

0009

BOX:

310

FOLDER:

2946

DESCRIPTION:

Coburn, John W.

DATE:

06/27/88



2946

Bail fixed at \$3000.
James R. Kelly
R.B.H.

Witnesses,

Officer Kelly
James R. Kelly

Const. Motion =

James R. Kelly

George Wood

Counsel,
Filed 27 day of June 1888
James R. Kelly

THE PEOPLE

May 18th 1888

23 1/2

John W. Colman

[Section — Penal Code.]

JOHN R. FELLOWS,

District Attorney.

Det. 25, 1888, V.M. T.

Oct 30, 1888, V.M. T.

A True Bill

W.H. Lawrence

Nov 15, 1888, V.M. T.

Nov 20, 1888

Special Prosecutor

James R. Kelly

S.P. 5-405 R.B.H.

✓ Mrs. Ellen Sutton being sworn says: I reside at 519 W. 41st St. On Saturday evg. May 12/88 I was coming down stairs and I saw about 8 men come out of the Lager Beer Saloon in same house, about 6.30 PM. About four of these men were beating the Mrs. Coburn the prisoner's wife. Then there were fully four more at the prisoner beating him. The deceased was one of these men. I ~~made the remark~~ what occurred between Becker & the deceased prisoner I don't know. The eight men were drunk. The whole thing did not last over 15 or 20 minutes. I saw the deceased give Mrs. Coburn a kick
✓ Ellen f

Taken before me

this

13 day of June 1888

Frederick Levy

CORONER.

00 12

Coroner's Office.

TESTIMONY.

4

Mrs. Dora Wallister being sworn says
 I reside at 445 W. 40th St.
 About 7 PM I saw, when I went out
 & heard the screaming, they had
 ✓ Colvin on the floor & they were
 beating & kicking him & his wife
 came to his assistance. There
 were about 8 men beating Colvin
 & his wife

Dora ^{her} X Wallister
 mark

Taken before me

this

13 day of June 1888

Ferdinand & Levy

CORONER.

Coroner's Office.

TESTIMONY.

5

Ernest Marian being sworn says: I reside at 551 W. 41st St. I knew the deceased Philip Becker. I was standing outside the Lager Beer Saloon 519 W. 41st St. when I saw Coburn & his wife standing at the fence. Two men came along from their work from the Brewery. These two men passed on & Coburn ran after them and gave each of them a punch with his hand. One of them was ^{the} deceased. Coburn hit him on the head. It was after 7 PM when this happened. Ernest Marian

Taken before me

this 13 day of June 1888

Fredricka Levy
CORONER.

Coroner's Office.

TESTIMONY.

6

Louis Mlbrich being sworn says:
 I reside at 519 W. 41st St where I
 am bartender. I stood behind
 the bar & heard some growling
 outside. I went out & saw Coburn
 & his wife quarreling. I saw Philip
 Becker & another driver come up
 the street. Coburn struck Haggner
 on the head, without provocation.
 He then struck Becker on the eye.
 Becker came in the store. He was
 bleeding on the right eye. I washed
 it & told him to go & see a Doctor.
 I went outside again & saw a crowd
 in the hall. Becker had sprained
 his arm bet. Christmas & New Year.
 Becker was not in the fight in the
 hall. Coburn & his wife were standing
 in front of the store. Coburn struck
 Haggner first on the head with his fist.
 Haggner did not retaliate. He ran inside
 in the hall. He then struck Becker
 on the eye without provocation.

Louis Mlbrich

Taken before me

this

13 day of June 1888

Ferdinand Levy

CORONER.

Coroner's Office.

TESTIMONY.

Christian Hagner being sworn says: I reside at 449 W. 39th St. On Saturday 12th May about 7 PM the deceased & I were walking on the sidewalk of W. 41st St. We ran out the Brewery into the saloon at 519 W. 41st St. When we passed near the saloon Colburn & his wife were quarrelling & pulling each other. I had hold of the door knob going into the saloon when the prisoner struck me on the head. Becker was also going into the saloon and as he turned around Colburn struck him on the right eye. Had he not held himself on a wagon he would have fallen. I got into the hallway. Colburn followed me & struck me on the nose & it bled. I went into the yard & washed my nose. Becker was in the saloon & the bartender was washing his face. Then after a while 2 or 3 ~~men~~^{women} came & pulled the prisoner away. There was not a fight. I had to go back to the Brewery to take another load out. I was sober, I never was drunk. Becker had only the use of the ~~left~~^{right} arm as the left was injured or broken. He fell sometime

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY. J

before that with a wheelbarrow, The Brewery is about 30 steps from the saloon, I never saw Coburn before, never had any trouble with him before. No words passed between Coburn & me, before he struck me. I wanted to know why he struck me when he turned around & struck Becker. I remained about the saloon about 5 minutes; I had to go back. I left Becker in the saloon. If there was a fight after that I know nothing about it. As I went out I saw several women & the prisoner & several others engaged in a general fight. I don't know who they were. Becker was in the saloon then.

Christ. Hoguet.

Taken before me

this

13 day of June 1888

Edward Levy CORONER.

Coroner's Office.

TESTIMONY.

9

George Wolf being sworn says: I reside at 444 W 41st St. I was coming from the stable & went into the Saloon when I heard a noise outside, I looked out & saw Coburn & his wife. I saw Becker & Hagener coming up from the Brewery. I saw Coburn strike Hagener first, I think on the head. Hagener did not say a word, he went off. Coburn then hit Becker in the eye. Becker went into the Saloon. There was no fight between Becker, Hagener & Coburn. Coburn struck Becker & Hagener without provocation. Neither Becker nor Hagener struck back. Becker had a lame arm.

George Wolf

Taken before me

this

13th day of June 1888

Ferdinand Levy

CORONER.

Coroner's Office.

TESTIMONY.

10

Oscar C. Sutton being sworn says: I reside at 519 W. 41st St. I was in the house & did not see the beginning of the quarrel. I came down, May little girl. I saw Hagenes from my window running towards 10th Ave. When I came down, the gang had just got through kicking Mrs. Coburn. I could not recognize these men on account of excitement. Mr. Johannes was in the crowd. Becker had gone into the saloon just as I got down stairs. I did not see any one strike Becker, nor Coburn. Four men were manhandling Mrs. Coburn throwing her from one to another & giving her ill usage, using her more like a football.

Oscar C. Sutton

Taken before me

this 13th day of June 1888

Frederick Levy

CORONER.

0019

From Roosevelt Hospital.

New York,

June 10th 1888To Coroner Ferdinand Levy

Sir:

Please hold an Inquest on the body of

Name: Philip Becker Residence: 519 W. 41st St.Age: 30 years 0 months 0 days. Admitted Monday, MayFather Ger 14th 1888, at 1⁴⁵ o'clock P. M.Nativity, Ger; of Ger By Ambulance AMother Ger BNorthmann U. S., Northmann City. From Residence CCivil Bond 500 Occup. Laborer Examined by Dr. W. H. ParkSuffering from symptoms of Alcoholism & Concussion of Brain

Said injuries said to have been received on May 12th 1888 at
519 W. 41st St said to have been
struck on the head by a man
whose name could not be ascer- E
tained

Death took place Tuesday, May 15th 1888 at 12⁰⁰ o'clock P. M.

The Autopsy revealed F

Remarks: G

W. H. Park M. D.
 HOUSE SURGEON PHYSICIAN.

Ad. t. State the day of the week.

Ad. A. State whether by Ambulance or Friends.

Ad. B. State whether from a Precinct or a Residence and give the name

Ad. C. State whether from Natural Causes or from Shock (conscious or unconscious) due to Injuries, and if so, give name, place, date, number, character, and Extent of Injuries, always stating where indicated, whether right or left.

Ad. D. State when, where, how, by what means or persons received, also whether Accidental, Suicidal or Homicidal; in falls, the distance, location and place; in Burns and Scalds the circumstances attending the same; in runaway cases, the line of Street Car, Railroad or Conveyance; in Weapons, the character of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.

Ad. E. State name, date, place, character and results of any operation or amputation performed.

Ad. F. Give a short resume of the Autopsy with the Pathological Diagnosis and the Cause of Death at the End.

Ad. G. State here any important facts not embodied in the above statements.

0020

TESTIMONY.

William O'Meara M. D., being duly sworn, says:
 I have made an autopsy of the body of
 Philip Becker now lying dead at
 Roosevelt Hospital and from such examination
 and history of the case, as per testimony, I am of opinion the cause of
 death is

Come from Anger, ~~haemorrhage~~ ^{haemorrhage} & nervous effusion
 of brain.

Sept 19/88
 C. W. 19/88 William O'Meara M. D.
 May 15-88 - 5 pm

The Autopsy revealed the following external
 & internal conditions: Rigidity slight
 owing to recent death (at 12¹⁰ pm!)
 body in fair physical condition. Contusion
 indicated by ecchymosis, discoloration
 right eye, orbit and brow; a slight
 abrasion of right lower extremity; an
 oiled silk or paper bandage around
 left wrist, supposed treatment for
 rheumatism. The brain was found
 congested and edematous, with a
 patch of old pachymeningitis on upper
 posterior surface of left hemisphere
 to which the meninges were adherent
 and considerably congested and thick-
 ened, so as to produce partial com-
 pression. There was no fracture of skull
 which was remarkably thin and in places
 diaphanous or translucent. There was
 slight meningeal haemorrhage on right side.
 The rest of the body was in fair condition. Death
 was due to cerebral effusion.

Sworn to before me,

this 15 day of May 1888

Fred. and Levy

CORONER.

F. I.

No. 565

Died, Dec. 1888

AN INQUISITION

On the VIEW of the BODY of

Philip Becker

whereby it is found that he came
to his death by

Injuries at
the hands of some
person or persons
unknown;

Inquest taken on the 13 day

of June 1888 before

FERDINAND LEVY, Coroner.

MEMORANDA

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
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30 Years Months Days
Jenny Brownell
May 15/88
No. 514 N 1414
In Union

0022

*The Court is held in the Halls of Justice, Centre Street, between Leonard and Franklin Streets.
Bring this SUBPOENA with you, and hand it to one of the officers in attendance.

(Court of Special Sessions of the Peace.)

In the Name of the People of the State of New York, 519. W. 41th St

To

Philip Becker
You are commanded to appear before the Court of Special Sessions of the Peace, to be holden

in and for the City and County of New York, at the Halls of Justice of the said City, on *Wednes* day,
the *23* day of *May* 188*8*, at half-past TEN o'clock 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

J. W. Coburn
And this you are not to omit under the penalty of Two Hundred and Fifty Dollars, and imprisonment of thirty days.

WITNESS, JAMES T. KILBRETH, Esquire, one of the Police Justices of the said
City, and dated the *22* day of *May* 188*8*.

GEORGE M. WOOD, Clerk.

P. Becker died May 15.

P. Becker

died May 15

Dr. Fitzpatrick

ROOSEVELT HOSPITAL,

59TH STREET AND NINTH AVENUE,

JAS. R. LATHROP,
SUPERINTENDENT

New York, May 15th 1888

This is to certify that the House Surgeon has just notified me that Philip Becker, reputed to be 30 years of age, unmarried, a native of Germany and a laborer by occupation, who was brought to this Hospital at 1¹⁵ o'clock yesterday afternoon in one of our ambulances, is suffering from some obscure head injury said to have been occasioned by a blow on the skull inflicted on Saturday afternoon last, that he has been unconscious since his arrival here and is probably suffering from a clot or laceration of the brain which is likely to result in his death within twenty-four hours.

Jas. R. Lathrop,
Supt.

0025

Police Court—21 District.STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.deputy
of No. 519 West 41st Street,being duly sworn, deposes and says, that
on Saturday the 12th day of May
in the year 1888, at the City of New York, in the County of New York,

he was violently ASSAULTED and BEATEN by John W. Coburn
(unnamed) who struck deponent one violent
blow in the face with his fist blackening
and bruising deponent's right eye.

without any justification on the part of the said assailant.

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer the above assault, &c., and be dealt with according to law.Sworn to before me, this 13thday of May 1888Sh. BeckeyM. P. [Signature] Police Justice.

0026

POLICE COURT 2 DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

John W. Coburn

On Complaint of

Philip Becker

For

Assault

Misd

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated May 13 188

John W. Coburn
Misd

J. M. Patterson

Police Justice.

0027

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss

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

Question. What is your name?

Answer.

John W. Coburn

Question. How old are you?

Answer.

23 years old

Question. Where were you born?

Answer.

New York

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

Answer.

523 W. 41st St 2 years

Question. What is your business or profession?

Answer.

Work in a paper factory.

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

Answer.

*I am not guilty.
John W. Coburn
Ment*

Taken before me this

day of

188

Police Justice.

Dated 188 *Police Justice.*

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 Ward of the City of New York, in the County of New York, this 13 day of June in the year of our Lord one thousand eight hundred and 88 before

FERDINAND LEVY, Coroner,

of the City and County aforesaid, on view of the Body of Philip Becker

now lying dead at

Upon the Oaths and Affirmations of

Nine good and lawful men of the State of New York, duly chosen and sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said Philip Becker came to his death, do upon

their Oaths and Affirmations say: That the said Philip Becker came to his death by

Injuries received from some person or persons unknown to the jury.

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.

Robert Barry 220 Church St	Malno Beck 14 West
George J. Harris 21 Ave A	Wm H. Tucker 8 Ave 9
H. L. Davis 134 W Broadway	E. Paruger 5 Ave 7
Julius Klott 225 E Houston	
Peter Ruge 230 E Houston	
Louis Schaensfeld 19 Ave 11	

Ferdinand Levy

CORONER, E. S.

TESTIMONY.

Officer Matthew Kennedy 20th Precinct being sworn
in. On May about 1 P.M. I was sent
from the Station House to No 519 West 4th
and on arriving there found Philip Becker
in bed in a room on the 3rd floor. He
was in a bad condition and I then
reported the case to the Sergeant at
the Station House who summoned an
ambulance and Becker was taken to
Roosevelt Hospital, I know nothing
regarding the case only what I heard.

Matthew Kennedy

Sworn to before me,

this

day of

188

CORONER.

0031
Officer Michael Kelly. 20th Precinct
being sworn and sworn. On May 12th 1888.
Philip Becker the deceased came to
the house with that is the Station
House with two Germans and
told the Sergeant that a man
had kicked him in the eye at
No 59 West 41st and I was
sent by the Sergt. to investigate
the case. I went to the house
and found the prisoner in a
room in the house he was sober
he was willing to go with me
and made no resistance, I
brought him to the Station House
and the Sergt. asked several
jurers who were then in the
Station House if the prisoner
John W. Coburn was the man
who struck deceased and they
all said yes, it was then about
8 o'clock and the prisoner was
locked up for the night, I
took him to Jefferson Market
the following morning before
Judge Patterson who held him
in \$500 bail to answer at the
Court of Special Sessions

Taken before me

this

day of

188

CORONER.

0032

Coroner's Office.

TESTIMONY.

the following Monday May 11th
 word was sent that Baker
 was in a bad condition at
 Roosevelt Hospital and I
 was sent there on Tuesday
 May 12th about 10 A.M. and I
 was given the Dr's certificate
 & stating that the man
 would not live 24 hours
 I went to Jefferson Market
 but the Judge was gone I
 then went to Special Sessions
 and gave the Dr's certificate
 to Judge Pollock who held
 the prisoner without bail to
 await the action of the Coroner.
 I heard that the man died
 at the Hospital the same day
 May 12th.

Michael Kelly

Taken before me

this 13 day of June 1888

Fredmund Levy

CORONER.

8th 1888

200. folios
138 charge

338

The People

vs.

John W. Coburn

Part I
Court of General Sessions
Before Judge Martine.
November, 1888.

The People
vs.
John W. Coburn.

Court of General Session, Part 1.
Before Judge Martine.

Thursday, November 16, 1888.

Indictment for manslaughter.

Christian Hegner sworn and examined.

I was a witness before the Coroner in this case and testified before the Grand Jury also. I reside at 449 West 39th Street, I am employed in Laur's brewery in 41st St. between 10th and 11th Avenues, I was employed there on the first of May. Philip Becker, the deceased, was working with me; about eight o'clock in the evening I and Becker went up from the brewery to the lager beer saloon next to the brewery; there is an empty lot between the brewery and the saloon, the saloon is 529 West 41st Street. I and Becker ran up from the Brewery and we entered the saloon to see the foreman; I had to carry beer out yet and when we ran up to the saloon there was man by the name of Coburn standing there quarreling with his wife, the Defendant is the man. There is a gate at the empty lot and they were standing in front at the gate. We passed them and as I was about to enter the door from the sidewalk into the saloon I received a blow on the head from behind from the Defendant here, I saw him do it and I turned around and I asked him what he wants with me and he hauled out to give me another blow and I retreated and went into the hall and I remained standing in the hall and he, the Defendant, turned around and hit Becker on the eye, I saw that, Becker went backwards and he was nearly falling into the gutter but there was a wagon standing there and he remained at the wagon, he got hold of the wagon and remained there; then Coburn turned around and he rushed at him again and I ran

138 folio of Judge's charge furnished to him
for revision - W. A.

into the hall deeper in and he caught me at the foot of the stairs, then he pulled me down to the ground and then several other persons interfered and two women pulled him away from me. I washed my face because he hit me on the nose, I was bleeding and I went out in the yard to wash my face and then several other persons came and I did not see any more, I went from the yard, I went through the hind door into the saloon and I saw Becker sitting on a chair and the bar-keeper was washing Becker's eye, it was hanging out and red, the blood was flowing, cozing out of his eye down his face. Then I went after my business of carrying out the beer and I did not hear anything about it until the next morning. Then I went with Becker and two others to Jefferson Market, I think that all the witnesses came along who saw the occurrence. I did not see Becker again that night, I came home very late from my work, I saw him the next morning when we went to the Jefferson Market Court. I did not see Coburn there but I saw his wife and two other women. The next morning Becker's eye was red and swollen, I never saw him again after that. Did you observe Becker's arm that evening as you were walking with him from the Brewery? The arm was bandaged and he had the hand in his vest when we were walking together. Did you or Becker say anything as you passed the Defendant Coburn and his wife? Not a word, none of us said a word. Were there more people standing around there with Coburn and his wife? I did not see anyone, they were alone as I passed by, neither I nor my companion said a word to Coburn, Coburn was only beating without saying a word, I and Becker were talking together when we passed

TORN PAGE

but we did not say anything to Coburn; during the melee we did not say anything neither.

Cross Examined.

I had never seen

Coburn before that evening, I had no acquaintance with him whatever and had no quarrel with him and no grudge against him. We did not stop at all to talk to the Defendant or his wife or to look at them, we kept on and did not interfere with them, the Defendant hit me from behind on the back of my head, I did not see the blow but I felt it, I turned around and he endeavored to give me another blow but did not succeed; then when I turned around and I say what he wants of me he said, "I will kill one of you"; then the prisoner turned around and he dealt a blow at Becker; when he struck me I did not strike back in any way, I retreated; Becker did not say a word, as soon as he received the blow he was staggering back, I remained standing in the hall after I received the blow; I remained for a while and then he rushed at me again and I ran back and reached the stairs and when I was at the stairs he caught me again and pulled me down to the ground. He did not strike me again, there was no space to deal a blow, he only pulled me down to the ground. I warded off the second blow which Coburn made at me else I would have received it. After I got away from Coburn in the hallway I went out into the yard to wash my face. I received another blow on my nose but I do not know if he did it or his wife; there were three women in the hall there. When you testified before the Coroner did you know who struck you on the nose? I do not recollect whether I knew it or not. The signature now shown me is mine. I do not recol-

lect if I said before the Coroner who gave me the blow on the nose. When you first got in the vicinity of that saloon how many other people did you see besides the prisoner and his wife? Three people, one by the name of Wolf, one by the name of Marian and one by the name of Haerlin and the bar-keeper. I thought Mrs. Coburn and Mr Coburn were dragging each other because Coburn wanted his wife to go upstairs. I saw people in front of the saloon whilst the quarrel was going on, I saw no one but Coburn and his wife quarreling, there were no blows struck, they were dragging each other. After I came out of the saloon again I saw no more fighting, I went away with my beer wagon.

I saw Becker the next morning and went to the Police Court with him in a car and Becker made a complaint against Coburn, I went away from the Police Court with Becker, I left Becker at my house, he left me on the sidewalk, he did not come up to my house, I went up and dressed myself, I did not see him again. I drank some during that day, I can't tell how many glasses of beer, may be three or four. Down at the Police Court Becker made a complaint against Coburn for assault and battery. I am thirty-one years of age, I think my height is five feet six inches and to my knowledge I weight one hundred and sixty pounds. I drive a brewer's wagon and handle beer kegs, my health is good. After you saw Becker in the saloon on a chair with his eye bleeding and you came out of the saloon, did you see Coburn again? I did not see him any more, I left with the beer wagon.

Ernst Marion sworn and examined.

I live 521 West 41st Street between 10th and 11th Ave.

On the 12th day of May about eight o'clock in the evening I was standing outside of the lager beer saloon No. 519 West 41st Street in this city. I saw Philip Becker the deceased coming from the brewery, Mr Hegner, the witness who has just left the stand, was walking, I saw Coburn standing with a lady. Between the brewery and the saloon there is a lot where the houses are standing back and in front of that lot Coburn and his lady stood at the fence. Philip Becker and Hegner came from the Brewery, they passed slowly by Coburn and his lady, they passed about eight paces and then Coburn run after them and as soon as he reached Hegner he hit him with his fist on the head, then Hegner ran into the hall next to the saloon, then Coburn turned around and he hit Philip Becker on the eye so that his eye was all broke and the blood was coming out. The bar-keeper was standing at the door and he saw it, then he took Becker into the saloon and washed his eye and he was dressing his eye because it was flattened, I saw Philip Becker's eye, it was closed and the blood was coming out. When Becker was struck by Coburn he put his hand on his eye and the bar-keeper got hold of him and brought him into the lager beer saloon. Nothing happened in the saloon but when Becker's eye was washed one man went with him to the doctor. Becker did not speak. I did not hear Coburn say anything, I only saw him dealing the blows, I did not hear him say anything at the time he struck Becker and Hegner, I did not hear a word said between any of them. After Becker was struck Coburn ran

after Hegner into the hall and tried to catch Hegner again. I entered the saloon to see what was the matter with Philip Becker's eye and see what treatment his eye received. The crowd came up on the street afterward and nothing happened there, Coburn was standing outside in front of the store near the gutter. I saw Becker at nine o'clock on Sunday morning at Jefferson Market. Becker said to me that he feels dizzy or giddy in his head, and he looked pale, he did not speak much, that is all he said. I remained altogether about an hour with Becker; during that hour he only said once that he feels badly and sat down; after we left Jefferson Market I saw him for about a quarter of an hour, he was sitting in the lager beer saloon and then they brought him upstairs and he went to bed, he dwelt above the lager beer saloon; this was about half past eleven o'clock on Sunday, the same morning when we went to Jefferson Market. I did not see Becker again alive, I saw him in the hospital, in the dead chamber as they call it, I saw his face there. I went to Becker's funeral in the Lutheran Cemetery, the funeral took place from the hospital and I went from the hospital to the grave; it was on the Thursday of the same week after the Sunday when we went to Jefferson Market that he was buried, I can't be very sure about the day, I think it was Wednesday or Thursday, he died on the Tuesday following the Sunday, the occurrence took place on Saturday which was the 12th of May.

Cross Examined. I stood outside the lager beer saloon when I saw Becker and Hegner come up the street, Coburn and his wife were standing in front of the

vacant lot. How many other persons were in the immediate vicinity? One hundred feet down the street and a hundred feet up the street nobody else stood. Close by were Coburn and his wife alone there? A man stood at the fence and they interferred with that man, Coburn and his wife. What did they do? They had a quarrel between themselves and what I saw also with that man. The only man besides Coburn and his wife was a hundred feet down and a hundred feet up the street. Hegner and Becker were just coming from the brewery and the other man I speak of was standing at the fence on the sidewalk, he was in working clothes. I do not know who he was, he was a strange man. If Hegner has enumerated four or five other people who were there he is mistaken, is he? He is mistaken, he is in error. The Defendant and his wife and this other man were having some kind of a quarrel between themselves; there were no blows struck before Hegner came up, only halloeing, quarreling, loud words. After the difficulty between Coburn and Hegner and Becker was over, was there any more fighting after that? I did not see any fighting outside. When Hegner came up Coburn without any word, without any provocation, stepped up and struck Hegner on the head, is that right.

- A. He did so. Did Hegner strike back at him or resent the blow in any way? No, Hegner ran away; Coburn struck Hegner but a single blow. Did he make an attempt to strike him a second blow out on the street? The second blow Philip Becker received and Hegner jumped into the hall; the first blow was struck upon Hegner's head and the second blow struck Becker, he made a short turn.

Louis Ulrich sworn and examined.

I live in 519 West 41st Street, I am employed there as bar-tender; on the 12th of May in the evening I was on the premises, I saw Philip Becker about a quarter to eight, I had been behind the bar and I heard some growling outside so I went out and I seen that Coburn and his wife had some growling; Hegner and Philip Becker came up the street from the Brewery and Coburn followed Hegner a few steps and he hit him on the head; so he went to strike him another time but Hegner ran away and ran into the hall and so the Defendant turned around and hit Becker in the right eye, I saw the blow struck. I know Coburn since I have been a bar-tender there about a year. Becker took his hand and he held his eye and blood was coming out of his eye. I went to him and said, "what is the matter?" He said, "that fellow struck me in the eye." I said, "yes I seen that, come here, I will wash the blood off you." So I took him inside in the store and washed the blood off and his eye was hanging out; I took that under part and pulled it down and pushed the eye in again; I told him to go to the doctor to see what the matter was; so he went away to the doctor, he went up 42nd Street to Dr Kolb.

This was the same night right after he got struck. Becker told me that the doctor said something was broke inside, that was Saturday night, Becker said nothing further to me that same evening, he had a bottle of medicine to put on his eye, I said, "you had better go to bed"; his eye was all black and swollen up, you could not see the eye any more, I saw Becker again on Sunday morning about half past eight, I went up in his room and talked to him,

I asked him how he feels? He said he felt kind of dizzy and he said he got a terrible pain, he did not think he could down to Jefferson Market. So I talked to him and after all he said, "well, I am going;" so he went down.. As soon as he came home he went upstairs and laid down on the bed; then we did not see him till Monday at twelve o'clock, I came upstairs in his room and he was lying there, he did not know what he was doing, he could not talk any more, then we went away for an ambulance and it came and took him away to the Roosevelt Hospital, I did not see him any more after that; it was Monday at twelve o'clock when he could not talk or say anything more.

Just before going to Jefferson Market Police Court on Sunday morning he said he got a terrible pain in his head and that everything goes round, he could not see anything. The ambulance came to the house at one o'clock on Monday the 14th and he died on the 15th at Roosevelt Hospital.

Cross Examined. I do not know the first name of Dr Kolk but his office is between 8th and 9th Avenue on 42nd Street, I could not tell you the number. I was standing in the front door of the saloon when I saw Hegner and Becker coming along, I did not see anybody else in front of the saloon or in front of the vacant lot but Coburn and his wife. I did not see the man that they were quarreling with, I could not see that either Coburn or his wife struck each other, I only saw they had some growling, some talk but no fighting; the first I saw of fighting was when Coburn struck Hegner and immediately after he struck Hegner he Coburn struck Becker instantly and Becker fell against the beer wagon, he got

hold of the wagon but he could not fall over, I took him into the saloon and washed his eye out, Hegner in the meantime had ran into the hallway, I did not follow him into the hallway and I did not see anything in the hall, I was inside in the store that time, Haerlin took him away to the doctor; about three quarters of an hour elapsed from the time of his going to the doctor to when I next saw him, he came into the saloon and staid there about five or ten minutes until eh policeman came to arrest Coburn and then he went down with the policeman; he did not drink anything after I washed his eye, I was behind the bar and he did not drink anything in the store.

George Wolf sworn and examined.

I live at 444 West 41st Street in this city and work in the same place at the butcher business; on the evening of May 12 between seven and eight o'clock I was down stairs feeding my horse, my horse was about five lots below on the other side of the brewery, I went to the saloon 519 West 41st Street when I came up from the stable, to get a glass of beer and I went out and a friend of mine Mr Haerlin came up from home, he called me in to have a glass of beer, we had our glass of beer and I heard a ^{muss} outside on the sidewalk, I looked out of the summer door, I did not go out on the sidewalk and I saw a lady and a gentleman out there, the gentleman was Mr Coburn, I never saw him before, the Defendant is the man I saw; so at the same time I saw Becker and Hegner coming up from the Brewery, they passed Coburn and this woman and Mr Coburn went after Hegner and hit him and struck him on the head, Hegner

turned around and went away, then Coburn hit Becker next right in the eye, I seen that, he was standing about fifteen feet below from the lager beer saloon by the fence, Coburn and Becker were standing about ten feet from the saloon; there are three empty lots and houses in the rear and the front lot is empty, there is a fence between the lager beer saloon and the Brewery. When Becker was hit in the eye he tumbled round, he moved over slowly on the gutter and he took hold of a beer wagon and then the bar-keeper from the saloon went out and brought him in; I seen that Becker had his left hand bandaged, I followed him into the saloon and the bar-keeper washed his eye, I saw him standing holding his eye and the blood ran down, I did not see the eye, I did not stay any longer, I had to go home, I did not see Coburn again after he struck Becker and did not see Becker again; there was nobody on the sidewalk before.

Cross Examined. I was in the saloon about three minutes and when I went in I saw nobody standing on the sidewalk; I said on my direct examination I heard a muss outside, a fight or something, I did not see anything of it, I only heard a lady hallooing, I cannot remember what she said, I only heard her halloo and when I went and looked out of the summer door I only saw Coburn and his wife, I saw no fighting, only a quarrel of words. Then Hegner and Becker came along and Coburn struck Hegner in the head and immediately turned around and struck Becker. As soon as Hegner was licked he went off, I did not look after him where he went, I only had my eye on Becker, so when he got licked I could not say where Hegner was gone,

I saw the man got hit very hard and I heard it smashing; so I looked for that man; after Becker was struck I remained about two minutes and then went away; while I was there there were no blows struck except by Coburn because there was nobody on the sidewalk. I did not see Hegner nor Becker strike a blow nor did I see the wife of Coburn strike a blow, I did not hear any words exchanged between them; neither Hegner nor Becker said anything after they were struck and I did not hear Coburn say anything; it was Mrs. Coburn whom I heard halloo.

Patrick White sworn and examined.

I live at 650 Ninth Avenue and I am a wall paper stainer; my place of business is in 42nd Street and I have been engaged there thirty-two years. I know the Defendant Coburn about ten years, he has been in my employ between nine and ten years, I know other people who know him; his character for peace and quietness and sobriety and general good conduct is good, I cannot give anything about him only a good character; he has always been peaceable and quiet in his conduct with the other men with whom he has been employed, he worked faithfully and steadily and was a sober man; he was in my employ when he was arrested and if he should be discharged I would give him employment at any time.

Christian Hegner recalled, by Counsel.

The deceased Becker and myself were employed in the same brewery, I knew him two months, since I have been working there, Becker drank very little at the time of this affray he did not drink to excess, he was not a temperance man

but he was a temperate man. I desire to correct the date on which this occurrence happened; it was on the 12th of May about a quarter to eight o'clock in the evening, last May that Becker was struck by the Defendant. When I and Becker passed the prisoner we did not say a word to him or to his lady, we were talking together; we had been talking about a minute before when we joined each other; he was standing at the brewery gate and I said to the him, "where is the foreman?" Becker said, "he must be in the saloon," and I said, "well, let us go there, I want to see him"; so we went together. Up to that time when Co-burn struck I had not seen him that day and had had no trouble or difficulty with him, I saw him just the moment before he struck me.

Lo uis Ulrich recalled by Counsel.

I knew Becker about half a year before he died, I saw him almost every day, he was a very quiet man and I never saw him drunk, he was not in the habit of drinking to excess and so far as I know he was a sober, temperate man, he did not appear to be drunk at the time this thing happened, he was not at all under the influence of liquor so far as I could see. Becker boarded two floors above the saloon in the same house, I saw him once and sometimes twice a day during the six months.

Lohis Haerlin sworn and examined.

I live no. 518 Eleventh Avenue and am a baker; on the 12th of May 1888, Saturday, I was at 519 West 41st St. between half past seven and eight o'clock, I went into the saloon to have a drink with George Wolf, Ulrich is

the bar-keeper, we heard growling on the street and Wolf went out, I stood at the door and I said to Wolf, "what is the matter?" He said, "it is a fight"; so I looked out and then Louis Ulrich came in with Philip Becker, I saw his eye was bleeding and so I says, "well, you have got one too", and Becker said, "yes, I have got a good one, I think my eye is lost." I said, "go to the hydrant and wash your eye off and you can see what is the matter with it." Ulrich took a sponge and washed his eye off; his eye was all swelled up and red and it looked like a cut under the eye; so I told him to go to the doctor. I saw Coburn again while Becker was with me, I wanted to go out with Becker for a doctor; we stood at the door and I asked Becker who hit him and he says Coburn, he pointed at Coburn; two ladies held Coburn and Coburn said, "I will kill one of those Dutch sons of bitches to-night. So I told Becker to come inside and wait until he had gone away and I would go with him to the doctor; we went inside again and Coburn went away, I don't know where he went, we went up to Dr. Kolk, I went back in the saloon and waited a couple of minutes before we went to the doctor's. When I looked out of the door I saw two ladies with Coburn, I don't know who they were, they were holding him on both arms. I asked Becker who hit him and he pointed at Coburn and he Coburn wanted to go for us, he wanted to start for us, he tried to pull away from the women, I did not want to fight, I saw it was best for us to go inside. I did not hear what the ladies said to Coburn, I was standing at the saloon door and Coburn and the two women were standing about eight feet away from the door. I went

back into the saloon and when I came out again Coburn was gone with the women. I went to the doctor with Becker and he examined his eye; after we came back from the doctor we went to a drug store and got medicine and then went right home in the house where Becker lives and there I left him, I said good-night and went home, I saw him again on Sunday morning and went down with him to Jefferson Market; Becker said to me that he felt so dizzy in his head, I came back from the Police Court with him to his house, I told him to go upstairs and lie down and he said "I will, do that", I left him there, he took his coat and went upstairs. I never saw him again after that, Becker was not under the influence of liquor on Saturday night that I know of, he did not seem to be drunk, he was sober.

Cross Examined. I did not know Becker at all before his death, I did not see Coburn strike anyone; when I got to the beer saloon Becker was going in and his eye was bloody and then it was washed off, he came in the front door of the saloon and his eye was washed off immediately by Ulrich the bar-tender; then I had a conversation with Becker and he told me that Coburn had hit him, he did not mention Coburn's name, he only pointed and said, "this fellow here done it", he came to the door with me and at that time Coburn and the two ladies were there, I did not see anybody else, I did not look around, I only looked at Coburn, I would not know the ladies again if I saw them because I did not look so much at them, I only looked at Coburn; they held him and he was trying to get away.

Henry Kolb sworn and examined.

I am a practicing physician at 356 West 40th Street and have been for six years; on the 12th of May, 1888 Philip Becker was brought to my office between seven and eight o'clock in the evening by Mr Haerlin, the former witness; Becker's eye was swollen and there was a cut on the lower lid and the upper lid was quite bruised, there was some blood running out of the side of the eye, the upper lid was swollen, the eye itself was bloodshot and showed several little blood vessels were burst, there were little blood vessels broken and hemorrhage coming from it, the nasal bones were broken and there seemed to be a crack in the inside on the lachrymal bone, the crack seemed to go in toward the lachrymal bone. Becker was in a considerable state of excitement and he told me that he had been assaulted, that he had been hit by a man with his fist; his hand was in his vest as if it had been tied up, he said he hurt his arm previously in some way or another, I don't recollect how, I prescribed a lotion for his eye. Those kind of wounds it is very difficult to say much about until you have observed them for about twenty-four hours, they do not look as dangerous as they turn out to be. I told him to go home and lie quiet, making these applications and send me word in the morning. The nasal bone extending from both sides of the base of the nose and the bone on the side that the eye was injured, I think it was the right eye, that was cracked, I could not positively state how far that crack extended, but I am certain it extended from the bridge of the nose to the cheek, how much further internally it went I could not say, the

lachrymal bone appeared to be cracked; that bone forms the covering of the eye, it is in behind the eye, it is a partition between the eye and the brain, a very delicate one; that appeared to be cracked as far as I could determine but owing to the swelling I could not positively make out. The reason why I believed that it was cracked was because the fracture ran transversely over the nasal bone and I could detect the same kind of crack here as I could here. (Pointing to the nose) And it led me to believe that if the crack would extend two inches it might extend three at the same time. Immediately behind this delicate lachrymal bone is the brain and if that bone is taken away the brain is exposed. I never saw Philip Becker again. Do you know whether the other eye was affected? At the time simply as far as the swelling extended directly over near to the other eye and of course it would encroach on the other eye to a certain extent, it affected the other eye slightly. As to the seriousness of the wound it would appear at the time I was afraid that possibly erysipilas might set in or hemorrhage of the brain might result and the result of that would be usually death; it forms a blood clot in the brain and pressure on the brain itself and death follows. If this lachrymal bone were broken and the bone were pressing against the brain what would be the result in your opinion? The result would be compression of the brain and that is usually followed by death, although cases do occur where compression is cured, it is serious in any case. It may leave the man with chronic paralysis or some disease of that description. If the blood clot was large enough

to make enough pressure on the brain it would certainly cause death. From the diagnosis you made that time can you say the crack of the lacrymal bone was sufficiently large to admit of the passing of the blood into the brain?

I should think it might be; the crack may be ever so small and the blood find its way through it, the watery part of the blood first and that seems to force a passageway and the thicker parts follow. I did not see Philip Becker after he was dead, I saw him on Saturday, the 12th of May, 1888.

Cross Examined. I prescribed a lotion of arnica, calendula and carbolic acid, diluted with water; there was no internal medicine required. I told him to go home and lie down and send for me in the morning or let me know how he was in the morning, I did not hear from him in the morning, I heard nothing until a few days later I heard he was in the hospital, I was never sent for, I did not tell him how long he should remain quiet. If the injury which you observed to have been done to the patient Philip Becker was of such a character that it might result in his death, assuming that, what would be the probable effect of the action of the patient in going on the following morning to the Police Court and making a complaint against his assailant? I do not think it would harm him any more than to walk to my house under certain circumstances if the fracture had been anywhere else, if it had been at the base of the brain, he certainly would not have been able to walk very far, that certainly would have aggravated him more, but the locality of the injury

did not do him any more harm than tending to increase his trouble. What effect would any excitement which might naturally be attendant upon going to a Police Court to make a complaint, what effect would it have upon the danger of hemorrhage, would it increase or diminish it? I think it would not have much effect after twenty-four hours. The hemorrhage that occurred from the fracture was undoubtedly within an hour and a half or two or three hours after he received the wound, it probably would have all occurred within two or three hours; I do not know as a matter of fact whether there was any hemorrhage of the brain in this case. The lachrymal bone is a part of the skull, the skull is divided into more than one part, the skull anatomically speaking is everything above the neck; if the lachrymal bone is fractured it would be anatomically correct to say it was a fracture of the lachrymal bone or the anterior portion of the skull, that is as plain as I can make it. I ask you this question; if the anatomist tells you of a given subject that there is no fracture of the skull, does that include the proposition that there is no fracture of the lachrymal bone? Undoubtedly not. Then there may be a fracture of the lachrymal bone and not a fracture of the skull? That is right the lachrymal bone is not a part of the skull but it is not I think a fair question. All bones above the neck are part of the skull but anatomically speaking it would be a different way of expressing it, it would be a fracture of the anterior portion of the skull. If you found a fracture of the nasal bone would you as a physician report it as a fracture of the skull? No sir; as a physician I would report it as a fracture of the nasal

bone, I will ask you this, if you made an autopsy upon this patient and found that there was a delicate fracture of the nasal bone and a fracture of the lachrymal bone and no other fracture of any bones of the head, would you consider it correct to state in your autopsy that there was no fracture of the skull and to stop there with no further statement on the subject? Yes, I would consider it perfectly correct, it would be correct to say that there was a fracture of the skull. Would it be correct to say that there was no fracture of the skull? No, it would not be correct to say there was no fracture of the skull, but anatomically, as the Counsel mentioned it before, it would not be correct, he is putting in the word anatomically; anatomically you would have to give the direct location of the fracture in the autopsy. It would not be correct in such a case to state there was no fracture of the skull and stop there? It would with the modification I have made to it.

By the Court. I understand you to say it would be correct unless they added that there were fractures of the nasal bone and lachrymal bone? Yes, that is correct. If you ask me as a layman whether that man had his skull fractured it would be correct for me to say he had; when you are asking me here in Court as a physician to speak of the anatomical location, or anatomically speaking, as you put it, then it is not proper for me to say a fracture of the skull; then the skull has a more defined meaning and refers more to the back. Assuming that the patient left you on that Saturday evening and on the next morning he was describing himself as in pain and feeling giddy or dizzy, is there

any treatment that you might have used on the following morning that would have alleviated those symptoms?

Undoubtedly. If the injuries that he had received were of such a character as might result in death, proper medical treatment applied on the following morning might have averted that danger, am I right? Yes sir, to a certain extent. And probably would according to your best judgment? Yes. Assuming that the patient the next morning was giddy and dizzy, complaining of pain in his head and went out, went down to the Police Court, to Jefferson Market, made a complaint, came home, laid down and pursued no further medical treatment until the following Monday about noon, by which time he had become unconscious, would you regard that conduct on the part of the patient as prudent or imprudent? Imprudent, highly so. And if such a character that if the injury were dangerous would be likely to contribute largely to a fatal result? I should think so. If there was no fracture of the lachrymal bone then the injury I think, would not be likely to cause death. Your judgment then would turn upon the question of the fracture of the lachrymal bone? Yes, and how much hemorrhage had occurred of course. I could not tell how much hemorrhage had occurred; the hemorrhage that would produce death would show prior to the death; it would be a condition sometimes such as stupor and sometimes pressure on the brain; after death the hemorrhage would be shown beyond all question by blood clots, there could be no doubt about that. I took the address of the man, I did not call to see him again because I told him to send me word around in the morning and let me know. When I did not hear from him I concluded that

he was getting along all right or that he had gone somewhere else. You are still of opinion so far as you know of this case, that if proper medical and surgical treatment had been followed up he would not have died? That would be very difficult to answer, I did not see him after that. I was able to discern the fracture of the nasal bone through following it with my finger. The result of the diagnosis that in my opinion the lachrymal bone was broken was the result as near as I could get at it under the existing circumstances at that time; the eye was swollen and the small blood vessels lacerated, torn and bleeding and the fracture that I could detect in the nasal bone itself being of such a character that it appeared to go inward and go a little deeper than simply the nasal bone. It was my opinion that the lachrymal bone was broken, I could not of course see the bone, not unless the eye ball had been moved to one side, I could not get at it very distinctly.

William H. Park sworn and examined.

I am a physician connected with the Roosevelt Hospital and on the 12th of May I was on a vacation, I was connected with the hospital during the summer and returned on the 14th in the morning about ten A.M. I recollect the case of Philip Becker, I was told that he had come in an ambulance, I saw him in the ward, he was unconscious, I only remember now that his face was somewhat disfigured but where I do not remember. I should say he remained unconscious about twenty hours from the time I saw him until he died, he died on the morning of the 15th but the hour I do not remember. The treatment that was given to him

was rest in bed, kept quiet in bed, ice caps were placed to his head and he was given whiskey as a stimulant; he died on the mornine of the 15th, the body was sent to the dead house and made a Cononer's case. I heard the autopsy was held in the dead house of the rosevelt Hospital, I did not see it because I was busy in the operating room. I do not know who made the autopsy, I only know the Coroner or his deputy made it.

Cross Examined. I first saw Philip Becker about 2 P.M. on the 14th of May, he had been in the Hospital about ten or fifteen minutes; Dr. McBurney is the attending surgeon and Dr Tuttle was the house-surgeon, Dr Tuttle prescribed for him first; the prescription was merely for the man to keep quiet in bed, to have ice applied to his head and he was more or less stimulated but how much I do not remember, I was not then house-surgeon, I was the senior assistant. I considered that the patient had some injury to the brain but what I did not know. The history of the case was taken either before the Coroner or the Grand Jury. I heard about the patient having been struck on the head by an iron bar, I heard that from a friend. Did you examine a patient for the purpose of determining whether there was any fracture of the skull? I suppose I did, I do not remember the examination, I always do. My remembrance is that I found no fracture but I am not sure of that; if I had found a fracture of the skull it would be noted on the book. Doctor, I will just ask you this question, assuming that the patient Philip Becker had received a blow in the right eye from a naked fist between seven and eight o'clock on Saturday evening, that he had shortly thereafter gone to a physician and obtained a liniment

with which to bathe the eye and had received directions from that physician to go home and remain quiet in bed and report his condition on the following morning; assuming that upon the following morning he complained of being dizzy and giddy and of suffering considerable pain; that he had gone on that morning from his residence in 41st St. down to Jefferson Market Police Court on Sixth Avenue and 10th Street and made a complaint in the Police Court and had gone home again and had not notified the physician whom he had seen on the previous evening or consulted him and had not pursued any further medical or surgical treatment but had remained without treatment until the following Monday about the middle of the day at which time he had become unconscious, would you consider that his conduct after receiving his injury had been prudent or imprudent; assuming further that the prescription for the lotion which Dr. Kolb made was that which he had testified to, would you consider the conduct of the patient prudent or imprudent?

Objected to.

Witness: I heard Dr. Kolb's testimony and his description of what he found and I also heard the description of the injuries to the eye given by the whole of the witnesses. His conduct tended to aggravate his injuries and it might have contributed largely to his death. I assume that you know the facts that the witnesses have testified to, assuming those facts, taking the patient in the condition in which he was found on the Sunday morning after he received that injury, tell me whether or not in your opinion medical or surgical treatment or both medical and surgical treatment might have been used which would have saved his life?

I cannot answer without knowing what the autopsy showed, I do not fully know his condition. I do not recollect anything about the location of the injuries except there was some disfiguration of the face.

William O'Meagher sworn and examined.

I am Deputy Coroner of the City and County of New York, I recollect the case of Philip Becker, I made an autopsy of that body in the dead house of Roosevelt Hospital about the 15th of May. I made an autopsy in the presence of one or two doctors of the house staff of Roosevelt Hospital and found that Philip Becker had died from congestion of the brain, a dropsical condition of the brain resulting from congestion and compression, from a small clot of blood on the upper portion of the brain. The dropsical condition was the result of two or three causes, the result of congestion and the clot and some old inflammation of the covering of the brain. There was no fracture of the skull; the skull was remarkably thin, I never saw one so thin for a man of his age, I should think in some places it was an eighth or a tenth of an inch thick, you could see the light through the skull. I examined and found no bones broken. There was an external contusion of the nasal bone but on examining the lachrymal orbital bones there was no fracture; there was ecchymosis, that is, a discoloration from effused blood of the vessels of the eyelids. There was a clot of blood on the upper portion, on the top of the head, about the size of a silver dollar. The condition of the right eye was that usually seen in an ordinary black eye. When I saw the body it was twelve or fifteen

hours after death. Echymosis had disappeared to a certain extent and the swelling had disappeared to a great extent and I could not judge from the appearances then what the swelling and information were before death, it was an ordinary black eye; the contusion must have been caused by some foreign cause; the immediate cause of death was compression of the brain from this clot and the dropsical condition of the brain from the same cause; the condition of the brain was the result of the external injury with the exception of the old patch of inflammation -- that was a previous condition; a blood vessel was ruptured in the brain in the posterior upper portion of the covering of the brain, not in the brain proper; the covering of the brain was attached to the brain, contrary to normal condition in consequence of the old inflammation and that rupture caused an effusion of blood, it was not a recent condition, a bright red clot caused by external injury within a few days from the time I examined it. Contra coup is a scientific term that is used in surgery to mean that the injury is frequently at the opposite side from the blow, for instance a man may be struck in the eye and he may rupture the blood vessel in the opposite portion of the brain; there may be no rupture of the blood vessel in the brain immediately about the optic nerve or in the vicinity of the eye, but right opposite in another portion of the brain. This rupture that I found I think was caused by the external injury and the external injury in this case was the right orbit of the right eye, I think the injury caused to the eye was the immediate cause of death. I have been practising as a physician about thirty years.

Cross Examined. Coma is an insensible condition, it is a mode of death; a man suffering from coma lapses into unconsciousness and from that unconsciousness he passes into the silent realms of the unknown, it is a condition of dying. Congestion is a dilatation of the blood vessels from an excessive quantity of blood in that case and hemorrhage is a rupture of the blood vessel; a serous effusion of the brain means the watery element of the blood escaping through the blood vessels into the surrounding tissues. Echyemosis is produced by an effusion of blood from the blood vessels under the skin and if it be about the eye it is what we commonly call a black eye. Eddematous means a dropsical with the watery effusion in the tissues; pachymeningitis means an old inflammation of the duramata the covering of the brain. There had formerly been an old inflammation there which had healed and left the membrane adherent to the brain. The old injury and the recent injury tended to produce this compression which was the cause of death. The lachrymal bone was not fractured; I could not quite discover whether there was any fracture at or about the place of the juncture of the lachrymal bone and the nasal bone. It is certain that we can determine as to any fracture of any bone of the skull with far more certainty by an autopsy upon the dead subject than we can by examination of the living subject before death. The normal thickness of the skull of an adult is about half an inch, it varies according to the subject and location of the place examined. I said on my direct examination that the skull of the deceased was one-eighth or one-tenth of an inch in thickness in some places. I examined it in the

thinnest places, and in the normal skull it would be about three-eighths of an inch; in this subject the thinness in the corresponding places was from one-eighth to one-tenth of an inch, I think it was of the normal hardness but I never saw in an adult a skull so remarkably thin.

The cause of the dropsical effusion was the result of hemorrhage, the result of the clot and the compression.

Assume that the deceased received some external injury which caused the rupture of that blood vessel and produced that hemorrhage, how soon after the receiving of the injury would any symptoms of the injury to the brain be observed? I should say almost immediately afterwards; the symptoms would be compression of the brain from hemorrhage, dizziness in the head and confusion of mind and a feeling of fullness in the head; the symptoms would last as long as the clot lasted, sometimes they disappear when the clot is partially absorbed. The period at which unconsciousness would ensue would depend exactly upon the amount of compression caused by the clot and by other circumstances.

In this case by the effusion of serum, the dropsical condition of the brain. I mean by external injury an amount of damage to the head, to the face or to the eye sufficient to cause the indications. It was above the parietal bones that I noticed this particularly thin condition. It would have been possible, would it not, that some blow upon the back of the head might have produced this rupture of the blood vessel from which this clot came without producing any wound upon the scalp. I heard a portion of the testimony of Dr. Kolb. Assuming that the deceased between seven and eight o'clock on the evening of the 12th of May

thinnest places, and in the normal skull it would be about three-eighths of an inch; in this subject the thinness in the corresponding places was from one-eighth to one-tenth of an inch, I think it was of the normal hardness but I never saw in an adult a skull so remarkably thin.

The cause of the dropsical effusion was the result of hemorrhage, the result of the clot and the compression.

Assume that the deceased received some external injury which caused the rupture of that blood vessel and produced that hemorrhage, how soon after the receiving of the injury would any symptoms of the injury to the brain be observed? I should say almost immediately afterwards; the symptoms would be compression of the brain from hemorrhage, dizziness in the head and confusion of mind and a feeling of fullness in the head; the symptoms would last as long as the clot lasted, sometimes they disappear when the clot is partially absorbed. The period at which unconsciousness would ensue would depend exactly upon the amount of compression caused by the clot and by other circumstances.

In this case by the effusion of serum, the dropsical condition of the brain. I mean by external injury an amount of damage to the head, to the face or to the eye sufficient to cause the indications. It was above the parietal bones that I noticed this particularly thin condition. It would have been possible, would it not, that some blow upon the back of the head might have produced this rupture of the blood vessel from which this clot came without producing any wound upon the scalp. I heard a portion of the testimony of Dr. Kolb. Assuming that the deceased between seven and eight o'clock on the evening of the 12th of May

received a blow upon the right eye which produced a severe contusion and rupture of some of the blood vessels of the eye ball, what would have been the proper medical and surgical treatment to be adopted immediately for the prevention of any distressing results from that injury? I beg to decline to give an opinion on it. I heard Dr. Kolb say that he prescribed an opium lotion which is a very good thing. Doctor, assuming that the deceased on the evening of the 12th of May between seven and eight o'clock received a severe blow on the right eye which produced considerable hemorrhage and swelling; assuming that he went very shortly afterwards to a physician and received from him a prescription for a lotion such as Dr. Kolb has testified to and you have heard; assuming that he was instructed by Dr. Kolb to go home and remain quiet and report to him his condition or let him know his condition on the following morning; assuming that upon the following morning the deceased left his residence in 41st Street and went down to Sixth Avenue and 10th Street in this city to the Jefferson Market Police Court and there made a complaint and then went home and did not report again to the physician who had prescribed for him on the night before and pursued no further medical or surgical treatment but remained at home until the following Monday about the middle of the day by which time he had become unconscious; and assuming that he was then taken in an unconscious condition to the hospital and died on the following Tuesday, the next day about the middle of the day, would you consider the conduct of the deceased during the interval between the time when he saw Dr. Kolb and the time when he was taken to the hospital

prudent or imprudent? Highly imprudent. Would you consider as a medical man that his own conduct contributed very largely to the fatal results from the injuries which he had received? Not to any great extent after all because the injury had preceded his indiscretion. Do you mean to tell me then that the injury was such as to be beyond surgical or medical aid -- do you mean to say that the injury which he received was such as would cause his death no matter what medical or surgical treatment was adopted? No, I did not say so. Do you consider that his conduct was such as to aggravate the injury? I do, his conduct was indiscreet to say the least of it, and imprudent and it would aggravate the injury to a very considerable degree. Would the neglect of proper medical and surgical treatment tend in your judgment to a fatal result? It would hasten it certainly, it would be a contributory cause to the death.

Doctor, are you able to say as a medical man, that this rupture of the vessel in the back of the head and at the top of the head was caused by a blow upon the right eye?

I do. You say it could not have been caused by any other means? I mean it was caused by external violence as in this case, I know of no other cause except the blow he received on the eye. Do I understand you to tell the jury that the blow on the eye was the cause of the rupture of the blood vessel on the back of the head? I believe it was. And a blow such as has been described upon the eye could cause such an injury to the brain? It could. Could not that injury have been caused in a man of his condition of his thickness of skull by falling against something and striking his head? Yes, that is possible and probable if

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he had a fall because he had an old patch of inflammation there that invited congestion, that is a fullness of the blood vessels. A slight blow would cause a rupture of the blood vessel there more apt to exist with him than in a man whose skull was normal? yes. I understand you to say that you are not able to tell this jury as a physician and surgeon that the blow upon the eye received by the deceased Philip Becker which has been described by the witnesses here was such as would have caused death if proper medical and surgical treatment had been used and proper care taken of the patient? I am unable to tell the proper treatment in his case because I did not see him alive; my duties are with the dead in this case. I think if I were to answer this question it would be a reflection upon the doctors that treated him. It is a matter of supposition because a doctor cannot know everything about a patient seeing him only a few minutes; he requires a good deal of observation and nursing and watching, and if a patient does not return to the doctor or does not follow his directions, the doctor is not to blame.

The long hypothetical question already put was repeated and the witness said that irrespective of all treatment, "I think the injury was sufficient to cause his death, in all probability he would have died from the injury, that is my best knowledge and belief. I suppose you gave that answer upon the supposition that the clot which produced the compression of the brain was caused by the rupture of the blood vessel of the brain which in its turn was caused by the injury which he did receive, namely

the blow on the eye? Yes. But you are not able to say that the rupture of the blood vessel at the top and back of the head was in fact caused by the blow on the eye? I do not know any other cause, as I told you; there were no external indications except those I have stated in that paper; there were external evidences of the injury of the eye; it might have been caused by excessive passion.

Micheal Kelly sworn and examined.

I am a police officer of the 20th precinct, on the night of May 12, 1888 I saw Becker the deceased in the Station House; I arrested Coburn the defendant, the same night in 41st Street, I think 521 West in a house where he lived, and brought him to the Station House. I asked him if he hit Becker? He told me he had not but that he had had some trouble with his wife. There was in the room his wife, another lady and a little girl; his wife got hold of me around the waist and said I could not take him out. Becker came in the room with me and identified Coburn as the man that struck him; I asked him if that was the man that kicked him, I understood it was a kick, and he said yes. Becker had a bad looking eye, it was all blood-shot and seemed to be swollen, he had a red handkerchief up to it.

Cross Examined. When I first heard of this affair I was in the Station House in the back room, Becker came in and the Sergeant told me to arrest the man who assaulted Becker, that if I could not get in easily without breaking an entrance in to direct Becker to the Court to get a warrant for him, I did not hear Becker say anything at that time in the Station House, I went with Becker from

the Station House to the residence of the Defendant, the Defendant seemed to be sober; there was quite a crowd followed menin when they seen me going in, I think Christian Hegner who has been a witness here was one of the men who was there but I wouldnot positively swear to it, the Defendant did not resist the arrest but came with me quietly, he denied that he had struck Becker. When I got to the Station House the Sergeant asked Becker was he positively sure that that was the man who struck or kicked him; I am pretty sure he said kicked him and Becker said it was, we held Coburn in the Station House that night and Bekcer went home, Becker seemed to be a big, strong, healthy man, I think he was a little taller than I am and I think he weighed around one hundred and eighty or two hundred pounds, I took Coburn the next morning to the Jefferson Market Police Court, I held him until Becker came in and made the complaint out. I saw Becker sign the complaint now show n me.

The complaints Exhibits A and B were put in evidence. The paper now shown me was made out in the Roosevelt Hospital in my presence by Superintendent Lathrop and given to me, I brought it down to the Sergeant and he directed me to go down to Jefferson Market as quick as I could to Judge Duffy, I did not find Judge Duffy but I went to the Special Sessions and handed the paper to Judge Kilbreth. I believe the Defendant was brought out for trial that day and believe hiscase was put back for a couple of days.

Mr. Davis: The People rest.

William H. Park recalled by Counsel.

I heard the testimony of Dr. O'Meagher. In my opinion as a physician and surgeon was the injury which the witnesses have testified to as having been received by the deceased Philip Becker on the evening of the 12th of May, such an injury would probably have caused death if the deceased had had from that time on continuously proper medical and surgical treatment? Can I make no other answer than yes or no?

The Court: Yes.

Witness: I should think in most cases injuries that had been discovered if properly treated would have recovered. Are you referring to this case or to other cases? To other cases, that amount of injury, most cases properly treated would recover I think. I have heard the testimony of Dr. Kolb. Doctor, would it be your opinion from what you have heard of the facts of this case and the testimony of the witnesses that if the deceased on the Monday morning after the injury was received had had further medical and surgical treatment of a proper character he might have recovered from the effects of the injury? Yes, I think he might have recovered.

By Mr. Davis: Assuming all that the Counsel has put in his question of the facts of this case, except that part where he says, assuming that after the time when the deceased should have gone to the doctor he received no proper medical treatment or advice but assuming that he did continue the prescription which had been given him by Dr. Kolb and had received proper treatment at your hospital then would you say that the results of the original injuries had been aggravated by lack of treatment? I do not

understand the question. Counsel for the Defence in his question assumed certain facts which were in this case down to a certain point, then he assumed a fact which was not in the case, namely, that on the morning after the injury and after he had been to the doctor he not only failed to go back to the doctor in accordance with his advice but that he had no further medical treatment what-
though he
ever -- now it is in evidence here that ~~he~~ did not go to the doctor he did use the lotion which the doctor prescribed and that he was in bed part of the time, substituting the assumption that he used the treatment the doctor prescribed part of the time and was in bed, would you consider his acts imprudent? I should consider that his action in not resting was the only imprudent part.

By the Court: The action of going down to the Court you mean?

Yes. I heard what Dr. Kolb prescribed and I heard a description of the injuries. I believe the deceased received proper treatment at the Hospital under my charge, I know he received the treatment that we considered right. I have been a physician two years and a half. Doctor, I believe in your report of the case you reported that the patient when received at the hospital was suffering from concussion of the brain and alcoholism, is that correct? I believe so. What do you mean by alcoholism? In that case we meant that his breath had an odor of alcohol from his insensible condition without any clear history, we thought that was the proper condition that was due to alcoholism. Doctor, assuming that a man has received an injury which results in a rupture of the blood vessel and consequent hemorrhage to the brain, is the treatment which

Dr. Kolb prescribed and you heard what that was I believe, the proper treatment to be continued for that injury? The external wound was properly treated, the proper treatment would be continued rest. The liniment which Dr. Kolb prescribed was merely for reducing the inflammation, am I correct, that is the only effect of it? I should judge so. It would not have any effect upon the brain? None whatever, absolutely none. The cause of death in this case was injury to the brain? Yes, it was. Is there any medical or surgical treatment which would tend to avert a fatal result from the injury to the brain? Rest certainly and probably cold applications. Then, as a medical man, if you had a patient who had come to you suffering from such an injury as this patient had at the time he came to Dr. Kolb, would you have instructed him to let you know on the following morning how he was, would not you do as Dr. Kolb did? yes. Would you not have considered that it was highly desirable for the patient's interest that you should know how he was getting along on the following morning? Yes, although I would not have suspected a serious injury from his appearance at that time. But if the injury was serious it would have been of the highest importance that proper medical advice should have been had continuously, would it not? Yes. And the absence of continuous medical advice would have a tendency to increase the danger of a fatal result, would it not? Yes. Another thing that is highly desirable is the entire absence of all cause of excitement is it not? It is. You would consider it in the highest degree imprudent for a patient in that condition to take any

part in any legal proceeding, would you not.

A. I would.

By the Court. Q. Doctor, you say that your report of this case was that the man was suffering from alcoholism, what did you find to make that report.

A. Merely an odor of alcoholism, it was nothing that we knew certainly, it was a supposition, not a knowledge.

Q. Do you now say that the man you saw was suffering from alcoholism.

A. He had enough injury without alcoholism before he came to the hospital to have killed him; the condition of the brain was enough to kill the man at the time of his admission.

The Case for the Defense.

George R. Lockwood sworn and examined.

I am a practicing physician since 1884, I have had surgical experience in hospital, cases of death from injuries to the head. I have read the autopsy upon the body of Philip Becker which has been introduced in evidence; the facts stated in that autopsy are now familiar to my mind.

Q. Now Doctor, if Philip Backer, the person mentioned as the deceased in that autopsy, between seven and eight o'clock on the evening of the 12th of May, received a blow from the naked fist in the right eye which resulted in a severe contusion and laceration of some of the external vessels of the eye-ball, producing considerable hemorrhage and if shortly thereafter he went to Dr. Kolb, a physician

practicing in this city and procured from Dr. Kolb a prescription for a lotion designed to reduce the external inflammation only but having no other design or effect and was told by Dr. Kolb to go home and remain quiet and let him know on the following morning how he got along; if on the following morning, Sunday morning, he got up and complained of feeling dizzy and giddy and of considerable pain but did not let Dr. Kolb know how he was getting along and did not receive any further treatment from Dr. Kolb or from any other medical man until hereafter as I shall mention, and if on that same Sunday morning he went from his residence in 41st Street to the Jefferson Market Police Court at Sixth Avenue and 10th Street and there made a complaint against the Defendant of assault and battery and then went home and had no other medical treatment until Monday about noon, and on Monday about noon he became unconscious and was taken to the Hospital and at the time he was taken to the Hospital had such traces of alcohol upon his breath as to lead to the conclusion that he was suffering from alcoholism and concussion of the brain and remained in the Hospital unconscious until he died, and if an autopsy was held and the facts reported in that report which I have shown you, which you have now in your hand, were disclosed by that autopsy, and if in addition to that it appeared that a clot about the size of a dollar had been formed at the top and back of the head upon the brain --- supposing those facts Doctor I ask you first whether in your judgment as a medical man the rupture of the blood vessel which produced the clot that I have described on the top and back of the head can with any degree of certainty be attributed to the blow

upon the eye of which I have spoken.

A. I should think with such a history as you have given that the cause was improbable.

Q. Doctor, I will ask you further that the conduct which I have described from the time he consulted Dr. Kolb up to the time he was taken to the Hospital on Monday, was of a character which naturally tend to aggravate any injury that he might have received from the blow on the eye.

A. It might very readily.

Q. Was his conduct in your judgment of such a character as would probably contribute to a fatal result.

A. That would depend entirely upon the cause of the hemorrhage; if the cause of the hemorrhage was the blow which was in this case improbable, it would contribute; if the cause of the hemorrhage was the blow upon the eye then the conduct which you have described would contribute to the fatal result.

Q. Would the physical exertion of going about up and down town have some tendency to contribute to the fatal result

A. It might very readily.

Q. How about the mental exertion of going into a Police Court and taking part in the litigation.

A. That might influence it.

Q. And how about the use of alcoholic stimulants.

A. That might influence it.

Cross Examined by Mr. Davis.

Q. Doctor, add to the history which the Counsel has given you of this case the fact that the blow from the fist was sufficiently strong and powerful to cause the eye to lay out upon the cheek and to bleed profusely, would that

change your opinion as to the probability of the blow producing the rupture which has been spoken of here.

A. With the history of this autopsy I should say no, it would not alter the decision.

Q. Could a blow inflicted upon the eye with the fist produce a rupture of the blood vessel upon the brain.

A. It could; in that case it would not be with laceration of the brain. Any severe blow on any part of the head might possibly produce rupture upon the opposite side of the skull.

Q. Would any blow upon the eye produce a rupture of the blood vessel such as has been testified to in this case.

A. It could, any severe blow.

Q. And the severer the blow the more probable the rupture of the blood vessel I suppose, is that it.

A. Not necessarily but as a general rule, yes.

Q. Why did you qualify it, not necessarily.

A. Because if the blow were a sharp, cutting blow it would not be as likely to be attended by laceration of the brain as a blow with blow with more impulse.

Q. Suppose, as in this case, a blow of the fist with sufficient force to force the eye out of the socket and bruise some of the blood vessels of the eye.

A. Such a case might be followed by hemorrhage.

Q. Would it be probable to be followed by such hemorrhage.

A. It would not.

Q. Will you describe to us what kind of a blow would in all probability be followed by such hemorrhage.

A. Any severe blow might be followed but not probably followed by hemorrhage.

Q. Then hemorrhage of that kind is not likely to follow even the severest blow upon the eye, is that your opinion.

A. If the blow is so severe as to lacerate the brain you may have such hemorrhage.

Q. I will put it in another way, are there any blows of the fist of such a character as that when inflicted upon the eye they will most probably be followed by a rupture such as has been testified to in this case.

A. They may be followed, probably.

Q. Then the Philip Becker in this case who had an abnormally thin skull, say one-third as thin as the normal skull, would that change your opinion as to the effect of the blow described in producing the rupture.

A. From the facts there was no fracture of the bone -- it would not alter it.

Q. Then do I understand you to say, Doctor, that no matter how severe the blow with the fist may be when inflicted upon the eye, it is not likely to be followed by a rupture of the blood vessels of the brain, though it may be.

A. It is not likely but possible.

By the Court. Q. Suppose you were to add to it, Doctor, the fact that the person receiving such a blow had a patch of old inflammation covering the brain leaving a membrane adhered to it.

A. It might add an influence, the fact that the patient had chronic inflammation of the coverings of the brain, a moderate blow might possibly cause hemorrhage upon those arteries from the inflamed condition.

By Mr. Davis. Q. Philip Becker, according to the testimony in this case, had that old pachymeningitis on his brain, he had a

blow which I have described to you, inflicted upon the right eye with a fist, I want to ask you whether it is probable that the rupture under those conditions of that blood vessel of the brain was caused by the blow with the fist.

A. That would be impossible to say.

Q. Would not the existence of that old pachymeningitis as described add to the probabilities that the blow caused the rupture.

A. Yes, indirectly.

Q. Do you know what contra coup is.

A. It is a blow on one side of the skull followed by the fracture and the laceration of the brain upon the opposite side.

Q. Might not in your opinion this rupture of the blood vessel have been the result of the contra coup.

A. No sir, I hardly think so, because the man gave no symptoms of menⁱⁿgeal hemorrhage at the time of the accident.

Q. What are the symptoms of meningeal hemorrhage.

A. The first thing would be unconsciousness with or without convulsions with a low temperature, a slow pulse, slow breathing and possibly symptoms of paralysis and you might have preceding the attack some giddiness but not as a rule. Meningeal hemorrhage is a hemorrhage between the membranes of the brain, the blood coming from the membranes and the clot forming between the cap of the skull and the brain.

Q. How long have you been practicing, Doctor.

A. Four years, since the spring of 1884.

- Q. What Hospital practice have you had since then.
- A. In the New York Hospital, I was there for two years and since then I have been in connection with the Roosevelt Hospital and the Venderbilt Clinic and in connection with the College of Physicians and Surgeons. I have no speciality that I devote myself to. I have treated a large number of minor injuries, of cuts, contusions, etc., I should roughly estimate from a dozen to fifteen of cases similar to this, I have assisted in some autopsies, I do not know Dr. O'Meagher, the Deputy Coroner, I am twenty-seven years old.
- Q. Suppose it appears in this case from the evidence of Dr. O'Meagher, that there was no evidence of any other blow upon the head or face of Philip Becker except the blow which had been inflicted upon the eye and that there appeared upon the autopsy about one day after his death, on the same day of his death and two and a half days after the blow had been inflicted, that there was a clot of blood which had been formed recently within a few days, what would you say as to the probability of the blow upon the eye producing that rupture of the blood vessel upon the brain.
- A. From the fact that he had chronic pachymeningetis he might have had a hemorrhage without there being any blow at all
- Q: You do not answer my question, assuming those conditions to exist, I ask you what is the probability of the blow upon the eye producing the rupture of the blood vessel of the brain, I want to know whether the existence of pachymeningetis might have caused the hemorrhage or not.
- A. With that history I should think it was not probable.

Q. Then you mean to say that the blow which was inflicted upon Philip Becker in the history of the case as you have it, was not probably the cause of the rupture of the blood vessel, is that it, Doctor.

A. I do, sir.

By Counsel. Q. Doctor, in the light of what you know about this case now, what would have been the proper medical and surgical treatment of that case for the purpose of avoiding if possible a fatal determination.

A. Do you mean at the time of the injury?

Q. From the time he was first seen by Dr. Kolb a few minutes after the injury had been received upon the eye.

A. There was no active treatment as I understand the history indicated, nothing but an expectant treatment.

Q. What treatment of any kind would you have advised.

A. It is very hard to say, not seeing the patient or not knowing the full particulars.

Q. So far as you are able to say, what advice would you have given with respect to rest, either mental or physical.

A. Rest would be indicated because if a man has a severe blow upon any part of the head that blow is possibly but not probably followed by inflammation of the brain itself or from injury to the membranes or possible fracture.

Q. Would a blow in the eye produce inflammation of the brain.

A. A blow on the eye may possibly but not probably.

Q. Could a blow in the eye produce inflammation of the brain at the posterior portion of the head.

A. Possible, not probable.

Q. How are you able to testify here that this man having received a blow in the eye and the autopsy showing a clot of

blood upon the posterior portion of the head, that that was not the result or might not have been the result of a blow in the eye.

A. For two reasons, first that he gave no sign of meningeal hemorrhage at the time of the injury, as I understand the case, he was able to walk and was not unconscious; and the second is, that the autopsy as I read it, gives the probable cause of the hemorrhage without necessarily being preceded by the blow.

Q. But it might have been produced by this blow, is that it.

A. No sir, not with the history.

Q. You say then in your judgment that this blow did not tend in any way whatever to produce this cerebral hemorrhage of the brain.

A. It might have indirectly.

By Mr. Davis. Q. Is it not probably that it did, Doctor.

A. That is impossible to say.

Q. You do not attach much importance to the theory of contra coup, do you.

A. I do not.

Q. Suppose the blow such as has been described upon the eye and suppose the existence of the old pachymeningitis in case a rupture of the blood vessels of the brain should follow, would it be more likely to follow in the absence of the pachymeningitis -- would the existence of pachymeningitis increase the condition of the existence of the rupture.

A. It would.

Q. Meningeal hemorrhage may be slight or it may be great.

A. It may.

- Q. Suppose meningeal hemorrhage beginning in a very small quantity or amount, progressive meningeal hemorrhage as I have termed it, would the condition of unconsciousness immediately appear in the patient's suffering.
- A. It would not.
- Q. Is it not possible for meningeal hemorrhage to exist for at least half a day without rendering the patient unconscious,.
- A. It may.
- Q. May it not be so small and so gradual as to permit the patient to remain conscious for even a day.
- A. Yes, it would be possible.
- Q. Is it not possible for meningeal hemorrhage to be so slight at the beginning and so slow in its progress as not to deprive the patient of consciousness for at least two days.
- A. A very small hemorrhage might have that history.
- Q. And the conditions preceding the unconscious stage in a case of meningeal hemorrhage, among those conditions would be dizziness or giddiness would it not.
- A. Yes, there might be.
- Q. A dazed condition of the senses, a slight pain and headache
- A. Yes sir, headache. In answer to Counsel the witness said that the proper treatment for these symptoms would be rest, both abstinence from physical and mental exertion, I would consider the use of alcoholic stimulants highly injurious and might tend to aggravate the trouble.
- By Mr. Davis. Q. Knowing as you do a blow had been inflicted and you know the character of the blow, would you say that that meningeal hemorrhage had in all likelihood been produced by the blow upon the eye.
- A. It may or may not, I cannot say.

John W. Coburn sworn and examined.

I am the Defendant in this action and at the time of my arrest I lived at 523 West 41st Street. I was working the for Mr. Campbell at paper hanging and my boss there was White who testified here as a witness, I have been working for the last ten years, I have never been charged with or arrested for any crime in my life. I remember the 12th of last May, I was in West 41st Street between seven and eight o'clock in the evening, I was over in the afternoon at Weehawken playing ball, I came back at half past six and went right home, I could not get in, I heard that my wife was up in the barber shop with the young one getting its hair cut, the barber shop is one door off 10th Avenue, I found my wife at the barber shop and I went home with her.

I was going down and I said to my wife, there is a man going to fire a brick at me; I stood at my own door. The man came down, he goes with a brewery and truck driver. I don't know who that man was that went to fire a brick at me, he was not examined as a witness in this case; he came down and he hauled off and he smashed me in the jaw, I turned around, my wife got kicked in the shoulder and so went after the man; there was eight or nine of them got at me and they dragged me in the hall of 519, I don't know who any of those people were; they had me down and kicked me, I got up, I did not know whether I had struck the man or not. The hall they dragged me into was where the large beer saloon is, I do not know any of the people who attacked me that evening, I have not seen them since.

I did not know Philip Becker or Christian Hegner, I did

not see the witness Hegner that evening in company with another man, I did not strike Hegner that evening or a man who was in his company; it was half past six when they dragged me into the hallway; after I got away from them I went in the house and the officer came in the house after me about eight o'clock, I had been in the house an hour and a half.

Cross Examined.

I live at 523 West 41st Street and lived there going on two years and this saloon was 529 West 41st Street about two doors from my house. I don't know anybody in that neighborhood. I went to Weehawken at one o'clock alone, I played ball there right alongside the ferry; it was quite a warm day and I played until five o'clock, I left for home on the boat at half past six, that is, I got into New York at half past six, I believe I landed at 42nd Street ferry. I drank beer that day, there was one keg there after the game was over, I took three drinks of lager during the game, I drank nothing up to one o'clock that day; there was about eighteen people took beer from the keg, I drank no beer between one and five o'clock, there was no beer drank by anybody between one and five o'clock, the keg of beer was at the lager beer saloon which was about thirty-five feet from the ground, I meant to tell the Jury that I drank no beer between one and five o'clock, while I was playing ball but that I drank three glasses after the game was over. None of the party were intoxicated. I went home by myself and left the others there, I was not intoxicated at all when I arrived in New York at half past six. I live on 41st St.

alongside the river, it did not take five minutes to go from the ferry to my house. The man who was going to fire the brick at me was a thin man, he had a brick or a half one; he has not been a witness in this case. How far away from him were you and your wife when you saw him first? Two houses away from him, he hauled off to fire at me, I saw this man with a brick in his hand before I got to 519 while I was going from 10th Avenue, I passed him but he did not fire the brick, I did not do anything to him, I stood at my own door, he did not say anything to me when I passed him and did not attempt to fire the brick. I told my wife that there was the man who was going to fire a brick at me before I got up to him. I was at 523 when he made a motion to fire it. I knew that he was going to fire it because I cannot go through that block without these Germans firing at me. They are all the time firing bricks at people who go through there, is that it? Yes. A dangerous neighborhood? Yes. You lived there two years? Yes. Did you ever have any brick fired at you before? NO. Did you ever see Germans fire bricks at any people? I saw one -- nobody ever got killed. I did not know this man and never saw him before. I thought he had a grudge against me because when I go through there they always make fun of me; this man made fun of me, I saw him three or four times before in the block, he never fired a brick at me. I had no quarrel with my wife there at all, I only talked with her, I did not find fault with her and she did not with me, I was not quarreling about anything at all, I was not under the influence of liquor at all. When I arrived in front of this house a fellow by

the name of Wolf was there, not George but another one who lives at 523, he is not in court to-day, I did not say anything to him nor he to me or my wife, there was nobody else in front of the house and we stood there ten minutes before anybody else came up; during the time that I and my wife and Wolf stood in front of my gate the man with the brick was at 519; at the time the man raised his hand to throw the brick at me Wolf was not standing there, he walked away before that, Wolf did not hit me or my wife; my wife and I were standing there ten minutes when Wolf came up the second time, he did not do anything, he walked on towards Tenth Avenue; this man came down and hauled off and hit me on the side of the face with his fist, he left the brick in the mud gutter, I have a witness here a woman named Sutton who saw him strike me and another woman Dora McAllister. It was not a hard blow which the man struck me, he went for 519 and I ran after him; when I got there a gang of eight or nine grabbed me, knocked me down and kicked me in the back. Hegner is one of the men who was there, he kicked my wife in the shoulder when she was standing at 523 on the sidewalk before the gang got me down and before the man who had the brick came up and hit me. I was struck first by the man who goes with these truck drivers and my wife was kicked by Hegner who came from 519, only two men came from 519. one was Hegner and the other one was the man who goes with the truck driver, I did not see Hegner kick my wife; I cannot be mistaken when I say that Hegner kicked her, she ran in the back yard, Hegner was at 523 when the man struck me and then I ran up to 519. They had my wife by the hair of the head and pulled her, four of them, I did not tell that before.

I went half way into the hall of 519, they had me down and kicked me right near the end of the hall, I ran half way into the hall after the man who hit me but I did not catch him. I did not see Becker's eye, I did not see him at all that night and would not know him if I saw him. I mean the man who had the injured eye (Becker)? Yes, he was in the hall of 519, I did not see his eye injured but he was one of the crowd of eight or nine people I testified about, he was one of that gang but he did not hit me, I don't know whether I hit him or not; my wife did not get hold of me that night to keep me from these people. I know the man Wolf who lives in the house with me about two weeks and no longer, I had no difficulty with him two weeks before this, I did not on one occasion strike and beat him. I never owned a short mahogany club or a short club of any hard wood, I did not use such a club as that upon the head of a man about a year ago. I had no trouble with people in the house, my wife did not complain to me there that she had been insulted. My wife had not been kicked before I was dragged into the hall. I ran after this man because I wanted to hit him back for hitting me. I was not angry at all.

By Counsel: Did you hear one of the witnesses testify that he came to the door of the saloon with Becker after Becker had received a blow in the eye and that you and your wife stood outside and that you said, "I will kill the Dutch son of a b----" or something to that effect? No, I made no threat against Becker that evening at any time. I did not see Hegner and Becker together coming from the brewery; the eight or nine men all work in the brewery, they came

from Johanna's liquor store, I had never been in there.

By the Court: In response to a question by the District Attorney a minutes ago you said Becker was one of the eight or nine men in the hall, is that so or not? I could not see him there, I could not tell whether he was there or not. You answered a while ago that he was, what is the fact about that? I was down in the hall when the gang of eight or nine kicked me, I could not tell which one kicked me. Hegner was in the hall but I could not see Becker, I do not believe I saw him at all. You now say that you did not see Bekker at all that night, is that it? Yes.

Mary Coburn sworn and examined.

I am the wife of the Defendant and have been married to him two years on the 23rd of February, I have one little one, it is counted to be mine, it is his brother's who is dead, I lived on the 12th of May last at 523 West 41st Street, I should think it was about a quarter or ten minutes to six I left the house to go to the barber shop to get the little boy's hair cut, the barber shop is in the same block just one house off the corner of 10th Avenue.

While I was getting the hair cut my husband came up and waited outside until it was cut, I then went out of the shop and joined my husband, we walked down together to our own house; as we were going down there was a man standing at 519, I don't know the man. My husband said "Mary, that man is the one that was going to throw the brick at me." My husband got a crack in the face and I got a kick, I was ten steps from 519 then. When I got hit in the leg my husband turned and this man ran away into

the hall, he followed him and when he did the whole crowd knocked him down and they beat him, they pulled him into the hall and several hallooed not to kick the head off him, then they kept pounding him in the hall and they pulled me away from him and a woman who lives in the same house came down and said "for God's sake don't kill the woman", that was Mrs. Sutton; the way I hallooed not to kill him drew the attention of others and there was a large crowd; he was out on the street when I got relieved from them and was let out of the hall. I dropped the little one from my arms and my brother took the boy into the house. I did not know Philip Becker in his lifetime and never saw him. I did not see a man that got a black eye there that night until they came into the hall where I live, not until the man came into the house where I live. After this affray my husband and I went into the house and remained there, I was getting ready to go with him to the avenue, I had the basket on my arm when the officer knocked at the door. This was Saturday evening and I was going to the market to get groceries for the week and such things as I needed; then the officer came in with the man who had a black eye and I was informed that was Philip Becker, I had not seen that man during the evening and cannot tell whether he was there or not. I was with my husband from the time I left the barber shop until I got down home and during all that time he did not strike a blow to anybody as I seen, I have not seen him do anything like that at all and I was with him all the time, if he had at any time left me and struck a man without provocation I would have seen it because I

was with him all the time. He was not out of my sight at any time only when I was in the hall; when I was in the hall the attack had been made upon me and my husband, they dragged him into it, they first threw him on the sidewalk and they had beaten him there for a while.

Cross Examined.

I looked at the man when my husband said that was the man who was going to fire a brick at him, I never saw the man before and could not tell him, I could not tell what it was he had in his hand, whether it was a brick or a club, he hit my husband while we were passing by and I got a kick and there is another man over there that kicked me unmercifully, he is sitting in the second seat from the door (Pointing to Hegner.) He kicked me unmercifully in the hall. We had not got as far as our house when my husband received that blow. I could not tell whether the man had anything in his hand or not when he struck my husband because the crack came so sudden and I got a kick from him in the leg. He ran away but I could not tell where, I done nothing and my husband didn't have a chance to do anything, he was knocked down by a lot of men who came out of the lager beer saloon, they kicked him and pulled him into the hall, I could not tell how many blows they gave him in the street, they were kicking him every which way, I went and put myself around him and covered his head so that they could not hit his head, then they divided and commenced to beat him and me too. I could not tell what they said, they were all Germans, I got up and me and my husband went into the

house. When the officer brought Becker I noticed he had a black eye, I did not see his hand, the only one I can identify is Hegner, it was not very dark in the hall. The kicks which I received were very bad and left marks on me two months after, I suffered considerable pain that night, I could not tell where they kicked my husband, I should think eight or nine were kicking him very severely. When I got kicked I let the young one drop and it seems my brother was in the yard and he ran out and took the little fellow in. These men all talked German between themselves, I do not understand German and I could not tell what they were saying but I partly guessed at it. The officer asked the man who had the black eye if it was Coburn that blacked his eye and before he had a chance to speak four or five Germans that was behind him halloed, yes; I don't know whether any of the men who were there are in Court because I was too excited. I had no difficulty or trouble of any kind that afternoon with anybody and my husband had not for he was not home all the afternoon. He must have been angry when he was struck on the cheek, he did not seem to be angry until he turned away after the man to know what was the reason he was struck, he walked fast and the man ran and got out of his way, my husband went after him and the whole crowd got after him.

I had not been drinking anything that day, I never drink. I said to the officer when he said he would arrest my husband, "you can't arrest him without a warrant " and I put my hands on him; I had no quarrel with my husband that afternoon.

Dora McAllister sworn and examined.

I live at 544 West 40th Street and on the 12th of May I lived at 523 West 41st Street. I was in the house the night of the occurrence and when I heard the screams I ran out and when I got in the street they had John Coburn in the hall, it was kind of dark in the hall and I could not very well recognize all these men. There are two over there in the Court (Hegner and Haerlin were brought forward and the witness identified them). These two were in the hall but the others I could not identify.

They had Coburn lying on his mouth and nose in the hall and were beating him severely and his wife tried to protect him; when she kneeled across him and they dragged the hairpins out of her head and after he let go of Coburn he walked into his residence and his wife went out with him; that was between six and seven o'clock in the evening, I did not see the man with the black eye until he came to Mrs. Coburn's door with the officer, I saw him then, I was sitting on the sofa in Coburn's room waiting for them to get ready to go to market when the officer came in with the man with the black eye. I never seen him in my life before. Coburn was not drunk, he left the house at one o'clock to go to the ball game and after that I did not see him again until I heard the screams and went down and found him in the hall.

Cross Examined.

I lived at that time at 523 West 41st Street and this thing occurred at 519, I heard the screams and ran out into the street, the screams came from 519, it was his wife was screaming, that was the first thing I saw of all this trouble and I

do not know of my own knowledge what happened before that time. There were about eight or nine men beating Coburn and his wife. Mr. Johannas struck me three times in the face when I went to go to assist Coburn's wife, Mr. Johannas is the man who owns the lager beer saloon at 519, I left the place at seven o'clock and the fight had all ended. I went into the street and went into the house, I was boarding with Mrs. Coburn at this time, I am no relative but I am an intimate friend of his wife. I am married, my husband is living, I have never been arrested or in any trouble. When I went back to the house I staid there all the evening and did not do anything; when the officer came in Mr. and Mrs. Coburn were preparing to go to market. I was in the house when Mrs. Coburn went to the barber's, the door was open, I did not see Mr. Coburn at the door, Mrs. Coburn did not lock the door when she went away; they had two large rooms there, one opening into the hall and the other leading into the ^{bed} room. I was in the house the whole of the afternoon up to the time I heard the scream, I was cleaning up in the kitchen, the house stands in the rear of the lot.

Ellen Sutton sworn and examined.

I lived on the 12th of May at 519 West 41st Street, I saw a difficulty between Coburn and some other people between six and seven o'clock that evening, I saw it from my front room window and I saw some of it from the lower hall, I went to my front room window to look out for one of my children, I was getting ready to go out and as I did I saw four or five young men on the street beating Coburn, I came

in and made a remark to my husband that some fellow was getting a terrible beating there, I went and got my things and on my way going down stairs I met Mrs. Coburn in the middle of the hall, in the lower hall and four or five men were beating her, that is thumping her with their fists and her hair was hanging all down her back, I saw them pulling her hair, I was at the bottom of the stairs at the time and I was in a hurry to get out to go to my work, I said, "it is a shame to use any woman in such a state. The proprietor of this place came out and asked me what I had to say about it; I told him it was not right to use any woman in that way. I said I would go to the corner and report it to the officer that the whole of the people came out of his place, that he should make peace instead of letting them go on like that. I could not tell who the young men were who were beating him because it was done so quick, the whole thing did not last over fifteen or twenty minutes. I saw people assault Coburn that evening, he was down on the sidewalk a little ways from the front door.

Cross Examined.

When I opened my front room door to go down stairs I heard screaming in the hall and heard loud hallooing, there was more than one woman, whole families were out on the stairs; this was between six and seven o'clock. Mrs. Coburn went to push her way through; she said "my God don't kill me, let me out.. The proprietor of the saloon came from upstairs and then the fight stopped. I passed on and all the men went about their business, I saw no man with a black eye then but the next morning I did and

the man I saw with the black eye I had seen many a time before, he had a furnished room on the same floor where I live, I lived there going on eighteen months. I saw Mrs. Coburn in the morning and her shoulder and side were black and blue from where they had knocked her, I saw no marks on her face. I went down to the Police Court with Mrs. Coburn, I was so angry at the way Mr. Johanna spoke to me that I thought I would get a summons out for him.

I saw Becker that day after I got back from the Police Court going into his room, I should judge it was about half past eleven on Sunday, I could not tell whether he came from the street or from the saloon, I saw him go up to his room and I never saw him after that.

Oscar Sutton sworn and examined.

I live 519 West 41st Street, I saw part of the difficulty between Coburn and some other people between six and seven o'clock, the first thing I saw was one man running away, he is here in Court, the man that was just up here at the bar, Hegner, he was running away from the house I live in, he was running all the way up to 10th Avenue, when I saw him he was running out of the hallway, I saw him from my window, I did not see anything else at all; my little girl came upstairs and told me something and I went down stairs; when I got down stairs I saw Mrs. Coburn at the stairs getting malled by four or five men, tossed from one to the other, I did not see Coburn at that time, I could not see him on account of the crowd on the outside; when I came down stairs the crowd let go of her and Mrs. Coburn got out, I could not recognize any of the

men in the crowd except the man who kept the lager beer saloon, Johannas. I never spoke to Becker, he had a furnished room underneath me, I have seen him a few times and know him by sight, I did not know then that his name was Becker but I know it now. (Hegner was brought before the witness.) That man Hegner was in the crowd, he is the man that ran away, I can't tell anybody else who was in that hallway at that time, I was excited myself. I did not see Becker the next day and never saw him again after this happened, I might have seen him that morning prior to his death, I could not swear to it now whether I did or not.

John W. Coburn recalled by Counsel.

I am a little hard of hearing, I went that Saturday afternoon to Weckawhen to play ball and came home about half past six o'clock. . Where did you first go when you got to your house? I left there and went to the barber shop, I live at 523, I did not go to the house when I first got home, I went past the house but did not go into it, I heard my wife was up at the barber shop. Did you hear the Court say just now that you had testified that you had went to your room and found it locked? Yes, I heard him say so.

Is that what you meant to say, that you went to your room and found it locked? No sir. I did not go to my room because I heard my wife was at the barber shop.

Louis Ulrich recalled.

On the night of this trouble I was not in the hall 519 West 41st Street, I was in the store and Becker was not in

the hall, I had him in the store and washed his eye off, I seen him coming up from the Brewery and he got hit outside and I took him in the store and afterwards he went away to the doctor, he could not be in the hall between that time, I don't know anyone who was in the hall, I heard some noise outside, I heard them halloa but I don't know what it was, I only heard they were fighting or something like that outside while I was in the hall, this fighting was after Becker was struck. Do you know the reputation of this Defendant for peace and quietness? I seen him fighting before.

Counsel: I move to strike that out.

The Court: Yes, strike it out.

By the Court. Do you know his reputation for peace and quietness in that neighborhood, state whether you do or do not, answer yes or no? He was not so very quiet, it was not so very good, it was not very bad neither. A kind of middle sort of reputation, is that true? Yes sir.

Christian Hegner recalled by Mr. Davis.

I don't speak English. Ask him if he knows Mrs. Coburn, the lady standing over there? Never before that evening did I see her. Did you kick Mrs. Coburn on the night on which Becker was injured? No sir. Ask him if he kicked or struck in any way Mrs. Coburn on the night that Becker was injured either before that injury or after it? No sir. Did you see anybody kick or strike her? I did not see it. Did you see Mrs. Coburn in the hallway of 519 West 41st Street that night? Yes, I saw her there when Coburn was running after me or jumped after me.

John G. Scheef sworn and examined.

I live at 521 West 41st Street, I have lived over nine years in that house, it is a tenement house, I have been house-keeper about two years, I know the Defendant Coburn very well and I know his wife. In last May they were living next to my house, 523, I had charge of the house as house-keeper, they had been living there two years. I have heard the neighbors speak many a time about them that they were quarrelsome. I have never had a difficulty with the Defendant myself; the tenants who lived in the house were complaining, Mr. Wolf was one of them; I don't remember all the persons; Coburn was a couple of times fighting with the people in the next house; a man by the name of Cooney had a quarrel with him also, and they both had a fight with a tenant named Morgan. I was not the house-keeper at the time that he had the quarrel with Morgan. Coburn was not liked in the neighborhood. I think Coburn moved the first of August 1886 and he has been living for two years from August 1886 up to May 1888 in the house of which I am house-keeper; there were about eight tenants in the house, they were mixed that time but now they are all Germans.

The Jury rendered a verdict of guilty of manslaughter in the second degree with a recommendation to mercy.

Testimony in the
case of
John W. Coburn

filed June
1888.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John W. Adams

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

Indictment accuse

John W. Adams

of the crime of

manslaughter,

committed as follows:

The said

John W. Adams,

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

Twenty day of *May*, in the year of our Lord one thousand
eight hundred and eighty-*eight*, at the City and County aforesaid,

with force and arms, in and upon
one Philip Bedner, then and there
being, unlawfully and feloniously
did make an assault, and him
the said Philip Bedner, with a
restraint from which he the said
John W. Adams in his right hand
then and there had and held, in
and upon the head of him the
said Philip Bedner, then and there
unlawfully and feloniously did
strike, beat and wound, giving unto

then the said Philip Bedner, then
 and there with the said John W. Adams,
 in and upon the head of him the
 said Philip Bedner, one mortal
 wound and laceration of the length
 of three inches and of the depth
 of two inches, of which said mortal
 wound and laceration the said
 Philip Bedner, at the City and County
 aforesaid, from the said twelfth day
 of May in the year aforesaid,
 until the fifteenth day of May
 in the same year aforesaid, did
 languish and die, on which said
 fifteenth day of May in the year
 aforesaid, the said Philip Bedner
 at the City and County aforesaid,
 of the said mortal wound and
 laceration died.

And so the Grand Jury aforesaid do
 say that the said John W. Adams,
 then the said Philip Bedner, in the
 manner and form and by the means
 aforesaid, unlawfully and feloniously
 did kill and slay, against the form
 of the Statute in such case made and
 provided, and against the peace of the
 People of the State of New York, and
 their dignity.

Second COUNT.

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

John W. Edmund
of the CRIME of Manslaughter,

committed as follows:

The said John W. Edmund,

said the day of May,
late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms,
in and upon one Philip Becker,
then and there being, unlawfully and
 feloniously did make an assault,
and then the said Philip Becker,
with the pointed fist of him the
said John W. Edmund, in and upon
the head of him the said Philip
Becker, then and there unlawfully and
 feloniously did strike, beat and
wound, giving unto him the said
Philip Becker, then and there with
his pointed fist aforesaid, in and
upon the head of him the said
Philip Becker, one mortal wound and
laceration of the length of three inches

and of the depth of two inches, of which said mortal wound and laceration the said Philip Bedner, of the City and County of Essex, from the said month of May, in the year of 1901, until the 15th day of May in the same year of 1901, did languish, and languishing did die, on which said last mentioned day the said Philip Bedner, of the City and County of Essex, of the said mortal wound and laceration died.

And so the Grand Jury of Essex do say: That the said John W. Edmund, from the said Philip Bedner, in the manner and form and by the means aforesaid, unlawfully and feloniously did kill and slay, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Edwards,

District Attorney.

0 102

BOX:

310

FOLDER:

2946

DESCRIPTION:

Cohn, Louis

DATE:

06/28/88



2946

Witnesses:

Op Granger

10th Dec

256
Court of Oyer and Terminer

Counsel,

Filed, *28* day of *June* 188*8*

Pleads,

THE PEOPLE,

Dec 13/88
Exhibit
13
Louis John
Defendant
affidavit
inside

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and page 1080, Sec. 5.]

JOHN R. FELLOWS.

District Attorney.

Read

A True Bill.

May 10/89
Transferred to the Court of Special Sessions for trial and final disposition.

Dated *Dec 13* 188*8*

0104

BOX:

310

FOLDER:

2946

DESCRIPTION:

Cohn, Louis

DATE:

06/28/88



2946

Witnesses:

Op Granger

10th Dec

Defendant, dead.
The Notary
James H. Dumas
Robert J. Jones
Dec. 13th 1893.

256
Court of Oyer and Terminer

Counsel,
Filed, *28* day of *June* 188*8*
Pleads,

THE PEOPLE,

Dec 13/93.
Exhibition of Process
13
Louis John
Defendant dead -
affidavit inside

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.,
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and
page 1889, Sec. 5.]

JOHN R. FELLOWS.

District Attorney.

Dead

A True Bill.

James H. Dumas

Transferred to the Court of Special
Sessions for Juries and Grand Jurors.
position.

Dated...*Dec 13*...188*8*

Excise Violation—Selling on Sunday.

POLICE COURT—3 DISTRICT.

City and County } ss.
of New York,

of the 10th Precinct Police Street,
 of the City of New York, being duly sworn, deposes and says, that on SUNDAY the *11* day
 of *July* 188*6* in the City of New York, in the County of New York, at
 premises No. *44 & 49 Essex* Street,
Lewis Cohen (now here)

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

WHEREFORE, deponent prays that said *Lewis Cohen*
 may be arrested and dealt with according to law.

Sworn to before me, this *12* day } *Rudolph Graucher*
 of *July* 188*6*

John J. [illegible] Police Justice.

0 107

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

I am not guilty and demand a trial in this Court of General Session

Louis Cohen

Taken before me this

day of

1885

Police Justice.

0108

BAILED,
No. 1, by Deey Ballen
Residence [redacted] Street
No. 2, by 149 E. Houston
Residence _____ Street
No. 3, by _____
Residence _____ Street
No. 4, by _____
Residence _____ Street

Police Court 3 District 1003

THE PEOPLE, &c, vs. William Cohen
ON THE COMPLAINT OF Michael Younger
Offence Viol Eye Law

Dated July 12 1886

Gellman Magistrate
Gauger Officer

10 Precinct.

Witnesses

No. _____ Street

No. _____ Street

No. _____ Street

\$ 1000 to answer

Deey Ballen

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 1000 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 July 12 1886 John J. Horner Police Justice.

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

Dated July 12 1886 John J. Horner 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 _____ 1886 _____ Police Justice.

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

New York, July 2, 1888.

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

County of New York.

STATE OF NEW YORK

CERTIFICATE OF DEATH,

IN THE CITY OF NEW YORK.

No. of Certificate 7909

1. Full Name of Deceased, (Write legibly and spell correctly. (If an infant not named, give parents' names.)) Louis Cohen

2. Age, 52 years, 5 months, - days. Color (Race, if other than the white,) White

3. Single, Married, Widow or Widower. (Cross out the words not required in this line.) 4. Occupation, Saloon-keeper

5. Birthplace, (State or Country.) Germany (How long in the United States, if of foreign birth.)

6. How long Resident in this City 26 years

7. Father's Birthplace, (State or Country.) Germany Father's Name, Edward Cohen

8. Mother's Birthplace, (State or Country.) " Mother's Name, Rachael

9. Place of Death, (Please state name of Institution.) 77 & 79 Essex

No. 10 Street, 10 Ward.

10. Residence before admission into the Institution, (Name of Street and Number of House.)

(Signature and Residence of Reporter.)

11. I Hereby Certify, that I attended deceased from March 5, 1888 to March 10, 1888, that I last saw him alive on the 10th day of March, 1888, that he died on the 10th day of March, 1888, about 9 o'clock, A.M. or P. M., and that, to the best of my knowledge and belief, the Cause of his death was as hereunder written :

(Write opposite each cause, if unknown, it should be so stated.)			
Duration of Disease in			
Years	Months	Days	Hours
		<u>6</u>	

Chief and Determining } Pleuro-Pneumonia

Consecutive and } Adema Pulmonum

Contributing }

Sanitary observations,

Witness my hand this 11th day of March, 1888

Place of Burial, Reside Cem (Signature,) Adolph Bantman, M. D.,

Date of Burial, March 13/88

Undertaker, David Bell Residence, 120 Rivington St

* By first floor is meant the floor immediately above or on a level with the grade of the street adjoining; the basement floor is below the level of the adjoining street.

A True Copy.

C. Bantman
Chief Clerk

City and County of New York

Selig Ballin of
93 Essex Street being duly sworn says
that the Louis Cohen named in the annexed
certificate of death is the same person for
whom deponent gave bonds in the sum
of one hundred dollars when the said Louis
Cohen was arrested for violation of the
Excise Law about two years ago at 79 & 79
Essex Street, and that the said Louis Cohen
died March 10th 1888

Sworn to before me } Selig Ballin
July 3rd 1888 }
Philip Emrich
Comm of Deeds
N.Y.C.

The People.

75.

- Louis Cohen.

Certificate and Affidavit
of Death

0111

0112

HEALTH DEPARTMENT OF THE CITY OF NEW YORK

Sanitary Bureau, Vital Statistics
Office, 301 MOTT STREET,

Liber *28*No. *7896*

New York, July 2nd 1888.

A TRANSCRIPT FROM THE RECORD OF DEATHS IN THE CITY OF NEW YORK.

NAME OF DECEASED			DATE OF DEATH.			AGE OF DECEASED		
<i>Peter M. Kenna</i>			MONTH	DAY	YEAR	YEARS	MONTHS	DAYS
			<i>Nov. 24 1884</i>			<i>28</i>		
COLOR	CONDITION	OCCUPATION	BIRTHPLACE			HOW LONG RESIDENT IN CITY		
<i>W.</i>	<i>S.</i>	<i>Bartender</i>	<i>Ireland</i>			<i>6</i>		
PLACE OF DEATH			FATHER'S BIRTHPLACE			MOTHER'S BIRTHPLACE		
<i>No. 491 Greenwich St.</i>			<i>Ireland</i>			<i>Ireland</i>		
<i>5th</i> WARD.								
CAUSE OF DEATH.						TIME FROM ATTACK TILL DEATH		
<i>Chronic Nephritis Coma</i>						YEARS	MONTHS	DAYS
PLACE OF BURIAL			UNDERTAKER			MEDICAL ATTENDANT		
<i>Calvary</i>			<i>Egan & Lake</i>			<i>W. J. Garner</i> M. D.		

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

A True Copy,

Emmellank

Deputy Register.

Heutau

City & County of New York : S.S.

Nicholas Murray of
No. 333 Spring Street being duly sworn
says that the Peter M. Kenna named
in the annexed certificate of death
is the same person for whom deponent
gave bonds in the sum of one hundred
dollars when the said Peter M. Kenna
was arrested for violation of excise
law about two years ago at the
corner of Canal and Greenwich Sts
and that the said Peter M. Kenna
died November 24th 1887 -

Sworn to before me

July 3^d 1888

Nicholas Murray

Notary Public

Kings Co.

Cert filed on 26.7.88.

0114

The People

24

Peter M. Kenna
 South Elm Street East

Certificate of death.

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Louis Cohen

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

Louis Cohen
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

Louis Cohen

late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *July* 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

Nedolpha Grauche

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

Louis Cohen

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

Louis Cohen

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.

0116

BOX:

310

FOLDER:

2946

DESCRIPTION:

Cole, Lewis C.

DATE:

06/07/88



2946

Witnesses

Geo. C. Andrews
Mr. W. C. Hammett

Counsel,

Filed

Pleads

day of January 1888

at New York City

THE PEOPLE

vs.

David B. Cole

Grand Larceny in the Second Degree.
(MONEY.)
(Sec. 528 and 531, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

The defendant has twice forfeited
his bail without excuse
P. 2 Dec 21/88 m2g
But forfeited & entered -
A TRUE BILL.

Edmond A. Murray

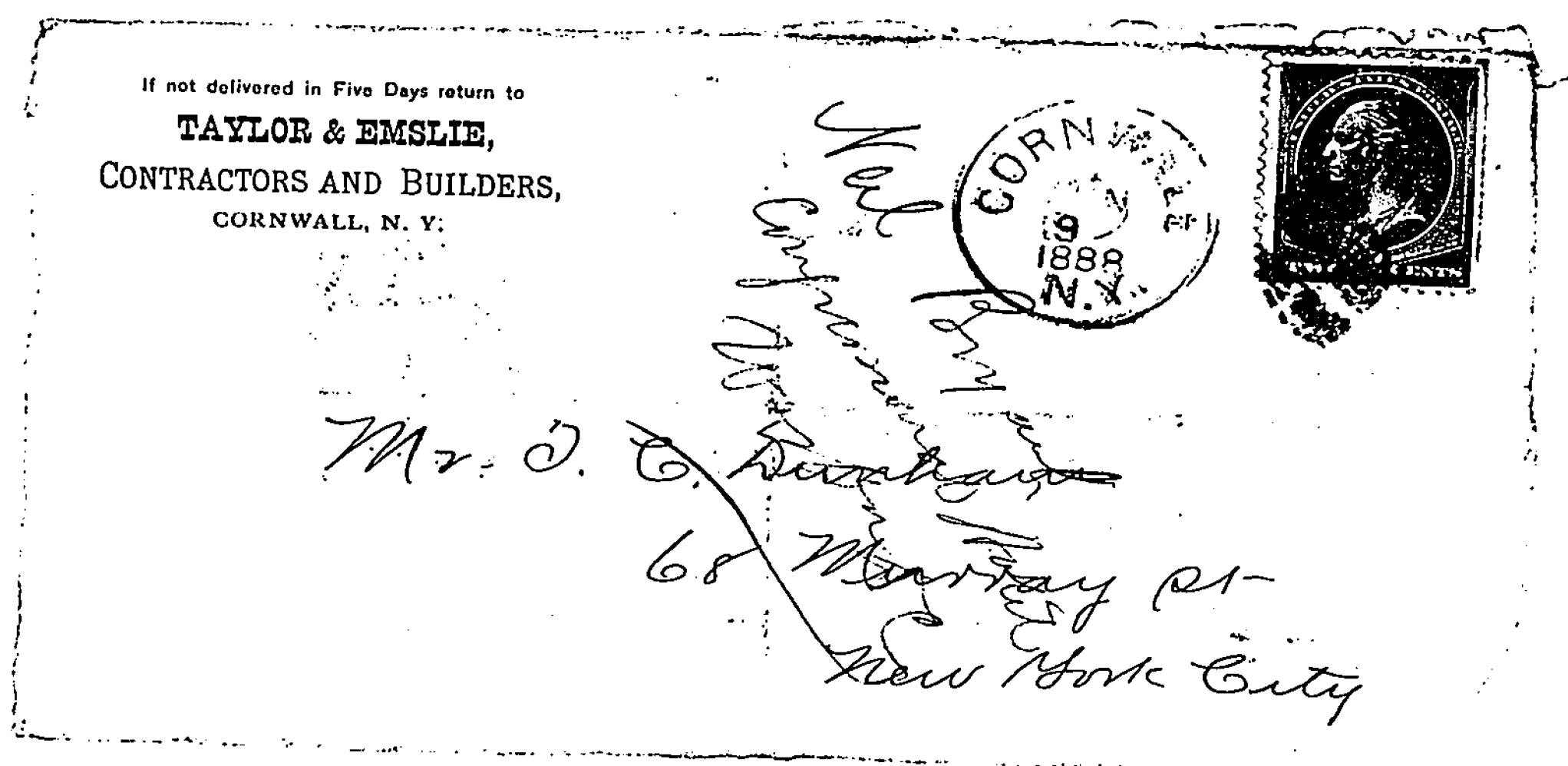
Foreman.

[Handwritten signature/initials]

120000

POOR QUALITY
ORIGINAL

0118



0119

Russell's American Steam Printing House.

All communications, to insure prompt attention, should be addressed to the firm.

New York,

M. G. Lake Erie W. R. R.

THEO. RUSSELL,
M. McMUNN.

Co Russell Brothers, Dr.

CLAIMS FOR DEDUCTIONS TO BE MADE WITHIN
FIVE DAYS FROM RECEIPT OF GOODS.

17, 19, 21, 23 Nass Street.

Commercial Express Life
CLAIM
25703
GENTL. MANAGER'S OFFICE
BUREAU

577	Cy. Supplement # 16	12
577	" " " 17	12
577	" " " 18	12
577	" " " 19	12
577	Oct 19 th Recd Payment	12
	Russell Bros	60

0120

Police Court— District.

Affidavit—Larceny.

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

George C. Bordwell

of No. 258 West 22nd Street, aged 37 years,
occupation ticket agent of the New York Lake Erie & Western Railway Company, being duly sworn
deposes and says, that on the 19th day of October 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and ^{misappropriated} carried away from the possession
of deponent, in the day time, the following property viz:

sixty dollars of lawful money of the United
States of America the property of the
New York Lake Erie and Western Railway
Company, a corporation, which said money
was then and there in the ^{possession} custody and care
of this deponent

the property of

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
^(anywhere) misappropriated and carried away by L. C. Cole because the said Cole presented

to this deponent the annexed bill and requested ^{him} to pay the same
on or about the 19th day of October, 1887. Said Cole was then an employee
of said New York Lake Erie and Western Railway Company and I
gave him ^{on or about said 19th of October} sixty dollars of the money of said Railway Company
to go and pay to Russell Brothers the said bill which was
then due and payable by the said Railway Company
to the said Russell Brothers for printing by them
therefore done. I am informed and believe that
said Cole having on or about said October 19th received
said sixty dollars ^{of the money} of said Railway Company
then in my ^{possession and} custody and under my control
appropriated the same to his own use and did
not pay the said bill with the said sixty
dollars as he was instructed to and was his

Sworn to before me, this

188

Police Justice

duety to do. The said sixty dollars has never been returned to my possession by the said Cole and ^{Michael} ~~Master~~ ^{William} ~~William~~, one of the said firm of Russell Brothers informers are, and I believe it to be true, that said annexed bill has never been paid and said Cole has not paid said sixty dollars or any part thereof to said firm of Russell Brothers. The said Cole on April 14th 1888 informed me that he had not paid the said bill and that he had appropriated the said money to his own use in speculation.

George D. Bonnell

Sworn to before me
this 18th day of April
1888

John H. Brown

Police Justice

Dated 1888 Police Justice

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

There being no sufficient cause to believe the within named

Dated 1888 Police Justice

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated 1888 Police Justice

of the City of New York, until he give such bail.

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, District, Offence—LARCENY.

THE PEOPLE, &c., on the complaint of vs.

1. 2. 3. 4.

Dated 1888

Magistrate.

Officer.

Clerk.

Witness.

No. Street.

No. Street.

No. Street.

\$ to answer Sessions.

0122

Police Court— District.

Affidavit—Larceny.

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

Michael McManus
of No. 159 East 64th Street, aged 47 years,
occupation Printer being duly sworn
deposes and says, that on the _____ day of _____ 188____ 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 _____ time, the following property viz:—

I am a member of the firm of Russell
Brothers, who do business as printers
in this city. The aforesaid bill is a bill
of our firm for printing done for the
New York Lake Erie and Western Railway
Company at their request prior to the date
thereof. The said bill has never been paid
wholly or in part. My said firm has
received no payment on said bill from
L. C. Cole who is complained against
the property of here by George C. Berdwell. The words
"Recd Payment Russell Bros M-M" is not on
said bill is not the receipt of our firm.

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 _____

Michael McManus

Subscribed and sworn to before me, this _____ day of _____ 188____
John J. Brown, Police Justice.

0123

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

vs.

1
2
3
4

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions.

\$1000-Bail for 34
April 20th 2 1/2 P.M.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0124

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Lewis C. Cole*

Question. How old are you?

Answer. *45 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *607 Monroe Street Brooklyn 13 months*

Question. What is your business or profession?

Answer. *None*

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

Answer. *By advice of Counsel I*
am advised not to say anything
*and want further examination**Lewis C. Cole.*

Taken before me this

day of *April* 188*8**J. W. Munn*
Police Justice.

0125

The Justice presiding in
at 1st Dist. Police Court
will hear & determine
this case in my absence
of which I am
Very Respectfully
Yours
Police Justice

BAILED

No. 1, by David Garrison

Residence 245 West 12th St.

No. 2, by

Residence _____

No. 3, by

Residence _____

No. 4, by

Residence _____

31
Police Court
District
644

THE PEOPLE, &c.

ON THE COMPLAINT OF

George C. Bond
vs
Eugene C. Cole

1
2
3
4
Offence

Dated

April 1st 188

Boyle
Magistrate

Witnesses

No. 1

George C. Bond

No. 2

George C. Bond

No. 3

No. 4

No. 5

No. 6

No. 7

No. 8

\$ 1000 to answer

David Garrison

1000 bail for at 1st Dist. Police Court
April 29th 188

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
\$1000 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 April 1st 188 Police Justice.

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

Dated April 29th 188 Police Justice.

There being no sufficient cause to believe the within named

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

Dated _____ 188 Police Justice.

0126

Sept 22/88

This is to certify that
Mr. Michael McManis
is under medical
treatment - he is not
in the City.

Respectfully

Wm. J. Vandegift

M.D.

277 Henry St.

N.Y.

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.

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

Court of General Sessions of the Peace.

The People of the State of New York.

To

of No.

Michael McManis
159 E 64 Street,

GREETING:

WE COMMAND YOU, That all business and excuses ceasing, you appear in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 24 day of September instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against

in a case of Felony, whereof he stands indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in the year of our Lord 1888.

in our said City, the first Monday of September JOHN R. FELLOWS, District Attorney.

0127

Grand Jury Room.

PEOPLE

vs.

Louis C. Carter

James S. Sweeney

Donald J. Sullivan

Wm. J. O'Donoghue

James J. Harty

3 days before trial

Part One

Oct 16

Notify Senator O'Donoghue
3 days before trial day

District Attorney's Office.

PEOPLE

vs.

Alfred J. Sweeney

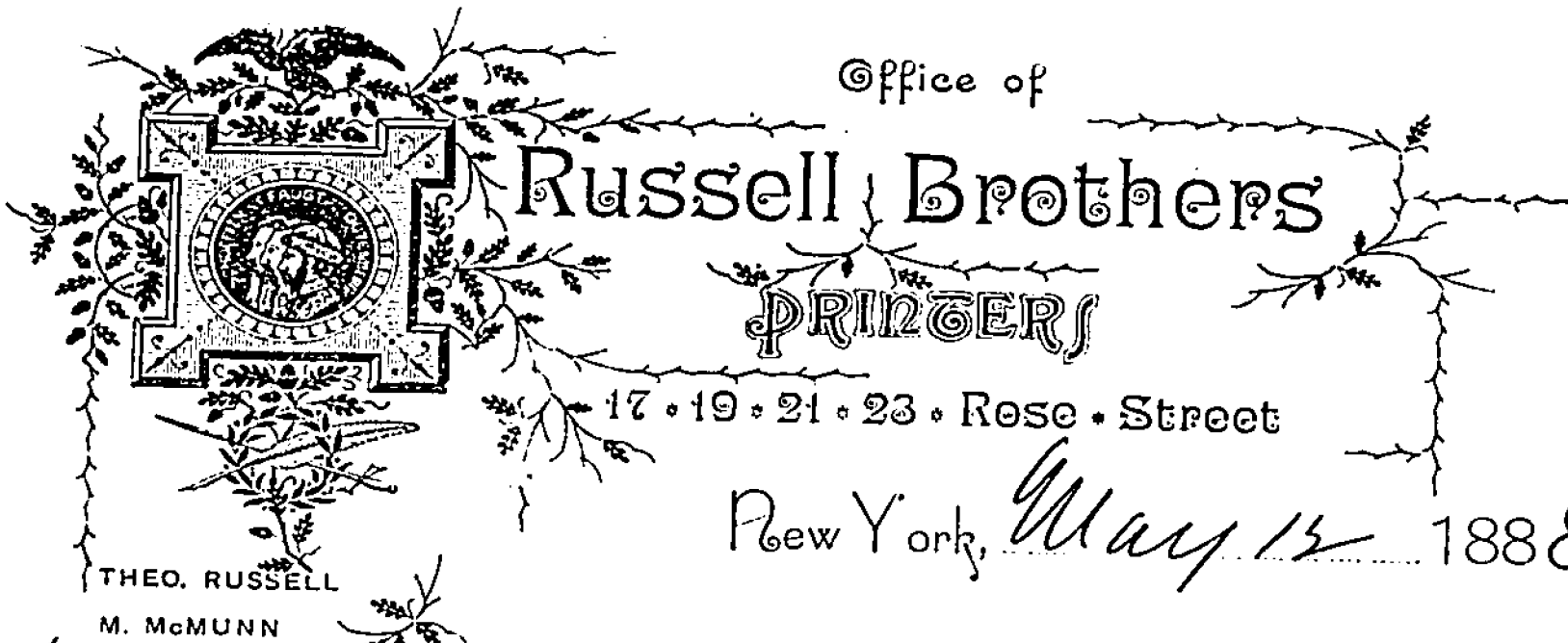
James J. Harty

3 days before trial

Part One

Oct 16

Notify Senator O'Donoghue
3 days before trial day



Colonel Fellows,

Dear Sir:

I have received
a Subpoena to attend the Grand Jury
of the Court of General Sessions on
next Monday, ~~to~~ to give evidence
on the case of ~~The~~ The People
against Lewis C. Cole.

Of late I am unfortunately
suffering from an attack of
acute Bright's Disease of the
Kidneys and my doctor insists
of my keeping quiet for at
least another week, fearing

excitement may occasion a relapse. I will feel much obliged if you have the inquiring before the Grand Jury put off for a week and if I continue to get along as well as I am now, I will be able to attend.

Should you desire the doctor's certificate to corroborate my statement, I will send it to you with pleasure.

Yours very truly,

M. M. Munn,

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Lewis C. Gole

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

Lewis C. Gole

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

The said

Lewis C. Gole

late of the City of New York, in the County of New York, aforesaid, on the *nineteenth* day of *October* in the year of our Lord one thousand eight hundred and eighty-~~seven~~ at the City and County aforesaid, with force and arms, in the *day* - time of the same day, *three* 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 of twenty dollars, and of the value of twenty dollars *each*; *six* 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 of ten dollars, and of the value of ten dollars *each*; *twelve* 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 of five dollars, and of the value of five dollars *each*; *thirty* 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 of two dollars, and of the value of two dollars *each*; *sixty* 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 of one dollar, and of the value of one dollar *each*; *three* promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *six* promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *twelve* promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *three* United States Silver Certificate of the

denomination and value of twenty dollars *each* ; *Six* United States Silver Certificate, of the denomination and value of ten dollars *each* ; *twelve* United States Silver Certificate, of the denomination and value of five dollars *each* ; *thirty* United States Silver Certificate, of the denomination and value of two dollars *each* ; *sixty* United States Silver Certificate, of the denomination and value of one dollar *each* ; *three* United States Gold Certificate, of the denomination and value of twenty dollars *each* ; *six* United States Gold Certificate, of the denomination and value of ten dollars *each* ; *twelve* United States Gold Certificate, of the denomination and value of five dollars *each* ; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *thirty dollars*

of the proper moneys, goods, chattels and personal property of ~~an~~ *a corporation* called *the New York, Lake Erie and Western Railway Company* then and there being found, _____ then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0132

BOX:

310

FOLDER:

2946

DESCRIPTION:

Collins, James

DATE:

06/28/88



2946

Witnesses:

Off Gumbrow

24th Dec

2774x
Court of Oyer and Terminer

Counsel,

Filed, *28* day of *June* 188*8*

Pleads *Not Guilty (see 24)*

THE PEOPLE,

vs.

75

James Collins

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and
page 1880, Sec. 5.]

JOHN R. FELLOWS.

District Attorney.

3.5

A True Bill.

James Collins

Transferred to the Court of Special Sessions for trial and judgment.

Dated *Dec. 24th* 188*8*

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Collins

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

James Collins
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

James Collins
late of the City of New York, in the County of New York aforesaid, on the *twenty fifth* day of *July* in the year of our Lord one thousand eight hundred and eighty-*six*, 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

George B. Brinslow
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

James Collins
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

James Collins
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.

0135

BOX:

310

FOLDER:

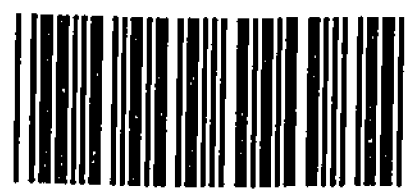
2946

DESCRIPTION:

Collins, Thomas

DATE:

06/13/88



2946

105

Witnesses;

Samuel Gallagher
officer Constable

Counsel,
Filed *13* day of *June* 188*8*
Pleads, *Not guilty*

THE PEOPLE

Wm. H. 33.
4212 33rd P

Thomas Collins

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edmund A. Barry
Foreman.

Book III June 20. 1888
Grand Jury returned
indictment with return. 7 werey.
S.P. 6 yrd.

0137

BOX:

310

FOLDER:

2946

DESCRIPTION:

Collins, Thomas

DATE:

06/13/88



2946

James Gallagher
officer Campbell

THE PEOPLE

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

P

Thomas Collins

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edmund A. Harvey
Foreman.

Post-III June 20. 1868.
 ground & covered it -
 with the remains of murex.
 S.P. 6 yds.

0139

Police Court—2 District.

Affidavit—Larceny.

City and County } ss.:
of New York, }of No. 503 W 33rd Street, aged 20 years,
occupation Driver a Cart being duly sworndeposes and says, that on the 10th day of June 1888 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession and
of deponent, in the Night time, the following property viz:

one black derby hat of the value of
two dollars. and good and lawful
Money of the United States to the amount
and value of six, cents. together of the
value of two + 60/100 dollars \$2.60
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 Thomas Collins (now here)

and another man whose name is unknown
and not yet arrested. from the fact that at
about the hour of 1.30 O'clock on said date
deponent was sitting on a stoop in West 38th
Street near 10th Avenue. and at that time
deponent had said sum of money in different
pockets of his clothing, and the hat lying on
his knees deponent fell into a doze. and
was awakened by some persons putting their
hands into deponent's pockets. deponent looked
up and saw the said defendant and said
unknown man in the act of going through
his pockets. deponent then caught hold of the
defendant when the said unknown man

Subscribed to before me, this
day of June 1888
Police Justice.

ran away with depnunt but. depnunt held on to the defendant who struck depnunt twice in the face with his hand. until the arrival of Officer Richard Cuckling of the 20th Prec. who placed him under arrest. depnunt then examined his pockets and discovered that all his money was gone. which was about the said sum of Sixty cents. Wherefore depnunt charges the said defendant and the said unknown man not get arrested with him together and acting in concert with each other and feloniously taking, stealing, and carrying away said property from the person of depnunt.

Serve before me
this 10th day of June 1885

Donald. Gallahan

[Signature]

Police Justice

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

Dated 1885 Police Justice.

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

Dated 1885 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 1885 Police Justice.

Police Court, District.		THE PEOPLE, &c., on the complaint of		Offence—LARCENY.	
1		2		3	
4		5		6	
Dated 1885		Magistrate.		Officer.	
Witnesses,		Clerk.		Street.	
No.		No.		No.	
to answer		Sessions.			

0141

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY
OF NEW YORK,

Thomas Collins

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. *Thomas Collins*

Question. How old are you?

Answer. *21 years old*

Question. Where were you born?

Answer. *New York*

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

Answer. *442, W. 35th St. 2 years*

Question. What is your business or profession?

Answer. *Driver*

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

Answer.

I am not guilty.
Thomas Collins

Taken before me this

10

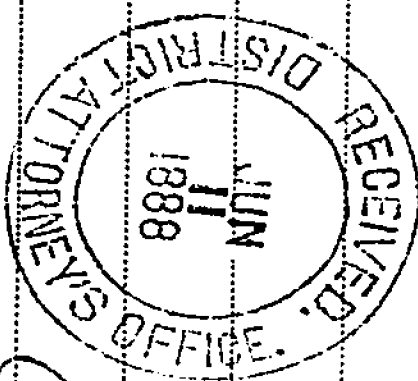
day of August 1888

Police Justice.

0142

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

105
Police Court 2 District 863
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Natal Vatterlin
vs. ⁵⁹³ West 38 St
Mama Collins
4 _____
3 _____
2 _____
1 _____
Offence Larceny Felony
Dated June 10 1888
White Magistrate
Richard Conkling's Office.
Witnesses Richard Conkling
Post Paid Man
No. _____ Street _____
No. _____ Street _____
\$1000 to answer
J. J. J.



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

defendant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

Five Hundred Dollars, _____ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated June 10 1888 L. J. White 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.

COURT OF GENERAL SESSIONS-Part 3.

The People of the State of New York,	:	Before Hon. R.
against	:	B. Cowing and a
Thomas Colilins	:	Jury.

Indictment filed June 13th 1888.

New York, June 20th 1888.

APPEARANCES: For the People Asst. Dist. Atty. Jerome.

For the defendant S. S. Blake, Esq.

DANIEL GALLAGHER, a witness for the People, testified:

On the night of the 10th of June this year, I sat down on a stoop in 38th street waiting for a friend of mine to pass withna milk wagon. I fell sasleep and when I woke up I found two men with their hands in my pcockets I found that a few pennies which I had was gone and my hat was gone . I said to them "Give me my hat" ; this defendant hsaid he hadn't it and then he punched me and i got up and I held him until the officer came and arrested him . I had sixty cents in my pocket when I laid down on the stoop .

CROSS EXAMINATION:

I am twenty years of age and live at No. 503 W. 33 st. I have never been arrested for anything . It is not a fact that this man was passing and that I charged him with stealing my money and that then he struck me . When I charged whim with taking the money he denied it and said he did not take it .

RICHARD C. CONKLING, a witness, for the People, testified

I am a police officer attached to the 10th precinct. I arrested the defendant on the 10th of June. I saw the complainant and the defendant wrestling together. I went over to them and asked what was the matter and the complainant stated that the prisoner had stolen his hat and what money he had in his clothes.

CROSS EXAMINATION:

The defendant denied his guilt.
D e f e n d e

THOMAS COLLINS, a witness for the defendant, testified

I am twenty one years of age and reside at No. 442 W. 35th Street. I have lived there about eight years. I remember the night that has been spoken about here. On that night I was sleeping down in 37th St. I had a little beer in and I fell asleep on a cart. I woke up and started to go home and as I walked along this man came up to me and said "Where is my hat and my money". I told him I did not know anything about his hat or money and he said "You lie" I said "Don't say I am a liar or I will hit you". He says "You can't". I was mad at that time and I hit him. He called a couple of his friends over and one of them held my hands and two of them hit me and just then the officer came running over.

Q Were you in company with any person that night?

A. No sir.

Q Did you participate in this larceny at all ?

A. No sir .

Q. Were you ever arrested before ? A. For being drunk .

Q Were you ever charged in the Court of General Sessions with any crime ? A. No sir .

Q Did you ever serve a term for any offence ?

A For being driunk and petit larceny.

CROSS EXAMINATION:

These men were hitting me when the officer came over .

Officer Conkling, recalled :

Q Were two men striking this defe ndant when you got over to him ? A. No sir, they did not strike him at all; he had not any mark of violence upojn him .

Q You dont know what occurred before you arrived ?

A. No sir .

The jury found the prisoner GUILTY of Grand Larceny in the first degree witha recommendation to mercy.

Indictment filed June 13. 1888.

COURT OF GENERAL SESSIONS

Part III.

The People &c.

against

THOMAS COLLINS

Abstract of testimony on
trial June 20th 1888.

0146

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Collins

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

Thomas Collins

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

The said

Thomas Collins

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

One hat of the value of two dollars, and divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown of the value of sixty cents

of the goods, chattels and personal property of one

Daniel Gallagher

on the person of the said

Daniel Gallagher

then and there being found, from the person of the said

Daniel Gallagher

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

John R. Fellows,
District Attorney.

0148

BOX:

310

FOLDER:

2946

DESCRIPTION:

Collins, Thomas

DATE:

06/15/88



2946

Witnesses:

Fredrick Muller

Counsel,

Filed

15

day of

June 1888

Pleads,

THE PEOPLE

vs.

Thomas Collins

(2 cases)

JOHN R. FELLOWS,

District Attorney.

Grand Larceny Second degree. [Sections 528, 531, Penal Code.]

A True Bill.

Edmund Apperson
June 18/88. Foreman.

Pleads G. J. May
Emilia Ref.
June 19/88. P. M.

19

0150

Police Court—1st District.

Affidavit—Larceny.

City and County } ss.:
of New York,of No. 38 Elizabeth Street, aged 22 years,occupation Sign painter being duly sworndeposes and says, that on the 15th day of June 1888 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 :

A quantity of rope with blocks
attached valued at fifteen 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 Thomas Collins (now here,

for the reasons following, to wit: the
 said property was in deponent's
 shop at said premises and having
 missed the same is informed by
Charles Saxton (then present) that on the said
 date he Saxton saw a person
 named Max Bernstein come into the
 said premises 38 Elizabeth Street and
 heard the said defendant and said
Bernstein make a bargain for the sale
 of said rope. The said Bernstein paid
 to the said defendant the sum of twenty-
five cents for said rope and took the
 said rope away from said premises. Deponent

of
 sworn to before me this
 1888

Police Justice

0152

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Saxton

aged *19* years occupation *Painter* of No.

38 Elizabeth Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Frederick Miller*

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

Sworn to before me, this *12th*

day of *June* 188*8*

Charles Saxton

Solomon B. Smith

Police Justice.

0153

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Thomas Collins*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Maine*

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

Answer. *186 2 3rd Ave. 1 1/2 years*

Question. What is your business or profession?

Answer. *Plasterer*

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

Answer. *I am not guilty*

Thomas Collins

Taken before me this *13*
Sept 188*8*
James M. Smith
Police Justice.

0154

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

147
Police Court
885
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frederick Muller
38 Elizabeth St
Thomas Hottel

2 _____
3 _____
4 _____

Offence
Petit Larceny

Dated June 12 1888

Smith Magistrate

Boydewine Officer

Witness Charles Barton

No. 5, by _____
Residence _____ Street _____

No. 6, by _____
Residence _____ Street _____

No. 7, by _____
Residence _____ Street _____

No. 8, by _____
Residence _____ Street _____

No. 9, by _____
Residence _____ Street _____

Being ordered
Edmund Hottel
to answer
June 12 1888
C. H. Hottel

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

defendants
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 June 12 1888 Solomon Blum Police Justice

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

Dated _____ 1888 _____ 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 _____ 1888 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Rollins

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

— Thomas Rollins —

of the CRIME OF PETIT LARCENY committed as follows:

The said

Thomas Rollins,

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

*one hundred pounds of rope,
of the value of ten cents
each pound, and six scaffold
blocks of the value of one
dollar and fifty cents each.*

of the goods, chattels and personal property of one

Fredricka Miller,

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

*John R. Adams,
District Attorney*

Witnesses;

Frederick Menden
Chas. Saxton.

Counsel,

Filed

18th day of June 1888

Pleads,

THE PEOPLE

vs.

Thomas Collins
(Beard)

PETIT LARCENY.

[Sections 528, 532 — Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edmund Atterbury

Foreman.

Sentenced on and
indicted. P.B.M.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Rollins

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

Thomas Rollins

of the CRIME OF PETIT LARCENY committed as follows:

The said

Thomas Rollins,

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

*one hundred pounds of rope,
of the value of ten cents
each pound, and six scabbled
blocks of the value of one
dollar and fifty cents each.*

of the goods, chattels and personal property of one *Fredrick Müller,*

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

*John R. Williams,
District Attorney*

0158

Police Court—

District.

Affidavit—Larceny.

City and County of New York, ss.:

of No. 38 Elizabeth Street, aged 22 years,
 occupation Sign Painter being duly sworn
 deposes and says, that on the 10th day of June 1888 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:

A quantity of rope valued
at thirty-five and a half dollars
\$35.00
35 100

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 Thomas Collins (and him)

for the reasons following, to wit:
 On the said date the deponent was in deponent's employ and de-
 ponent having missed the said
 property from his shop at 38
 Elizabeth Street, is informed by
 Francis Connaughton (then foreman)
 that he Connaughton saw the deponent
 bring the said rope to the jewelry
 of Jeremiah Moss on North Street
 and then sell the same to the
 said Moss for one dollar and
 fifty cents. Deponent went to said
 Jew Shop and there saw the said rope

Subscribed before me, this
 1888

Police Justice

0159

which pipe he identifies as being
the property which was feloniously
taken, stolen, and carried away.

Sworn to before me
this 12th day of June 1888
Solomon B. Green

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888 Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888 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 1888 Police Justice.

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

1
2
3
4

Offence—LARCENY.

Date 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions.

0 160

Sec. 198-200.

1st District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Thomas Collins*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Maine*

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

Answer. *1862 3rd Avenue 1 1/2 years*

Question. What is your business or profession?

Answer. *Plasterer*

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

Answer. *I am not guilty*

Thomas Collins

Taken before me this *13*
day of *June*
188*7*
at *New York*
Justice.

1910

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

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

Dated June 12 188 Police Justice.

146 Police Court 885 District

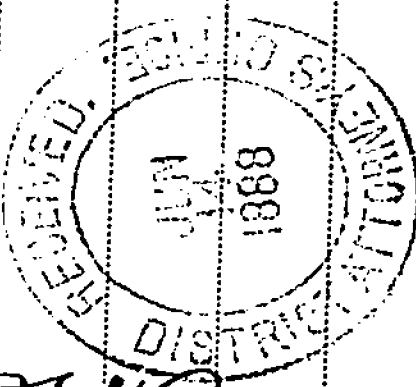
THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frederick Miller
vs Elizabeth
Thomas Collins

BAILED,
No. 1, by
Residence
No. 2, by
Residence
No. 3, by
Residence
No. 4, by
Residence

Dated June 12 188
Smith Magistrate.
Goddard Officer.
6 Precinct.

Witnesses
No. Street.
No. Street.
No. Street.
No. Street.
to answer
Car



0162

BAILED,
No. 1, by
Residence Street,
No. 2, by
Residence Street,
No. 3, by
Residence Street,
No. 4, by
Residence Street,

146
Police Court-1
District 885-
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Frederick Miller
vs. Defendant
Thomas Bodwin
Dated June 12 188
Smith Magistrate
Wardman Officer
Precinct 6
Witnesses
No. 1, by
Residence Street,
No. 2, by
Residence Street,
No. 3, by
Residence Street,
No. 4, by
Residence Street,
to answer
C. D.
C. M.

FILE ORDERED
Edmund Atterbury
Foreman

RECEIVED
JUN 14 1888
CITY ATTORNEY'S OFFICE

Offence: Grand Larceny

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

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

Dated June 12 1888 Solon B. Smith Police Justice.

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

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

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

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

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Rollins

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

Thomas Rollins —

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

The said *Thomas Rollins*,

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

*Two hundred and fifty pounds
of rope of the value of fifteen
cents each pound,*

of the goods, chattels and personal property of one *Frederick Muller*,

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

*John A. Rollins,
Attorney*

Witnesses:

Fredrick Muller

Counsel,

Filed

Pleads,

day of June

188

THE PEOPLE

vs.

R

Thomas Collins
(3 cases)

Grand Larceny, second degree.
[Sections 628, 630, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL

Edmund A. Murray
Foreman

Sentenced on and
indict. B.M.

0164

0165

Police Court—1st District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. 38 Elizabeth Street, aged 22 years,
 occupation Sign Painter being duly sworn
 deposes and says, that on the 11th day of June 1888 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 nighttime, the following property viz:

One coat and vest valued at
fifteen dollars, one plated chain
valued at two dollars, and food
and lawful money of the United
State of the amount and value
of seven dollars, and a quantity
of lettering brushes valued at two
dollars, the whole being valued at twenty-six 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 Thomas Collins (now here)

for the reasons following, to wit:
 on the said date the defendant who
 was employed by deponent, was in
 deponent shop at said premises,
 when he deponent came to said shop
 to go to sleep. Deponent placed the
 said coat and vest, the said money
 string in a pocket of said vest, upon
 a chair in said shop, and the said
 brushes were in said shop when deponent
 slept. When deponent awoke he found
 the said property missing and thus
 the said defendant had left the said
 shop. Defendant after being informed of
 his rights admits and confesses to having stolen
 said property.

F. Müller

Subscribed before me this 17th day of June 1888
John A. [Signature] Justice of the Peace

0166

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Thomas Collins

Question. How old are you?

Answer.

19 years.

Question. Where were you born?

Answer.

Maine

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

Answer.

1862 - 3rd Avenue. 1 1/2 years.

Question. What is your business or profession?

Answer.

Plasterer

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

Answer.

I am guilty.

Thomas Collins

Subscribed before me this 19th day of June 1887
James H. [Signature]
Police Justice.

0167

BAILLED,
No. 1, by _____
Residence _____ Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

148
885
Police Court District.

THE PEOPLE, &c.,
IN THE COMPLAINT OF

Frederick Miller
138 E. 14th St.
Charles Wallace

2 _____
8 _____
4 _____
Offence _____

Dated June 12 1888

Smith Magistrate.

Reidman Officer.

Witnesses _____ Precinct.

No. _____ Street.

No. _____ Street.

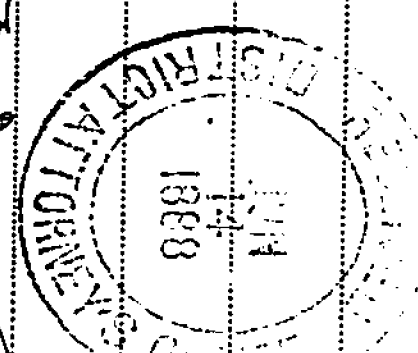
No. _____ Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.



Can

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

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

Dated June 12 1888 Solomon B. Shuman Police Justice.

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

Dated _____ 1888 _____ 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 _____ 1888 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Collins

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

Thomas Collins

of the CRIME OF GRAND LARCENY IN THE *(Second)* DEGREE, committed as follows:

The said

Thomas Collins

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

one coat of the value of ten dollars, one vest of the value of five dollars, one chain of the value of two dollars, ten brushes of the value of twenty cents each, and the sum of seven dollars in money, lawful money of the United States, and of the value of seven dollars

of the goods, chattels and personal property of one

Frederick Müller

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

John R. Fellows,
District Attorney.

0169

BOX:

310

FOLDER:

2946

DESCRIPTION:

Conklin, Joseph

DATE:

06/26/88



2946

Witnesses:

John Mc Mahan

Counsel,

Filed

26

day of

June

1888

Pleads,

[Signature]

THE PEOPLE

vs.

Joseph Conklin

Assault in the Second Degree.
(Section 218, Penal Code).

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edmund A. Hurry
Foreman.

June 27/88

Pleads Guilty.

S. P. 2 yrs 6 mo.

RBM

0171

BOX:

310

FOLDER:

2946

DESCRIPTION:

Conklin, Joseph

DATE:

06/26/88



2946

Witnesses:

John W. McMahon

Counsel,

Filed

26

Day of

June

1888

Pleads,

[Signature]

THE PEOPLE

vs.

Joseph Bonklin

Assault in the Second Degree.
(Section 218, Penal Code).

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edmund A. Murray
Foreman.

Spence 2/1/88
Spence 2/1/88
S. P. 2 yrs 6 mo.
PBM

0173

Police Court—5 District.City and County } ss.:
of New York,

of No. 1190-25 Arthur Street, aged 39 years,
 occupation Longshoreman being duly sworn
 deposes and says, that on the 20 day of June 1888 at the City of New
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Joseph Conckling (nowhere)
who willfully and maliciously
beat and robbed this deponent
several times on the head with
a knife then and there held in
the hand of the said Conckling
cutting and inflicting this deponent
severely

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

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

Sworn to before me, this 21st dayof June 18881888

John M. Brown
 Police Justice.

0174

Sec. 198-200.

37 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Conklin 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.

Joseph Conklin

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

New York

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

Answer.

212 E 9th St 8 yrs

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I Am Not Guilty

Joseph Conklin

Taken before me this

day of

July 1898
Police Justice

0175

BAILED,
No. 1, by
Residence Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

255
Police Court 5 District. 944

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John M. Sullivan
1593 10th Avenue
Brooklyn

1. Nathan Frankel

2.
3.
4.

Office. *Delaney*

Dated June 21 1888

Heufel Magistrate.

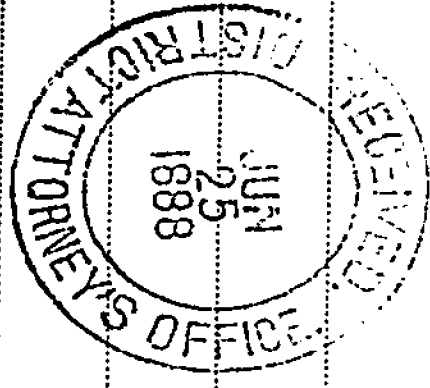
Staple Precinct Officer.

29 Precinct.

Witnesses Street.

No. Street.

No. Street.



No. Street.

to answer Street.

Carroll

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 June 21 1888 *P. G. Duffy* Police Justice.

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

Dated 1888 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 1888 Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Joseph Conklin

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

Joseph Conklin

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

The said

Joseph Conklin

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

John Mc Mahon

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said

Joseph Conklin

with a certain

knife

which *he* - the said

in *his* right hand then and there had and held, the same being then and there

a weapon and an instrument and weapon likely to produce grievous bodily harm,

him, the said *John Mc Mahon* then

and there feloniously did wilfully and wrongfully strike, beat, *cut, stab*

~~bruise~~ and wound, against the form of the statute in such case made and provided, and

against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

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

The said

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

John McMahon —
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make another assault; and the said

the said Joseph Conklin,
with a certain

knife

which

he

the said

Joseph Conklin —

in

his

right hand then and there had held, in and upon the

head

of him the said

John McMahon —
then and there feloniously did wilfully and wrongfully strike, beat, cut, stab
~~bruise~~ and wound, and did then and there and by the means aforesaid, feloniously,
wilfully and wrongfully inflict grievous bodily harm upon the said John McMahon
to the great damage of the said John McMahon
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.

0178

BOX:

310

FOLDER:

2946

DESCRIPTION:

Conkling, Mary

DATE:

06/26/88



2946

258

Vashon

Counsel,

Filed

26

day of

June

1888

Pleads,

Indigibility in

THE PEOPLE

vs.

Sharybankling

John R. Fellows

JOHN R. FELLOWS,

District Attorney.

Grand Larceny in the Second Degree.
(MONEY.)
(Sec. 528 and 529 - Penal Code.)

A True Bill.

Edmund Arthur

Foreman.

July 5th.

John R. Fellows

Placed in the Court of
Commons to the Court of
the House of the Holy Trinity
L.P.

Witnesses:

James Callan.

Officer Prang.

Left in a young
girl & then many
the same hope of
serving her from
a life of prostitution

77

0180

Police Court—

3

District.

Affidavit—Larceny.

City and County }
of New York, } ss.:of No. 88 Lamon
occupation Broker

James Gallam

Street, aged 31 years,

being duly sworn

deposes and says, that on the 23 day of June 1888 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 lawful money consisting of divers
bills of divers denominations of the
amount and value of Fifty five
dollars

the property of Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Mary Conkling (now here)

That said defendant induced deponent to visit
no. 17 Bleeker Street in said City with
her, where he took off his clothes and
went to bed with said defendant.

Deponent says that said money
was contained in the pocket of his pantaloons
and that said defendant was the only
person in the room ^{near said pantaloons} from the time he came
said property until he missed the same.

Deponent further says that he had
said money in his possession in said
room when he went to bed with said
defendant. Wherefore deponent charges

Sworn to before me this
1888 day
Police Justice.

0181

said defendant with feloniously taking
stealing and carrying away said
property as aforesaid

Given to before me
this 23 day of June 1885
Samuel Kelly Police Justice

W. Hallam

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1885 Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1885 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 1885 Police Justice.

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

No. 10

1

2

3

4

Dated

1885

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

to answer

Sessions.

0182

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *Mary Conkling*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *Brooklyn L. I.*

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

Answer. *35 Clinton Place, three months*

Question. What is your business or profession?

Answer. *None*

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*

Mary Conkling

Taken before me this *23*
day of *June* 188*8*.
David C. D. Smith Police Justice.

0183

BAILED,
No. 1, by
Residence Street,
No. 2, by
Residence Street,
No. 3, by
Residence Street,
No. 4, by
Residence Street,

258
Police Court-- 3 439 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Callahan
88
1 Mary Gaskins
2
3
4
Offence Larceny

Dated June 23 1888

McNeill, Magistrate.
Penny Officer.
14 Precinct.

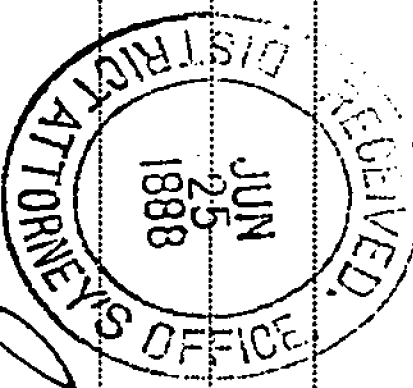
Witnesses

No. Street,

No. Street,

No. Street,

\$ 500 to answer 28.8.



COMMITTED

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

Defendant

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

Dated June 1888 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.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Mary Conkling

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

Mary Conkling

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

The said

Mary Conkling

late of the City of New York, in the County of New York, aforesaid, on the *twenty-third* day of *June* in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, with force and arms, in the *night* - time of the same day, *two* 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 of twenty dollars, and of the value of twenty dollars *each* ;

five 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 of ten dollars, and of the value of ten dollars *each* ; *ten* 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 of five dollars, and of the value of five dollars *each* ;

twenty-five 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 of two dollars, and of the value of two dollars *each* ; *fifty-five* 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 of one dollar, and of the value of one dollar *each* ;

two promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each* ; *five*

promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each* ; *ten* promissory note for the

payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each* ; *two* United States Silver Certificates of the

denomination and value of twenty dollars *each* ; *five* United States Silver Certificate of the denomination and value of ten dollars *each* ; *ten* United States Silver Certificate of the denomination and value of five dollars *each* ; *twenty-five* United States Silver Certificate of the denomination and value of two dollars *each* ; *fifty-five* United States Silver Certificate of the denomination and value of one dollar *each* ; *two* United States Gold Certificate of the denomination and value of twenty dollars *each* ; *five* United States Gold Certificate of the denomination and value of ten dollars *each* ; *ten* United States Gold Certificate of the denomination and value of five dollars *each* ; ~~and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of~~

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

James Callaway

(then and there being

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

JOHN R. FELLOWS,

District Attorney.

0 186

BOX:

310

FOLDER:

2946

DESCRIPTION:

Conlin, William

DATE:

06/08/88



2946

61

Court of Oyer and Terminer

Witnesses:

Alfred Martin

25. Dec

Counsel,

Filed,

day of

188

Pleas,

THE PEOPLE,

vs.

William Corbin

B

VIOLETION OF EXCISE LAW
(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), Page 189, Sec. 2.]

JOHN R. FELLOWS.

District Attorney.

pr Dec 6/88
transferred by Corbin
to a of \$5 for him

Transferred to the Court of Special Sessions for trial and final dis-
position
Dated
True Bill

Foreman.

55.

~~Court of General Sessions of the Peace~~

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Conlin

The Grand Jury of the City and County of New York, by this indictment,
accuse *William Conlin* —
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 *William Conlin*
late of the City of New York, in the County of New York aforesaid, on the
twenty-second day of *April* in the year of our Lord one
thousand eight hundred and eighty-*eight*, 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 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.

0189

BOX:

310

FOLDER:

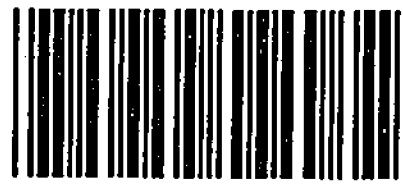
2946

DESCRIPTION:

Connolly, Dermott

DATE:

06/08/88



2946

Witnesses:

Offr. Martins

23rd Pict

8 Keeping open on Sunday.

Court of Oyer and Terminer

Counsel, *J*
Filed, day of *April* 188*8*
Pleads, *Not Guilty (11)*

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW

(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), Page 1989, Sec. 5.]

B

Dermott Connolly

JOHN R. FELLOWS.

District Attorney.

General Division
June 28 1892
True Bill.

John R. Fellows
Transferred to the Court of Oyer and Terminer
Sessions for the year 1892-1893.
Foreman.
Wm. H. H. 1892

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Dermott Connolly

The Grand Jury of the City and County of New York, by this indictment, accuse *Dermott Connolly* — 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 *Dermott Connolly* — late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *May* in the year of our Lord one thousand eight hundred and eighty-*eight*, 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 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.