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Lipschus, Max
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#2 B. W. Nov 18/89

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Counsel,

Filed 15 day of Nov 1889

Pleads, Not guilty 1st

THE PEOPLE

vs.

1 Henry Koch
2 Henrietta Koch
3 Max Lipschus

Arson in the Second Degree.
[Sec: 486, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

2. Court by Coml Dec 11/89

A True Bill.

Foreman.

P2 Jany 4. 1890.

On recom Dist. atty. No. 2. discharged on his own recog. R. M.

P2. Jany. 23. 1890.

No 1 tried & acquitted.

No 3. Indictment dismissed Part III February 5, 90

Witnesses;

Geo Marshall.

James Mitchell

Jacob J. Christman

Jany 7th 1890

I recommend the discharge of the Defendant Henrietta Koch upon her own recognizance. She is sick with an incurable disease (Cancer) and the woman with whom she left her two young daughters when Defendants were arrested died & is not so that the children are without a protector. The Prosecutor cannot for some weeks call the case for trial in consequence of sickness of witnesses

J. R. Fellows
Dist Atty.

In my opinion there can be no conviction of the defendant Lipschus. I recommend the dismissal of the indictment as to him.

Feb. 5. 1890 Vernon M. Davis
Asst

STENOGRAPHER'S MINUTES.

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

James Hofeheee

vs.

Henry Roch
Harr Lepschus
Aiven

BEFORE HON.

G. Duffy

POLICE JUSTICE,

Oct 29 188 9

APPEARANCES:
For the People, Asst Dist Atty Stritmann
For the Defence, James Fry Friend

Oct 29 188 9

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Christman	1	28		
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M. J. Tracy

Official Stenographer.

New York Oct 29th 1889
Examination resumed and continued.
Joh. Christman on the stand
Q. Where have you been since the last session?
A. At the House of Detention
Q. Have you had any conversation in reference to this fire, with anyone since?
A. No Sir,
Q. Who brought you to the House of Detention from here?
A. Mr Frank and he brought me here this morning.
Q. What time on the day of the fire did you go to work?

A. I did not go to work that day.

Q. You long had been been at work before the fire?

A. Six days

Q. 2. Do you remember what hour you got up that morning of the fire?

A. Six O'clock

Q. 2. What did you do when you got up?

A. I was in the house and around the house.

Q. 2. Who called at the house that day?

A. Lepochus was there on the morning of the day of the fire, at Six O'clock I am not sure of the time

Q Who was there when Lepschus came?

A There was no one there in the morning except myself.

Q. You and Lepschus were alone?

A. Mr Koch was there

Q. What do you mean when you say no one was there?

A Mr Lepschus myself and Mrs Koch.

Q. Did you say anything to Lepschus?

A I did not say anything to him

Q. Did Lepschus say anything?

A He did not speak to me.

Q. How long did Lepschus stay there?

A. He was there half an hour

Q. Nothing was said by him to you at that time?

A. He did not speak to me that morning.

Q After Lepschus left what did you do?

A I returned around the house

Q. Who came in the afternoon

A. Lepschus came again in the afternoon at 4 o'clock

Q. Who was there then?

A There were several young ladies, two strange girls and the children of Mrs Roch

Q. Was any one else there besides

A. Yourself. I was there

Q. but myself. What did you see then?

A. I did not see anything.

Q. What, if any, conversation took place

A Mr Leopschus and Koch went into an adjoining room

Q Did you not just say there was no one there but two strange girls

A Yes Koch was there that afternoon at four o'clock

Q What took place

A They went in an adjoining room, the second room from the Bed room.

Q. Did you go in after them?

A I went in out, Mrs Roch minded on one & keep the two children in the back room

Q. Did you understand the wink?

A Yes Sir.

Q. How did the wink?

A She minded to keep the children in the other room

Q. Did you take part in any conversation they may had had?

A Yes Sir.

Q. Who were present at that conversation?

A Mrs Roch, Lepschus myself and little Rose, Lepschus said to Mrs Roch that he

would come in the afternoon and then if no one was there would he make the fire.

Q. What did you say?

A. I did not say anything.

Q. Did you agree to it? Were you satis=fied?

A. I said nothing in answer to it.

Q. What else was said?

A. That if there was anyone there it would be the next day they would do it the next day.

Q. Did you go away then?

A. No, I remained

A

Q. Did Lepschus go away?
A. around.
Q. Lepschus went away. What time was that?
A. Lepschus went away at five o'clock in the evening
Q. What happened?
A. did he come back?
Q. Lepschus came back at a quarter to six o'clock
Q. Who was there then?
A. Mr Ozeburt Mrs Roch, Lepschus and myself
Q. Was there any conversation then?
A. Lepschus said Mrs Roch should go

Q down stairs. Were you there at the time?

A Yes Sir, Rose was in the room with Leuschner, myself and Mrs Roch

Q What did Mrs Roch do then?

A Mrs Roch went down stairs immediately and asked Rose to bring a chair down with her, Rose did go down with a chair and did not come up again.

Q. Did remain in stairs at that time?

A Leuschner and myself.

Q. What did you do, What did Leuschner

10

A do?

I was standing and Repschus took (2) two bottles of Kerosene out of the closet, and he took these, was a can with Kerosene, and that with the bottles of Kerosene he emptied running about on the floor, the bottles were in the closet and the can was round the kitchen in its usu=al place.

Q. Where did he go with the bottles and can?

A Around about the bedroom in the bedroom

Q. Did you go around with him?

A. I stood on the thre=
=shold of the door.

Q. Did you say anything to Epsedius?

A I said to him if that fire burns up I cannot get out, he said the fire will not be so big trip and you need not fear.

Q. Did you tell him not to set the place on fire?

A I told him not to do it.

Q. When did you tell him not to do it?

A It was before the fire I told him that

Q. What happened then?

A I wanted to go

our and Lepschus said you need have no fear, it will not last long and then she shut the door.

Q. Did he lock the door?

A. I saw him turn the key in the door, I saw him lock the door when he turned the key in the lock and both of us were in the room.

Q. What did Lepschus do then?

A. He took the key out of the door, and I so far ~~what~~ know whether he did with the key, he took it out of the lock

Q. What then?

A. The Lamp was then

standing in the Kitchen, I do not remember whether it was on the table, the bed or the mantle piece, and he brought the Lamp from the Kitchen.

Q What did he do with the Lamp?

A He took the Lamp, removed the Jar that had the liquor in it. The crash tub was close to the bed room, and he put the Lamp on the crash stand.

Q What did he do?

A He took a cover of some kind and laid it over the glass and

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got the stove lifter and smashed the glass lamp on the chimney, the chimney was and the bed and he put a cover over it and broke it.

Q. Where did he get the lifter from?

A. From the kitchen

Q. Did you see what part of the kitchen he got the lifter from?

A. From the stove

Q. Now this gone in from the kitchen stove

Q. After breaking the chimney what did he do?

A. He took the glass from the bed and scattered it around on the floor where he had put the

Q. What then did he do?

A. He went to the closet and got a bottle of some kind of acid and sprinkled it on the floor.

Q. Do you know what kind of acid it was?

A. Mrs. Roach used it as a hair preparation for taking out hair.

Q. What did he do then?

A. He took the lamp and twisted out the wick, then he lighted the kerosene with a match or the wick and while it was burning he laid the lamp down

on the floor so that
the Kerosene ran out,
it was second sight
so the oil did not
run out

District Attorney Hartman,
- The Witness says that
Leuschner took the Lamp
and, after having
broken the Chimney, I
put it on a board of
wood stand and then
turned up the wick
so that it projected
over the top of the
Lamp, about an inch,
that he lit the wick
and laid Lamp on
the floor, The Lamp
was at first full of
Kerosene, but he poured
it out on the floor, and
screwed off the whole
top in order to put the

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Oil on the floor when he turned the lamp up and laid it on the floor

Coroner-Officer

Q After he laid the lamp on the floor, he went about with a match and lit the Kerosene, now what did then do at this time?

A I stood there watching see the fire leaving the fire needed very big.

Q What did Foucary or do?

A I said Lepschus for Gods sake what are you doing

Q Did the fire finally ignite?

A It commenced burn=
=ing all around, it
did not burn up all
at once

Q. In about how
many different
places did he ignite
the fire?

A. Several places.

Q. What then took place?

A. He went out of the
sitting room into the
Kitchen door which
leads into hallway

Q. What did he open
it with?

A. The Kitchen
door was locked and he
unlocked it and then
he went out very
quickly, I was in the
Kitchen and Repeating
went out and pushed
the door shut, and he

pushed me away and shut the door tight, he came into the kitchen and he pushed me away so I could not get out, I heard him go down stairs, I do not know whether he locked the door or not, he closed the door and I could not open it again. The smoke was so thick I could not find the door to get out.

Q Now long were you in the kitchen before you were able to get out after Lipscomb left?

A Probably more than five minutes

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Q What happened then?

A I heard the alarm of fire, and heard people running back and forth, the door got open, I saw the light and then I saw the door.

Q Did any fire come from the hallway?

A No, only the smoke, fire came from the window and the door, I saw smoke in the hallway.

Q While you were in the ~~hall~~ room what did you do?

A The smoke was so thick, I was compelled to drop to the floor and put my head down

and grasping for the door.
(Diagram shown Witness)

Q. The bedroom in which the fire ignited may mean the Kitchen? Now where did you stand?

A. I was standing in the Kitchen when the ignited the fire.

Q. How far away from the door leading into the Kitchen?

A. Standing on the threshold about three or four feet from that door

Q. Do you mean to say that after the

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Fire had been ignited and you three feet away from the door leading into the hall may that you could not find the door and get out?

A. The door was shut

Q. Was it locked?

A. It was fast

Q. Did you try to open it?

A. I did, ~~not~~ but I could not

Q. Did you force the door, inwardly to try and open it

A. Yes Sir, but it would not open

Q. Was it locked inside or outside

A. I cannot say that

Q. Did you put your hand on the door to open it?

A. I tried to open it but could not.

Q. How long before Lepscher went out did you try to get out?

A. I went right to the door and could not get out.

Q. Why did you not go after when Lepscher went out?

A. Lepscher pushed me in when he got out and he said you remain, the fire was already burning and he pushed me back and said remain there.

Q. What did you say then

A. I said no, I can not stay here, I tried to get out with him but he pushed me back

Q. What did you do then?

A. I first thought I moved to out of the window, but I could not get out that way, and when I turned I saw a light at the door and the door opened and I got out.

Q. Have you made up your mind since the last examination how long you were in Virginia, or Europe?

A. I was quite young then and I cannot remember how much time I served.

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Friend. I ask leave to cross examine with the witness as I have not had an opportunity to cross examine the testimony

Referee What was the defendants Mr Roch and Lepsche engaged in at Anzia?

A They did not work at anything.

Q. Do you know whether either of them were in prison or were they ever accosted?

Friend. I object

Q Have you any prejudice or ill feeling against Mr Roch, Mrs Roch or Lepsche. Is your testimony inspired by

25

A. a spirit of revenge?
I had no feeling against them what ever.

Q What did Lepreehn do on the morning of the fire, what time was he there?

A He was there that morning about an hour and he was looking around the Bedroom and also in the Kitchen.

Q What did he say to you, if any thing?

A He said to me while he was going about that he had set fire a number of times, at Brockmans and other places.

Q Who were the girls

that were there in the afternoon as you say?

A They were about eight or nine years old who played with the Koch children

Q You have said that when Lepschinz left he said he would come back and make the fire, What do you mean by making the fire?

A Her fire in the bedroom.

Q Did Lepschinz say that—

Sworn to before me this 29th day of Oct 1889

Police Justice

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Raphael Stearns being duly sworn deposes and says

Q. How old are you?

A. I am 20 years old

Q. What is your business?

A. Confectioner.

Q. Where do you live

A. No 110 Suffolk St.

Q. It has been testified here that a fire occurred at 78 Norfolk St on the evening of Oct 19th last past, do you know any thing about it?

A. I know only what Mr Christman told me

Q. Tell us all you know?

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A On the Monday evening before the Fire Mr Christman came to my room and told me

Counsellor Friend I object because neither of the Defendants were in that room.

Q Was do you know about the Fire?

A Just when Mr Christman told me

Q nothing else

Did you at any time, go to an Insurance Company to make inquiries about the Insurance on this Property of Rocks?

Friend — I object, that is immaterial

Hartman — We propose to

30

Show that the fire was a scheme to procure the Insurance

Field Q. You cannot show that by this Witness —

Q. Do you know either of the Defendants?

A. Yes Sir.

Q. Which one do you know?

A. I know both of them, I know one of them personally

Q. Which one do you know personally?

A. Mr. Roch,

Q. For about Seven weeks before the fire

Did you ever have any conversation about any fire or insurance?

A. No Sir,

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Q Do you know his daughter Rose?

Friend — I object —

A Yes Sir,

Q. Did you ever have any conversation with her in presence of the defendants Roth and speaking about the Fire?

A. No Sir,

Q. Did you have any conversation with her?

A. Yes Sir,

Friend — I object —

Q Did you ever have any conversation with Red?

A Yes Sir

Q Did you ever have any conversation with his daughter about any Insurance on the

32

Q Property of Mr. Rock?

Friend. I object

Q Did you have any conversation at all with Mr Lefschuz in regard to this fire?

A No Sir,

Q Have you anything to do with any Insurance Company?

A I was first connected with one, but I sold Mr Christman there to the Corner of 8th & Paul Second and to a man named Mr Herman

Friend — I move to strike it out

Cross Examination

Q What, of your own knowledge, do you know of this fire

A I do not know anything about the fire?

Q Do you know anything but what Christian told you?

A Simply what he told me, nothing more.

Q It was after the fire occurred that you knew of it?

A Yes Sir.

Q You never had any conversation with Lepscher or Mr and Mrs Roch?

A Never.

Q. Were you present at any conversation about the fire with either of the Defendants?

A No Sir.

8 B

Q. Were you at home when the fire took place?
A. No Sir.

Adjourned to Three O'Clock this afternoon

Afternoon Session.
Henry Simmons being duly sworn deposes and says

Q. How old are you?
A. I am 46 years of age, I am attached to the Fire Patrol, I live at No 176 Street St.
Q. To what station are you attached?
A. No 2 - 81
Q. Great Jones St
How far is that from No 48 Norfolk St

9,5

A Alarm half a Mile

Q How do you get your Alarm?

Friend — I object —

Q. Do you remember being at a Fire at 78 Monroe St on Oct 17?

A Yes Sir, the Alarm came in about 24 o'clock and I got there as soon as the Patrol Wagon came take me.

Q Was it 5 minutes?

A Not that long

Q. Would it take three minutes?

A It might.

Q You were there at about three or three and a half minutes after the Alarm

A I should judge it would be four minutes

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Q. How long did it take you to get there in the wagon from the station house Judge

A. about four minutes

Q. When you got there what did you do?

A. I was with the rest of the command and we went in on the ground floor, our Captain ordered us to cover up

Q. When did you go?

A. On the ground floor. It is a high stoop house, we did not find the fire on the first floor. There was nothing but water coming down, we covered the bedding and

84

are the furniture on that floor, it belonged to the family Davis Mrs

Q. The water was coming down from the floor above?

A. Yes Sir.

Q. Were the Engineer there?

A. Yes Sir,

Q. Did you go up after==wards?

A Yes Sir, as soon as the Company got through their work

Q. What did you find in Roche's apartment

A Nothing but ruins we found the furniture that was burned and destroyed and the bed=ding all destroyed.

Q Did you find any

38

A. Thing else?
Not at that time

Q. Did you find the odor of kerosene about there?

Friend. I object

Q. What next did you find?

A. I went with my command under instructions from my Captain. Our duty is to clean up and save what we can. The flasks had been broken and came down, I refer to the other floor.

Q. Were you there at any other time after that?

A. If you let me, I will tell you in my own way, when we

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answered the alarm, and
got there, we found a
lot of water there, we
were ordered to cover the
furniture and when
the Engineer came there
was a terrible lot of
water on the floor, we
were ordered to bail out
the water and that is
what I was doing.

Q. How long were
you there after you
got to the fire?

A. It might have
been half an hour, till
we finished our work

Q. Who were you in
charge after you were
relieved

Friend & Objector — You can
subpoena who ever they
were

Q What time was

A Yes Sir, When I was sent back?

Q. Yes, What did you find when you went there the second time?

A Was was about an hour after the first time or a little more, and found the peace as I have told you, When I went again in two days and they found the broken Lamp at the head of the bed

Q Look at these parts of a Lamp and say if they are the parts you found near the bed in Roche rooms?

A Yes Sir, they are

I found them near the wall and under the bed, the part through which the brick goes and the part that serves on I found behind the head of the bed, between the head of the bed and the wall.

Q. Where did you find the lower part of the lamp?

A. Six or Eight (6 or 8) inches under the bed, the head of the bed.

Q. Did you find any broken glass about?

A. Yes, I picked it out of the dirt on the floor in the room

Q. Did you find any thing else?

A. No Sir.

Q. Nothing else?
A. No Sir,
Q. Did you see either of the defendants there at any time?
A. Yes Sir, both Koch and Lepechus
Q. Where were they?
A. Saturday morning after the fire I saw them, they came up there, I did not know them then, they came into the room while I was eating my breakfast, my daughter brought me my breakfast. I asked one of them "are you Mr Koch", he said yes, then the gentleman began to talk to him in German, which I did not understand.

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Q. Did they talk in English?

A No Sir, the name of the adjuster was Jenkes,

Q. Did they, at any time talk of anything you under=stood?

A At one time they did, they agreed to take charge of the loss Mr Gutter was writing and the others (Defendants) were assisting him

Q. Did you notice anything they picked out of the dirt?

A They picked out clothes

Q. What did you see in the way of clothes?

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A. Some articles, I can a Sacque

Q Was there anything else?

A. Not any particular article, there were all kinds of clothing, I did not take particular notice, they were estimating the damages on them

Q. Making lots of them?

A. They were putting tickets on them

Q Did anyone representing the Marshal's Office visit the place while you were in charge?

Friend — I object

A Yes Sir,

Q Who was it?

Friend — I object

44

Q At the time of any one representing the Fire Marshal's Office called, were the Defendants there?

A Question was counsel for Roch & object to all that was said in absence of Roch—

Q. Tell us what was said?

A Mr Beach came and asked where the people were, I said they were in No 82, he said can you get them here and I told him the wife was too sick and that I would bring the little girl and I brought her, and he examined her, Arrest came in from 82 Mrs

Q. Lavine came in, Mr Rocks other daughter What did Lepscher do then?

A. He stood there while the Deputy Marshal was examining the girl, he spoke to her in German.

Q. Did you see any thing taken out or in while you were there?

A. No Sir,

Q. These things remained as you found them?

A The Lamp was taken out

Q. Is there any one there in charge now

A Yes, a man went in my place, while I came here

Cross Examination

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Q When you got to the place (of the Fire) the place was considerable of a ruin and "Topsy turvey" and things removed?

A. Yes Sir, just as it would look after a big fire

Q. All was disorder?

A. There is not much order any place after a Fire

Q You went there two days after the Fire?

A I went there one hour after, and found the Lamp two days after, there

Q. How many people might have been there up to that time?

A. About (50) Fifty

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Q. How many firemen were there?

A. There was an Engine and Truck Company there, and they pulled down the faster to look for Fire

Q. Was that at Rochs place? After the Fire you went to your Station and then you Returned?

A. Yes Sir, I remained there till relieved, I am there day and night

Q. How many were there?

A. I cannot say

Q. The Dozen?

A. Yes Sir

Q. Things were Knocked about?

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Q. Yes Sir.

Q. Two days after the fire you found this broken lamp under the bed?

A. Yes Sir,

Sworn to before me this 29th day of Oct 1889

Police Justice

50

Fannie Sonnenbaum being duly sworn, deposes & says, I am a married woman, 28 years of age and live at No 104 Suffolk St,

Q. Or has been here testified to that certain articles were brought to your house on Monday Oct 14th 1889?

A. That is not true

Friend — I think it right and proper, that I inform the witness that she need not answer anything that will tend to degrade or incriminate her!

Stuchman. He agrees to that

Q. Do you know either of the Defendants?

A. I know Mr Koch, I do not know Mr Lepschier

Q. Did you make an affidavit on the 22nd day of Oct 1889?

A. I signed my name where there were articles brought to me, Christman is the man who brought it to me

Q. Did you ever see that man Mr Frank?

A. Yes sir, I saw him.

Q. Did you not make a certain affidavit on the 22nd of Oct 1889 which Mr Frank translated to you?

A. Yes sir, it was translated to me

I understood it while I signed it, I heard it read, I did not understand it.

Hartman — I offer that affidavit in evidence

Friedl — I object to it.

Affidavit marked Ex A.

Q Do I understand you to say you was nothing brought to your house on the 14th of Oct 1889?

A Nothing was brought there

Q Was anything brought to your house between the 14th and 17th of Oct 1889

Friedl — I object It is immaterial.

Hartman. — Christman has testified here that he brought certain

articles to this woman house, at the direction of the Defendants, and it seems to me that it is material to show by this Witness, whether these articles were brought to her house and what they were

Friend — I suppose this witness Christman lived in the family, and some one murdered to the Defendant sent him to her house with these articles, now unless you corroborate his testimony it is useless.

Q Do you know that there was a Fire at Roche house on the evening of Oct 17th 1889?

A I do not know when.

Q Do you know of Mr Mitchell calling at your house at any time

A. Yes Sir.

Q Give any conversation you had with him?

Friend — If the Defendants were present you can give it — Mr. Mitchell had a conversation with her while these defendants were locked up.

Q On the Wednesday after the Fire did you have a conversation, or did you show Mr Mitchell any property which you said came from Rochr?

Friend — I object — on the ground that any

55

thing that occurred between the Fire Marshal and the witness, in the absence of Roch and Lepreuz, is not binding on the Defendants.

Sworn to before me
this 29th day of Oct 1889

Police Justice

55

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Charlotte Kean being duly sworn deposes and says, I am married and live at 96 Bayard St, I am 24 years old.

Q. What business are you in there?

A. Second hand Clothing

Q. Ladies or Gents or Ladies only?

A. Ladies only

Q. Was your store open on the evening of Dec 14th last past

A. Yes Sir

Q. On that evening did you see anything of Koch, Lepschez or Chiriman?

Third - I object

A. In the Defendants Koch and Lepschez

Third — I object, It is immaterial whether or no.

Sworn to before me
this 29th day of Oct 1889

Police Justice

Gustave Newman, being duly sworn deposes and says

Q Where do you live?

A No 130 Second St I am in the Real-estate and Insurance business.

Q Do you know the Defendants?

A. I do not.

Q. Do you know a person named Christman?

A. I know him, I saw him twice

Q. Do you know anything about a certain fire that occurred in Norfolk St

A Q Were you not at that fire?

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A.2. I was not.
Where did you
meet this man
Christman?
Friend — I object — It is
immaterial —

Sworn to before me
this 29th day of Oct 1889

Police Justice

Henry Feldman being duly sworn deposes and says, I live at 69 Seventh St and I am an Insurance Agent,

Q. What Companies do you represent?

A The Royal, The North British and Niagara.

Q. Do you know the Defendants?

A I do not remember seeing Roch, I was at his house, but I cannot remember.

Q Did you ever effect any Insurance on his Property?

Friend — I object, it makes no difference whether he did or not

Q Have

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Q Did you any Insurance on this property?

A Yes is the Policy - From the Royal Ins Co. It was written in my Office and signed by me as Agent for the Company

Q Did you issue that to Mr Roch on certain property owned by him?

A Yes, it is a Policy for Six (#600) hundred Dollars for No 82 Norfolk St and transferred in August - the 19th - to No 78 Norfolk St on Household Furniture

Statement - I offer the Policy in evidence. Marked Q A

62.

Q. Do you know any thing about a fire — of your own knowledge

A Yes Sir.

Q. What do you know of it?

A On the day after the fire, in the morning Christman and Stearnes came to my office, they were there when I came after nine O'clock they waited till I came and said they wanted to see me privately

Q. What did you do?

A I agreed — I took them to the head office of the Company, and I saw Mr Bartholo, Manager of the Company and

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Told him —

Friend — I object Did Mr Lepschus and Koch with you at any time when you were there?

Friend — I move to strike out all but what he knows of his personal knowledge —

Hartman — Yes — all hear say evidence —

Sworn to before me
this 29th day of Oct 1889

Police Justice

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Jacob Frankling duly sworn deposes and says I am an Assistant Fire Marshal of the City of New York

Q. Do you know either of the Defendants?

A. No Sir

Q. Do you know Koch or Lipschitz?

A. No Sir

Q. Did you ever meet them

A. Not that I know of

Q. Do you know anything about this Fire?

A. I visited the premises and found there was a Fire there and investigated the case, I took away

part of the burned building a piece of door frame and I have it in my possession now in the Engine house.

Q. When did you get there?

A. I went there on the morning of the 22nd of October 1889 with Mr Mitchel

Q There has been offered in evidence an Affidavit purporting to be signed by Mrs Annie Immenbaum Was the Defendant there when she signed it

Friend — I object

A No Sir

Hartman. That is the case for the People

Friend — You have one

Witness and not a particle of corroboration, your Witness may be an accomplice — you have made out no case — I will move to dismiss when the Judge is here.

Sworn to before me
this 29th day of Oct 1889

Police Justice

W. J. Tracey
Stenographer

Filed District Police Court.

James Mitchell

vs.

Henry Koch
Max Lepschus

Arson.

STENOGRAPHER'S TRANSCRIPT.

Oct 29 188 9

BEFORE HON.

P. C. Duffy

Police Justice.

W. J. Treacy

Official Stenographer.

Rec'd from Chief Clerk Supt. Police Office Proof of Loss and affidavit of Fannie Vanorhum in the Koch-Lepschus Arson case

2-12-1895

J. Fagan
asst. Fire Marshal

POOR QUALITY ORIGINAL

0000

STENOGRAPHER'S MINUTES.

Third District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF
Damer Hutchee
vs.
Henry Roch
Mary Lepschus
Arson

BEFORE HON.
G. G. Duffy
POLICE JUSTICE,
Oct 24 188 9

APPEARANCES: { *For the People,* ..... *For the Defence,* Oct 24 188 9

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M. J. Treacy
Official Stenographer.

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(1)

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Mitchell
agst.
Koch and
Lepselius

Examination had Oct 24 188 9
Before Duffy Police Justice.

I, M J Shea Stenographer of the 3 District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of John Christman and Carl Gerdin as taken by me on the above examination before said Justice.

Dated Oct 31 188 9

M J Shea
Stenographer.

P H Duffy
Police Justice.

New York Oct 21st 1889
Third District Police
Court. Hon. P. G. Duffy
Presiding.

James Mitchell
Henry Koch
Mary Lefkowitz } Prisoners

Pol. Christman being
duly sworn deposes
and says,

Q. How old
are you?
A. I am 23
years old.
Q. What is your
business?
A. I am a weaver.
Q. Where do you
live?
A. 45 Monfolk St
Q. How long have you

1

Q. Been in this country
A Q. Did you live there
Weeks, This is ten weeks
Q. Where are you from
A. Russian Poland.
Q. When did you leave
there?
A About 15, 17, 16
~~months~~ weeks ago
Q. What place did you
leave in Russian
Poland?
A The City of Lodz
Q. How long had you
been living at No
48 Norfolk St
A. Live
There since the day
arrived here, about
ten weeks
Q. Did you live
there all the time you
have been here?
A. Yes Sir.

Q. Are you a married man?
A. Yes Sir,
Q. Where is your wife?
A. In London
Q. Has she ever been in this Country?
A. No Sir,
Q. How long has she been in London?
A. About three weeks
Q. You left her there when you came here?
A. Yes Sir,
Q. Who lives with you in the rooms, in the house at No. 48 Norfolk St?
A. This young man here, and his brother,
Q. In the same room?
A. There are four rooms there!

Q. Has it one floor?
A. Half a floor, four rooms,
Q. Who lives in the rooms, making up the half floor?
A. Mr Roch, his wife and two children, his mother, Stevens and his Brother.
Q. Are you related to Mr Roch?
A. I am
Q. What relation are you to him
A. Mr Roch is my uncle
Q. You are his nephew
A. Yes Sir,
Q. How long did you live in Mr Roche's family?
A. I lived with him since I arrived here.

Q. Do you know the defendant, Epstein.
A. Yes Sir,
Q. Where did you know him?
A. I knew him from home and from here.
Q. Did he live in those apartments?
A. No Sir,
Q. Did he ever go there?
A. Yes Sir.
Q. How often?
A. Very often, something he came once a week, sometime three times a week and same time they went for drink
Q. Mr. Christman there was a certain fire occured at No 78 Norfolk St in the

rooms occupied by
Roch, now if you
know anything about
the circumstances
connected with that
fire, please tell us;
that fire is said to
have occurred on the
evening of the 17th inst,
tell us all you know
about that fire

Q. Did you hear there (78
Norfolk St) a couple of
days previous, that was
eight days before the
fire Did you hear there,
before the fire Mr. Roch
and Mr. Lipschus was
talking about the fire

2. Did Mr. Roch say-
=ing anything about
fire?

A. Mr Roch said
that Mr Lepschus

should set a fire, that should happen a few days previous to that, do you know whether Lefschinzmanitch to do that, or that fine Lefschinz was not?

Q. I want to know everything that was said by these people day after day up to the time the fire occurred, tell all of the circumstances, what ever you heard, the conversation between Koch and Lessing about the fire, did they ever say anything to you about the fire?

A. Yes Sir,

Q. What did they say?

A. was in another

room.

Q. Go on and relate the circumstances in detail of any other meeting you may have had when the Defendant was present?

A. I know that when Mr Lepschus and Roch and Mrs Roch were present, when they told Mr Lepschus they wanted pay him, but then much I cannot tell.

Q. Pay for what?

A. The fire.

Q. For starting the fire?

Objected to, by Counsel for Defendant

Q. Was anything said about a consideration for certain services Lepschus was to render

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Q. Yes Sir,
A. What was it?
Q. A. Mr Lepselius was told he would get money if he made the fire, Mr and Mrs Koch told him that Mrs K.
Q. Lepselius' first?
A. Yes Sir
Q. Whereabouts do?
A. In an adjoining room, a bedroom. Diagram shown the Witness, and he was asked
Q. Which room was it?
A. None. (No answer)
Q. Can you identify any of the rooms from the drawing made now by the Fire Marshal, are the rooms

in the house in the same place they are on the drawing?

A. Mr and Mrs Roch and Mr Lepschus were in the Bedroom and I was in the other room.

Q. You overheard the conversation?

A. Yes Sir,

Q. Detail the conversation as you then heard it? If the room between the parties, as near as you can, did Mr Roch say anything to Mr Lepschus about setting the place on fire?

Counsellor Shirred, I object to it as leading

Q. Did Mr Roch make any proposition at all to Mr Lepschus

A. He told him to make a fire and he would pay him for it, if he got the insurance for it.

Q. Mr. What did Lepschus say to that?

A. Mr Lepschus told me that would happen in a few days after, on Wednesday, Thursday or Saturday that the fire would come up.

Q. Was there any proposition made to Koch by Lepschus, or what else was said by Lepschus to Koch?

A He told Koch to go away to Newark N.J.

Q. Did he tell him how long to be gone or what else was

said?

A. He said nothing, he sat a little while and then walked out

Q. Do you know whether Mr Koch went to Kendall N.J. and remained away for several days?

A He went away next morning and was away till after the fire

Q. Did Mr or Mrs Koch or Lepschus say any thing to you, or make any proposition to you at any time

A. Mr Lepschus told me a day before the fire that I need not be afraid, he

had done that on several occasions.

Q. What had he done?

A. That he (Joseph) had set fire before for other people and I need not be afraid, he told me that the day after.

Q. Whose names did he mention

Counsellor Friend. I object as this was said in the absence of Roch and his Wife.

A. When the fire was at Brockmans they also went away, but nothing happened

Q. What do you mean by "nothing happened"

A There was no damage.

Q. Did Lepschus in talking with you about that mention other names, where he had been engaged in mak=ing fires, Did he mention the name Sannenbaum?

Friend I object

Q. Was anything said about anyone else?

A. Lepschus told me he did it a hund=red times but nothing happened.

Q. What did he mean by "nothing happened"

Friend I object

Q. What did he say about anyone getting hurt?

A. I meant it would not hurt

anyone

Friend. Let it be noted that all this was said in the absence of the Defendant Koch and his Wife

Q. Did you ever hear the name of Tannenbaum mentioned by Koch or his Wife

Friend. I object to it as leading.

A. I heard them speak about Tannenbaum, that there was a Fire, there, but I cannot say who did the Fire, or where it broke out, or anything else

Q. What did you do after this pro=position had been made to you and you had heard the

A various conversations?
I did want to go and report it, but I was afraid if I did and it did not happen they would catch me.

Q. What was the motive?
A. I did want to give Epsches away, but I was afraid I would be charged with some thing that was not right.

Q. Did you make any inquiries as to whether there was any insurance on that property?

Friend. I object.

Q. Did you know that there was insurance on that property?
A. Yes Sir.

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Q. How did you know it?
A I heard once, that they moved a number of a house changed to the other house.
Q. Before that fire occurred, that he mentioned in a conversation you have here detailed, did he mention it to anyone?
Friend. I object. Question withdrawn.
Q What did you do, if anything, before the fire occurred? Tell any conversation you had, or heard?
Friend — I object, if the defendants were not present.
Q. Did this fire occur on the evening of the 14th inst?

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A. 2. Yes Sir. Where were you when this fire happened?

A. In the same house where the fire was.

Q. 2. What part of the house were you in?

A. In the same house No. 78 Borough Street

Q. 2. Were you in the rooms occupied by the Roch family?

A. Yes Sir,

Q. 2 Were you in the same rooms occupied by the Roches

A. In the same rooms.

Q. 2. Do I understand you to say that you were in the same

18

rooms occupied by Mr. Koch and his wife when the fire occurred?

A Yes Sir,

Q. Who was there with you in the rooms?

A Lepschus was there

Q. What room was he in?

A He went back and forth, between the bedroom and kitchen several times.

Q What did you see him do, if anything?

A He took two (2) bottles of kerosene and spilled it on the bedroom floor, he Lepschus, did that

20

Friend I object to your leading questions.

Q. Lepschius emptied (Q) two bottles of Kerosene Oil on the floor, the bed Clothing, and everything else in the room?

A. On the floor,

Q. Did you see him do anything else?

A. He took the Lamp then and broke the glass of it with the Stove lifter.

Q. What was in that Lamp?

A. Kerosene

Q. What became of the Kerosene in the Lamp when it was broken?

A. He did not break the glass below, but the Chimney, the oil was

no

Q. left in the lamp? What did he do after he broke the Lamp Chimney

A. He took the broken glass and he threw it over the floor.

Q. What did he do with the Lamp?

A. He unscrewed where the wick goes in and turned the Lamp on the table and put the lamp on the floor.

Q. Where did he put the wick he screwed off?

A. He screwed it on and then he lit the wick

Q. What happened after that?

A. Then he took a match and went to lit several places and it

Q Lit the Kerosene where it was?

A Lit the Kerosene where it was on the floor.

Q What happened after that?

A Lepodius then ran out and shut the door and kept it shut on me

Q. What did you do in the room while the kept you in?

A After he closed the door on me, I was trying to get out and there was a big smoke and I could not jump on the fire escape and all of a sudden there was a big flame and the door burst open

Q What do you mean by the door bursting open? Did you see the door after the smoke arose,

A. Yes. I saw the door was there

Q. Did you see the door before the flame came up?

A First the flame came and then I saw the door.

Q. Did you open the door when the flame opened you where the door was?

A The door opened itself

Q Did you see Lepschus after that

A After that I did not see him, after that I saw him

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running and holler=
=ing "Fire"

Q. Did you see Koch, his Wife or Lepschius remove anything from the room before the Fire?

A. Before the Fire I carried things away myself, that they told me to carry away

Q. Who directed you to carry them away?

A. Mr Mc Koch, Friend, I object, as Mr Lepschius was not present

Q. What did you take away at Koches direction?

A. A bed cover and a Pillow

Q. Where did you take them to?

A. No 104 Norfolk St, to Mrs Tannenbaum

Q Who directed you to take them there?

A Mr and Mrs Roch.

Q What else did you take away? Was it a feather bed or bed cover?

A The feather bed

Q How many times did you take things away from the rooms at the direction of the Roches or respectively or his Wife?

A I took things away three (3) times in the forenoon, and I took a package afterwards, I cannot tell what was in it.

Q What did you carry away on the three (3) trips you made?

A The first time I took away a feather bed and a pillow, the second time a bed cover and two pillows and the third time I took away a bed cover.

Q Were you directed by Mr Rock, his wife or Lepechinz, or any of Rock's family to take anything else away from that house — Friend — Soldier —

Q. Did you take away from that house?

A. The fourth time when I took a package I do not know what was in it.

Q You bigger the package?

A Carried it there

Q. Where did you take it to?

A. To Mr. Stainer's when I did you take anything else, or did you stop somewhere?

A. I got pill box, with me, I had another package that was nearly as bad as the other pill box in it.

Q. Where did you go with Rose?

A. I took it to Mr. Brown's, I took the girl took it from one and took it to the house.

Q. Where house?

A. No 83 — I don't know the street — (83 Stanton St)

Q. Who lives in the house

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A. You took the receipts?
Brockman, I mean received

Q. Did they give you a card or the time they told you to take the package?

A. No the card was lying there on Mr Roch's desk in the time he needed and we did you take the when we

Q. Did you pick up that card or did you see the similar that on Mr Roch—

Friend. Objection to form of Officer to Call for the margin that the card was no connection with this case

Q Did you ever hear the name of Brockman

and his wife mentioned many times

A. Friend. He object, it is immaterial.

District Attorney Hartman. We have proven that a package was taken to Brockmans.

Q When you took the package, the time the girl Rose, went with you did you get any directions from any one?

A. Mrs Roch gave it to me and told me to take it to Brockmans

Q. Was Mr Roch there when she gave you the package

A. Yes Sir, he was.

Q The defendant Lipschus was not there.

On what day was it that you made

30

the three trips, and in the afternoon took a package to that house?

A. Monday.

Q. 2. What day of the month?

A. I cannot tell.

Q. 2. How many days was it before the Fire

A. Fire was on Thursday and that was on the Monday before the Fire

Q. 2 How many days before, was it before the Fire was it that you and the girl rose went to the Beekman house, how many days was it before the Fire occurred?

A. That was on the same day

Q. 2 Did you at any time before the Fire go to a second hand

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store or a clothing store?

A Yes sir.

Q On what day was that before the fire?

A. Monday night

Q With whom did you go there with?

A. Mr Koch.

Q. What did Mr Koch do there?

Counsel for Leuschner I object, this is not binding on Leuschner.

A. Mr Koch said I should buy things for my wife, because she was a green horn

Q Did he mean for your wife or for Mrs Koch?

A All he said is "I buy it for my wife, she is a green horn."

Q. Did Mr Koch

say that he manufactured these things for your (Christmas) wife, What did you buy there at that place

Friend I object.

District Attorney. Never mind the place that Mr Roch went to this place and bought these things which were cheaper than the things he had in his house, a part of these things were found burned, after the fire,

Q. Did Mr Roch buy anything that afternoon

Friend I object

Q. What did Mr Roch go at that place?

Friend I object.

Q After he got to that store did Mr. Roch buy anything

Friend. I object.

Q When you got back to your rooms after having been to this store, did you bring a package

Friend. I object.

Q Did you see any package in the room after you came back from the store that night?

A. I saw several things lying around on the floor, what the value of them is I do not know.

Q Were you in any way interested in the Insurance Policy that you spoke of?

Friend - I object -

Were you in any way interested in a certain Insurance on

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that property?

Friend & Object. It is not material whether he was or not.

Q. Before or after the fire, did you go to an Insurance Company in reference to this fire?

Friend & Object

Adjourned to Oct 25th 1889

October 25th Examination resumed and continued.

Dist Atty Hartman, & move that all Witnesses except the one on the stand, be excluded from the room

Examination of Christman resumed—

Q. What did you do or say to anyone after or before the fire?

Friend. I object to all and

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anything that was said or done in the presence of the defendants.

Q. Do you know the defendants Mr. Eisenhower & Knowlton

A. Yes sir, I know them for years

Q. How long do you know Mr. Rodell?

A. About ten (10) years

Q. Mr. Rodell is related to you?

A. Yes sir,

Q. Do Mr. Eisenhower & Knowlton relate to you, in any way?

A. Not to me.

Cross Examination

Q. How old are you?

A. I am 23 or 24 years

Q. Do you know how old you are exactly?

36

Q. I am 23 and I will be 24 years old a little before New Years

Q. Where were you born?

A. Novinsk Russia Poland.

Q. How long did you live there?

A. About Eleven (11) years

Q. When you left Novinsk where did you go to?

A. To the City of Lutz

Q. Where is that? Do in Russia or Poland?

A. Russia Poland

Q. Were you in the City of Lutz from the time you left Novinsk till you came to this Country?

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Q. Geo Sir. What did you do when you finished at Litz? Did you go into any business?

A. I was with Mr Roch,

Q. One of the defendants?

A. Yes Sir,

Q. How long did you live with Mr Roch, one of the defendants?

A. About three or four years

Q. Did you work for Mr Roch there? And if so, how long?

A. About three or four years, I did work, I did not learn any thing from him.

Q. When you left Mr Roch there what did you then do for a living?

A. Then I went to learn

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Q. The Hearing trade.
With whom?
A. That was two (2) miles away from the City of Lutz in Chinita'
Q. By whom were you employed at Fabinitz?
A. By Madam Yedwock
Q. That was Mr. Rock's business while you were with him?
A. He had two business, his Wife worked in hair, she was a Hair Dresser, for Women.
Q. Did you have any trouble with Mr. Rock at Lutz, where you lived with him?
A. I had no

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Q. Trouble with him.
Did you have any trouble with his Wife Mrs Rock?

A. Yes Sir,

Q. Were you arrested there?

A. Yes Sir, I then a entrance boy.

Q. What were you arrested for?

A. Mrs Rock gave me some stuff to drink and she married the money and the goods,

Q. 2 Were you there arrested for it?

A. I think I was under

Q. Were you tried, convicted and how long did you serve in Prison?

A. I was tried and convicted, but how long it was, I cannot tell,

Q. Did you not know that long you were sentenced for, do you mean to say you do not know how long you were in Prison in Europe?

A. I cannot think sir, it is so long ago, it maybe eight or nine years ago

Q. Were you in Prison one year or more?

A. Yes

Q. Were you in Prison for six Months?

A. I do not know exactly

41

Q. Do you know what part of, or what period of time you spent in prison?

A. I cannot think sir, it is too long ago

Q. The complainant against you was Mrs Koch, the wife of the defendant?

A. Yes sir,

Q. Did you know a young married lady Mrs Rosenthal, sister Katz?

A. Yes sir,

Q. Were you arrested on complaint of Mrs Koch, were you not charged with stealing something from same house besides Mrs Koch?

A. No, from no

41

Q. Have you ever been arrested and convicted of crime?

A. Never in my life, was I arrested for stealing.

Q. Did you serve in prison for the charge and complaint of Mr. Roch?

A. She gave me the stuff to put in the bag, I asked them she wanted to get the stuff and the money.

Q. I will not tell that on another occasion you were arrested for stealing or for a crime and convicted and did not Mr. Roch get you

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Released?
A. No Sir,
Q. Do you believe in the Bible?
A. Yes Sir,
Q. Did you state to any one within a day or two that you did not believe in the Bible?
A. No Sir,
Q. How long were you in London?
A. I was there last year (1911) Eleven, or (12) Twelve
Q. weeks What did you work at in London?
A. What ever I could do, a Porter—
Q. Your Wife there now
A. Yes Sir

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Q. Where?
A. At my brother-in law
Q. What is his name?
A. Gerald Lacy, he is a Presser
Q. What is his address
A. Gillman St, Spitle=field
Q. Do you know your wife Maria Gerrard here?
A. Yes Sir,
Q. Did you leave London with her consent?
A. Yes Sir,
Q. Is it true that you left your wife in London friendless?
A. No, I gave my wife money when I left the Room I was going away

Q. Did she see you off on the boat?

A. She saw me when I went to the train.

Q. Have you received any letter from your wife?

A. They are all burned, I had them in the black box at No. 78 Norfolk St at the time of the fire, and that was the time my letters were burned

Q. Is this your signature (Affidavit shown him)

A. Yes sir,

Q. Where was this drawn (Affidavit) and by whom

A. Mr Pitcher wrote it in the office,

Q. Who or what is Pitcher?

4 X 6

A. I cannot tell

Q. Where is Fitcher's Office?

A. In Broadway

Q. What number

A. 85 or something.

Q. I cannot exactly tell, Who is Fitcher, what is he and where is his place of business?

A. It is a big Office

Q. Who brought you there?

A. Mr. Ettman

Q. Who is the Notary Public in the Insurance Co

Q. Does Mr Fitcher speak German?

A. No Sir,

Q. Was this paper (affidavit) read to you?

A. Yes Sir,

Q. Where did you meet Feldman?

A. On his Office

4 X 6

Q Where is his Office?

A It is in Eighth St near second Av, the number I cannot tell.

Q. Who took you to Feldman?

A Mr Streuer,

Q. Did Streuer know Feldman?

A No sir

Q. How did you come to go to Feldman?

A I went to find the people our who made the fire

Q. If you did not know Mr Feldman, and Streuer did not know him, how come you to call on Feldman, why not have called on some one else?

A Streuer called at the Insurance

place and found out where Mr Heldman lived, and who he was

Q. Heldman took you to Mr Ritter?

A. Yes Sir.

Q. On the way to Mr Ritters did you talk to Heldman

A. No Sir,

Q Not a word?

A. I do not think I spoke to him.

Q. Did you say any thing to Mr Heldman on the way, or in his Office in 8th St?

A Yes Sir, I told it to him

Q. Mr Heldman spoke to you?

A. Yes Sir,

Q. Did he say to you what the Insurance Co would do for you if you

made a confession?

A. He did not say that to me

Q. Did any one say anything to you in regard or reference to paying you for your time and trouble?

A No Sir,

Q. Do you expect pay for your time and trouble?

A. I do not want any money

Q. Do you expect pay or work from the Insurance Company or Mr Feldman

A I can look for work for myself

Q. Did any one make a promise to you at all?

A. No Sir

Q Did anyone connected with the Firemarshals Office, ougger that you would be paid for the time you gave here?

A No one said anything to me, I went in and sat down and when they asked me questions I answered

Q. No one said or suggested that you should be compensated for your time and confession?

A No one said a word about that.

Q. Are you friendly towards Mr Koch?

A Yes Sir.

Q. And with Mr Koch?

A Yes Sir.

Q. Are you friendly with Lepschus?

A I am not angry with him

Q. With Mrs Koch either, she is your Mother's sister?

A. She is the step sister of my father

Q You are on perfect good terms and you have the kindest feelings towards the Koch's?

A I have nothing against either of them

Q. You Mr Lopschis had a fight some time ago?

A. No Sir,

Q. Did you assault him or he you within a short time?

A No Sir,

Q You have a chip in

52

London?

A. Yes Sir,

Q. How old is the Child?

A. Near a Year.

Q. How much money did you leave with your Wife, when you left London?

A. About one Pound (1£) and every thing else; the Child is one year old.

Q. When did you come to this Country.

A. This is the 11th week.

Q. When your first came here without did you go to see?

A. Mr Roch

Q. Did you pay him any board

A. Yes $5.50/100 for the

Q. Time I was there. For how long was that?

A. Since I have been in the country.

Q. What have you done for a living since you have been here?

A. I worked at Sick Keaving.

Q. Where and for whom?

A. John Stern East 42nd St.

Q. Was you working for him when the defendants were arrested?

A. No Sir.

Q. How long did you work for Stern?

A. Seven or Eight weeks

Q. How much did you earn a week

54

A. Four and Five dollars,
because I was learning,
Q. Did you ever earn
Sixty dollars a week?
A No Sir,
Q All the time you were
employed by Mr
Roehr, you lived with
Roehr and his Wife?
A Yes Sir,
Q Where was the first
intimation of a fire
taking place, you had,
as you have described
in your direct examina=
=tion?
A. That was two
weeks before the fire,
Q. Where was that?
A. At Mr Roehr
Q Where is Mr Roehr
house?
A That was after
the bed room

55

Q. You were in the room after the bedroom?

A. Yes Sir,

Q. What time of the day or night was it?

A. It was in the night, it might have been Eleven or Twelve O'clock

Q. Were You in bed

A. I was not in a Bed, I was on a Mattress on the floor,

Q. What time did You go to bed that night

A. I went to bed about half past Nine O'clock

Q. Who was in the next bedroom?

A. Mr. and Mrs Koch and Lepschez

Q. Were they in bed?

A No, they were sitting in the Bedroom

Q. Who was in the next room to the Bed room?

A. No one was in the next room

Q. Did you see them sitting in the Bedroom

A. Yes Sir,

Q. Were they sitting on chairs there?

A One was sitting on a chair the other on a Bed.

Q. The next room to this Bedroom, is the one used as the Kitchen?

A Yes Sir,

Q There was no one there at all?

A. No Sir,

Q Who was in the other room?

A. No one

Q. Did they speak in a loud tone of voice,

A. Not very loud but it was not very far away where I was lying.

Q. Whom did you hear speak first?

A. Mrs. Koch to her husband Mr Koch.

Q. Repeat exactly what Mrs Koch said to her husband?

A. They talked all together

Q. Whom did you hear speak first?

A. Mr Koch

Q. What did he say and to whom did he speak?

A. To Mr Lepschus.

Q. What did Mr Koch say to Lepschus

A. About the day

when he moved make the Fire

Q. What was the next thing you heard?

A. Mrs. Lepschus said to Mech, the Fire can happen next week

Q. Did you know what Fire they had reference to?

A. Yes Sir,

Q. How did you know?

A. Because I heard the word "Fire" distinctly

Q. How did you know that had reference to the Fire there, or a Fire somewhere else

A. Because I heard Lepschus tell what he should carry out

Q. What next did you hear?

A. I heard them

carry things out of the house or through the rooms

Q. What was the next thing you heard?

A. I heard that I should take the things to Schneiderman's, Mr Lefzelgus said that to Roch

Q. While you were in bed in the other room?

A. While I was in bed in the other room.

Q. What else was said?

A. Q. That I should take out,

A. Q. Who said that?

A. Mr & Mrs Roch

Q. Have you related all that took place at that time?

A. Yes Sir,

Q. Was Lefzelgus there till you fell asleep

Q Or did he leave before you went to sleep?

A He was in the room when I went to sleep

Q. What took place the next morning?

A. I went to my work

Q That was two (2) weeks before the fire took place?

A Yes Sir,

Q You knew the fire was to take place?

A I knew then that the fire was to take place.

Q And that it was to be the result of a conspiracy between these three people as you have stated

A Yes Sir, I went to work the next day

Q. What time did you come home that night?

A. Came home from work at six o'clock

Q. Who was there when you got home?

A. No one, there were some customers there the next day, who ~~wat~~ wanted them hair dressed.

Q. The occasion you spoke of, when you were lying on the floor on a mattress, and you overheard the Defendants talking, was the only conversation you heard while you were in the next room?

A. I heard it as I have told it.

Q. Have you stated all you overheard that

A. night?
Q. That I have told all I heard
Q. You are positive of that?
A. I am.
Q. And you are sure that was all you heard?
A. Yes Sir.
Q. When you got home from work on the following night, were any of the parties were there? Was Mr or Mrs Roch, or Mr Lepschus there?
A. I cannot say that Lepschus was there
Q. Was Mrs Roch there?
A. Yes Sir.
Q. Did you go to work the following day?
A. Yes Sir.
Q. Who was there that night?

A. The following day about Eight (8) in the evening Lipschus came to the House

Q. Did they have a conversation then?

A They went to the next room and had a conversation

Q. When did you next see them?

A. Lipschus came one day and sent for Beer.

Q What was then said

A. They had a conversation then in the next room.

Q Yes down to the next conversation

A. Lipschus said to Roche before the Fire

that Koch should ride away When was that?

Q. That was Saturday before the Fire, What did Koch say?

A That he would ride away either on Monday or Tuesday. When did you hear anything conversation before the Fire?

Q That was the last, ~~the last~~ I ever heard.

Have you now detailed all the conversations you heard between these parties?

A I have

Q. What day did Mr Koch go away?

A Tuesday.

Q. What day did the conversation take place, where Rock was to go away Saturday

A.

Q. Are you sure of that?

A. Yes Sir.

Q. You cannot be mistaken Sir,

A.

Q. When did you see Mr Lefrechun last?

A. He came on Thursday

Q. Was that the day of the fire?

A. Yes Sir, the same day.

Q. Before this Thursday morning had you any conversation with Lefrechun?

A. No Sir

Q. Previous to that Thursday morning had you a conversation with

A. Lepschus

I spoke with him the same day the Fire took place

Q. Did you, before that day speak to him? about the Fire?

A No Sir.

Q The only conversation you had with Lepschus was on the morning of the Fire?

A Yes Sir,

Q. And at no other time?

A. No Sir,

Q. Were you working the day of the Fire?

A No, Sir,

Q You as a matter of fact, two weeks before the breaking out of the Fire, you knew a Fire was to take place?

A Two weeks before

Q. The Fire I knew of, but not on that day. When did you first know that day the Fire would take place

A. Two weeks before

Q. Did you know two (3) weeks before, the day the Fire would take place?

A. I did, but not on that day.

Q. When did you know what day was fixed on to order the Fire

A. I did not know the day on which the Fire would take place

Q. Did you know on Thursday morning?

A. I did not know

whether it would take place that day or the next day.

Q. You have many Policemen, do you think you can, from the time you first knew that a fire was to take place and the taking place of the fire?

A. I can then everyday.

Q. Did you tell any Policemen of it?

A. I did not speak of it to any Policemen.

Q. Did you know that this place here was a Court House?

A. No Sir,

Q. Have you not now told all the Conver=

=sation between Mr and
Mrs Roch and Lepreohns
and Yourself in Regard
to the Fire

Chairman - to Officer

A. I had a
Conversation with Mr
Stevens about the Fire

Q. Had you any with
anyothers?

A. I had, with
Mr Lepreohns,

Q. Did you have a Con-
=versation with Mr.
or Mrs Roch or Lepreohns
or which one or other
of them was present?

A. There was no one
present

Q. Did you ever
speak to Mr Roch of
the Fire, alone?

A.

a

Rock Jes Sir; I told
that he should be
careful, there would
be a fine there and I
wanted to warn him

Adjourned to Tuesday
morning next at
a. m.

This

District Police Court.

James Mitchell

vs.

Henry Koch,
Max Lehrschen

Arson

STENOGRAPHER'S TRANSCRIPT.

Oct 24 1889

BEFORE HON.

P. G. Duffy

Police Justice.

M. J. Treacy

Official Stenographer.

New York Oct 19/89

R Streamer being duly sworn doth depose and say that on Monday last at Six thirty in the evening or thereabouts, Cob Christman came to my room and says I've got something important to tell you that no one must hear in this house – I said tell me what it is there is no one here – afterward I said I'll go out and ten minutes after you come and meet me down stairs – It was raining so we went to Volcks Garden – We sat down there and he said there is something going to happen in this house – Then he told me that Kochs were going to set fire to the place and as I spoke english he wanted me to give him some advice – On Tuesday night I tried to find out from Rosa Koch the daughter of Koch in whose rooms I lodged, which the Company was in which they were insured she said she thought it was the Rowell Ins Record Av & Eighth St that Baron Hirsh was the Insurer – I went that night to the place indicated and found a sign Newman Notary Public and Insurance but the place was

closed – I asked a man standing at the gate next door to Newmans what time they opened and he said Eight O'clock in the morning and closed at Five O'clock at night – My brother was with me that night – He works with Hoe & Co on Grand St and his name is Michael – By appointment I met Christman at Six Thirty Wednesday morning in front of the Grand Museum on Grand St and ~~gave~~ told him to go to Newmans and see if he could find out the Insurance Co – He reported at Eleven twenty at 178 Broadway where I worked that they did not know such an Ins. Co. – I told him to go back & try again and that night he told me he had been again and they knew nothing about that Co.

Sworn to before me this 19th day of October 1889

Henry Feldman
Notary Public

P. Streamer

Sworn to before me this 22nd day of October 1889

P. J. Duffy
Police Justice

P. Streamer

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Max Lipschus 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. Max Lipschus

Question. How old are you?

Answer. 28 years

Question. Where were you born?

Answer. Russian Poland

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

Answer. 103 Norfolk street, and 3 months

Question. What is your business or profession?

Answer. Tailor

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

Answer. I am not guilty, and demand an examination

his
Max + Lipschus
mark

Taken before me this 7th *day of* September 1899

Police Justice.

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Henry Koch 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. Henry Koch

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. Poland

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

Answer. 78 Norfolk street and about 3 months

Question. What is your business or profession?

Answer. Ladies' hairdresser

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

Answer. I am not guilty
Henry Koch

Taken before me this 24 *day of* October *1888*

Police Justice.

0158

Paid $5.00 each

Additional witnesses:

Henry Simmons, Fire Patrol No. 2, 316 Grand St.
176 Hester St.

Fannie Zimmerman
104 Suffolk St.

Charlotte Klein
95 Bayard St.

FILED
Guy Lane Newman
No. 1, by 130 Second Ave

Henry Feldman
Residence 69 Seventh St. Street

Jacob Frank
No. 2, by Asst. Fire Marshal

Louis Kaplan
Residence 201 Delancey St. Street

2nd Floor

No. 3, by Annie Menchanda

Residence [redacted] Street.

104 Forsyth St.
No. 4, by Bernard

Residence 8 Tracy Alley Street.

Jacob Christman
339 East 53 St.

(16)

Police Court— 3 District. 1658

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.

Fannie Abrahams
Henry Hirsch
Mark Kirschner
3.
4.

Offence Larceny

Dated October 20 1889

Duffy Magistrate.

Schenck Sergeant Officer.

12 Precinct.

Witnesses Chas. Christmann
No. 1 130 Second St.
Mar 30 Hopkins of Sixth Precinct
No. 2 Detectives
No. 3 Witness over
No. 4
Street.

Complaint No. 2 P.M.
" 1 1889 Street.
$ " 2 1/2
" " 1 P.M.
" " 9 A.M.

STEINHUTTER
NEW YORK
Townsend

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 they be admitted to bail in the sum of Fifty Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until they give such bail.

Dated October 20 1889 Duffy Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 18 Police Justice.

There being no sufficient cause to believe the within named

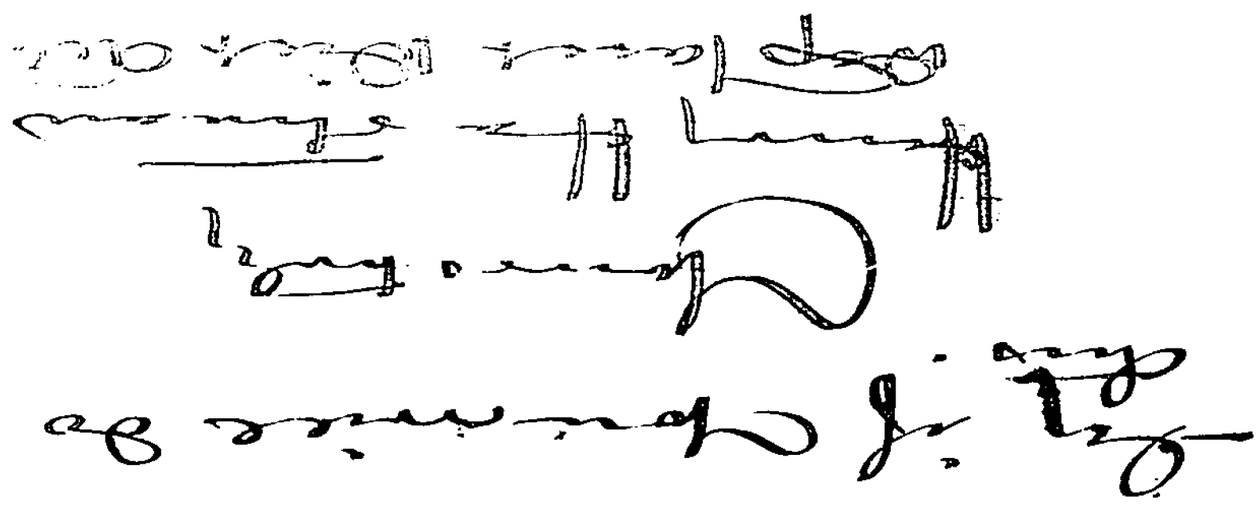
guilty of the offence within mentioned. I order h to be discharged.

Dated 18 Police Justice.

District Police Court.

New York, Oct 23rd 1889

Hon P. G. Wolff
Dear Sir
I have been
assigned to the case
of the People against
Hermann Koch and Max
Lipschus which is set
down for 2 P.M. today.
I am compelled to
be at the 57th Street
Court in case it does not
adjourn on
Monday for 2.30 P.M.
today, and would ask
you kindly to postpone
examination for one
until tomorrow or
Thursday, as may suit
all parties. You
would favor me great



0161

CITY AND COUNTY OF NEW YORK, } ss.:

POLICE COURT 3 DISTRICT.

James Mitchell

of No. 159 & 67 Street, aged 40 years,

occupation Fire Marshal being duly sworn deposes and says,

that on the 22 day of October 188 9

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

Chrisman Crew
there is an important
and material Witness
for the People in the
Case of the People Vs Henry
Koch and Max Lizechus,
and as said Chrisman
will not be forthcoming
when wanted I depose
and pray that he be detained
according to Law

J Mitchell

Sworn to before me, this 22 day of October 188 9

Police Justice,

0162

Police Court 3d District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

John Cummings

AFFIDAVIT.

Dated Oct 7 1889

Duffy Magistrate.

Officer.

Witness,

Disposition, Sent to House of Detention

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

POLICE COURT, _____ DISTRICT.

James Mitchell

of No. 159 East 67th Street, being duly sworn, deposes and says,

that on the 19th day of October 1889

at the City of New York, in the County of New York, Henry Koehs and Max Kipschus ~~Kipschutz~~ did conspire to form and did set fire to the premises No 78 Norfolk Street occupied by the said Henry Koehs; the same being occupied by other persons at the time; that the fire occurred at or about 6 o'clock in the evening and that the realty and personal effects of the said Henry Koehs were damaged by fire to a considerable extent. He further deposes that the source of his information as to the facts above alleged are the affidavits of J. J. Christian and R. Stoessner, attached hereto and which are made a portion of this complaint.

Sworn to before me
this 22nd day of October 1889
P. O. Schoff
J. Mitchell
Police Justice.

1

New York Oct 19/89

Bob Christmann of No 78 Norfolk St N.Y. being sworn doth depose say that I came to this Country on the Steamer Belgenland of the Red Star line about nine weeks ago from Antwerp and went to live with my uncle Henry Koch at No 78 Norfolk St – About two weeks ago Mr Mr Libschitz of 105 Norfolk St was at the house where I live and when I went to bed Mr & Mrs Koch and Libschitz were still in the rooms – At about Eleven O Clock I went to bed and shortly after I heard the three mentioned persons talking together and listened and heard Libschitz say that Mr Koch should go out of town about three or four days before the fire and should go to Newark and he (Libschitz) would set it on fire and the whole thing would be over in ten minutes – Also that he Koch should take his things out of the house so that they would not burn – On last Saturday one week ago my uncle told me not to go to work as his aunt needs him – After my uncle left my aunt told me the place was to be set on fire one day this week and that I was one of the

2

family and would not tell of it - I said God in heaven how can you do such a thing she said Lipschitz will come soon and explain it all to you, that he has done it very often, it happens every day in New York - She said Lipschitz has set on fire once for Jarenbaum who now lives at 104 Suffolk St and for V Brockman who now lives at 83 Stanton St. - Later Lipschitz called at about Eight O Clock in the evening and told me I shouldnt be afraid its done often there is no danger there nothing about it - On Monday I carried away from 78 Norfolk St. to the rooms of Jarenbaum at 104 Suffolk up two flights of stairs four feather beds, two feather pillows, and one large bundle and one bundle of clothing - I made four trips to Jarenbaum - Mr Jarenbaum said dont bring everything here I havent got room enough - Mrs Koch said to tell Jarenbaum to put the beds on his bedsteads and Mrs Jarenbaum said I have enough beds now - I took one long bundle which I think had hair goods in it to V Brokman

3

at 83 Stanton St when I got to the door the daughter of Koch named Rosa 12 years old took it from me and carried it inside — Lipschitz came in the morning of last Thursday and said if no one was in the evening he would come and set the place on fire — At about six o'clock in the evening Lipschitz called and Mrs Koch, her daughters Rosa and Sophia, two other children and I were there, Lipschitz told me to take the two other children away and told Mrs Koch to take Sophia and go down stairs, and leave Rosa to cry out fire when it should be done — Sophia took the two children down stairs and Rosa took a chair down stairs for her mother, Mrs Koch going down at the same time — Rosa said she would not stay and would not cry fire and said she was afraid — After Lipschitz and I were alone he locked the door and then he said "now it is time" then he took two bottles of kerosene and a can of kerosene and sprinkled the floor and the bedroom furniture, then he took the lamp and put in the bed clothes and then with a

0167

14

Joker he broke the lamp, then took the pieces of glass scattered them on the floor, then took the wick and burner put it on the floor and lit the wick, then with a match he lit the saturated cloths and bed clothes — Then I got afraid and wanted to go out but Lipschitz had the key and would not let me out — Then Lipschitz unlocked the door and pushed me back, went out himself and the door closed so I could not open it, after going about wildly the flames burst out suddenly and I saw the door and run for it — when I ran down stairs different people were calling fire — On Monday night of this week I told R. Streamer who boards with Koch or rather roomed there that the place was to be burned. I also went to Newmans on 2d Ave & 8th St to find out whether they insured Koch so as to tell them of the fact that the fire was to occur — I went to Newmans on Wednesday both in the morning and in the afternoon and they said they did not insure him —

Or Krausnack

Sworn to before me, after translating same to deponent in German language, this twenty-fourth day of October 1889

Theodore Sommer
Notary Public, N.Y.Co.

Deponent is a German

Sworn to before me this 24th day of October 1889

Theodore Sommer
Notary Public, N.Y.Co.

0169

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

Koch & Lipschus

Arson

Fill out subpoenas

Attorney please see

that witness Jacob

Chrisman does not

~~District Attorney.~~

before he is dis-

charged

Geo R Penney

0170

Tombs of Detention
203 Mulberry St
January 7. 1890

Dear Sir

Now that the Case of Henrietta Koch & Mass. Lipschus Arson in whoes case I am witness, before it is called I would like to see a[redacted]stant District attorney [redacted]awson about some thing [redacted]ring on the Case. I also have received Calls from my wife telling me of her distress every thing that is worth a dime is in the pawn shop and nothing left to maintain her or her child until I get out. I wish you would do a little to get me through this

Yours ever gratefully
J. C. Brisman

0171

Jerry Lewis vs Dick Martin
about
Harry Rosenthal [illegible]

1) 10 [illegible]

[illegible]

2) [illegible] 20 [illegible]

Hon. Thomas Costigan
Chief Clerk
District Attorneys Office.

In accordance with instructions this day received, I went to the House of detention and interviewed John Chrisman who is detained there as a witness in the case of the People vs. Koch et al. —

From him I learned that he together with his wife and child landed in this Country from Germany or Poland some twenty weeks since. That he at once set to work to find a job in — which he was soon successfull that he worked for John Strarn at 42nd Street for 7 Weeks at his trade as a silk weaver. He was then arrested and confined as a witness and has been in confinment for some 10 weeks that his family is entirely without support. — He says that if released he will appear in Court at any time he may be wanted. —

Taking into consideration the candid manner in which he talks and his apparent desire to return to work, I would recommend his release.

I also tried to interview one

William Murray, but found he was to day in Court, but I learned from Sergeant Holbrough who is in charge of the House of Detention that said Murray has no Home is virtually a stranger in this City and would be very hard to find, if released, therefore I would recommend that he be held until the case can be disposed of.

All of the above is most respectfully submitted by

Your obediant servant
Henry Herzbach

New York, January, 8th 1890.

Mr Cone The Court should be fully informed in this matter

J R A

January 8. 1890

I think the witnesses should be brought to the Office & examined by one of the Assistants

Mr Dawson ought to be present as he will try the case. If satisfied that he will appear I see no reason why he should not be when wanted. He ought to be discharged. It is a great hardship to keep a witness thus, depriving him of chance of earning a living & inflicting suffering upon his family. The case cannot be tried for some time owing to illness of the Fire Marshall

J R Williams
Dist Atty

Respectfully submitted to the District attorney.

H S Boyce
C C

POOR QUALITY ORIGINAL

6119

0175

District Attorney's Office.

PEOPLE

vs.

Feb 8th/90

Recd from John Sparks Esq. Policy No 3746451 of Royal Ins Co. property of Henry Koch.

Robt Greenthal
atty for
Henry Koch

1 Did he tell of the conspiracy to burn to any one, before the fire took place?

2 To whom did he mention it?

3 Why did he do so?

4 Did he make any efforts to find the insurance people?

5 Where did he go and whom did he see when endeavoring to find the insurance agent?

6 To whom did he tell his story after the fire first, after the fire had occurred?

7 What was his motive in disclosing the facts about the conspiracy after the fire had occurred?

8 Why did he not go to the police or to the Fire department?

9 Did you know when you carried the [illegible] and where they go to [illegible] Tennessee knowing that you were helping them store or [illegible] they might be [illegible] burned in the [illegible] that [illegible] be made?

Identify the [illegible]

0177

H. A. LANDGRAFF & CO.,
PUBLIC ADJUSTERS OF FIRE LOSSES,
178 BROADWAY.

TELEPHONE, JOHN 704.

NEW YORK, Oct. 11/89

Royal Ins. Co.,
Attn

Gentlemen: Please find enclosed Proof of Loss, which please send to H. A. Landgraff & Co. duplicate of Policy of Henry Koch, 78 Nassau St. Mr Pitcher received original Policy; he either lost or mislaid it; at least he says he hasn't got it.

Yours very truly
H. A. Landgraff & Co.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Henry Koch and
Max Sipsdhus

The Grand Jury of the City and County of New York, by this indictment, accuse Henry Koch and Max Sipsdhus of the CRIME OF ARSON IN THE first DEGREE, committed as follows:

The said Henry Koch and Max Sipsdhus, both late of the Twenty-fourth Ward of the City of New York, in the County of New York aforesaid, on the seventeenth day of October, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, with force and arms, in the night time of the said day, a certain dwelling house of one Louis Kaplan, there situate, there being then and there within the said dwelling house some human being, to wit: the said Louis Kaplan, and one Esther Kaplan, feloniously, wilfully and maliciously did set on fire and burn, 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 Henry Koch and Max Sipsdhus of the CRIME OF ARSON IN THE first DEGREE, committed as follows:

The said Henry Koch and Max Sipsdhus, both late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, in the night time of the said day, a certain dwelling house of one Gustav Hirschhauser, there situate, there being then and there within the said dwelling house some human being, to wit: one Anna Hirschhauser, feloniously, wilfully and maliciously did set on fire and burn, 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.~~

Second COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Henry Koch and Max Siegelman

of the CRIME OF ARSON IN THE First DEGREE, committed as follows:

The said Henry Koch and Max Siegelman, both late of the Twelfth Ward of the City of New York, in the County of New York aforesaid, on the seventeenth day of October, in the year of our Lord one thousand eight hundred and eighty-nine at the Ward, City and County aforesaid, with force and arms, in the night time of the said day, a certain dwelling house of one Annie Hirschhander, there situate, there being then and there within the said dwelling house some human being, to wit: the said Annie Hirschhander,

feloniously, wilfully and maliciously did set on fire and burn, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Fourth ~~SECOND~~ COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Henry Koch and Max Siegelman

of the CRIME OF ARSON IN THE First DEGREE, committed as follows:

The said Henry Koch and Max Siegelman, both

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, in the night time of the said day, a certain dwelling house of ~~one~~ the said Henry Koch, there situate, there being then and there within the said dwelling house some human being, to wit: Louis Kaplan, Esther Kaplan, Annie Hirschhander, and others,

feloniously, wilfully and maliciously did set on fire and burn, 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.

#134 v. Fox
J. R. Fellows

Counsel,

Filed 14 day of Nov 1889

Pleads, Not guilty

THE PEOPLE

vs.

Henry Koch

and

Max Lipschus

Arson in the first Degree.
[Sec: 486, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little

Foreman.

Superseded by indictment filed Nov 15/89.

Witnesses;

Fred Marshall Jas Mitchell
Job Christman

Upon a careful examination of the facts of this case & the law, I think there can be no conviction of the defendant Lipschus. I therefore recommend the dismissal of this indictment

POOR QUALITY ORIGINAL

0819

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Koch, Henrietta Koch and Max Siposhus

The Grand Jury of the City and County of New York, by this indictment, accuse Henry Koch, Henrietta Koch and Max Siposhus of the CRIME OF ARSON IN THE first DEGREE, committed as follows:

The said Henry Koch, Henrietta Koch and Max Siposhus, all late of the Twentieth Ward of the City of New York, in the County of New York aforesaid, on the seventeenth day of October, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, with force and arms, in the night time of the said day, a certain dwelling house of one Sonis Kaplan, there situate, there being then and there within the said dwelling house, some human being, to wit: the said Sonis Kaplan, one Esther Kaplan, and others, feloniously, wilfully and maliciously did set on fire and burn, 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 Henry Koch, Henrietta Koch and Max Siposhus of the CRIME OF ARSON IN THE first DEGREE, committed as follows:

The said Henry Koch, Henrietta Koch and Max Siposhus, all late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, in the night time of the said day, a certain dwelling house of one Eddie Herschander, there situate, there being then and there within the said dwelling house some human being, to wit: one Annie Herschander and others, feloniously, wilfully and maliciously did set on fire and burn, 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.~~

Second COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Henry Koch, Henrietta Koch and Max Sipschus of the CRIME OF ARSON IN THE First DEGREE, committed as follows:

The said Henry Koch, Henrietta Koch and Max Sipschus, all late of the Twentieth Ward of the City of New York, in the County of New York aforesaid, on the seventeenth day of October, in the year of our Lord one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid, with force and arms, in the night time of the said day, a certain dwelling house of one Annie Herschander, there situate, there being then and there within the said dwelling house some human being, to wit: the said Annie Herschander and others, feloniously, wilfully and maliciously did set on fire and burn, 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 Henry Koch, Henrietta Koch and Max Sipschus of the CRIME OF ARSON IN THE First DEGREE, committed as follows:

The said Henry Koch, Henrietta Koch and Max Sipschus, all late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, in the night time of the said day, a certain dwelling house of ~~one~~ the said Henry Koch, there situate, there being then and there within the said dwelling house, some human being, to wit: Louis Kaplan, Esther Kaplan, Annie Herschander, and others feloniously, wilfully and maliciously did set on fire and burn, 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.

0183

BOX:
374

FOLDER:
3496

DESCRIPTION:
Kyle, Matthew

DATE:
11/20/89

3496

Witnesses:

Officer Williamson

Without commenting on the enormity of the offense of maintaining such an infamous affair as a "merry-go-round" for which this indictment is found, I do not believe it would serve any purpose to prosecute the administration of the criminal law of this eight-year old indictment is dismissed and I so recommend.

April 18/97

H. Wright
Deputy
District
Attorney

L. L. VanCleve
ADA

248

Counsel,

Filed 20 day of Nov 1889

Pleads, Not guilty 27

THE PEOPLE

vs.

Matthew Kyle

SABBATH BREAKING.
(Section 266 Penal Code).

JOHN R. FELLOWS,
District Attorney.

See endorsement

A True Bill.

Anything Lotte
Foreman.

April 19/97

Indictment
Dismissed
PC

6189

Sec. 198—200. 6 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Matthew Kyle 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. Matthew Kyle

Question. How old are you?

Answer. 51 years

Question. Where were you born?

Answer. Rahway New Jersey

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

Answer. High Bridge

Question. What is your business or profession?

Answer. Hotel Keeper

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. If held after examination, I desire trial at General Sessions

Matthew Kyle

Taken before me this 16 *day of* September 1889

Thos. Solomon

Police Justice.

0186

Police Court— 6th District. 1449

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Charles Williamson
vs.
1 Matthew Kyle
2
3
4

Offence Sabbath Breaking

Dated September 16 1889
Cochrane Magistrate.
Williamson Officer.
31st Precinct.

Witnesses
No. Street.
No. Street.

BAILED,
No. 1, by Stephen Gaillard
Residence 37 Greenwich Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

No. Street.
No. Street.
$ to answer

Bailed

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 Matthew Kyle

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

Dated September 16 *18*89 John Cochrane *Police Justice.*

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

Dated September 16 *18*89 John Cochrane *Police Justice.*

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

Dated ..... *18* ..... *Police Justice.*

0187

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 6th DISTRICT.

Charles Williamson

of ~~No.~~ the 31st Precinct Police ~~Street, aged years,~~

~~occupation~~ being duly sworn deposes and says

that on the fifteenth day of September 1889

at the City of New York, in the County of New York Matthew Kyle, now here,

did on the first day of the week, commonly called Sunday

maintain at Kyle's Park, Sedgewick Avenue near 168 Street,

a certain public sport called a merry go 'round

or Carousel. Deponent saw persons, visitors to said

grounds, riding in said Carousel, while said

Kyle, proprietor of said grounds or resort was

in charge thereof

Charles Williamson

Sworn to before me, this 16 day of September 1889

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
Matthew Hyde

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

Matthew Hyde

of the CRIME OF SABBATH BREAKING, committed as follows:

The said Matthew Hyde,

late of the City of New York, in the County of New York aforesaid, on the Nineteenth day of September, in the year of our Lord one thousand eight hundred and eighty-nine, the same being the first day of the week, commonly called and known as Sunday, at the City and County aforesaid, unlawfully did ~~publicly sell and expose for sale to~~ cause and procure, and suffer and permit, on certain grounds and premises there situate, of him the said Matthew Hyde, and in his charge and custody divers persons to the Grand Jury aforesaid unknown, ~~certain property,~~ then and there to conduct, carry on, maintain and engage in a public sport, to wit: that then and there unlawfully operating a certain "merry-go-round" in and upon which the said persons, by the sufferance, permission and procurement of the said Matthew Hyde did then and there publicly sport, ride and go.

to the serious interruption of the repose and religious liberty of the community, against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

JOHN R. FELLOWS,
District Attorney.