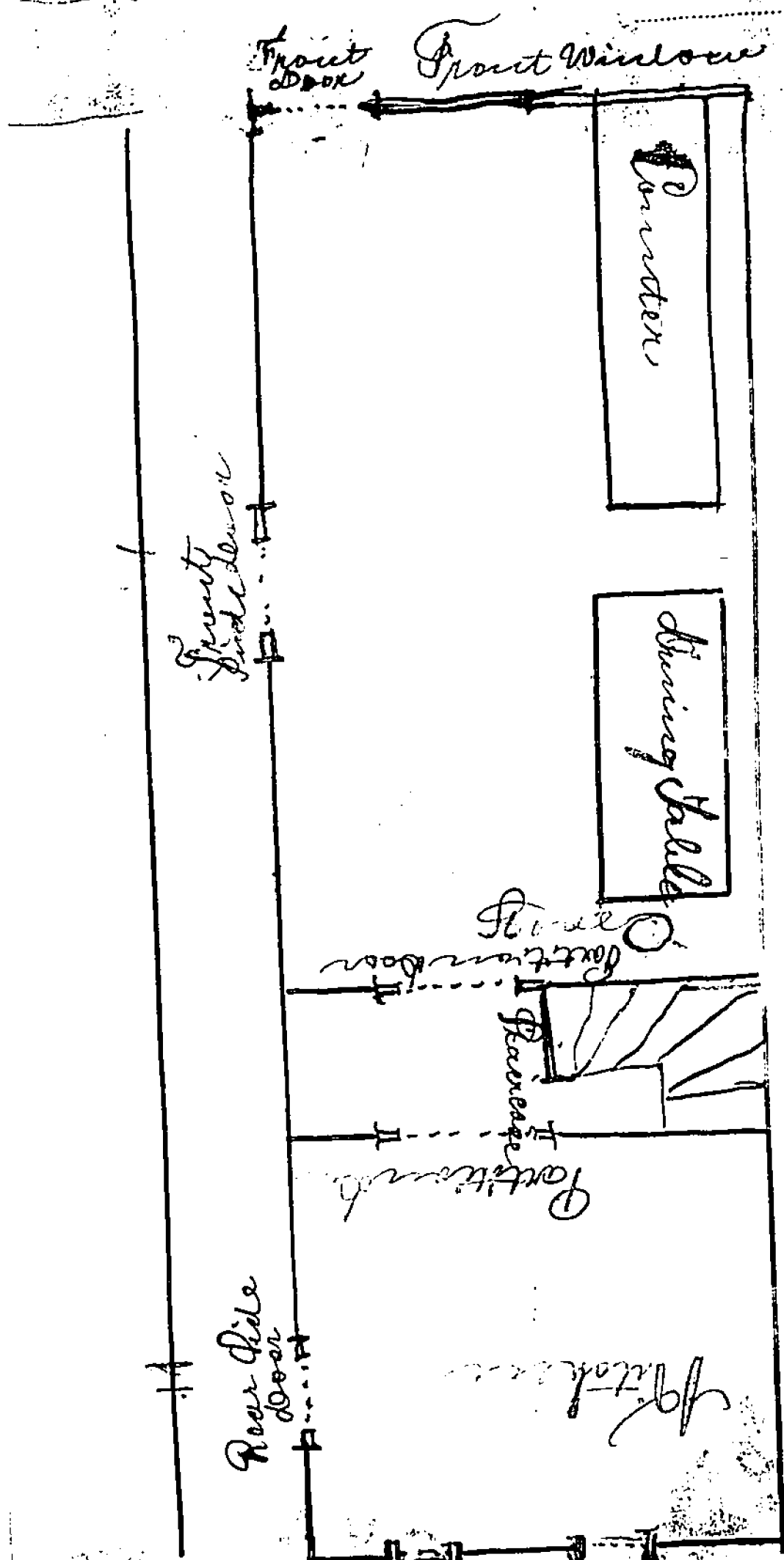
ERNST MUELLER, 443 West 26th Street, Restaurant and Boarding-house keeper on said premises, husband of witness Veronica Mueller. On March 3, 1889, before Officer Bannon entered our saloon, there were two boarders, Messrs Christian Tiant and William Hart in our company. We had been sitting around the stove, telling stories. It was our intention to go soon to bed. Mr Tiant left us, to go to the closet in the yard, and when he went into the hallway officer Bannon came in in a hurry. He asked for a glass of beer. I replied that I had none, as he could convince himself thereof by examining the premises. He went to the counter and looked around. I remained at the stove. I had no beer in the saloon. After having convinced himself that he could not find any intoxicating liquors in the place, he said to me that I should put on my coat and hat and come along. I asked him for the reason of his action, and while thus talking with him, somebody knocked at the rear or kitchen door. I holloed to my wife, that she should let nobody in, but she allowed Mr Michel Mueller and his wife, Mr Tiant, Mr Isidor Noll, <sup>and</sup> Mr Clemens <sup>Troquila</sup> Teasla to come in. The first four are boarders of mine. They came from up stairs to get some lunch. <sup>Troquila</sup> Teasla had been in their company. They sat down at a table, and ate the lunch which my wife had prepared for them. Bannon placed himself near the table, where they sat, and I bid them good night and went to bed upstairs. I have not seen or heard anything of what occurred between Lavin and the deceased except that I heard a woman

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uttering a piercing shriek. While I was upstairs, I heard somebody knock violently at my side door. On the following afternoon Bannon arrested me upon a warrant obtained by him for an alleged violation of the excise law. The following is a rough diagram of the premises which I occupy for my business in said house:





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When I was at Jefferson Market Court about four months ago my lawyer, Mr Leonard, advised me to give the defendant herein \$10. I was willing to do so, but as I had not the full amount with me, I offered \$5 to Lavin through Mr Leonard. He refused to accept them, saying that he was not allowed to take anything, but that Captain Grant would send a man to my place to collect the money, when it would suit me best.

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ERNST MUELLER, Jr., 443 West 26 Street, son of the above witness, corroborates his mother's, Veronica Muller, statement, and adds, that when Bannon attempted to remove the cross bar from the front side door and Mrs. Michel Mueller tried to prevent him from doing it, he drew a revolver at Mrs. Mueller, and her husband took a beer keg and held it against the revolver to protect his wife. We did not touch the officer. I heard my mother request Bannon to leave our place through the rear side door.

CHRISTIAN TIANT, 443 West 26 Street, came to this country about six months ago. Was a clerk at the Court of Grasfenstein, province of Cassel, Germany, and also clerk of the Fusilier Bataillon 42. The only employment I could find here so far was as help in Lulier's saloon in Ninth Avenue, and in the Piano factory of Decker Bros. At present I am without employment. I was the boarder who went out through the rear side door, when Bannon pushed himself into Mr. Mueller's place. I went to the closet in the yard and then upstairs. There I found the parties named in Mr. Mueller's statement and informed them that Mueller wanted to go to bed. Thereupon they said that they wanted to go downstairs to get some lunch. The witness corroborates the main facts contained in the statements of Mrs. V. Mueller and her son Ernst. Bannon was repeatedly requested to leave the place. He was not attacked or threatened by anybody.

Restaurant  
Went to 30 Ave  
bet 13 & 14

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EVA MUELLER, 443 West 26 St., wife of Michel Mueller was one of the lunch party above referred to. She corroborates the statements of the above witnesses in regard to what occurred in the said saloon from the time the said party entered, until it retired to the rooms upstairs.

MICHEL MUELLER, 443 West 26 Street, cabinet maker,

WM. HART, 443 West 26 St., workman in Bergman's electrical factory,

ISIDOR NULL, 443 West 26 Street, laborer in the mineral water store of Hanbury Smith, 38 Union Square, and

CLEMENS TROQUSLA, 444 West 35 Street, railing maker, corroborated the statements of Ernst Mueller and Eva Mueller. They were in the saloon while Bannon remained there.

108 W. 34<sup>th</sup>  
Dr. John Culbert, of New York Hospital, was the ambulance surgeon who received the deceased at No. 443 West 26th Street. He will testify that the death of the deceased was due to a fracture of the skull, attended by paralysis of the left side. His head was a soft mass.

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CORNELIUS MITCHELL, Patrolman, 16th Precinct.

On the 3d of March, 1889, between nine and ten o'clock in the evening, I was on post in West 26th Street. At about ten o'clock P.M. I met officer Lavin between No. 443 West 26th Street and Ninth Avenue. He told me that he had had trouble with a man in said house, he thought he had hurt him; that he was going for an ambulance, and that I should go to said house and render the assistance which I could. He went towards Ninth Avenue, I found the hall door locked. and I went to said house, The keeper of the fancy goods store in said house stood inside at the door of his store. I asked him to open the hall door; he went into his store and I followed him. It is possible that I may have said, I might just as well go through here. I again requested him to open the hall door; he did it, and I entered the hall through the front door. The wife of the fancy goods store keeper was greatly excited, and said that a man had beaten his wife. The hall was dark. Two men and several women, who had a light, were just carrying the deceased up stairs. I followed them upstairs. They brought him into his room and laid him upon a pillow. I got his pedigree and waited until the ambulance came. Malloy told me that Ppost hit Lavin with a stick and that Lavin showed his shield to Ppost.

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That he, Malloy, sneaked away as he did not want to get into trouble. A lady who was present told me that Mrs Pfoest repeatedly said, that she had asked her husband not to go down with a stick. I did not make a remark about Lavin having killed another man some time ago. The conversations above stated are everything that I heard said in the room of the deceased. I assisted the ambulance officer in carrying the deceased down stairs. When the ambulance left, I accompanied a man, at his request, to a house in the next block of the same street, where a man had fallen over the banister. I did not return to No. 443 West 26th Street said evening except passing it later in patrolling my post. I did not see Lavin again said evening. I do not know whether I have ever talked with Lavin about this case since. I have not talked with Captain Grant about this case, nor with officer Bannon. I have talked with officer Logan about the case. I gave him the same statement, which I have given here. It was a mere casual conversation. When Logan spoke with me about this case, Lavin was present. I do not remember that he said anything to me. It occurred before the Coroner's Inquest, on 9th Avenue, and 24th Street.

Sworn to before me :  
this 3d of April 1889. :

Cornelius Mitchell.

Edward Grosse,

Notary Public

City and County of New York.

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JOHN J. BANNON, patrolman, 16th Precinct. On the 3d of March, 1889, in pursuance of an order of Captain Grant, I patrolled the said precinct in company of the defendant herein, for the purpose of arresting violators of the excise law. At about 9:30 P.M. we came to 443 West 26th Street, I heard loud talking and singing in the saloon, carried on by Ernst Mueller, on the west side of the ground floor of said house. I saw a woman come out with a can, containing something which I believed was beer. Two men came out after her. Finding the door open, I walked in. There was a boy in the room to which the door leads through which I entered. It was the rear side door. The said room is partitioned off the saloon. The connecting door was open. There were three persons in the saloon, one behind the bar and two standing in front thereof. There was one female among the said three persons. I do not know who she was. I asked for a drink from the man behind the bar; he refused to sell any. He told me he would not sell me any beer. I am quite sure that he did not say anything else. Thereupon I told him that I was an officer, showing him my shield, and that I must arrest him for keeping his place open on Sunday. He walked from behind the bar and said he was not selling anything. He held a conversation in German with the other two persons and the said boy. During this conversation four men and one woman came into the saloon. The saloon-keeper and the three said persons who were there when I came in, were in the saloon near me when the said five persons entered. They

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came in through the said rear room. They held a conversation in German near the stairs that lead from the saloon to the floor above. After this conversation the saloon keeper started to go up stairs, but I would not allow him. I seized him on the stairs, when he was going up. One Michel Mueller seized me from behind by the collar and by the waist, and dragged me in such a manner that he released my hold from the prisoner and shoved me back into the saloon. I then went to the front side door and called for Officer Lavin. The said door was closed, with a bar on the inside. Lavin answered by requesting me to open the door. I then tried to open the said door, but a woman went between me and the door with a large carving knife, Mueller again seizing me from behind pulling me away from the door. I pushed Mueller away and he seized a lager beer keg and raised it over his head and threw it at me. I warded it off with my hands, or else it would have fallen upon my head. I thereupon took out my revolver, held it in my hand and told Mueller, that if he should hit me with the keg, or if anybody should cut me with a knife I should shoot off the revolver. I then went to the back door, calling Lavin again to come in to me. The said door was locked with a key. Lavin came to the back door, but could not get in. He answered my call by saying that I should open the door. In the meanwhile M. Mueller had gone upstairs. The woman who had the knife, when I tried to remove the bar from the front door, then opened the rear door for me. Just when I was going out

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into the hall, M. Mueller was coming down the hall stairs, and I arrested him and turned him over right there to officer Collins. I then went out on the street and met officer Lavin at the front hall door of No 443 waiting for an ambulance. I remained with Lavin on the street until the deceased was carried off by the ambulance. Thereafter I went to the station house. I did not return to said house said night. I had no special order from Captain Grant to watch the said Mueller's place, but I was ordered to look out for the saloons in 27th and 26th Street. One of the men who went out when I went in, was among the five persons who came into the saloon after I had declared the saloon keeper a prisoner. I remained in the saloon for about half an hour. The party in the saloon offered me a glass of soda water. I took it out of the man's hand and placed it on the table where he was standing. I did not drink any part of its contents. One woman went to the ice box and gave them some lunch. That was after I tried to remove the bar from the door. The soda-water was also offered to me thereafter. I do not remember whether anybody was sitting down. I am sure that nobody asked me whether I wanted to stay all night in the saloon. When the said woman had opened the rear door for me, I went out at once. I did not tarry in the room for one moment thereafter. I did not see the said lunch made up by said woman. I do not know whether the two persons who were in the bar room when I entered were sitting or not. I believe they were sitting near the stove. The said

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five persons came into the saloon about five minutes after I came in. I did not hear them call for lunch. When I went into the said saloon, Lavin was on the sidewalk. There was no understanding between us in regard to what I should do in the saloon. When I called for him, I supposed he was in the hall; when I knocked at the front side door and called for him, he answered me. He knocked and pushed at the door, and I asked him to break it open. That was when the woman threatened me with a knife. He made an attempt to break it in, but he could not. During all the time I was engaged in the saloon, I did not hear anything that was going on outside in the hall or in the yard. I heard Lavin at the rear door in response to my call. He was first at the front side door, and then at the rear door. When I met Lavin on the sidewalk he told me that he waited for an ambulance, and that he had trouble with a man in the hall, who tried to put him out of the hall and get a stick at Lavin and hit him with it. The ambulance came in the meanwhile and I left Lavin. I have had no further conversation whatever with Lavin about this affair since. I did not say anything to the woman who opened the rear door for me, nor do I remember that she said anything to me. At the station-house I reported the assault made upon me by M. Mueller and the violation of the excise law by Ernst Mueller and his escape. Lavin went with me to the station house and reported his case. He did not say

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anything to me about his case on the way to the station house.

Sworn to before me this :  
4th of April 1889. : John J. Bannon

Edward Grasse,

Notary Public

City and County of New York.

ERNST FISCHER, 443 West 26th Street. Laborer.

On the 3d of March, 1889, in the evening after ten o'clock, Mrs Pfost, the widow of the deceased, aroused me from sleep and asked me to come down stairs with her to carry her husband upstairs, who had been beaten by somebody and was lying in the yard. I complied with her request and I and Mr Malloy carried the deceased to his room. He was lying just across the rear hall door in the yard. Hewas unconscious. I did not stay in the room, because I went for Mrs Pfost to the place where the deceased was employed and notified his uncle of what had happened.

MARTIN GANGER, 142 Second Street, Undertaker in the employ of Joseph Schreck. On the 7th of March, 1889, at about seven o'clock P.M. I obtained from the N. Y. Hospital the dead body of Caspar Pfost and brought the same to No. 443 West 26th Street, the late residence of said deceased. His widow was present when I brought the said body to her room. I washed and dressed the said

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body for the funeral. His head was all covered with bruises and wounds, also his arms, his legs and his chest. His body showed the marks of at least twenty five blows. The doctors had dressed his head at about six different places. The body presented the worst sight I have ever seen. I received the said body from the said hospital upon presentation of the death certificate signed by Coroner Dr Louis Schultze.

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0634

*Court of Criminal Sessions*

THE PEOPLE OF THE STATE OF  
NEW YORK,

*against*

*Patrick Lawrie*

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,  
NEW YORK CITY.



0635

The People to  
Patrick Lavin.

Frederick William Malloy -  
was in W.C.

Katie Noffke -

Antoinette Pfost - kept fancy good store.

Dr. John Culbert - widow of deceased.

Ernst Fiedler - Ambulance surgeon.

Dr. Weston - helped carry up stairs.

Coroner M.D.

0636

Court of General Sessions of the Peace,  
HELD IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE ON THE COMPLAINT OF

PART.....

<sup>vs.</sup>  
*Patrick Davis*

OFFENSE,

*Manslaughter*

CITY AND COUNTY OF NEW YORK, ss.:

*Edward Grosse*

being duly

sworn, deposes and says:

*I am one of the Deputy  
Assistants and Acting Chief Clerk  
of the District Attorney's Office.*

~~That I am a Police Officer attached to the~~ *Deponent* That *Frederick*  
*William Malloy*

is a material and necessary witness  
on behalf of the People herein. That deponent is informed and verily believes that  
the said *Frederick W. Malloy*

will not appear to  
testify when required, from the fact that, *as deponent has  
been informed and verily be-  
lieves by Mr. Aristonette Post,  
the widow of the man slain by  
the defendant herein, and he  
verily believes that on the 14th  
inst. said Malloy informed  
her, he would go to sea to-day  
and not return before the ex-  
piration of 25 days.*

Wherefore deponent prays that the said *Frederick W. Malloy* be  
required to give sufficient security to assure his attendance when required as a  
witness, or upon a refusal to furnish such security that he be committed to the  
House for the Detention of Witnesses, until he be legally discharged.

Sworn to before me, this *15th* day

of *November* 188*9*.

*Wm. V. Gerichius*  
*Notary Public*  
*N.Y.C.*

*Edward Grosse*

0637

It appearing by the within affidavit that there is reasonable cause to believe that Fredrick W. Malloy will not appear to testify, or cannot be served with the process of this Court when required.

I hereby ORDER that the said Fredrick William Malloy enter into Recognizance with security in the sum of Five Hundred Dollars for his appearance as a witness against the said defendant, and it is further ORDERED, if the said Fredrick W. Malloy fail to furnish such security for his appearance, that he be committed to the House for the Detention of Witnesses until he give such security or be legally discharged.

Dated New York, Nov 15, 1889

Randolph B. Martine  
Judge of Genl. Sess.

Court of General Sessions of the Peace.

PART  
THE PEOPLE, ETC., ON THE  
COMPLAINT OF

Patrick Davis  
OFFENSE

Affidavit and Order to Commit to the House  
for the Detention of Witnesses.

JOHN R. FELLOWS,  
District Attorney  
NEW YORK COUNTY.

F. W. Malloy  
was not - him  
engaged in the S.S. Ashworth  
L. Carter  
Ch. officer

305 West 20th St

The within order  
is hereby carried  
unrecorded, and the  
prisoner may be  
discharged upon  
condition that the  
officer Mulvey as-  
serts that the  
said Malloy was  
engaged to go to  
the West Indian  
the Indivinites  
New York of 26th  
St. and that  
he has cancelled  
his said engage-  
ment  
Dated N.Y., Nov. 15, 89  
Edward C. Brown  
Dep. Secy

0638

16 Precinct  
No. 88.

RECORD.

Name John J. Bannon Rank Patrolman  
Appointed July 3/84 Age when appointed \_\_\_\_\_ Years.

Prior to \_\_\_\_\_ 18 \_\_\_\_\_

Number of Complaints \_\_\_\_\_

Judgments of Complaints Dismissed \_\_\_\_\_

" " Reprimand \_\_\_\_\_

" " Fine \_\_\_\_\_

Number of Days' Fine \_\_\_\_\_ Days.

Date. \_\_\_\_\_ Subsequent to \_\_\_\_\_ 18 \_\_\_\_\_  
Specification \_\_\_\_\_ Judgment \_\_\_\_\_ Days.

Oct 7 85	" Standing & reading To 2 <sup>d</sup> Grade Jan 1, 86	" D.C.	
DEC. 7 86	" Drew his revolver on an officer	" D.C.	
" 18 "	" Negl to repl snow & ice To 1 <sup>st</sup> Grade Jan 1, 87	" Rep.	
Jan 25 88	" Absent from post	"	1/2

Days' Fine.

0639

No. 88.  
16 Precinct

RECORD.

Name Patrick Lavin

Appointed Sept 14 - 1883

Rank Patrick

Age when appointed..... Years.

Prior to..... 18.....

Number of Complaints.....

Judgments of Complaints Dismissed.....

" " Reprimand.....

" " Fine.....

Number of Days' Fine.....

Days.

Date.

Subsequent to.....

Specification..... 18.....

Judgment..... Days.

Uch 9 86

"

Did not properly patrol

" D.C.

April 16 87

"

Lost his fire key

" D.C.

May 22 "

"

Fired four shots from his pistols

" D.C.

Uch 25 88

"

Absent from roll-call

" 1/2

Days' Fine.



0640

City and county of New York, ss:  
Antoinette Post, of No. 448 West  
26th Street, being duly sworn, de-  
poses and says that on the 3<sup>d</sup> of  
March, 1889, at the city and county  
of New York, in the yard of said  
premises, just outside of the rear  
hall door of the ground floor thereof,  
one Patrick Savin, in the presence  
of this deponent, did feloniously,  
unlawfully and with malice  
aforethought, and without any  
just cause or provocation, hold  
said Post, deponent's husband,  
by the collar of his coat and did  
throw him violently on the ground  
and, with a wooden club of  
about 12 inches length and about  
1/2 inch thickness, did felonious-  
ly, unlawfully and with malice  
aforethought inflict a number  
of vehement blows upon said  
Post's head and other parts  
of his body, and by said blows,  
as deponent has been informed  
by deputy coroner Dr. J. J. Watson  
and <sup>as she</sup> verily believes, did cause a  
fracture of said Post's skull.



0641

and thereby did cause the said  
Lavin Post's death, which occurred  
on the 6th day of March, 1889, at the  
N. Y. Hospital.

Deposent therefore charges the  
said Patrick Lavin with having  
committed the said felonious as-  
sault and of having caused the  
death of said Lavin Post, and  
she prays that the said Patrick  
Lavin be dealt with according  
to law in such case made and  
provided for.

Given to before me  
this 19th of March, 1889 } Antoinette Post.

Edward Grose  
Notary Public  
City and County of New York

0642

Court of General Session.

The People

vs.  
Patrick Larin

Affidavit of Mr.  
Henriette P. P. P.,  
the Corruptor.

0643

Mrs Kathrine Hoffke,  
326. 10 Avenue,  
Litty

Mr Michael Muller  
No 17 Mainstreet  
Brooklyn

Frank, William Malloy  
276. 26 St. 10 Ave

0644

Joseph A. Miller  
Furnishing Undertaker  
205 Delancey Street  
New-York City

Mr. Isidor Roll  
234 West 26 Street  
City

0645

108 W 34 St.  
Mar 27<sup>th</sup> 91.

Dr. Werkes  
Denton.

I have looked  
up the Hospital Records of  
Casper R. Fort & find that I  
brought him in in an Ambu-  
lance from 443 W 26<sup>th</sup> St. on  
the night of Mar 30 1889 at  
10:30 P.M. — He had a  
depressed fracture of the  
right side of the skull &  
consequent paralysis of  
left side — He was un-  
conscious when I found  
him & so far as I know  
remained so until he died.  
After admission to the  
hospital he was put on

0646

Dr. Buell's division  
I saw nothing more of  
him — he died March  
6<sup>th</sup> 1889 at 9.33 P.M.  
Dr. Buell is now practicing  
in Ritchfield, Conn.

Respectfully,  
Wm R. Culbertson



0647

**DIRECTIONS.**

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

**SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.**

In the Name of the People of the State of New York. *Ask to see Mr. Redford*  
To *Off. Geo. J. Bannon* At *11 1/2 o'clock A.M.*  
of No. *16th St* Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *April* 189*3* at the hour of 10 1/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

*Patrick Gavin*  
Dated at the City of New York, the first Monday of  
in the year of our Lord 189*3*

*1889*  
DE LANCEY NICOLL, District Attorney.

0648

## DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

### SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York.

To Michael Ward  
of No. 422 West 26th Street 446 W 29

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of APRIL 1893 at the hour of 101/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Gabriel David

Dated at the City of New York, the first Monday of APRIL  
in the year of our Lord 1893

DE LANCEY NICOLL, District Attorney.

0649

**DIRECTIONS.**

☒ The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

☒ When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

**SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.**

In the Name of the People of the State of New York. *Ask to see Mr. Bedford*  
To *Ernest Mueller* At *11 1/2* o'clock *a* M.  
of No. *443 West 26th* Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *April* 189*3* at the hour of 10*1/2* in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against *Patrick J. Quinn*

Dated at the City of New York, the first Monday of  
in the year of our Lord 189*3*

DE LANCEY NICOLL, District Attorney.

0650

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York, *ask to see Mr. Bedford*  
To *Antoniette Pflast*  
of No. *443 West 26th* Street *at 11 1/2 o'clock AM*

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *April 3* 189*7* at the hour of 10 1/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against *Patrick Lavin*

Dated at the City of New York, the first Monday of *April* in the year of our Lord 189*3*

DE LANCEY NICOLL, District Attorney.

0651

**PART III.**

THE COURT ROOM IS IN THE FIRST STORY.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York

To Michael Ward

of No. 422 W. 26

Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 26 day of March 1891, at the hour of 10 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against

Patrick Lavin

Dated at the City of New York, the first Monday of  
in the year of our Lord 1891.

DE LANCEY NICOLL, District Attorney

Ask to see Mr. Wick  
10 o'clock A.M.

0652

840 West 27th Street.

New York, Mar 25 1891

I hereby certify that  
Michael Ward 422 W 26  
has been in my care since  
Mar 20<sup>th</sup> '91.

Thos Howard,



0653

## DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

### SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York:

To Michael F. Clark

of No. 428 West 31st Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of APRIL 1893 at the hour of 101 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Patrick Gavin

Dated at the City of New York, the first Monday of APRIL in the year of our Lord 1893

DE LANCEY NICOLL, District Attorney.

0654

ROBERT DEELEY & CO.,  
IRON WORKS,  
Foot of West 32d Street.

*SPECIALTY:*  
*Machinery for Sugar Plantations*  
*and Refineries.*

CABLE ADDRESS:  
"DOLPLAY," NEW YORK.  
C.

New York, April 7, 1893.

Hon. Gunning S. Bedford,

District Attorney's Office, City.

Dear Sir:-

Referring to the subpoena enclosed herewith, I beg to say that it would be extremely inconvenient for me to attend Court to-day. The subpoena was served on me last night shortly after six o'clock. Owing to the fact of there being two men absent from the office in which I am employed, my duties are thereby increased, especially so as this is the day when we make up our pay-roll and my <sup>absence</sup> would seriously affect the work that must be done to-day in order to pay off the workmen in this establishment.

I am perfectly willing to attend at any time that you may desire, but I would ask if you could arrange to take my testimony on any day save Friday or Saturday, I would thoroughly appreciate the favor.

Respectfully,

*Michael F. Clark.*

0655

**DIRECTIONS.**

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

2072

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

In the Name of the People of the State of New York.

To Frederick W. Mallory  
of No. 443 West 26th Street.

At 11:20 o'clock AM to see Mr. De Lancey Nicoll

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Session's Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of APRIL 1893 at the hour of 10 $\frac{1}{2}$  in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against Patrick J. Quinn

Dated at the City of New York, the first Monday of APRIL in the year of our Lord 1893

DE LANCEY NICOLL, District Attorney.

0656

The Grand Juror  
Foreman please,  
good. If you want  
your turn comes,  
If it is very inc  
designated, let th  
the witness room  
If you do not c  
absence, the Com  
ment, and fine y  
If you are ill  
fact to the Dis  
If other with  
case taken up, y  
that the Grand  
may then retire  
clerk.  
If the Grand  
without expla  
District Attor

LD  
Shannon  
give  
inform

1714

## Court of General Sessions.

THE PEOPLE

vs.

Patrick Gavin

City and County of New York, ss:

sworn, deposes and says: I reside at No.

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney

of the City and County of New York. On the

I called at

the alleged

a witness

the complainant herein, to serve him with the annexed subpoena, and was informed by

the complainant in this case, that  
he has moved but could give  
me no information as to where  
he could be found.

I was informed by Boyd Lynch  
that he is now in Sing Sing  
prison serving a term for  
burglary & after searching in  
the office I found it to be  
correct.

Sworn to before me, this

of

day

1893

John H. Shannon  
Subpoena Server.

By Boyd Lynch  
as

0657

Court of General Sessions.

THE PEOPLE, on the complaint of

vs.

*De Lancey Nicoll*

*Mano Lascaris*  
Offense

DE LANCEY NICOLL,

District Attorney.

Affidavit of

*John H. Lascaris*

Subpoena Server.

FAILURE TO FIND WITNESS.

*April 7th '93*



0658

Coroner's Office.<sup>1</sup>

TESTIMONY. /

Michael J. Clark being sworn says  
 I live at 460 W 31<sup>st</sup> St.

Between 9 & 9<sup>30</sup> PM on Sunday March  
 3<sup>rd</sup> I was talking to 2 companions  
 at 441 W 26<sup>th</sup> St. I heard the scream  
 of a woman in 443 - I saw  
 an officer & a German in a  
 scuffle - The German had hold  
 of the officer trying to shove  
 him out the hallway.

The officer said let go of me  
 as I am a police officer  
 with that the German released  
 his hold & turned the gas over  
 & ran up to the first floor  
 & into the room, running  
 in & coming out in an  
 instant & running down  
 the stairs - The officer stepped  
 out on the sidewalk & the  
 German locked the door -  
 In about 5 minutes the officer  
 showed us a club that looked  
 like the leg of a table. <sup>said</sup> I took  
 it from him & hit him  
 with it - At that time the officer  
 on post came along & both  
 went into the fancy box

Taken before me

this

day of

188

Louis. To Schultz

CORONER.



0659

Coroner's Office.<sup>1</sup>

TESTIMONY.

Store & came out in about 5  
minutes & said I guess I'll have  
to send for an ambulance  
In about 1/2 hour the am-  
bulance took the injured man  
away

X Michael F. Clark

Taken before me

this 12 day of March 1887

John W. Schuyler

CORONER.

0660

Coroner's Office.

TESTIMONY.

Michael Ward being sworn says:  
 I live at 20 W 26 St - On Sunday March  
 3 Clark & I were coming up  
 from 10<sup>th</sup> Ave & met Thos Mc-  
 Donald at 441 - We heard  
 the screams of a woman  
 going over to 443 we saw 2  
 men at the foot of the stairs  
 one was an officer the other was  
 a German - I heard the policeman  
 say "take your hands off  
 him an officer or I'll  
 knock you down", the  
 German let go. The officer  
 turned out the gas. The German  
 ran up to the head of the  
 stairs & entered the house  
 & came out in a few  
 seconds. He ran down the  
 stairs - The police officer  
 ran out on the street  
 the German locked the door -  
 About 15 minutes the officer  
 came out & showed the club  
 & said "Look at what he tried  
 to do with me with I took  
 it off him & gave him a well  
 deserved 15 to 20 minutes for

Taken before me

this

day of

188

J. J. Schaefer

CORONER.

0661

Coroner's Office.

TESTIMONY.

said Ithaw to go for an ambulance  
Michael J. Ward.

Taken before me

this 17<sup>th</sup> day of March 1887

Lucas W. Schuyler

CORONER.

0662

Coroner's Office.

TESTIMONY.

Thomas G. Donald being sworn  
 deposes as follows:  
 On the night in question I saw  
 2 policeman come up 26<sup>th</sup>  
 or tried to get in the saloon  
 The officer on the inside stood  
 the door for about 5 minutes  
 The dead man came running  
 down stairs & went to assault  
 the officer who pushed him away  
 & at the same time showed him  
 his shield & said he was an officer  
 I saw them strike each other  
 The man turned out the light  
 & went up stairs  
 I saw the clock - 5:10

Thomas G. Donald

Taken before me

this 12<sup>th</sup> day of March 1887

Louis. F. Schulz

CORONER.

0663

Coroner's Office.<sup>1</sup>

TESTIMONY.

6

Edward Campbell being sworn say  
 living 442 W 26<sup>th</sup> St.  
 About 9<sup>30</sup> <sup>Pm</sup> on Mar 3 - I heard  
 some loud talking -  
 I went over to see Mr Post  
 the officer had a hold of each other  
 The officer told him he was an  
 officer I went over again  
 when I heard screaming

Edward Campbell

Taken before me

this 12 day of Mar 1889

Louis W. Schulze - CORONER.

0664

Coroner's Office.

TESTIMONY.

7

Fred K. W. Malloy, <sup>hemp</sup> says  
~~deceased~~ gas fitter — On <sup>march</sup> 9<sup>th</sup> <sup>about</sup> I came down  
 to go to the closet. I met Officer  
 Lamm standing in the doorway —  
 He asked if I lived in the house. I said yes.  
 Officer Lamm stood in the hallway  
 with his arms folded — I got out  
 with a club & pointed toward  
 the door — I saw the officer strike  
 deceased several times, step over  
 the body & walk out — After the  
 officer struck deceased the gas was  
 put out.

Fred K. W. Malloy

Taken before me

this 12 day of March 1889

Louis To Schulte

CORONER.



0665

Coroner's Office.

TESTIMONY.

7

Antonetta Hoff being sworn says  
 living at 443 1/2 St. <sup>where I went to work</sup>  
 I went with my husband - I went to  
 the rear door & asked for a cigar  
 at the saloon - a man came into  
 the hall - I saw a detecting he  
 knocked at the back door - my  
 husband said what's the matter  
 He said he wanted to go in the saloon  
 He both told him to go out. The  
 detecting drew his club & struck  
 my husband twice on the head.  
 I went up to turn <sup>out</sup> the gas - I came  
 down & looked for my husband  
 After my husband was struck of-  
 ficer Lavin ran out of the door

Taken before me

this 12<sup>th</sup> day of March 1889

Louis F. Schulz

CORONER.

0666

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the *Coroner's Office*  
No. 67 *Park Row* Street, in the *4<sup>th</sup>* Ward of the City of  
New York, in the County of New York, this *12<sup>th</sup>* day of *March*  
in the year of our Lord one thousand eight hundred and *eighty nine* before  
LOUIS W. SCHULTZE, Coroner,  
of the City and County aforesaid, on view of the body of *Casper Pfoet*

*Twelve* good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner  
the said *Casper Pfoet* came to his death, do upon  
their Oaths and Affirmations, say: That the said *Casper Pfoet*

*Injuries received by being struck with a*  
*club in the hands of Officer Patrick Davin,*  
*in the discharge of his duty, at 433 West 26<sup>th</sup>*  
*Street March 3<sup>rd</sup> 1889, and we do hereby exonerate*  
*the officer from all blame.*

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.

<i>Elmer M. The 373 West 170 7<sup>th</sup> Ave.</i>	<i>J. P. Vredenburg 160 West</i>
<i>Edward Conventry 209 West 23</i>	<i>Philip Myers 421 Bway</i>
<i>Harry M. Hesper</i>	<i>Eugene E. Eusee 258 Bway</i>
<i>Felix Lunnston 589 Bway</i>	<i>Wm. E. Eregu 297 Canal St</i>
<i>L. Harns 89 Liberty St</i>	<i>David L. Brown</i>
<i>Wm. R. 285 Canal St</i>	<i>John Rutz 414 - 6<sup>th</sup> Ave</i>

*Louis W. Schultze*

CORONER, N. Y.

0667

Coroner's Office.

TESTIMONY.

8

Officer Patrick Lavin being sworn as  
 on the right in question, I & Officer  
 Bannon were on patrol.

Going through 36<sup>th</sup> street in front of 443  
 we heard noise in the door  
 we went in the hall way at  
 the 1<sup>st</sup> side door which was  
 locked. ~~There was noise~~

Officer Bannon went in the  
 back door of the store - I was on  
 the sidewalk - I heard ~~two~~ Bannon's  
 voice inside - I went to the back  
 door which was locked - I  
 heard him call Lavin - at  
 the same time Porter pushed me  
 from the side door - I showed  
 him my shield - I knocked again  
 & was told by Bannon to push  
 it in - Porter got hold of me &  
 tried to put me in the street  
 we had a struggle & I decided  
 to run the gas out - he went  
 up stairs I went out on the  
 street - I went to the front  
 door & did not hear Bannon's  
 voice - I heard a good deal of noise  
 I went to the back door again  
 which was locked, at the same

Taken before me

this

day of

188

Louis. To Schulyer

CORONER.

0668

Coroner's Office.

TESTIMONY. 9

time Mr Molloy (in through  
 I told him I was an officer &  
 that Pfoet had a club, as the  
 same time Pfoet came through  
 the hall with some thing behind  
 his back - Pfoet wanted me to  
 put me out - He made 2 vicious  
 blows at me which I warded off -  
 I grappled with him & took the  
 club away & struck him  
 on the body & only one on the  
 head - I went for an ambulance  
 He struck at me first - Deceased  
 turned the gas out - The striking  
 was done after the gas was put on.

Patrick Linn

Taken before me

this 12<sup>th</sup> day of March 1889

Louis H. Schulz

CORONER.

0669

Coroner's Office!

TESTIMONY.

No. 1.

Officer Dannon 16 Precinct  
 sworn up: On Mar. 3<sup>d</sup> I am  
 & were on patrol - We went  
 through 16 St. - We heard noise  
 in 443 I went in again as the  
 rear door I saw a woman & 2 men  
 coming out. I walked in & saw the  
 proprietor & placed him under arrest  
 4 men conversed in former Miller  
 wanted to go upstairs - That Miller  
 seized me & the prisoner escaped -  
 Miller threw a lager beer keg at me;  
 I called for Lavin - & tried to take  
 the bar off the <sup>front</sup> door. Mrs Miller came  
 at me with a knife. I called Lavin  
 to push in the door - I got Miller to the  
 back door & put him under ar-  
 rest. I did not see the occurrence

John J. Dannon

Taken before me

this 12<sup>th</sup> day of March 1887

Louis W. Schulz

CORONER.



0670

## TESTIMONY.

Albert D. Weston

M. D., being duly sworn, says:

I have made an autopsy of the body of  
 Casper Foer now lying dead at  
 New York Hospital and from such examination  
 and history of the case, as per testimony, I am of opinion the cause of  
 death is

Homicide by depressed  
 fracture of skull. Laceration  
 of brain tissue. Exhaustion.

A. D. Weston M. D.

M. D.

Autopsy at N. Y. Hosp. Mar. 7<sup>th</sup> 1889  
 Rigor mortis marked. Body well nourished.  
 There is an incised wound of left  
 temporal parietal region extending from  
 an inch above outer angle of left eye  
 curving upwards & extending down  
 to within an inch of the mastoid  
 process. Under this is an area  
 of bone which the bone of skull had  
 been removed by operation. Extending  
 from an inch from corner of eye and  
 from a level of base of skull backward  
 for about 5/8 in & upwards 1 1/2 inches oval  
 in form. The dura ~~is~~ well exposed  
 at this point.

There is a large extravasation of  
 blood beneath dura over most  
 of left hemisphere. Laceration  
 of brain of temporo-parietal lobe of  
 left hemisphere involving much.  
 There was an old softening of  
 temporo-parietal lobe of right side.

Sworn to before me,

this

7<sup>th</sup>

day of March 1889

Louis Schuly

CORONER.



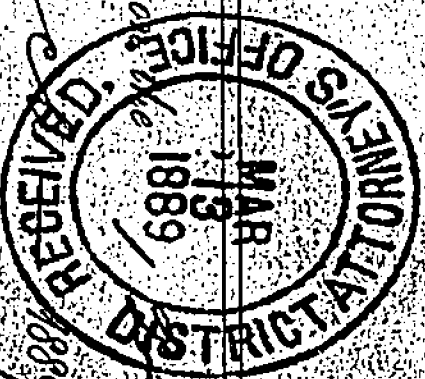
0671

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
42 Years			<i>Gordon</i>	<i>N.Y. Free</i>	<i>Mar. 7 '89</i>
			<i>2 yrs.</i>	<i>933 Bk. 3/6. 89</i>	
<i>W. Watchman</i>					
<i>443 W. 26th</i>					

1889

LOUIS W. SCHULTZ, Coroner.



whereby it is found that he came to  
his death by  
being struck by a car  
with handle of driver  
of which driver was  
operated.

*Robert Frost*

AN INQUIRY  
VIEW of the BODY of

*109 381*  
*101 2nd*  
*1889*



0673

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Patricia Davis*

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

Indictment accuse *Patricia Davis*

of the crime of *Manslaughter,*

committed as follows:

The said *Patricia Davis,*

late 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 eighty-*nine*, at the City and County aforesaid,

*with force and arms, in and upon*  
*one Herman B. B. B., then and there*  
*present, unlawfully and feloniously*  
*did make an assault, and from*  
*the said Patricia Davis, with a*  
*certain club which he the said*  
*Patricia Davis in his right hand*  
*then and there had and held, in*  
*and upon the head of him the said*  
*Herman B. B., then and there unlawfully*  
*and feloniously did strike, beat,*  
*wound and maim, giving unto*

0674

him the said Ranger O'Leary then  
and there with the Duke of Jersey,  
in and upon the head of him  
the said Ranger O'Leary, one mortal  
wound and fracture of the length  
of seven inches and of the breadth  
of three inches, of which said mortal  
wound and fracture, the said  
Ranger O'Leary, at the City and County  
of Jersey, from the said third day  
of March in the year of grace,  
until the sixth day of March, in  
the same year of grace, did  
linger, and languish in his bed,  
and on which said sixth day of  
March in the year of grace, the  
said Ranger O'Leary, at the  
City and County of Jersey, of the  
said mortal wound and fracture  
did die.

And so the Grand Jury of Jersey do  
say: That the said Colonel Davis, from  
the said Ranger O'Leary, in name and  
form and by the means of grace, in-  
fully and feloniously did kill and slay  
against the form of the Statute in such  
case made and provided, and against the  
peace and dignity of the said People.

John P. Williams, District Attorney



0675

This indictment was found in March 1889 -  
one of the principal witnesses - William  
Hart is dead - another principal  
witness - Frederick W. Mally pleaded guilty to  
Burglary and is now in State Prison -  
another witness is somewhere in Europe.

I have examined five witnesses  
and Officer Bauman of the 16<sup>th</sup> Precinct  
and am of the following opinion -  
a Jury would either acquit or disagree.

I therefore recommend that the  
defendant be discharged on his own  
recognizance

April 7<sup>th</sup> '93

G. F. B.  
A. D. A.

0676

**BOX:**

346

**FOLDER:**

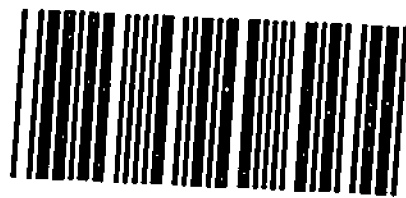
3264

**DESCRIPTION:**

Leary, Daniel

**DATE:**

03/21/89



3264



0677

Witnesses ;

Counsel,

Filed

Pleads,

21 May 1889

C. W. Gentry

THE PEOPLE

John - vs.

Daniel Leary

Burglary in the Third degree.

[Section 498, Penal Code.]

JOHN R. FELLOWS,

per me 25/89 District Attorney.

per a. d. guilty.

S. P. 3 yrs.

A TRUE BILL.

Chas H Scott Foreman.

0678

Police Court— District.

City and County } ss.:  
of New York,

of No. 298 Grand Street, aged 48 years,  
occupation Music Business being duly sworn

deposes and says, that the premises No. 298 Grand Street, 10 Ward

in the City and County aforesaid the said being a Three Story Brick

Building and the 1st floor  
and which was occupied by deponent as a place for the sale of musical instruments  
and which there was at the time a person being by name

were BURGLARIOUSLY entered by means of forcibly Smashing a

plate Glass Window in said  
premises

on the 16 day of March 1889 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

A Number of Musical Instruments  
of the Value of Two Hundred  
Dollars \$200

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

Daniel Leary (known)

for the reasons following, to wit:

That previous to said  
Burglary an attempt having been made  
said property was in a New Window  
in said place and this deponent has  
been informed by Officer Henry B  
Schuyler that about the hour of four  
o'clock am on the above date there  
a Window Smash and saw the deponent  
place his hand into the New Window of said  
premises and attempt to steal the above property  
Theodore Lohr

Deponent has been sworn

Subscribed and sworn to before me this 16th day of March 1889  
at New York City  
Notary Public

0679

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 31 years, occupation Police Officer of No. 11 Greenwich Police Station Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Theodore Lohr  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 16  
day of March 1889 of Henry B. Schuyver

[Signature]  
Police Justice.

0580

Sec. 198—200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

3 District Police Court.

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

Question. What is your name?

Answer.

Daniel Leary

Question. How old are you?

Answer.

29 Years

Question. Where were you born?

Answer.

Philadelphia

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

Answer.

At home

Question. What is your business or profession?

Answer.

Painter

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

Answer.

I am not Guilty

Daniel Leary

Taken before me this

day of

March

1888

at

City of New York

before me

John J. Sullivan

Police Justice.

0681

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 10* 188..... *[Signature]* 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.



0682

Police Court

District.

THE PEOPLE &c.  
ON THE COMPLAINT OF

*Frederick L. ...*  
*298 vs. Grand St*  
*Amuel L. ...*

2  
3  
4

Offence *Burglary*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *March 16* 188

*P. Schuyler* Magistrate.

*S. B. Carpenter* Officer.

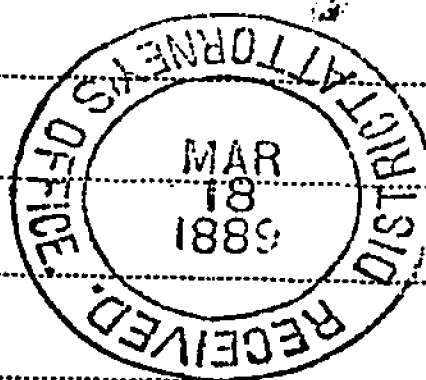
Witness *Henry B. Schuyler*

No. *11 Precinct Police* Street.

No. .... Street.

No. .... Street.

\$ *1000* to answer



*[Signatures]*



0683

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Daniel Leary*

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

*— Daniel Leary —*

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

The said

*Daniel Leary*

late of the

*Tenth*

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

New York, aforesaid, on the *sixteenth* day of *March* in the year of

our Lord one thousand eight hundred and eighty-*nine*, with force and arms, at the Ward,

City and County aforesaid, a certain building there situate, to wit: the *building* of one

*Theodore Lohr*

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

*Theodore Lohr*

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

*John A. Fellows,*  
*District Attorney.*

0684

**BOX:**

346

**FOLDER:**

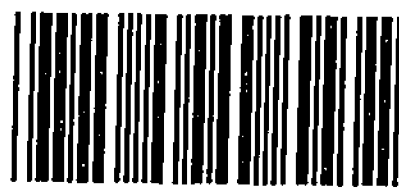
3264

**DESCRIPTION:**

Lebert, Bernard

**DATE:**

03/14/89



3264

0685

Witnesses:

*Burlington*  
Counsel, *[Signature]*  
Filed *17* day of *March* 188*9*  
Pleads, *Not guilty*

THE PEOPLE  
vs.  
*Bernard Lebert*  
*T*  
Grand Larceny *Second degree*  
[Sections 528, 53, 550 Penal Code].

JOHN R. FELLOWS,  
*March 21* District Attorney.  
*" 22* Part 3

A True Bill.

*Chas. Scott* Foreman.

*Part 4* March 22/89  
*Trials and Acquitted*

0686

Police Court-3<sup>d</sup> District.

Affidavit—Larceny.

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

Mendel Frankenstein  
of No. 179 East Broadway Street, aged 35 years,  
occupation *Scientist* being duly sworn  
deposes and says, that on the *1<sup>st</sup>* day of *March* 188*8* at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the *day* time, the following property, viz:

One Gold Watch and Gold Chain  
Affected In all of the value  
of One Hundred and Twenty  
Nine Dollars

the property of

*Deponent*

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by *Bernard Albert Kunkin*  
from the fact. That previous to said  
larceny the said Watch and Chain was  
under deponent's pillow of his bed and  
on the day in question deponent left  
his house and forgot to take his  
Watch with him and on the 6<sup>th</sup>  
inst. deponent received a letter signed  
by the deponent saying that he  
was about to leave the Country and sent  
him with said letter a pawn ticket  
representing the above Watch and Chain  
and he has admitted and confessed  
to deponent that he was pawning the  
said Watch and Chain for the sum of  
fifty dollars

Sworn to before me, this 6<sup>th</sup> dayof *March* 188*8*

Police Justice.

0687

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Bernard Lebert

Question. How old are you?

Answer. 32 Years

Question. Where were you born?

Answer. Russia

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

Answer. 179 East Broadway

Question. What is your business or profession?

Answer. Leather Business

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

Answer. I am not Guilty  
Bernard Lebert  
Mark

Taken before me this

day of March 1888

Police Justice



0688

*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 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, March 6 188*

*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.*



0689

Police Court--- (3) 348 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Mendez Frankenstein  
179- Broadway  
Bernard Ebert

Officer of Court  
J. J. J.

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

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

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

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

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

Dated March 6 1889

Leupp Magistrate.

Ringle Officer.

11 Precinct.

Witnesses Peter Finkeltner

No. 179 E Broadway Street.

John Ringle

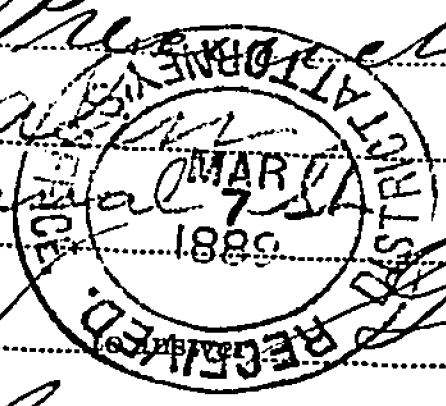
No. 11 Precinct Street.

41-Canal Street.

No. 41-Canal Street.

\$500

Stom



0690

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Bernard Leber

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

Bernard Leber

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

The said

Bernard Leber

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 eighty-nine, at the City and County aforesaid, with force and arms,

one watch of the value of one hundred dollars, and one chain of the value of thirty dollars

of the goods, chattels and personal property of one

Mendel Frankenstein

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.

0691

SECOND COUNT—

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

*Bernard Lebert*

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

The said

*Bernard Lebert*

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

*one watch of the value  
of one hundred dollars and  
one chain of the value of  
thirty dollars*

of the goods, chattels and personal property of one

*Mendel Frankenstein*

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

*Mendel Frankenstein*

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

*Bernard Lebert*

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

JOHN R. FELLOWS,

District Attorney.

0692

**BOX:**

346

**FOLDER:**

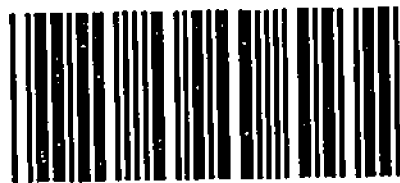
3264

**DESCRIPTION:**

Leib, Francis

**DATE:**

03/14/89



3264

0693

WITNESSES:

*Sheddens Wakem*

Counsel,

Filed

*14 day of March 1889*

Pleads

*Not guilty*

THE PEOPLE,

vs.

*B*

*Francis Leib*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[U. Rev. Stat. (7th Edition), page 1083, Sec. 21 and  
page 1089, Sec. 5.]

I hereby consent and desire  
this case against me be sent to the  
Court of Special Sessions for  
trial and final disposition.

Dated *April 18* 1889

JOHN R. FELLOWS,

District Attorney.

*May 13, 1892. Wm*

A True Bill.

*Chas. D. Scott*

*Chas. D. Scott* Foreman.

0694

John F. Knechttericht, patrolman  
33<sup>d</sup> precinct. On the 18th of  
November, 1888, I entered the  
defendant's premises, No. 611  
East 158 Street, through the hall  
door. I asked for a glass of  
beer, the defendant gave it  
to me and I paid him 5¢  
for it. There was another man  
first a woman, I believe the defendant's wife  
in the place besides me.



TORN PAGE

0695

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Francis Leib*

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

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

The said

*Francis Leib*

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

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

SECOND COUNT—

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

*Francis Leib*

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

The said

*Francis Leib*

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

JOHN R. FELLOWS,

District Attorney.

0696

**BOX:**

346

**FOLDER:**

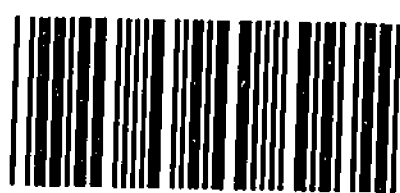
3264

**DESCRIPTION:**

Lennon, Frank

**DATE:**

03/15/89



3264

Witnesses ;

J. McCoy

A. M. Purdy

Counsel,

Filed

15

day of

March 1889

Pleads,

Chicago 19

THE PEOPLE

vs.

P

Frank Lennon

Grand Larceny, 3rd Degree.  
(From the Person.)  
[Sections 528, 530 — Penal Code].

H. L.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. S. Scott Foreman.

Part III April 11/89.

Indicted & acquitted

0697

0698

Police Court—2<sup>d</sup> District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 473 Eleventh John McCoy  
Avenue Street, aged 48 years,  
occupation Driver a Car being duly sworn.

deposes and says, that on the 11 day of March 1889 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property viz:

Good and law full money of the  
United States of the amount  
and of the value of Three <sup>85</sup>/<sub>100</sub> Dollars  
— (\$3<sup>85</sup>/<sub>100</sub>)

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Frank Lennon (now here) with the intent to deprive the true owner of said property from the following facts, to wit: that previous to said larceny said property was in the right hand pocket of the pants then and there worn upon deponent's person and deponent saw and felt said defendant insert his hand in said pocket and later steal and carry away said property.

John McCoy  
Mark

Sworn before me, the  
of McCoy  
1889  
Police Justice.

0699

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

*Frank Lennon*

Question. How old are you?

Answer.

*23 years*

Question. Where were you born?

Answer.

*Ireland*

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

Answer.

*11<sup>th</sup> Avenue near 13<sup>th</sup> Street & about 3 months*

Question. What is your business or profession?

Answer.

*To Drive a Cart*

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 did not see the  
complainant at all and  
am not guilty  
Frank Lennon*

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

*John J. Kelly* Police Justice.



0700

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 Seven 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 Mar 11 1889 Sam'l C. Smith Police Justice.

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

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

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

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



0701

Police Court---

384 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John McLean  
vs.  
Frank Lemp

Offence *Drunk*  
*Delinquent*

BAILED,

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

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

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

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

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

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

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

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

Dated *Mar 11* 188*9*

Magistrate.

Officer.

Precinct.

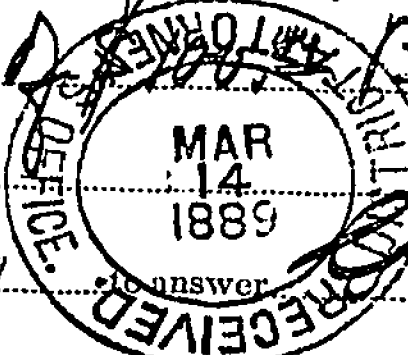
Witnesses \_\_\_\_\_

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

Complainant committed to  
House of Detention in  
default of *\$1000* Bail

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

\$ *1000*



*Committed*

0702

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

Francis Walsh  
of the 20<sup>th</sup> Police Precinct, street, aged years,  
occupation Police Officer being duly sworn deposes and says  
that on the day of 188

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

John McCoy  
(nowhere) is a material witness on a  
certain complaint against Frank  
Lennon charged with Larceny from  
the Person, and deponent has good  
reason to believe ~~that~~ and does believe that  
said McCoy will not appear to testify  
as such witness, deponent therefore prays  
that said John McCoy may be committed  
to the House of Detention until he shall  
be thence delivered by due course of law.

Francis Walsh

Sworn to before me, this

of March 188

day

So. J. H. H. Police Justice.

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

Frank Lennon

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

Frank Lennon  
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said

Frank Lennon

late of the City of New York, in the County of New York aforesaid, on the eleventh day of March in the year of our Lord one thousand eight hundred and eighty-nine, in the night-time of the said day, at the City and County aforesaid, with force and arms,

One promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination and value of two dollars; one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of two dollars; one United States Silver Certificate of the denomination and value of two dollars; one United States Gold Certificate of the denomination and value of two dollars;

three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination and value of one dollar each; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of one dollar each; three United States Silver Certificate of the denomination and value of one dollar each; three United States Gold Certificate of the denomination and value of one dollar each; divers coins

of a number, kind and denomination, to the Grand Jury aforesaid unknown, of the value of three dollars and eighty-five cents

of the goods, chattels and personal property of one John Mc Coy on the person of the said

John Mc Coy then and there being found, from the person of the said

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

John Mc Coy  
John R. Fellows,  
District Attorney.